

**1568223 Ontario Ltd. o/a
West End Self-Storage -
Regional Development Charges**

Presentation made to the
Regional Council at its meeting
On September 29, 2022

EXHIBIT NO. 1

BY-LAW 62-2012

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 62-2012

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES
FOR THE REGIONAL MUNICIPALITY OF NIAGARA AND
TO REPEAL BY-LAW 62-2009

WHEREAS the Development Charges Act, 1997, S.O. 1997, c. 27, as amended, provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

AND WHEREAS the Council of The Regional Municipality of Niagara completed a development charge background study on July 5, 2012;

AND WHEREAS the Council of The Regional Municipality of Niagara gave notice, made available this proposed by-law and the background study, and on June 6, 2012 held a public meeting;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

DEFINITIONS

1. In this By-law:

"Act" means the Development Charges Act, 1997, S.O. 1997, c. 27, as amended;

"agricultural use" means use or intended use for bona fide farming purposes:

(a) including (but not limited to):

(i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, sod, trees, shrubs, flowers, and ornamental plants;

(ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and

Bill 62

- (ii) for which the applicant has taken all necessary and reasonable steps to obtain;

"charitable institution" means a charitable, non-profit philanthropic corporation organized for the relief of the poor if the corporation is supported in part by public funds, and which is exempt from taxation as a charitable institution pursuant to the Assessment Act, R.S.O. 1990, c. A.31, as amended;

"commercial purpose" means used, designed or intended for use for or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment; notwithstanding the foregoing, development does not include temporary structures, including but not limited to, seasonal hoop structures, seasonal fabric structures, tents, or produce sales stands;

"duplex dwelling" means a residential building containing two dwelling units separated by horizontal division, each of which units has a separate entrance to grade;

"dwelling room" means either:

- a) each bedroom used, designed or intended for use by one or more persons living together in a lodging home, or student residence, or
- b) in the case of a special care/special need residence, each individual room or suite of rooms used, designed or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities.

"dwelling unit" means one or more rooms used, designed or intended to be used by one or more persons as a residence and which has access to culinary and/or sanitary facilities. A "dwelling unit" does not include a Park Model Trailer conforming to National Standard of Canada #CAN/CSA - Z241.0-92 or similar standard;

"existing industrial building" means a building used for or in connection with:

- (a) manufacturing, producing, processing, storing or distributing something;

Schedule "D" amended by By-law No. 84-2015

Bill 62

- (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

“granny flat” means a one-unit detached, temporary residential structure, containing culinary and sanitary facilities that is ancillary to an existing residential structure and that is designed to be temporary;

“gross floor area” means the total floor area, measured between the outside of exterior walls, virtual walls or between the outside of exterior walls or virtual walls and the centre line of party walls dividing the building from another building, of all floors and mezzanines above the average level of finished ground adjoining the building at its exterior walls;

“group home” means a dwelling for the accommodation of three to eight residents, supervised by agency staff and funded wholly or in part by any government or its agency and approved or supervised by the Province of Ontario under any act.

“hotel/motel” means a commercial establishment offering lodging to travellers and sometimes longer term residents, and may include other services such as restaurants, meeting rooms and stores that are available to the general public, but does not include a dwelling unit.

“industrial use” means land, buildings or structures used for or in connection with manufacturing by:

(a) manufacturing, producing, processing, storing or distributing something;

(b) research or development in connection with manufacturing, producing or processing something;

(c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;

Bill 62

(d) office or administrative purposes, if it is:

(i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and

(iii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

(e) self storage facilities;

"institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public and non-profit purpose and includes offices where such uses are accessory to an institutional use;

"local board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more local municipalities or the Region, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under O. Reg. 599/06 made under the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

"local municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

"lodging home" means a use in which the proprietor supplies for gain, lodging with or without meals to three or more persons other than the proprietor or members of his family but does not include a tourist establishment, hotel/motel, hospital or special care/special need residence, but does include a rooming house, boarding house and a student residence.

"long term care home" means a home, nursing home or home for the aged where the Ministry of Health and Long Term Care funds the care provided in such home and application for accommodation is made through a Community Care Access Centre.

EXHIBIT NO. 2

BY-LAW 2017-98

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2017-98

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES
FOR THE REGIONAL MUNICIPALITY OF NIAGARA
AND REPEAL BY-LAW 2017-68

WHEREAS subsection 2(1) of the Development Charges Act, 1997, as amended c. 27 (hereinafter called "the Act") provides that the council of a municipality may pass Bylaws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the By-law applies;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has given Notice on April 28, 2017 according to section 12 of the Development Charges Act, 1997, as amended, of its intention to pass a By-law under Section 2 of the Act;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on June 8, 2017;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara had before it a report entitled Development Charge Background Study dated April 28, 2017 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within The Regional Municipality of Niagara will increase the need for services as defined herein;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara on July 20, 2017 approved the applicable Development Charge Background Study, inclusive of the growth, development and capital estimates therein, in which certain recommendations were made relating to the establishment of a development charge policy for The Regional Municipality of Niagara pursuant to the Development Charges Act, 1997, as amended;

AND WHEREAS, based on the aforementioned process, the Council of the Corporation of The Regional Municipality of Niagara passed By-law 2017-68 on July 20, 2017;

"commercial purpose" means used, designed or intended for use for or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office, and includes hotels and motels;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment; notwithstanding the foregoing, development does not include temporary structures, including but not limited to, seasonal hoop structures, seasonal fabric structures, tents, or produce sales stands;

"dwelling room" means either:

- a) each bedroom used, designed or intended for use by one or more persons living together in a lodging home, dormitories, or
- b) in the case of a special care/special dwelling unit/room, each individual room or suite of rooms used, designed or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities.

"dwelling unit" means one or more rooms used, designed or intended to be used by one or more persons as a residence and which has access to culinary and/or sanitary facilities. A "dwelling unit" does not include a Park Model Trailer conforming to National Standard of Canada #CAN/CSA - Z241.0-92 or equivalent standard;

"eligible costs of remediation" means work related to the following categories:

- (a) Phase 1 Environmental Site Assessments;
- (b) Phase 2 Environmental Site Assessments;
- (c) Environmental Remediation Work; and
- (d) Indirect Remediation Costs, all as detailed in the listing of eligible remediation costs by category in Schedule "D".

"existing industrial building" means a building or buildings existing on a site in the Regional Municipality of Niagara as of July 6, 2012 or the buildings or structures

6, 2012 was passed for which development charges were exempted or paid for and means a building used for or in connection with:

- (a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of the goods manufactured, produced or processed on site;
- (b) research or development in connection with manufacturing, producing or processing something;
- (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

"granny flat" means a one-unit detached, temporary residential structure, containing culinary and sanitary facilities, that is ancillary to an existing residential structure and that is designed to be temporary;

"gross floor area" means the total floor area, measured between the outside of exterior walls, virtual walls or between the outside of exterior walls or virtual walls and the centre line of party walls dividing the building from another building, of all floors and mezzanines, above and below the average level of finished ground adjoining the building at its exterior walls;

"group home" means a dwelling for the accommodation of three to eight residents, supervised by agency staff and funded wholly or in part by any government or its agency and approved or supervised by the Province of Ontario under any Act.

"industrial use" means land, buildings or structures used for or in connection with manufacturing by:

(a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of goods manufactured, produced or processed on site;

(b) research or development in connection with manufacturing, producing or processing good for a commercial purpose;

(c) retail sales by a manufacturer, producer or processor of goods they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;

(d) office or administrative purposes, if it is:

(i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and

(ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

"institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and offices where such uses are accessory to an institutional use.

"live/work unit" means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas.

"local board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more local municipalities or the Region, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under O. Reg. 599/06 made under the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

"local municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

EXHIBIT NO. 3

BY-LAW 2022-71

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2022-71

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR
THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS subsection 2(1) of the Development Charges Act, 1997, as amended c. 27 (hereinafter called "the Act") provides that the council of a municipality may pass By laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the By-law applies;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has given Notice on June 9, 2022 according to section 12 of the Development Charges Act, 1997, as amended, of its intention to pass a By-law under Section 2 of the Act;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on June 30, 2022;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara had before it a report entitled Development Charge Background Study dated May 19, 2022 and updated May 30, 2022 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within The Regional Municipality of Niagara will increase the need for services as defined herein;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara on June 23, 2022 approved the applicable Development Charge Background Study, inclusive of the growth, development and capital estimates therein, in which certain recommendations were made relating to the establishment of a development charge policy for The Regional Municipality of Niagara pursuant to the Development Charges Act, 1997, as amended,

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara on July 21, 2022 determined that no additional public meeting was required to be held as part of the approval process;

consultant archeologist when the land is known to have an archeological site on it, or has the potential to have archaeological resources;

"back-to-back townhouse dwelling" means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

"bedroom" means a habitable room including a den, study, or other similar area that is larger than eight square metres, but does not include a living room, dining room, kitchen or bathroom.

"board of education" means a board as defined in the Education Act, R.S.O. 1990, c. E.2, as amended;

"brownfield" means land located within the urban areas as defined from time to time in the Regional Official Plan, upon which there has been previous agricultural, industrial, institutional, or commercial or open lands use or other use as prescribed under the Environmental Protection Act, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time, and for which site remediation is required in accordance with a Phase 2 Environmental Site Assessment, and for which a Record of Site Condition has been filed on the Province's Brownfields Environmental Site Registry pursuant to the Environmental Protection Act, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time;

"building permit" means a permit pursuant to the Building Code Act, 1992, S.O. 1992, c. 23, as amended;

"class" means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act. Also referred to as class of service or classes of services.

"commercial purpose" means any building or structure used, designed or intended for use for or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office, including but not

limited to:

- (a) Accommodations including but not limited to hotels and motels, bed and breakfast, or short-term rentals;
- (b) personal or self-storage facilities;
- (c) Wholesale trade;
- (d) Retail trade;

Bill No. 2022-71

Authorization Reference: CSC 8-2022;
Minute Item 5.3**(e) Auto repair shops;**

Car sales/dealers;

(f) Warehousing of goods where manufacturing, producing, and processing of the goods is not completed on site;

(g) Food Services;

(h) Parking structures not used exclusively by a residential structure.

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment; notwithstanding the foregoing, development does not include temporary structures, including but not limited to, seasonal hoop structures, seasonal fabric structures, tents, or produce sales stands;

"dwelling room" means each bedroom used, designed or intended for use by one or more persons living together in a lodging home, dormitories, or special care/special dwelling ;

"dwelling unit" means one or more rooms used, designed or intended to be used by one or more persons as a residence and which has access to culinary and/or sanitary facilities.

"existing industrial building" means an industrial building or industrial buildings existing on a site in the Regional Municipality of Niagara as of July 21, 2022 or the industrial buildings or industrial structures constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P. 13 (the 'Planning Act') subsequent to July 6, 2012 for which development charges were exempted or paid for;

"gross floor area" means the total floor area, measured between the outside of exterior walls, virtual walls or between the outside of exterior walls or virtual walls and the centre line of party walls dividing the building from another building, of all floors and mezzanines, above and below the average level of finished ground adjoining the building at its exterior walls;

"group home" means a dwelling for the accommodation of three to eight residents, supervised by agency staff and funded wholly or in part by any government or its agency and approved or supervised by the Province of Ontario under any Act.

"hospice" means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active

5.3 participants in care.

"industrial use" means land, buildings or structures used for or in connection with manufacturing by:

- (a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of goods manufactured, produced or processed on site;
- (b) research or development in connection with manufacturing, producing or processing good for a commercial purpose;
- (c) retail sales by a manufacturer, producer or processor of goods they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes, if it is:
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

"institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and offices where such uses are accessory to an institutional use which includes but is not limited to:

- (a) Federal government public administration;
- (b) Provincial government public administration;
- (c) Local, municipal and regional public administration;
- (d) Aboriginal public administration;
- (e) Day care facility excluding in home day care;
- (f) Administrative offices owned and used by a non-profit or charitable entity;

EXHIBIT NO. 4

Selection from the Letter of
Complaint dated July 5, 2022

PRIOR DEVELOPMENT PHASES

As previously stated, the operation has been developed in four (4) phases to date with a fifth phase proposed. A description of each phase and the development charges paid at the industrial rate in each instance is as follows:

Phase	Date	Square Footage	DC's per ft ²	DC's Paid
1	December/2003	17,000	\$2.20	\$37,400.00
2	October/2004	16,300	\$2.20	\$35,940.00
3	May-Nov/2008	26,850	\$2.44	\$64,766.02
4	June/2016	17,700	\$5.16	\$0.00 (Grant applied)
5 (Proposed)	July/2022	38,600	\$14.20	\$561,865.00

Note: Phase 5 rates and amounts are based on Commercial rate as applied by Regional staff.

The application of the commercial rate to the expansion of the self-serve facility would result in an average 700% increase in development charges paid per square foot in comparison to the prior phases.

PROPERTY TAXES

It is important to note that, although the facility, for all intents and purposes is self-serve with minimal use of municipal services, since 2004 the facility has paid a total of \$1,786,919.93 in property taxes with annual taxes now being \$183,614.57. These amounts will increase substantially with the proposed Phase 5 development.