



**CITY OF BURLINGTON
POLICY FOR THE DEFERRAL OF PAYMENT OF NON-RESIDENTIAL
DEVELOPMENT CHARGES**

By-law # XX-2019

Agreements to defer the payment of non-residential development charges apply to all new developments, including subdivision and other development agreements, redevelopments and building expansions and shall be based on the following terms:

- I. The City Treasurer can approve up to a ten-year deferral for any eligible non-residential development;
- II. Payments to be amortized over a period not to exceed ten years based on the interest rate in the City's Temporary Borrowing By-Law (prime lending rate from City's bank);
- III. Payments will be made on an annual basis with the first payment due one year after issuance of a building permit;
- IV. The owner agrees to pay a legal administration fee plus disbursements, as per the current Corporate Legal Service Rates and Fees, to the City upon execution of the agreement.
- V. The owner must post an irrevocable letter of credit, or registration on title, with a financial institution acceptable to the City Treasurer, at applicant's expense, as security to ensure performance of payment; and
- VI. The agreement will be registered on title by the City, to the satisfaction of the City Solicitor; and
- VII. Payment not made in any one year would be deemed in default and the amount unpaid would be recovered by adding the amount to the property tax roll and collecting it as taxes.
- VIII. The owner may at its option, remit the outstanding principal to the City and retire all obligations set out in the agreement.



**CITY OF BURLINGTON
POLICY FOR THE DEFERRAL OF PAYMENT OF RESIDENTIAL
DEVELOPMENT CHARGES**

By-law # XX-2019

Notwithstanding section 32 to 34 of the By-law, a building permit may be issued prior to the payment of the development charges with respect to residential development if the owner of such development has entered into an agreement with the City under section 27 of the Act, to provide:

- 1) In respect of a residential building or structure containing less than 75 dwelling units:
 - i) Payment of the development charges within 90 days of the issuance of the building permit; and
 - ii) Security in the form of an irrevocable letter of credit acceptable to the Director of Finance or equivalent in the amount of 100% of the development charges payable under this by-law.
 - iii) The owner agrees to pay a legal administration fee plus disbursements, as per the current Corporate Legal Service Rates and Fees, to the City upon execution of the agreement.
 - iv) Payment not made within 90 days would be deemed in default and the amount unpaid would be recovered by adding the amount to the property tax roll and collecting it as taxes.
 - v) The owner may at its option, remit the outstanding principal to the City and retire all obligations set out in agreement.

- 2) In respect of a residential building or structure containing 75 or more dwelling units;
 - i) Payments to be deferred up to one (365 days) year, with the first of two equal payment to be made six months after the building permit issuance and the second and final payment to be made one year (365 days) after the issuance of the building permit; and
 - ii) Payments are to be amortized over a period not to exceed one year (365 days) from the date of the building permit issuance with interest at the City's bank prime lending rate plus 1%; and

- iii) Security in the form of an irrevocable letter of credit acceptable to the Director of Finance in the amount of 100% of the development charges payable under this by-law or registration of the agreement on title at the applicant's expense.
- i) The owner agrees to pay a legal administration fee plus disbursements, as per the current Corporate Legal Service Rates and Fees, to the City upon execution of the agreement.
- iv) Any payment not made within one (1) day after the due date would be deemed in default and the amount unpaid would be recovered by adding the amount to the property tax roll and collecting it as taxes



**CITY OF BURLINGTON
POLICY FOR THE DEFERRAL OF PAYMENT FOR STRUCTURES THAT
REQUIRE MULTIPLE BUILDING PERMITS**

By-law # XX-2019

Notwithstanding section 32 to 34 of the By-law, where a residential or non-residential development consists of multiple buildings that are four stories or more in height and connected by a shared foundation, and where said buildings are to be constructed in multiple phases, payment of development charges for the second and subsequent phase(s) of development may be deferred to the date that building permits for the superstructure of buildings in the second and subsequent phase(s) are issued, rather than payable on the date that a building permit is issued for construction of a foundation connecting the multiple buildings of the development, if the owner of such development has entered into an agreement with the City under section 27 of the Act, to provide:

- 1) Payment of the development charges shall be made upon the issuance of the building permit for the superstructure of each of the buildings in the second and subsequent phase(s); and
- 2) The owner agrees to pay a legal administration fee plus disbursements, as per the current Corporate Legal Service Rates and Fees, to the City upon execution of the agreement.