

## **Collection of Levies and Fees Policy**

### **Council Motion: 444-99**

The following Policy refers to the collection of monies by the Planning and Development Department for:

- Off Site Levies;
  - Cash in Lieu of Parking;
  - Cash in Lieu of Municipal Reserves; and
  - Recreation Contribution.
1. All reserve funds should, where appropriate, be collected as part of a signed Development or Subdivision Agreement between the Town and the developer.
  2. When cash-in-lieu for municipal reserves is collected as part of a Subdivision Approval, the total amount shall be paid at the signing of the Subdivision Agreement.
  3. Once signed, a copy of the Development or Subdivision Agreement shall be forwarded by the Planning and Development Department to the Finance Department for invoicing and collection of the reserve funds.
  4. All other reserve funds shall be paid at the signing of the Development or Subdivision Agreement, unless a deferral of payment is deemed appropriate by Administration when the total payment for an individual reserve fund exceeds \$25,000.00.
  5. When the collection of reserve funds is allowed to be deferred, the schedule of payments shall be defined in the Development or Subdivision Agreement, and the payments shall be scheduled for specific calendar days.
  6. When deferral of payments has been agreed and when offsite levies are collected as part of a Subdivision Agreement, 25% shall be paid at the signing of the Subdivision Agreement, 50% prior to the issuance of a Construction Completion Certificate or the first anniversary date of the signing of the Agreement, whichever occurs first, and the final 25% at the second anniversary of the signing of the Agreement or prior to the issuance of a Final Acceptance Certificate, whichever occurs first. Notwithstanding the above schedule of payments, when a Final Acceptance Certificate is requested by the Developer prior to the second anniversary, all outstanding levies shall be paid prior to the issuance of a Final Acceptance Certificate.
  7. When deferral of payments has been agreed and when reserve funds other than off site levies and cash-in-lieu for municipal reserves are collected as part of a Subdivision Agreement, 25% shall be paid at the signing of the Agreement, 50% on the first anniversary date of the signing of the Agreement or prior to the issuance of a Construction Completion Certificate, whichever occurs first, and the final 25% at the second anniversary of the signing of the Agreement or prior to the issuance of a Final Acceptance Certificate, whichever occurs first. Notwithstanding the above schedule of payments, when a Final Acceptance Certificate is requested by the Developer prior to

the second anniversary, all outstanding levies shall be paid prior to the issuance of a Final Acceptance Certificate.

8. When deferral of payments has been agreed and when reserve funds are collected as part of a Development Agreement, 25% shall be paid at the signing of the Agreement, 50% on the first anniversary date of the signing of the Agreement and the final 25% at the second anniversary of the signing of the Agreement or prior to the issuance of a Development Completion Certificate, whichever occurs first. Notwithstanding the above schedule of payments, when a Development Completion Certificate is requested by the Developer prior to the second anniversary, all outstanding reserve funds shall be paid prior to the issuance of a Development Completion Certificate.
9. Notwithstanding the above schedule of payments for a Development Agreement, as a condition of early endorsement of a building condominium plan, all outstanding reserve funds shall be paid prior to the issuance of the endorsed plan.
10. When the collection of any reserve funds is allowed to be deferred, a Letter of Credit shall be provided by the Developer in an amount equal to any outstanding amounts of reserve funds that are to be collected. Reductions may be permitted in the amounts of the Letters of Credit as payments are made according to the schedules outlined in the relevant Agreement.
11. When a Developer is in default of the required reserve fund payment schedule, Administration shall provide a maximum of 30 days notification of the intent to cash the Letter of Credit. If the Developer is still in default after the notification, Administration shall cash the Letter of Credit and assign the funds to the appropriate reserve account.