

## CITY OF BURNABY

### BYLAW NO. 14683

A bylaw to establish waivers and reductions for amenity cost charges and development cost charges

The Council of the City of Burnaby enacts as follows:

#### PART 1 - CITATION

1.1 This **bylaw** may be cited as **BURNABY WAIVERS AND REDUCTIONS OF AMENITY COST CHARGES AND DEVELOPMENT COST CHARGES BYLAW 2024**.

#### PART 2 - DEFINITIONS AND INTERPRETATION

2.1 For the purposes of this **bylaw**, the words or phrases that are not defined in this section shall have the meaning ascribed to them in the **Zoning Bylaw**.

2.2 In this **bylaw**, unless the context otherwise requires:

“ACC bylaw”	means an amenity cost charges imposition bylaw enacted by <b>Council</b> , as amended or replaced from time to time
“affordable housing”	means any one of the classes of affordable housing prescribed in section 2 of the <i>Prescribed Classes of Affordable Housing (Local Government Act) Regulation</i> for the purposes of section 570.4(5) of the <i>Local Government Act</i> , but excludes any rental dwelling units provided in accordance with Stream 1 or Stream 2 of the <b>Rental Use Zoning Policy</b>
“amenity cost charges” or “ACC”	means an amenity cost charge payable by a person to the <b>City</b> pursuant to a <b>ACC bylaw</b>
“City”	means the City of Burnaby
“Council”	means the Council of the <b>City</b>
“DCC bylaw”	means any development cost charges imposition bylaw enacted by <b>Council</b> , as amended or replaced from time to time

**“development cost charges” or “DCC”**

means a development cost charge payable by a person to the **City** pursuant to a **DCC bylaw**

**“government business enterprise”**

means a person that:

- (a) is a wholly-owned subsidiary of a **post-secondary institution**; and
- (b) carries on, pursuant to authority delegated to it by that **post-secondary institution**, the business of providing **not-for-profit student rental housing** for and on behalf of that **post-secondary institution**

**“not-for-profit student rental housing”**

means sleeping units or dwelling units that meet all of the following criteria:

- (a) owned by or leased to, and operated by, a **post-secondary institution** or by a **government business enterprise** on behalf of such **post-secondary institution** at the time of any application for, or issuance of, a reduction of **development cost charges** or **amenity cost charges**, as the case may be;
- (b) purpose-built to provide rental housing for faculty, staff, students, or other persons affiliated with that **post-secondary institution** and their families;
- (c) operated on a cost recovery basis; and
- (d) governed by the terms of a housing agreement and Section 219 covenant entered into with the **City** which restricts the use of the development in accordance with the above criteria for a period of at least 60 years

**“post-secondary institution”**

means:

- (a) British Columbia Institute of Technology; or
- (b) Simon Fraser University

**“Rental Use Zoning Policy”**

means the **City’s** Finalized Rental Use Zoning Policy approved by Council on March 9, 2020, as amended or replaced from time to time

**“Zoning Bylaw”**

means the *Burnaby Zoning Bylaw, 1965*, as amended or replaced from time to time

### **PART 3 - WAIVER OR REDUCTION OF AMENITY COST CHARGES**

3.1 Subject to Section 3.2 of this **bylaw**, the **City** will, for a development containing **not-for-profit student rental housing**, reduce by 50% the **amenity cost charges** that are otherwise payable in respect of the **not-for-profit student rental housing**.

3.2 No reduction pursuant to Section 3.1 shall be granted unless the application for a reduction has been submitted to and approved by the City as fulfilling all of the eligibility requirements and conditions for a reduction of **amenity cost charges** as set out in this **bylaw**.

### **PART 4 - WAIVER OR REDUCTION OF DEVELOPMENT COST CHARGES**

4.1 Subject to Section 4.3 of this **bylaw**, the **City** will, for a development containing **affordable housing**, waive the **development cost charges** that are otherwise payable in respect of all the **affordable housing** within the development.

4.2 Subject to Section 4.3 of this **bylaw**, the **City** will, for a development containing **not-for-profit student rental housing**, reduce by 50% the **development cost charges** that are otherwise payable in respect of the **not-for-profit student rental housing**.

4.3 No waiver pursuant to Section 4.1 or reduction pursuant to Section 4.2 shall be granted unless the application for a waiver or reduction, as applicable, has been submitted to, and approved by the City as fulfilling all of the eligibility requirements and conditions for a waiver or a reduction, as applicable, of **development cost charges** as set out in this **bylaw**.

### **PART 5 - SEVERABILITY**

5.1 If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this **bylaw** is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this **bylaw** is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this 26<sup>th</sup> day of August, 2024

Read a second time this 26<sup>th</sup> day of August, 2024

Read a third time this 26<sup>th</sup> day of August, 2024

Reconsidered and adopted this 9<sup>th</sup> day of September, 2024

MAYOR

CORPORATE OFFICER

**Signed Original Bylaw on file.**