



Staff Report T2025-21

Committee 2025-12-15

Council 2026-01-05

Amendments ☐

Submitted To: Committee of the Whole | Council
Submitted By: Jennifer Graham, CPA CA, Director, Finance/Treasurer
Prepared By: Jennifer Graham, CPA CA, Director, Finance/Treasurer
Subject: Development Charges By-Law Amendment for Seasonal Structures

Recommendation

THAT Staff Report T2025-21, **Development Charges By-Law Amendment for Seasonal Structures**, be received;

AND THAT Council direct staff to proceed with preparing an amending by-law to establish a DC exemption for qualifying temporary or seasonal structures, including seasonal air-supported domes

Amendments:

None.

1. Executive Summary

At the November 17, 2025 Council meeting, Council directed staff to review the financial, legal, and policy considerations associated with amending the Town's Development Charges (DC) By-law to establish a new exemption for qualifying temporary or seasonal structures, in response to the Georgian Bay Racquets Initiative's proposal to install a seasonal air-supported dome over existing permitted tennis courts. Staff have undertaken a jurisdictional scan of peer municipalities, reviewed applicable legislation, and assessed the servicing and land use characteristics of the proposed development. While several comparator municipalities provide exemptions for

temporary structures, none explicitly address recurring seasonal domes, creating ambiguity that requires careful drafting and legal review. This report outlines the findings of that analysis, evaluates potential financial and policy implications for the Town, and presents options and recommendations for Council's consideration, including next steps should Council wish to proceed with a DC By-law amendment.

Staff recommend Option 1—that Council direct staff to proceed with preparing an amending by-law to establish a DC exemption for qualifying temporary or seasonal structures, including seasonal air-supported domes. Staff further recommend that the exemption be narrowly scoped to structures erected for a defined period each year and fully removed at the end of each season, with non-residential servicing and land use limitations clearly specified to reduce interpretive risk. A draft by-law, legal review, and confirmation of public meeting requirements will be brought forward for Council's consideration in accordance with legislated timelines.

2. Analysis

Background

At the November 17, 2025 Council meeting, Council approved the following motion:

WHEREAS the Georgian Bay Racquets Initiative is a volunteer-based group seeking to establish a community tennis club;

AND WHEREAS the Community-Based Strategic Plan, has the goal to promote Collingwood as a centre for healthy and active living;

THEREFORE BE IT RESOLVED THAT Council direct staff to review the financial implications and legal requirements associated with amending the Town's Development Charges By-law to establish a development charge exemption for qualifying seasonal or temporary structures, including examples and best practices from other Ontario municipalities.

AND THAT staff prepare a report containing findings, recommendations, **any legal precedents** and proposed next steps; and report back to Council before the end of December.

The motion was initiated in part by the Georgian Bay Racquets Initiative, a volunteer group seeking to establish a community tennis club utilizing seasonal or temporary facility structures.

The Town's DC By-law does not currently provide an exemption for temporary or seasonal structures. All development, including temporary buildings, is assessed on its type, use, and gross floor area (GFA). The current rate for non-residential building is \$326.17 per square meter.

Background of Subject Property

From a land use and servicing perspective, the proposed development requires consideration within the context of the existing use of the site. The property is already permitted and historically utilized for outdoor tennis. The proposed seasonal air-supported dome would be erected over these existing courts, and it is the requirement for a building permit that triggers DC liability under the present framework. The dome itself does not create additional servicing demands typically associated with new permanent development, as no new municipal water or wastewater connections are proposed, and washroom needs are expected to be met through portable toilets. Functionally, the enhancement allows year-round use of an already-permitted recreational facility rather than creating a materially more intensive or permanently serviced use.

Peer Municipality Review

Staff conducted a high-level review of Development Charges by-laws for all municipalities in Simcoe County, along with the Town of Blue Mountains, as while not part of Simcoe County is the Town's immediate neighbour, to understand how temporary or seasonal structures are treated by the Town's peers. Please see Appendix A – Municipal Comparators for details.

Of the nineteen comparator municipalities reviewed, six include some form of exemption or special treatment for “temporary” structures. These provisions generally:

- Exempt temporary buildings or structures from DCs for a defined duration (e.g., up to 6–12 months); and/or
- Provide that, if the temporary building or structure becomes “protracted” (typically remaining in place beyond a set continuous period), the development charges become payable as though it were never temporary.

Across these comparators that include exemption for “temporary” structures:

- None explicitly reference *air-supported structures*, *sports domes*, or *seasonal bubbles* in their DC exemptions; and
- The focus is on continuous duration (i.e., how long a structure remains in place in a given period), not on structures that are removed and re-erected on a recurring seasonal basis.

This means that while there is precedent for exempting temporary structures and then triggering DCs if the use becomes “protracted,” there is limited guidance on how to treat a recurring seasonal dome that is removed and reinstalled each year. The recurring nature of a seasonal air-supported structure wherein a dome is erected and taken down annually raises a key legal and policy question:

- Existing “temporary” exemptions in comparator municipalities focus on continuous duration (e.g., exceeding 6–12 months continuously) or “protracted” occupancy.
- None of the by-laws reviewed state explicitly that a structure ceases to be temporary solely because it is re-erected for a portion of each year over multiple years.

This lack of explicit wording means there is ambiguity about whether a recurring seasonal dome remains “temporary” for DC purposes. In the absence of clear statutory language, the question could ultimately be determined through interpretation by the Ontario Land Tribunal (OLT), based on the facts of a particular case. Staff are seeking legal review of any available OLT case law and will refine the wording accordingly to reduce interpretive risk.

Other Ontario Comparators

Outside Simcoe County and The Blue Mountains, staff identified the City of Burlington as a particularly relevant example because Burlington's DC by-law contains explicit language addressing seasonal air-supported structures and sports bubbles.

In By-law 41-2024, Burlington definitions include:

"seasonal air-supported structure" means an air-supported structure that is raised and/or erected for a maximum of six (6) months in any given year to allow for the use of an outdoor sports field or portion thereof during the winter for sports-related activities and includes a seasonal bubble.

Under Other Exemptions, 27 (f) seasonal structures are included as being exempt.

This approach is notable in that it:

- Explicitly references air-supported structures and seasonal sports bubbles;
- Clearly signals Council's intent to treat seasonal domes differently from permanent buildings; and
- Provides a defensible framework should Council in Collingwood wish to exempt similar structures.

Legislated Steps to Amend By-Law

Should Council direct Staff to proceed with amending the DC By-Law, the following steps would be required:

1. Draft Amending By-Law	Scope is limited to adding a new exemption in Section 6.1 – Discretionary Exemptions
2. Legal Review	Legal review for compliance, clarity of definition and consistency with OLT case law
3. Public Meeting (to be confirmed)	Staff are confirming whether a Public Meeting is required for this type of amendment.
4. By-Law Passage	Council approval of By-Law
5. Notice of Passage	Clerk provides notice within 20 days of passage
6. Appeal Period	40-day appeal period to the Ontario Land Tribunal

7. DC Pamphlet Update	Updated pamphlet available within 60 days of appeal expiry
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The estimated consultant cost for the work above is \$5,000, which can be funded from Admin Development Charge reserve fund.

Legal and Policy Considerations

The proposed exemption for temporary or seasonal structures is legally permissible under Section 19(1)(c) of the Development Charges Act, 1997 (DCA), which allows a municipality to amend a DC by-law without revisiting the background study when the amendment has the effect of decreasing the amount of a development charge payable. A significant legal and policy consideration is the definition and interpretation of “temporary” or “seasonal” structures. As identified in the peer municipality review, many municipalities provide exemptions for temporary buildings but rely on the concept of becoming “protracted”, which typically relates to the structure remaining in place for more than a defined continuous period (e.g., 9 or 12 months). Importantly, none of the reviewed by-laws address whether a structure that is removed and reinstalled each year continues to be considered temporary, creating ambiguity for the specific case of a seasonal air-supported dome. In the absence of explicit statutory language, such questions may ultimately be resolved by the Ontario Land Tribunal (OLT) on a case-by-case basis.

Introducing an exemption in Collingwood therefore requires careful consideration to ensure that the by-law is drafted with clear, measurable criteria that minimize interpretive risk.

Finally, from a policy perspective, Council must consider whether an exemption is aligned with the Town’s Community-Based Strategic Plan objective to promote access to recreational facilities, balanced against the principle that growth and development should fund their fair share of municipal infrastructure. In this case, the dome covers an existing, permitted use and does not require additional municipal servicing capacity, which may support a policy rationale for exemption. Nonetheless, adopting any new

discretionary exemption reduces the Town's DC revenues and may require compensatory tax levy or reserve funding to avoid impacts on planned capital projects.

Financial Implications

The proposed amendment would create a new discretionary exemption, resulting in foregone DC revenue that would otherwise be collected upon issuance of a building permit for the seasonal dome. The Town's current non-residential development charge rate is \$326.17 per square metre, applied to the gross floor area (GFA) of the structure as defined by the by-law. Seasonal air-supported structures such as domes often cover substantial areas, meaning the DC liability under the existing regime may be significant. Any reduction in DC revenue must be considered in the context of the Town's broader capital financing framework. Development charges are intended to fund the growth-related portion of municipal infrastructure. When DCs are not collected due to exemptions, the Town must still ensure that the affected capital projects are fully funded. This may require reallocation of existing DC reserves, increased reliance on tax-supported capital financing, or the deferral or reprioritization of capital projects contained in the DC Background Study and the Town's 10-year capital plan.

From a budgetary standpoint, the estimated cost to prepare the required amending by-law, including drafting by Hemson Consulting and legal review, is approximately \$5,000, which can be funded from the Administrative Development Charges Reserve Fund and is fully eligible under the DCA.

Given that the seasonal dome over existing tennis courts does not create new servicing capacity demands, Council may consider whether the financial impact of exempting this type of temporary structure aligns with the Town's fiscal sustainability principles and recreation accessibility objectives.

Options

Option 1 – Proceed with a DC By-law Amendment to Exempt Temporary or Seasonal Structures

Under this option, Council would direct staff to prepare a draft amending by-law introducing a new exemption in Section 6.1 of the Town's DC By-law for qualifying

temporary or seasonal structures. Staff would base the drafting on a combination of comparator municipal practices and the more detailed wording to specifically reference “seasonal air-supported structures” and “seasonal bubbles”. This option offers clarity, transparency, and alignment with certain community recreation objectives. It would also directly respond to the request from the Georgian Bay Racquets Initiative. The primary drawback is the loss of DC revenue associated with the exemption and the precedent it may set for other seasonal or temporary non-residential uses.

Option 2 – Maintain the Current DC By-law with No Exemption

Council may choose to maintain the status quo, in which case development charges would continue to apply to all structures requiring building permits, including seasonal air-supported domes. This option has the advantage of avoiding foregone DC revenue and ensures consistency with the existing fiscal strategy. However, it may not fully support community-led recreation initiatives and does not address the potential policy gap related to recurring seasonal structures that impose limited servicing demands.

Recommendation

Staff recommend Option 1—that Council direct staff to proceed with preparing an amending by-law to establish a DC exemption for qualifying temporary or seasonal structures, including seasonal air-supported domes. Staff further recommend that the exemption be narrowly scoped to structures erected for a defined period each year and fully removed at the end of each season, with non-residential servicing and land use limitations clearly specified to reduce interpretive risk. A draft by-law, legal review, and confirmation of public meeting requirements will be brought forward for Council’s consideration in accordance with legislated timelines.

3. Input from Other Sources

Reviewed by Department Heads on December 9, 2025

4. Applicable Policy or Legislation

Development Charges Act

5. Considerations

2024-2028 Community Based Strategic Plan: [Choose an item.](#)

☐ Sustainable ☐ Connected ☐ Vibrant ☐ Responsible

☐ Services adjusted if any [Choose an item.](#)

☐ Climate Change / Sustainability: [Choose an item.](#)

☐ Communication / Engagement: [Choose an item.](#)

☐ Accessibility / Equity, Diversity, Inclusion: [Choose an item.](#)

☐ Registered Lobbyist(s) relating to content: [\[add content and meeting dates\]](#)

☐ Rights of Indigenous Peoples ([UNDRIP](#)): [\[add content\]](#)

Next steps and future action required following endorsement:

By-law to be updated and posted by Legislative Services staff.

6. Appendices and Other Resources

Appendix A: Municipal Comparators

7. Approval

Prepared By:

Jennifer Graham, CPA CA, Director, Finance/Treasurer

CAO Comments:

☒ Endorsed by CAO Skinner on December 10, 2025 to proceed to COW.