

MUNICIPAL LAW UPDATE

BY RON KANTER

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Toronto Doubles Parks Levy for Most Development Sites

At its last meeting in December 2007, Toronto City Council passed a new by-law to increase the amount of land, or cash-in-lieu of land, which developers are required to provide to the City for parks acquisition purposes.

By-law 1420-2007, enacted December 13, 2007, (the "Alternate Parks By-law") designates over half of the City, including the Downtown, Central Waterfront, the Centres and the Avenues, as Parkland Acquisition Priority Areas ("PAPAs").

As a condition of multiple residential development in a PAPA, the General Manager of Parks, Forestry and Recreation may now require a developer to contribute land at the rate of:

1 acre (.4 hectares) for each 300 dwelling units, rather than the rate of 5% of the land, the usual former requirement under Section 42 of the *Planning Act*.



If the General Manager decides that the size, shape or location of the land proposed by the developer is unsuitable for a park, she may require payment of cash-in-lieu, up to:

- **10% of the value of the development site, for sites less than a hectare;**
- **15% of the values of sites 1-5 h in size;**
- **20% of the value of sites over 5 h.**

This means that developers who own small sites in PAPAs will now be required to double their cash contributions to 10% of the value of the site, from the maximum 5% now generally required by the *Planning Act*. The value of the development site is to be determined by an appraisal undertaken by the City, but paid for by the owner, as of the day before the issuance of the first building permit, typically an excavation permit, and paid prior to the issuance of the first above ground building permit for the land to be developed.

The Alternate Parks By-law contains exemptions for previously authorized agreements that provide for the use of an alternate parkland dedication rate in effect at the time that the City's Official Plan was adopted in 2005, non-profit housing, replacement buildings, and single detached and semi-detached replacement buildings.

By-law 1420 came into effect on January 1, 2008. It reflects a settlement between UDI/GTHBA (now BILD) and the City of Toronto concerning Policy 3.2.3.5 of Toronto's new Official Plan. Since the Alternate Parks Bylaw amends Chapter 415 of the Toronto Municipal Code, Development of Land, rather than the Zoning By-law, it cannot readily be appealed to the Ontario Municipal Board.

If you have questions concerning the applicability of the Alternate Parks By-law to a particular site, don't hesitate to contact me.

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