August 21, 2019

# The Honourable Steve Clark, M.P.P., Minister of Municipal Affairs and Housing

Ministry of Municipal Affairs and Housing

777 Bay Street

Toronto, Ontario

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# Re: ERO 019-0183

Dear Minister:

This submission represents the City of Burlington’s comments in response the proposed new regulation pertaining to the community benefits authority under the Planning Act – ERO 019-0183.

1.Transition

It is proposed that the specified date for municipalities to transition to community benefits is January 1, 2021.

**City of Burlington Comments**

There should be no requirement for a detailed background study.

2. In order to ensure that community benefit charges are collected and spent on community benefits in a transparent manner, and for greater accountability, the Minister is proposing to prescribe reporting requirements that are similar to existing reporting requirements for development charges and parkland under section 42 of the Planning Act.

**City of Burlington Comments**

No concerns identified.

**3**. Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the community benefits charge special account, such as:

•Opening and closing balances of the special account

•A description of the services funded through the special account

•Details on amounts allocated during the year

•The amount of any money borrowed from the special account, and the purpose for which it was borrowed

•The amount of interest accrued on money borrowed.

**City of Burlington Comments**

The legislation requires 60 per cent of funds to be spent or allocated annually, the amounts allocated to a capital account should also include for future spending.

The province should provide clarification on what “allocated” means.

**4**. In order to ensure that cash-in-lieu of parkland is collected and used in a transparent manner, the Minister is proposing to prescribe reporting requirements for parkland.

Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the special account, such as:

•Opening and closing balances of the special account

•A description of land and machinery acquired with funds from the special account

•Details on amounts allocated during the year

•The amount of any money borrowed from the special account, and the purpose for which it was borrowed

•The amount of interest accrued on money borrowed.

**City of Burlington Comments**

Under current reporting S.42 (15) allows for funds to be used “for park or other public recreation purposes” the scope in this regulation is for “land and machinery”. Has the scope of services been limited? Clarity on the scope of services is required. The city is concerned about any reductions in the scope of services the funds can be used for as this will impede on the city’s ability to provide the amenities for residents that ensure complete communities are developed.

**5.** The Minister is proposing that the following types of developments be exempt from charges for community benefits under the Planning Act:

•Long-term care homes

•Retirement homes

•Universities and colleges

•Memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion

•Hospices

•Non-profit housing

**City of Burlington Comments**

Are for-profit developments (long term care homes and retirement homes) entitled to this exemption as well?

Exemptions should be in line with respect to the exemptions in the DC Act (such as municipal and school property). For-profit developments should not be exempt from the community benefit charges.

Does the exemption only relate to the academic space of universities and colleges? These types of institutions often also include housing. The province should provide more clarity on what is and isn’t included with respect to universities and colleges.

**6.** It is proposed that a range of percentages will be prescribed to take into account varying values of land.

In determining the prescribed percentages, there are two goals.

•Firstly, to ensure that municipal revenues historically collected from development charges for “soft services”, parkland dedication including the alternative rate, and density bonusing are maintained.

•Secondly, to make costs of development more predictable.

This Ministry is not providing prescribed percentages at this time. However, the Ministry would welcome feedback related to the determination of these percentages. There will be further consultation on the proposed formula in late summer.

**City of Burlington Comments**

The city should have discretion on how to administer the CBC based on the choice to take or forgo land.  If the city forgoes land, the CBC rate should be adjusted to accommodate for soft services, cash in-lieu, density provisions etc. Similarly, if we receive land the collection under CBC would be reduced to reflect that.

The City of Burlington remains concerned that the elimination of the park dedication density provisions (1ha/300 units) will seriously impair municipalities ability to supply parks for medium and high-density areas. Notwithstanding this preference, to attempt to achieve revenue neutral prescribed rates and to preserve the ability for municipalities to choose land dedication in situations where park land is needed, the City of Burlington would propose the following rates:

* Residential Low densities: The parkland rate of 5 per cent should be increased to 6 per cent to add an allowance for the soft services CBC charges
* Residential Medium/High densities: The rate applied should be 60 per cent of land value (cash-in lieu, soft services, former Section 37), however, if the city elects to take park land, then the rate would be reduced to 55 per cent.
* For non-residential development the rates should be increased to 2.5 per cent (cash in-lieu and soft services).

In mixed use developments that may have certain areas that qualify for exemption then the percentage of the GFA that is attributed to the exemption would be removed from the land valuation

**7.** The Minister is proposing to prescribe that the following facilities, services or matters be excluded from community benefits:

•Cultural or entertainment facilities

•Tourism facilities

•Hospitals

•Landfill sites and services

•Facilities for the thermal treatment of waste

•Headquarters for the general administration of municipalities and local boards

This would be consistent with the ineligible services list currently found under the Development Charges Act.

**City of Burlington Comments**

No concerns identified.

**8.** Amendments to the Planning Act in the More Homes, More Choice Act, 2019 establish a new authority for municipalities to levy charges for community benefits to make requirements in this regard more predictable. As the community planning permit system also allows conditions requiring the provision of specified community facilities or services, it is proposed that a community benefits charge by-law would not be available for use in areas within a municipality where a community planning permit system is in effect.

In considering making a proposed new regulation and changes to existing regulations under the Planning Act, the government will continue to safeguard Ontarians’ health and safety, support a vibrant agricultural sector, and protect environmentally and culturally sensitive areas, including the Greenbelt.

**City of Burlington Comments**

No concerns identified

Thank you for the opportunity to provide comments on behalf of the City of Burlington.

Sincerely,

Helen Walihura

Government Relations Specialist