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Joint submission to the following two ERO postings:

1. Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act ([ERO: 026-0312](#))
2. Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026) ([ERO 026-0300](#))

On behalf of City of Toronto staff, we are pleased to submit the City's comments and recommendations regarding proposed changes to parkland dedication in Section 42 of the Planning Act and associated regulations. The City of Toronto will be providing multiple submissions in response to the various policy changes proposed through Bill 98. This joint submission from Toronto's Development Review Division and Parks & Recreation Division is specifically focused on the proposed changes to parkland dedication. Additional responses to the other consultations will be submitted prior to the deadline.

While this letter contains a high-level summary of the City's feedback, the chart attached to this letter contains our detailed comments and specific recommendations on various provisions in the draft legislation and in the ERO posting for the regulations.

City of Toronto taking steps to streamline development review process

The City of Toronto has been implementing numerous strategic initiatives over the last few years to streamline the development review process, including parkland dedication. One of the more recent changes was the organizational realignment of Parks Development, by relocating the team from the Parks & Recreation Division into the Development Review Division. Parks Development staff review development applications and collaborate with applicants to secure parkland dedications through development. This move was strategically implemented to speed up the comprehensive review of development applications by streamlining decision-making and centralizing accountability. This is

supporting the faster delivery of housing and other city-building priorities while maintaining the integrity of the development review process.

Municipal Planning for Parkland

It remains the position of the City that municipalities should determine whether to accept parkland dedication through either land or cash-in-lieu of land, and where that parkland would be located. This supports the ability for a municipality to grow its parkland network in a way that is cohesive, strategic, and in the best, long-term, financial interest to the municipality and the public (i.e. strategic spending of capital and operating costs).

Collaboration between City staff and applicants is essential to building complete communities, of which parkland is a key pillar, as open dialogue enables win-win solutions. However, some of the proposed changes may lead to a more adversarial dynamic that will add time and costs for everyone and degrades the intended outcomes. In particular, the City may be limited in its ability to strategically plan for larger and higher-quality parks as well as inter-connected park systems and public spaces. This could also impact other City investments, such as recreational facilities, and how the City supports areas that are underserved. Under the newly proposed system, site-specific private interests could end up being prioritized over the long-term public interests of current and future residents.

Factoring in Unique Local Context

Municipalities are responsible for overall parkland strategies and determining areas of parkland need, and should continue to establish their own criteria for accepting parkland (either through their parkland by-law or in their Official Plan). The parkland dedication tool should support a municipality in achieving its strategic parkland priorities and should not fetter future flexibility to change programming on that land as residents' needs change overtime.

The Parkland Review Process

The proposed changes will add additional steps in the development application process. As proposed, a landowner could identify the land they propose for parkland conveyance up until a building permit is issued, which is very late in the development application process. If parkland was identified upfront as part of the related development application, additional steps could be avoided. However, if parkland is identified on a misaligned timeframe, including at the last minute (e.g. immediately prior to building permit issuance), the additional review steps would entail a standalone parkland review process that will add complexity and time, likely delaying the development. As development review is a fee-based service, these additional steps will also likely add costs. To avoid this, the City recommends requiring applicants to identify how they propose to satisfy parkland dedication at the same time as when their initial development application is submitted.

Parkland Agreements & Applicable Law

For all types of parkland dedications that are satisfied through some form of land, the terms and conditions for the real estate transaction are set out in an agreement that is registered on title. This has historically occurred through Section 37 Agreements, and now through site plan agreements. The proposed changes give municipalities the right to enter into parkland agreements for some types of parkland dedication, but not for all types. To simplify and create a consistent approach to securing parkland dedications, the City requests the ability to enter into legal agreements for all parkland dedications involving land under Section 42, rather than only certain types of parkland dedications (e.g. those with encumbrances, or POPS as parkland).

Transition

As the proposed changes are a significant change from the current process and will add steps to the City's review process, new services and application management procedures and tools will need to be put in place. As such, the City recommends a transition date for implementing the regulations in order to make the necessary system changes.

Summary

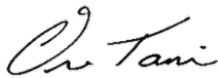
In summary, the City is concerned that the proposed new system will greatly limit a municipality's ability to strategically plan a parks network that is in the best interest of their residents, and to deliver high-quality parkland for residents that can accommodate recreational facilities. Moreover, separating parkland identification from established application processes will likely have the unintended consequence of adding additional review steps that will complicate timelines and costs.

Our more detailed comments and recommendations are further described in the attached chart.

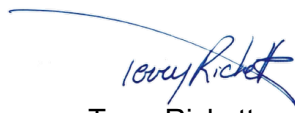
City staff always welcome the opportunity to meet with Provincial staff to explore how we can meet our shared goals of facilitating development. We look forward to a continued and constructive dialogue to advance the much-needed solutions to these planning challenges.

Should you have any questions regarding the City's submission or would like to arrange a meeting, please don't hesitate to reach out.

Sincerely,



Oren Tamir
Interim Executive Director
Development Review



Terry Ricketts
General Manager
Parks and Recreation

Comments on Regulatory Changes

ERO Posting: 026-0312, Proposed changes to support standardizing parkland requirements under the Planning Act

Description of Proposed Change	Impact Assessment	Level of Support	Recommendations
<p>The ERO posting contains land suitability criteria describing what types of land would be eligible an/or <u>ineligible</u> to be applicant identified parkland, including the following:</p> <p><i>“Lands within and adjacent to natural heritage features and areas are <u>eligible</u> on the condition that a park would not interfere with or compromise the natural heritage features and areas”</i></p>	<p>Parkland, including associated structures, amenities and public/recreational uses within and adjacent to natural heritage features can degrade ecological integrity, fragment habitat and require significant resources to conserve natural functions. These lands also typically intersect with natural hazards such as flooding and erosion associated with watercourses and steep ravine slopes where risk to public health and safety is significant.</p> <p>If applicants are able to satisfy their parkland dedication requirement through the conveyance of land within natural heritage features/areas, this will decrease the amount of programmable table lands (outside of natural heritage features/areas) that the City will receive. This will make it harder for the City to locate new active recreation facilities (e.g. a new Community Centre) that would need to be located on table land outside of environmental lands.</p> <p>From an implementation perspective, it would be challenging to confirm that a park would not have an impact on a natural heritage feature or area since the park design/function wouldn't have been discussed/determined at the time of development application and corresponding parkland dedication decision. These risks would likely be exacerbated if there is an appeal to the OLT.</p> <p>It is unclear what are the specific conditions that municipalities could use to evaluate and refuse land if the proposed park would interfere or compromise the natural heritage features/areas. It is also unclear if the suitability criteria would direct how “interfere” and “compromise” are to be evaluated (i.e., technical study), or what constitutes a natural heritage “feature” vs “area” limit (i.e., buffers, area of interference).</p>	<p>Do not support</p>	<p>Municipalities should retain discretion to prohibit lands within natural heritage features and areas, including required buffers, from being conveyed for parks and recreation purposes. Municipal decisions to refuse parkland conveyance on these grounds should not be appealable.</p> <p>It is recommended to remove this proposed text from the regulations or clarify that this only applies to land adjacent to natural heritage features and areas.</p>
<p>The ERO posting contains land suitability criteria describing what types of land would be eligible and/or ineligible to be applicant identified parkland, including the following:</p> <p><i>“Lands that would not support park use – lands that would not accommodate fill and/or soil depths to accommodate structural footings as per the Ontario Building Code or support tree planting.”</i></p>	<p>With respect to land suitability criteria, the City is generally supportive of the high-level concepts included in this proposal (minimum required soil depth for structural footings and for tree planting).</p> <p>However, this current proposed wording does not speak to minimum soil volumes for tree planting (given that different trees may require different quantities of soil). It is important to clarify that this applies to the amount of soil required for large mature trees, and not just saplings or shrubs.</p> <p>This proposal would also benefit from more specificity related to structural footings to ensure that sufficient footing for a building (e.g. a Community Recreation Centre) would be required.</p> <p>The proposal does not make any reference to load restrictions, which also need to be considered. Community Recreation Centres and other recreational structures are built on parkland so future use of the parkland should not be restricted because of load restrictions.</p> <p>The City of Toronto is currently achieving minimum 1.5 metres of soil depth for new stratified parkland to accommodate trees and structural footings for playgrounds.</p>	<p>Support with caveats</p>	<p>Update language in the regulation to specify that the soil volumes must be sufficient for large mature trees.</p> <p>Update language in the regulation to specify that the soil depth accommodates structural footings of any permitted parks and recreation use.</p> <p>Update language in the regulation to also reference anticipated “load” requirements i.e. how much weight an encumbered park can support (emergency/maintenance vehicles, park amenities, gathering loads)</p>

Comments on Regulatory Changes

ERO Posting: 026-0312, Proposed changes to support standardizing parkland requirements under the Planning Act

Description of Proposed Change	Impact Assessment	Level of Support	Recommendations
<p>The ERO posting includes land suitability criteria related to land accessibility and comfort for use, including the following statement:</p> <p>Eligible Land <i>Parkland must be accessible, visible and comfortable to facilitate public use of it and, in particular, must be:</i></p> <ul style="list-style-type: none"> • Accessible by all users directly from the public realm and • readily visible from the public realm. 	<p>While the City is generally supportive of this proposed concept, it is important to note that there can be a distinction between which parcels of land are legally accessible to the public, and which parcels of land feel accessible to the public.</p> <p>For example, vulnerable Toronto residents including racialized residents and newcomers may not feel equally comfortable using a space that feels like it could be private land, or where the access points (e.g. path into a courtyard) feels like it could be private land. Consequently, if the City accepts parkland that feels to some like it could be private, this could result in what feels like a decrease in parkland, particularly for vulnerable or new residents.</p> <p>The City is not supportive of accepting parkland in a building courtyard that is only publicly accessible through a narrow path and narrow sightlines (as this would be both uncomfortable and also potentially unsafe).</p> <p>Municipal staff who carry out park operations work need to be able to access the park directly from a public street not only for maintenance, but also for garbage collection. EMS vehicles must be able to access the park to provide emergency services.</p>	<p>Support with caveats</p>	<p>The language in the regulation should say:</p> <ul style="list-style-type: none"> • “directly abutting or having sufficient frontage on a public right-of-way to promote safe use and servicing of the park”. <p>It is not sufficient to just have access from the public realm as Parks Operations, EMS, garbage collection, etc need direct access from the Right of Way.</p>
<p>The ERO posting includes land suitability criteria related to land accessibility and comfort for use, including the following statement:</p> <p>Eligible Land <i>Parkland must be accessible, visible and comfortable to facilitate public use of it and, in particular, must be:</i></p> <ul style="list-style-type: none"> • Land must be of a size and shape that is capable of serving park or public recreational purposes. 	<p>The City is supportive of allowing municipalities to define these terms through their bylaws.</p> <p>The size of a functional park in one area of the City might differ from the size of a functional part in a different context.</p>	<p>Support with caveats</p>	<p>Recommend adding topography to the list of considerations and suggest the following edit:</p> <ul style="list-style-type: none"> • “land must be of a usable shape, size, and topography that is programmable and capable of serving park or public recreational purposes”

Comments on Regulatory Changes

ERO Posting: 026-0312, Proposed changes to support standardizing parkland requirements under the Planning Act

Description of Proposed Change	Impact Assessment	Level of Support	Recommendations
<p>The ERO posting includes information to support implementation matters, including:</p> <p>1. Documents to Support Identification of Land</p> <ul style="list-style-type: none"> Documentation of specified lands and boundaries, through a Plan of Survey and Topographic Plan. Attestation from the owner of the land or an authorized representative, to confirm that the land and/or POPS arrangement is not considered to be ineligible land. 	<p>With regards to the required survey:</p> <ul style="list-style-type: none"> A survey is a snapshot at a point in time and will show existing structures and encumbrances. A survey will not show the new proposed park boundaries (not a reference plan) the future state/ proposed state of the park, or future encumbrances (e.g. new services). There should be a documentation requirement to show anticipated as-built conditions to include any proposed encumbrances and to show the area of the new park. <p>It is unclear who would be qualified to make the attestation, as a landowner would not be able to ensure that the various criteria have been met.</p> <p>If the City doesn't have sufficient and reliable information to understand the details of the land proposed to be conveyed, the City will not feel comfortable accepting the land, and the City will have no choice but to refuse the land, likely leading to an OLT process. Therefore, it is beneficial for all parties to provide sufficient reports at this stage, prepared by qualified persons.</p>	Support	<p>Additional documentation needed to determine land suitability includes:</p> <ul style="list-style-type: none"> a reference plan showing the proposed park boundaries (which would not be on a survey) and any easements, and the height/depth of any stratification anticipated as-built conditions showing future planned encumbrances <p>With regards to the attestation:</p> <ul style="list-style-type: none"> Language should be updated to include that the reports/evidence that support the attestation should be prepared by qualified persons.
<p>The ERO posting includes information to support implementation matters, including:</p> <p>2. Notice to Owners</p> <ul style="list-style-type: none"> The municipality shall provide notice to the owner of the land within 20 days of the municipality making its decision to refuse, by personal service, fax, mail or email. Notice shall contain the following information: <ul style="list-style-type: none"> A statement that the council of the municipality has refused to accept the conveyance of land identified in accordance with its parkland by-law. An explanation of the reason(s) for the refusal. A statement that the owner of the land may appeal the refusal, within 20 days of the notice being given, to the Ontario Land Tribunal by filing with the clerk of the 	<p>The proposed wording related to notice requirement indicates that the notice must show that the "Council of the municipality has refused to accept the conveyance of land".</p> <p>Decision-making by City Council is a lengthier process compared to decisions delegated to City staff. This approach appears to be contrary to other legislation changes in recent years, for example mandatory delegation of site plan approvals to staff.</p> <p>Clarity is required around the reference to the "parkland bylaw" in this section:</p> <ul style="list-style-type: none"> Is the reference intended to mean that the land would be conveyed in accordance with land eligibility requirements set out in a municipality's bylaw? Alternatively, is the reference intended to say that the refusal of the land is in accordance with the municipality's bylaw? 	Support with caveats	<p>Maintain the ability for a municipality to delegate the decision-making authority, in alignment with other planning approvals.</p> <p>Reference should be expanded to also include a municipality's Official Plan.</p>

Comments on Regulatory Changes			
ERO Posting: 026-0312, Proposed changes to support standardizing parkland requirements under the Planning Act			
Description of Proposed Change	Impact Assessment	Level of Support	Recommendations
<p>municipality a notice of appeal.</p> <ul style="list-style-type: none"> ○ The last day on which the refusal may be appealed. ○ A description of the lands to which the refusal applies. 			
<p>Impact on the Environment</p> <ul style="list-style-type: none"> • The proposed changes to the regulation could increase conveyance for suitable parkland, especially in urban areas, both because of: <ul style="list-style-type: none"> ○ the 70% credit potentially prompting a greater amount of lands being conveyed to satisfy the full parkland dedication requirement and ○ because of the submission of lands not previously accepted by some municipalities instead of cash-in-lieu contributions. • Alternatively, unencumbered fee simple lands that may otherwise have been conveyed may not be conveyed under the proposed changes. • The Minister's regulation proposes prescribed criteria related to the suitability of land that are intended to mitigate any negative impacts. • Further, the Ministry will monitor implementation of these changes to ensure residents continue to have access to high quality local parks. 	<p>The City agrees that the proposed changes could result in increased parkland dedications of land.</p> <p>However, the increased lands are unlikely to be suitable for parkland and municipalities are more likely to receive leftover parcels of low-quality fragmented land as parkland dedication. This will decrease the overall quality of new parkland in municipalities across the province.</p> <p>The City agrees with the assertion that unencumbered, fee simple lands that may otherwise have been conveyed will no longer be conveyed as a result of the proposed changes. This means that the amount of high-quality parkland being added to the parks system will decrease.</p>	N/A	<p>City staff would like to work with provincial staff to design and develop the referenced monitoring approach, to evaluate whether residents continue to have access to high-quality parks.</p>

Comments on Regulatory Changes

ERO Posting: 026-0312, Proposed changes to support standardizing parkland requirements under the Planning Act

Description of Proposed Change	Impact Assessment	Level of Support	Recommendations
<p>Analysis of Regulatory Impact</p> <ul style="list-style-type: none"> • The proposed changes are expected to result in additional costs related to municipal staff learning about the changes. • There could also be additional costs to municipalities related to legal costs associated with entering into agreements with landowners in respect of encumbered lands and POPS arrangements as part of municipal parkland dedication requirements. • These legal costs are expected to increase because applicants could meet all parkland requirements using encumbered lands or POPS arrangements, which municipalities would likely seek to secure through agreements. • Overall, these proposed regulatory changes, along with the related proposed legislative changes, could increase direct compliance cost and administrative time across municipalities that impose parkland dedication requirements under section 42 of the <i>Planning Act</i> on a development or redevelopment. • These changes, would ensure clarity to eventual challenges at the OLT, potentially speeding up approvals. 	<p>The City agrees with the assessment that these changes will result in additional costs for municipalities. Specifically, these changes will result in the following additional costs:</p> <ul style="list-style-type: none"> • Costs related to updating application management infrastructure, developing standard operating procedures, technical training for staff, etc. to implement the process changes. • Additional legal costs related to entering into much more complex parkland agreements for stratified parks and interests in land as parkland • Legal and planning costs related to appearing at the OLT to defend parkland dedication decisions • Additional costs <i>designing</i> parkland that is not fee simple ownership and therefore requires additional resources to develop a design that considers encumbrances; engineers will have to be hired as landscape architects are not qualified to determine load capacities, etc. • Encumbered parkland must be closed for repair more often than fee simple parkland (e.g. if an underground parking garage has to be re-done, the park on top of the garage might have to be closed for years), so there is an opportunity cost for residents who use the park, and who may be without a park for a few years • Additional operational costs if the City is required to accept more smaller parcels of parkland as this requires City maintenance staff to move between parks more often, which decreases the efficiency of maintenance, even if the park doesn't have many programming elements. • Additional operational costs if a parcel of parkland has difficult topographic or natural heritage elements (e.g. if there is a steep slope, and therefore maintenance activities must be carried out on a slope) • Additional costs to the City to buy unencumbered land of sufficient size to locate recreational facilities (e.g. a new Community Centre) if all of the land coming through parkland development is encumbered and unable to be programmed to meet the City's recreational needs • Less money received through cash-in-lieu of parkland as applicants will likely provide more encumbered land or easement interest in land to fulfill their parkland requirement. This will negatively impact the city's ability to: <ul style="list-style-type: none"> ○ fund future park improvements and acquisitions; ○ achieve city-wide strategic parks and recreation goals; ○ continue to invest in equity deserving neighbourhoods that are experiencing less growth. 	N/A	<p>The recommended changes in this submission, when taken as a whole, would help to mitigate the negative financial impact on municipalities.</p>

Comments on Legislative Changes Bill 98 Planning Act Changes related to Parkland Dedication

Bill 23 Draft Wording	Bill 98 Amendments	Analysis & Comments	Recommended Modifications
Section 42 of the Planning Act			
Identification of land re conveyance to municipality			
<p>(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section. 2022, c. 21, Sched. 9, s. 12 (15).</p>		<p>If an applicant does not provide sufficient information about the proposed parcel of land, a municipality will have no choice but to refuse the parcel of land, likely leading to an appeal. Therefore, it is in everyone's best interest to prescribe all of the information needed to support this decision upfront, to avoid delays later in the process.</p>	<p>With regards to input on prescribed documentation, please refer to City comments on the Regulatory posting (found above in this chart)</p>
<p>(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section. 2022, c. 21, Sched. 9, s. 12 (15).</p>		<p>Allowing the landowner to wait until just before a building permit is issued to decide where and how much land they are willing to provide as parkland will have the following unintended consequences:</p> <ul style="list-style-type: none"> • Additional parkland review steps would exist as a standalone process and consequently extend the development review timeline. • The City would need to create a separate intake process just for parkland proposals with new application fees and updated documents for submission. • The City would need to build in timelines and staff resources for potential additional appeals specific to parkland. • Late proposals of parkland will not be integrated into the broader development site and overall local context, which makes it more challenging to plan for a cohesive city-wide parks network. 	<p>Recommend that for Zoning applications, owners are required to propose and secure parkland <u>at the same time</u> as the review and approval of these applications at Council, or through the OLT if an application is appealed.</p> <p>For sites with as-of-right zoning permissions that only have site plan applications, owners should be required to propose parkland as part of the site plan application. This would leave only a small amount of applications that are not subject to site plan control to identify parkland at building permit</p> <p>To facilitate this integration with other related planning applications to streamline the process, the provision could be amended as follows:</p> <p><i>(4.30) If an owner of land proposed for development or redevelopment proposes to identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section, the owner shall submit that proposal on:</i></p> <p style="padding-left: 40px;"><i>(a) the day an application for an amendment to a by-law passed under section 34 of the Planning Act was made;</i></p>

Comments on Legislative Changes Bill 98 Planning Act Changes related to Parkland Dedication

Bill 23 Draft Wording	Bill 98 Amendments	Analysis & Comments	Recommended Modifications
			<p><i>(b) if clause (a) does not apply, the day an application for an approval of development in a site plan control area under subsection 41 (4) of the Planning Act or subsection 114 (5) of the City of Toronto Act, 2006 was made; or</i></p> <p><i>(c) if neither clause (a) nor clause (b) applies, at any time before a building permit is issued in respect of the development or redevelopment. 2022, c. 21, Sched. 9, s. 12 (15).</i></p> <p>For all dedications of land, a separate parkland agreement that is registered on title is preferred to capture the general terms to govern that real estate transaction.</p>
Agreement re interest in land			
<p>(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes. 2022, c. 21, Sched. 9, s. 12 (15).</p>	<p>(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b) land described in clause (4.31) (a) or an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes. 2022, c. 21, Sched. 9, s. 12 (15).</p>	<p>For any lands being conveyed to the City under Section 42 of the Planning Act, the City <u>always</u> requires the conditions of the real estate transaction to be secured in an agreement that is registered on title (this includes fee simple parkland). Previously, these park conditions were secured in Section 37 Agreements, and they are now being secured in site plan agreements or in subdivision agreements, as a legal convenience.</p> <p>The terms and conditions that the City secures for parkland real estate transactions include requirements and milestones for:</p> <ul style="list-style-type: none"> • the environmental process; • park design; • park construction; and • financial securities. <p>An example of unintended consequences that arise from applying the drafted legislated changes as they have been proposed:</p> <ul style="list-style-type: none"> • A landowner proposes an on-site park that the City is willing to accept, however, the Site Plan Agreement has already been registered. In this instance, a park agreement would not be applicable per the drafted legislative changes because it was not appealed. In such a case, the City would then have to require the landowner to apply for a new Site Plan Amendment Application to capture and secure the park conditions as there is no other legal instrument to use as a vehicle. 	<p>Currently, the dedication of parkland pursuant to Section 42 is accompanied with an agreement to set out terms of the real estate transaction. These terms are placed in other planning related agreements (e.g. Section 37 Agreements or Site Plan Agreements). In an effort to streamline those processes, the City again requests the ability for a standalone parkland agreement for all parkland dedications related to land under Section 42, that is registerable on title, to secure those terms.</p> <p>This could be achieved by moving and amending subsections 42(4.32) and (4.33) so that they read:</p> <p><i>“(4.32xx) If the municipality intends to accept the conveyance or interest of land described in clause (4.31) (a) or an interest in land described in clause (4.31) (b) this section, the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public</i></p>

Comments on Legislative Changes Bill 98 Planning Act Changes related to Parkland Dedication

Bill 23 Draft Wording	Bill 98 Amendments	Analysis & Comments	Recommended Modifications
		NOTE: in section 91) of the Schedule 7 of the bill – there is a typo showing (43.1) rather than (4.31) as shown in 42(4.32) which should be corrected.	recreational purposes. 2022, c. 21, Sched. 9, s. 12 (15). (xx) An agreement entered into under subsection (xx) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land. 2022, c. 21, Sched. 9, s. 12 (15). The City also recommends modifying the existing definition of applicable law under the Building Code to include an agreement under Section 42. This would remedy a longstanding inconsistency related to Section 42 and Applicable Law.
NA	Same		
NA	(4.35.1) An owner of land who has not received a notice under subsection (4.34) within 90 days of identifying land in accordance with subsection (4.30) may, at any time before receiving notice under subsection (4.34), appeal to the Tribunal the municipality's failure to make a decision as to whether to accept the conveyance by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal.	As previously stated, the City would prefer that parkland be identified as part of the related development application for that site to maintain a streamlined and integrated process. This would also enable the appeals timing to be the same as the timing for appealing a non-decision for the related application.	The timing for appealing a non-decision on parkland identification should be the same as the timing for appealing a non-decision of the related application, i.e. 90 days for a re-zoning application, 120 days for a combined re-zoning application and official plan amendment, and 60 days for a site plan application.
NA	Certain lands to be counted		
NA	(4.38.1) For the purposes of clause (4.38) (b), any land described in clause (4.31) (a) or any interest in land described in clause (4.31) (b) that is conveyed in accordance with clause (4.38) (a) shall be counted towards any requirement set out in the by-law by multiplying the area of such land by a factor of 0.7 or such other larger factor as may be determined by the municipality.	Encumbered lands and easement interests in land have much greater limitations to park programming and more costly maintenance and repairs than fee simple parklands. Consequently, these lands should be provided significantly less credit than fee simple parkland.	To reduce the minimum partial credit for parkland provided at OLT from 70% to 50%.
Same, interest in land			
(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the		Based on the existing drafting, the tribunal only has authority to order that an agreement be entered into for an <u>interest</u> in land.	If 42(4.32) is not amended in accordance with the City's recommendation earlier in this chart, request amendment to align

**Comments on Legislative Changes
Bill 98 Planning Act Changes related to Parkland Dedication**

Bill 23 Draft Wording	Bill 98 Amendments	Analysis & Comments	Recommended Modifications
<p>Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications. 2022, c. 21, Sched. 9, s. 12 (15).</p>		<p>The legislation should be clear that the Tribunal has authority to also order that a parkland agreement be entered into for land.</p>	<p>this section with subsection 42(4.32) to allow Tribunal ordered land to also be the subject of an agreement by adding the words “the conveyance of land described in clause 42(4.31 (a) or”, so that 42(4.39 now reads:</p> <p><i>“4.39) If the Tribunal orders the conveyance of land described in clause 42(4.31) (a) or an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications. 2022, c. 21, Sched. 9, s. 12 (15).</i></p>