July 25, 2019

To Our Development Charge Clients:

Re: Bill 108: Draft Regulations for the Development Charges Act and Planning Act (Community Benefits Charge Related)

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Development Charges Act* (D.C.A.) as proposed by Bill 108. The Province has recently released draft Regulations related to the D.C.A. and the community benefits charge (C.B.C.). These Regulations are posted on the Environmental Registry of Ontario for public comment which is open until August 21, 2019. Comments may be made at the following websites:

- Development Charge Regulation – https://ero.ontario.ca/notice/019-0184; and
- Community Benefits Charge Regulation – https://ero.ontario.ca/notice/019-0183.

We would note that the Province has established a Technical Working Committee to advise on the methodological approach for the development of a proposed formula to be used in the C.B.C. calculation. Gary Scandlan has been invited and will participate as a member of this committee.

This letter provides a review and commentary on the Regulations proposed for the D.C.A. and the *Planning Act* (as they relate to the C.B.C.). These draft Regulations are included in the attached Appendices. Note that some of the proposed changes are provided directly in the draft Regulations while other comments were included in other documents circulated by the Province.

Proposed D.C.A. Regulation Changes – ERO Number 019-0184

1. Transition of Discounted Soft Services

Provides for transition to the C.B.C. authority during the period of January 1, 2020 to January 1, 2021.

- Confirm that all D.C.A. provisions of Bill 108 will be effective at the municipality's discretion during the transition period (i.e. by January 1, 2021), such that development charge (D.C.) by-law amendments for collections and statutory exemptions can take effect at the same time as transitioning soft services.

2a). D.C. Deferral

Provides for the deferral of D.C.s for rental housing development, non-profit housing development, institutional/industrial/commercial development until occupancy.

- This speaks to "until occupancy;" however, it is proposed to be collected during a term (5 or 20 years) beyond occupancy. Clarify that this means period "from the date of occupancy."
- As the landowner may change during the period when payments are being made, how will municipalities be able to track the changes in ownership? Is there an ability to place a notice on title of the land?
- Can security be taken to ensure recovery of the payments?

2b). Deferral Definitions

"'Non-profit housing development' means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure…"

- This appears to cover both new developments as well as redevelopment. Need to consider how the application of D.C. credits would apply on redevelopments.

"'Rental housing development' means…four or more self-contained units that are intended for use as rented residential premises."

- Definition speaks to "intended." What requirement is in place for these units to remain a "rented residential premises" and over what period of time?
- Can municipalities impose requirements to maintain status over the term of installments?
- How will this be substantiated at the time of occupancy?

"'Non-profit housing development' means…by a non-profit corporation."

- Any requirement to remain a "non-profit corporation" for a period of time?
- Can municipalities impose requirements to maintain status over the term of installments?
- How will this be substantiated at the time of occupancy?

"'Institutional development' means…long-term care homes; retirement homes; universities and colleges; memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion; and hospices."

- Long-term care homes and retirement homes are considered in some municipalities as residential developments with charges imposed based on

number of dwelling units. Does this require these developments to be charged as non-residential developments based on gross floor area of development?
- Does the phrase "universities and colleges" relate only to the academic space? Many municipalities impose charges on the housing related to the institution.

"'Commercial development' means…office buildings as defined under subsection 11(3) in Ontario Regulation 282/98 under the Assessment Act; and shopping centres as defined under subsection 12(3) in Ontario Regulation 282/98 under the Assessment Act."

- This would appear to apply to a subset of commercial types of development. The *Assessment Act* defines a shopping centre as:
    - "i. a structure with at least three units that are used primarily to provide goods or services directly to the public and that have different occupants, or
    - ii. a structure used primarily to provide goods or services directly to the public if the structure is attached to a structure described in subparagraph i on another parcel of land."
    - "'Shopping centre' does not include any part of an office building within the meaning of subsection 11 (3)."
- Office includes**:**
    - "(a) a building that is used primarily for offices,
    - (b) the part of a building that, but for this section, would otherwise be classified in the commercial property class if that part of the building is used primarily for offices**."**
- Confirm all other types of commercial will continue to be charged fully at the time of building permit issuance.
- Will these definitions require D**.**C. background studies to further subdivide the growth forecast projections between shopping centre, office and other commercial development for cashflow calculation purposes?

Administration of deferral charges in two-tier jurisdiction.

- Regulation does not speak to policies for upper- and lower-tier municipalities. Areas where variation could occur include collection of installments (e.g. who monitors and collects installments), commonality for processing payment defaults, interest rates, etc.

3. D.C. Freeze for Site Plan and Zoning By-law Amendment

The D.C. quantum would be frozen "until two years from the date the site plan application is approved, or in the absence of the site plan application, two years from the date the zoning application was approved."

- D.C.s are frozen from date of site plan or zoning by-law application up to a period of 2 years after approval. In the situation where the planning application is appealed by the applicant, would they still be entitled to the rates at the date of planning application submission?
- This provision may provide for abuse where land owners may apply for minor zoning changes in order to freeze the D.C. quantum for several years.

4. Maximum Interest Rates on D.C. Deferrals for Freeze

Minister is not proposing to prescribe a maximum interest rate that may be charged on D.C. amounts that are deferred or on D.C.s that are frozen.

- Municipalities will need to consider what rates are to be used in this regard (e.g. annual short-term borrowing rates, long-term debenture rates, maximum rates on unpaid taxes, etc.).
- Should there be consistency between upper- and lower-tier municipalities?
- If interest rate selected is too high, would it discourage paying installments?

5. Additional Dwelling Units

It is proposed that the present exemption within existing dwellings be expanded to allow "…the creation of an additional dwelling in prescribed classes of residential buildings and ancillary structures does not trigger a D.C." Further, in new single, semi and row dwellings (including ancillary structures), one additional dwelling will be allowed without a D.C. payment. Lastly, it is proposed that, "…within other existing residential buildings, the creation of additional units comprising 1% of existing units" would be exempted.

- All the noted exemptions should be granted once, so as to not allow for multiple exemptions in perpetuity.
- Need to define a "row dwelling." Does this include other multiples such as stacked and/or back-to-back townhouses?

<u>C.B.C. – Proposed Planning Act Regulation - ERO Number 019-0183</u>

1. Transition

The specified date for municipalities to transition to community benefits is January 1, 2021.

- While this seems like a long period of time, there are over 200 municipalities with current D.C. by-laws. As it will take some time to evaluate the approach to these studies, carry out the studies, undertake a public process and pass by-laws, the time frame is limited and should be extended to at least 18 months.

2. Reporting on Community Benefits

"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."*

- Confirm that "special account" and reserve fund have the same meaning.
- In regard to amounts allocated, within the context of the legislation where 60% of funds must be spent or allocated annually, can amounts be allocated to a capital account for future spending (e.g. recreation facility in year 5)?
- Similar to D.C. reserve funds, can the funds in the special account only be borrowed for growth-related capital costs?

3. Reporting on Parkland

Prescribed 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."*

- In regard to the amount of interest accrued on money borrowed, confirm that the "special account" and reserve fund have the same meaning.
- This section of the Regulation is introduced to allow municipalities to continue using the current basic parkland provisions of the *Planning Act*. However, in contrast to the current reporting under s. 42 (15) which allows funds to be used "for park or other public recreation purposes," the scope in this Regulation is for "land and machinery." Confirm whether the scope of services has been limited.

4. Exemptions from Community Benefits

"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."*

- Confirm that for-profit developments (e.g. long-term care and retirement homes) will be entitled to exemptions.
- Will Regulations prescribe that exemptions must be funded from non-C.B.C. sources, similar to D.C.s?
- Does the phrase "universities and colleges" relate only to the academic space? Many municipalities impose charges on the housing related to the institution.
- Does the phrase "universities and colleges" include private institutions? Should a definition be provided to clarify this?

5. Community Benefits Formula

Provides the authority for municipalities to charge for community benefits at their discretion, to fund a range of capital infrastructure for community services needed because of new development.

- The Regulation notes that, "This capital infrastructure for community services could include libraries, parkland, daycare facilities, and recreation facilities." Is the inclusion of libraries, parkland, daycare facilities, and recreation facilities as capital infrastructure for community services intended to be exhaustive, or are all other "soft" services (e.g. social and health services) eligible to be included as community benefits?
- The C.B.C. payable could not exceed the amount determined by a formula involving the application of a prescribed percentage to the value of the development land. The value of land that is used is the value on the day before the building permit is issued to account for the necessary zoning to accommodate the development. Will a range of percentages be prescribed to take into account varying values of land for different types of development or will the C.B.C. strategy require a weighting of the land values within the calculations?
- Will the range of percentages account for geographic differences in land values (e.g. municipal, county, regional, etc.)?
- Will they account for differences in land use or zoning?
- It is noted that, at present, municipalities may impose parkland dedication requirements and D.C.s on non-residential lands. Will non-residential lands be included as chargeable lands? If not, does this allow municipalities to place 100% of the servicing needs onto residential development?
- This Ministry is not providing prescribed percentages at this time. Can the Province confirm that no prescribed percentages will be proclaimed during the transition period?

6. Appraisals for Community Benefits

It is proposed that,

- *"If the owner of land is of the view that the amount of a community benefits charge exceeds the amount legislatively permitted and pays the charge under protest, the owner has 30 days to provide the municipality with an appraisal of the value of land.*
- *If the municipality disputes the value of the land in the appraisal provided by the owner, the municipality has 45 days to provide the owner with an appraisal of the value of the land.*
- *If the municipality's appraisal differs by more than 5 percent from appraisal provided by the owner of the land, the owner can select an appraiser from the municipal list of appraisers, that appraiser's appraisal must be provided within 60 days."*

- Is the third appraisal binding? Can this appraisal be appealed to L.P.A.T.?
- Can the costs for appraisals be included as eligible costs to be funded under the C.B.C.?
- Do all municipalities across the Province have a sufficient inventory of land appraisers (i.e. at least 3) to meet the demands and turnaround times specified within the Regulations?

7. Excluded Services for Community Benefits

"The following facilities, services or matters are to 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 D.C.A. Is there a distinction between "the thermal treatment of waste" and incineration?
- Will there be any limitation to capital costs for computer equipment or rolling stock with less than 7 years' useful life (present provision within the D.C.A.)?
- Will the definition of eligible capital costs be the same as the D.C.A.?
- Question this relative to the description of community services in item 5 above.

8. Community Planning Permit System

Amendments to the Planning Act will allow conditions requiring the provision of specified community facilities or services, as part of the community planning permit system (which combines and replaces the individual zoning, site plan and minor variance processes). 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 and specified community services are identified."

- The above suggests different charges to different lands. It is unclear as to the amount of recovery provided under the C.B.C. and that allowed under the community planning permit system.
- Will the community planning permit system have the same percentage of land value restrictions as the C.B.C.?

9. Other Matters

The following are questions arising from the new cost recovery approach which is not clearly expressed in the draft legislation.

- If a land owner sells the property at a discounted value, does an appraisal of that land relative to similar lands override the discounted value shown in the actual sale?
- Will Counties and Regions be allowed to continue the collection of their soft services? How will their percentage of the land value be allocated? If they are required to provide an averaged percentage across their jurisdiction, how are they to recover their costs if, say, their percentage of land value can be absorbed within the urban municipalities but not absorbed within the rural municipalities?
- How are mixed uses to be handled? For example, exempt institutional uses are planned for the first floor of a high-rise commercial/residential building.
- Will ownership vs. use impact on the ability to impose the charge?

Yours very truly,

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Appendix A

Draft Regulations - Development Charges Act

Draft Regulations – Development Charges Act

The More Homes, More Choice Act, 2019 received Royal Assent on June 6, 2019. Schedule 3 of the Act makes amendments to the Development Charges Act to reduce development costs and provide more housing options to help make housing more attainable for the people of Ontario.

There are provisions in the Act that require additional details to be prescribed by regulation. The following are matters that the province is proposing to prescribe in regulation.

Regulatory changes: General

1. Transition

The amendments in Schedule 12 of the More Homes, More Choice Act, 2019 would, upon proclamation, provide transitional provisions for section 37, and section 42 under the Planning Act, and in Schedule 3 of the Act provide transitional provisions for development charges for discounted services (soft services) under the Development Charges Act to provide for the flexibility necessary for municipalities to migrate to the community benefits charge authority.

Municipalities would be able to transition to the community benefits charge authority once the legislative provisions come into force (as will be set out in proclamation). It is proposed that the legislative provisions related to community benefits charges would come into force on January 1, 2020.

An amendment to the Development Charges Act, 1997 provides for a date to be prescribed in regulation that would effectively establish a deadline as to when municipalities must transition to the community benefits authority if they wish to collect for the capital costs of community benefits from new development (unless a municipality will only collect parkland).

Proposed content

The Minister proposes that the specified date for municipalities to transition to community benefits is January 1, 2021.

From this date to beyond:

- Municipalities would generally no longer be able to collect development charges for discounted services

2. Scope of types of development subject to development charges deferral

The province recognizes that development charges are one of the many demands on cashflow for new development. Mandating the deferral of development charge alleviates some pressure on cashflow which could increase the likelihood of riskier, cost-sensitive housing projects, such as purpose-built rentals proceeding. As such, amendments to the Development Charges Act made by Schedule 3 of the More Homes, More Choice Act, 2019 would, upon proclamation, provide for the deferral of development charges for rental housing development; non-profit housing development; institutional development; industrial development; and commercial development until occupancy.

The proposed regulatory change would provide further detail concerning what constitutes rental housing; non-profit housing; institutional development; industrial development; and commercial development.

Proposed content

The Minister proposes that the types of developments proposed for development charge deferrals be defined as follows:

- "Non-profit housing development" means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for residential purposes by a non-profit corporation.
- "Institutional development" means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
    - long-term care homes;
    - retirement homes;
    - universities and colleges;

    - memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion; and
    - hospices
- "Industrial development" means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
    - manufacturing, producing or processing anything,
    - research or development in connection with manufacturing, producing or processing anything,
    - storage, by a manufacturer, producer or processor, of anything used or produced in such manufacturing, production or processing if the storage is at the site where the manufacturing, production or processing takes place, or
    - retail sales by a manufacturer, producer or processor of anything produced in manufacturing, production or processing, if the retail sales are at the site where the manufacturing, production or processing takes place.
- "Commercial development" means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
    - office buildings as defined under subsection 11(3) in Ontario Regulation 282/98 under the Assessment Act; and
    - shopping centres as defined under subsection 12(3) in Ontario Regulation 282/98 under the Assessment Act.

3. Period of time for which the development charge freeze would be in place

In order to provide greater certainty of costs, amendments to the Development Charges Act made by Schedule 3 to the More Homes, More Choice Act, 2019 would, upon proclamation, provide that the amount of a development charge would be set at the time council receives the site plan application for a development; or if a site plan is not submitted, at the time council receives the application for a zoning amendment (the status quo would apply for developments requiring neither of these applications).

The proposed regulatory change would establish the period in which the development charge rate freeze will be in place.

Proposed content

In order to encourage development to move to the building permit stage so that housing can get to market faster and provide greater certainty of costs, the Minister is proposing that the development charge would be frozen until two years from the date the site plan application is approved, or in the absence of the site plan application, two years from the date the zoning application was approved.

4. Interest rate during deferral and freeze of development charges

Amendments to the Development Charges Act in Schedule 3 to the More Homes, More Choice Act, 2019 would, upon proclamation, provide for municipalities to charge interest on development charges payable during the deferral. It also provides for municipalities to charge interest during the development charge 'freeze' from the date the applicable application is received, to the date the development charge is payable. In both cases, the interest cannot be charged at a rate above a prescribed maximum rate.

Proposed content

The Minister is not proposing to prescribe a maximum interest rate that may be charged on development charge amounts that are deferred or on development charges that are frozen.

5. Additional dwelling units

In order to reduce development costs and increase housing supply the Development Charges Act as amended by Schedule 3 to the More Homes, More Choice Act, 2019 would, upon proclamation, provide that:

- the creation of additional dwelling in prescribed classes of residential buildings and ancillary structures does not trigger a development charge; and
- the creation of a second dwelling unit in prescribed classes of new residential buildings, including ancillary structures, is exempt from development charges.

Proposed content

The existing O. Reg. 82/98 prescribes existing single detached dwellings, semi-detached/row dwellings and other residential buildings as buildings in which additional residential units can be created without triggering a development charge and rules related to the maximum number of additional units and other restrictions. It is proposed that this regulation be amended so that units could also be created within ancillary structures to these existing dwellings without triggering a development charge (subject to the same rules/restrictions).

It is also proposed that one additional unit in a new single detached dwelling; semi-detached dwelling; and row dwelling, including in a structure ancillary to one of these dwellings, would be exempt from development charges.

It is also proposed that within other existing residential buildings, the creation of additional units comprising 1% of existing units would be exempt from development charges.

Appendix B

Draft Regulations - Planning Act

(Community Benefit Related)

Draft Regulations – Community Benefits Charge

The More Homes, More Choice Act, 2019 received Royal Assent on June 6, 2019. Schedule 12 of the Act would, upon proclamation, make amendments to the Planning Act to provide the authority for municipalities to charge for community benefits in order to fund a range of capital infrastructure for community services that would benefit new development.

There are provisions in Schedule 12 that require additional details to be prescribed by regulation. The following are matters that the province is proposing to prescribe in regulation.

Regulatory changes

1. Transition

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide transitional provisions for section 37, and section 42 under the Planning Act, and development charges for discounted services (soft services) under the Development Charges Act to provide the flexibility necessary for municipalities to migrate to the community benefits charge authority.

An amendment to the Development Charges Act, 1997 provides for a date to be prescribed in regulation that would effectively establish a deadline as to when municipalities must transition to the community benefits authority if they wish to collect for the capital costs of community benefits from new development. Beyond the date prescribed in regulation:

- Municipalities would generally no longer be able to collect development charges for discounted services
- Municipalities would generally no longer be able to pass by-laws to collect funds under section 37 of the Planning Act

Proposed content

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

2. Reporting on community benefits

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide for municipalities that pass a community benefits by-law to provide the reports and information that may be prescribed in the regulation to persons prescribed in regulation.

Proposed content

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.

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

3. Reporting on parkland

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide that municipalities may continue using the current basic parkland provisions of the Planning Act if they are not collecting community benefits charges. Municipalities with parkland special accounts will be required to provide the reports and information that may be prescribed in the regulation to persons prescribed in regulation.

Proposed content

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

4. Exemptions from community benefits

To help reduce the costs to build certain types of development that are in high demand, amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provides for the Minister to prescribe such types of development or redevelopment in respect of which a community benefits charge cannot be imposed.

Proposed content

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

5. Community benefits formula

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019, provide the authority for municipalities to charge for community benefits at their discretion, to fund a range of capital infrastructure for community services needed because of new development.

This capital infrastructure for community services could include libraries, parkland, daycare facilities, and recreation facilities.

For any particular development, the community benefits charge payable could not exceed the amount determined by a formula involving the application of a prescribed percentage to the value of the development land. The value of land that is used is the value on the day before the building permit is issued to account for the necessary zoning to accommodate the development.

Proposed content

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.

6. Appraisals for community benefits

The authority to charge for community benefits under the Planning Act would enable municipalities, at their discretion, to fund a range of capital infrastructure for community services needed because of new development.

For any particular development, the community benefits charge payable could not exceed an amount determined by a formula involving the application of a prescribed percentage to the value of the development land on the day before the building permit is issued.

The amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide for the owner of land proposing to develop a site, to provide the municipality with an appraisal of the site they are of the view that the community benefits charge exceeds what is legislatively permitted. Similarly, a municipality can also provide the owner of land with an appraisal if it is of the view that the owner of the

land's appraisal is inaccurate. If both appraisals differ by more than 5 percent, a third appraisal is prepared.

Proposed content

The Minister is proposing the following:

- If the owner of land is of the view that the amount of a community benefits charge exceeds the amount legislatively permitted and pays the charge under protest, the owner has 30 days to provide the municipality with an appraisal of the value of land.
- If the municipality disputes the value of the land in the appraisal provided by the owner, the municipality has 45 days to provide the owner with an appraisal of the value of the land.
- If the municipality's appraisal differs by more than 5 percent from appraisal provided by the owner of the land, the owner can select an appraiser from the municipal list of appraisers, that appraiser's appraisal must be provided within 60 days.

7. Excluded services for community benefits

Amendments to the Planning Act in Schedule 12 of the More Homes, More Choice Act, 2019 provide that community benefits charges cannot be imposed for facilities, services or matters associated with services eligible for collection under the Development Charges Act, 1997. It also provides for the province to prescribe facilities, services or matters in respect of which community benefit charges cannot be imposed.

Proposed content

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.

8. Community planning permit system

The community planning permit system is a framework that combines and replaces the individual zoning, site plan and minor variance processes in an identified area with a single application and approval process. O. Reg. 173/16 “Community Planning Permits” outlines the various components that make up the system, including the matters that must be included in the official plan to establish the system, the process that applies to establishing the implementing by-law and the matters that must or may be included in the by-law.

Proposed content

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.