



April 20, 2020

Ministry of Municipal Affairs and Housing  
Provincial Planning Policy Branch  
777 Bay Street, 14th Floor  
Toronto, ON  
M5G 2E5

**Re: City of Markham Comments  
Proposed Regulatory Matters Pertaining to Community Benefits Authority under the  
Planning Act, the Development Charges Act, and the Building Code Act  
ERO Number 019-1406**

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In response to the captioned regulatory proposal released on February 28, 2020, this will confirm that the members of the General Committee of the City of Markham at a meeting held on April 20, 2020, adopted the following resolutions:

- 1) That the report entitled, “*City of Markham Comments on Bill 108 Proposed Regulatory Matters – Community Benefits Authority, Development Charges Act and Building Code Act*”, dated April 20, 2020, be received;
- 2) That this report, including the recommendations from the City of Markham on Bill 108 Proposed Regulatory Matters, be forwarded to the Minister of Municipal Affairs and Housing and to the Regional Municipality of York;
- 3) That the City of Markham supports the following:
  - a) The proposal for the regulation under the *Development Charges Act, 1997*;
  - b) The community benefits proposed to be included within the community benefits charge regulation;
  - c) The proposal for a public notice to be provided prior to the enactment of a community benefits by-law;
  - d) The proposed application of an interest rate on refunds in the event of a successful appeal to a community benefits by-law; and,
  - e) The proposal to add the community benefits charge authority to the applicable law list under the Building Code.
- 4) That the City of Markham request that the Province:
  - a) Provide municipalities with wide latitude to determine what community facilities can be supported through community benefits charges;
  - b) Amend the Community Benefits Charge legislation to allow a municipality to require the conveyance of parkland in lieu of payment of a community benefits charge;

- c) Implement an escalating Community Benefits Charge collection limit tied to density to allow municipalities to be able to provide a minimum of 0.8 hectares of parkland per 1,000 residents, and that the maximum limit of the Community Benefits Charge eligible to be collected be set at 50% of the value of the fully developed land;
- d) Given the ongoing emergency situation and scale of work required to implement a Community Benefits Charge regime, increase the timeline for implementation of a Community Benefits Charge by-law be the later of, (1) two years from the date the community benefits regulation comes into effect or, (2) the expiration of the current Development Charge by-laws;
- e) Allow municipalities to fully recover the capital cost of Development Charges without the requirement of preparing a background study until the development charge by-law is next updated; and,
- f) Allow municipalities to utilize the community benefits charge by-law and the parkland dedication provisions of the *Planning Act* for specific types of developments, i.e. allow the municipality to specify the types of development that would be subject to a CBC vs. parkland dedication provisions.

Additionally, the members of Council request that the Province extend the commenting period for ERO number 019-1406 and defer any further steps towards the implementation of the Community Benefit Authority, in light of the current COVID-19 emergency situation.

The City's General Committee expressed great concern at the proposal to cap the charge under the Community Benefits Authority at 10% of land value, as this will result in a significant reduction in parkland, particularly for high-rise developments,. This reduction, will negatively impact the service levels in the City as it relates to the availability of land for amenities such as soccer pitches, cricket pitches and baseball diamonds. The Province's proposal will place added pressure on the City, and its existing residents, to acquire lands to facilitate the provision services required by growth. This is not consistent with Provincial direction that growth pays for growth. The proposed cap will leave municipalities worse off, which was not the aim of the Community Benefits strategy as stated by the Ministry.

The City looks forward to working with the Province in the future to further enhance the proposals under the Community Benefits Authority to ensure that growth pays for growth, and existing residents are not burdened with financing amenities required by our future residents.

Yours sincerely,



Kimberley Kitteringham  
City Clerk  
The City of Markham

cc. Mayor and Members of Council – The City of Markham  
Markham Executive Leadership Team