

April 20, 2020

John Ballantine, Manager
Municipal Finance Policy Branch
Municipal Affairs and Housing
777 Bay St., 13th Floor
Toronto, ON
M5G 2E5

RE: Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act (ERO # 019-1406)

Please accept this letter in response to the Environmental Registry of Ontario – ERO #019-1406 Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act. Town of Caledon staff provided initial comments on the introduction of the community benefits authority under Bill 108 in May 2019 and additional comments to the initial regulatory proposal (ERO # 019-0183) in August.

A report on this regulatory proposal is planned to go before the Town's Planning Committee on April 21, 2020 and subsequently to Council on April 28, 2020. This letter should be viewed as subject to Council endorsement, and a copy of the Report and Council resolution will be forwarded to Ministry staff for further consideration.

Town staff are generally supportive of the proposed regulatory direction taken in ERO # 019-1406, as it offers a clearer indication of the required contents of a community benefits bylaw and ensures that critical community infrastructure will continue to be funded through development charges, ensuring that growth will pay for growth. Town staff still have concerns regarding several of the proposed directions and request that additional clarity is provided regarding several matters discussed in the current ERO # 019-1406 posting, as well as matters discussed in ERO # 019-0183.

Town staff has several recommendations concerning the Regulation Changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108 - the More Homes, More Choice Act, 2019 (ERO # 019-0183). Town staff's general recommendations concerning the proposed regulations are:

1. That the Town of Caledon supports the proposed list of services be included in a regulation under the 2(4) of the Development Charges Act as permissible capital costs; and,
2. That additional clarity is required for capital services, such as planning and development related studies, animal control services, and Provincial Offences services, which are currently collected under the Town's Development Charges bylaw, but have not been identified under the community benefits authority or Development Charges Act as permissible capital costs; and,

3. That clarity be provided on how master planning studies associated with parks and recreation, libraries, trails, fire, etc., are to be funded if it is determined that capital costs associated with them will continue to be funded through the DC Act, while planning and development studies are identified to be funded under the community benefits authority; and,
4. That upper and lower tier municipalities be permitted to enter into agreements to allocate unused portions of their CBC maximum charge according to their needs; and,
5. That the Province provide clarity on how mixed-use development, that includes both a portion of units that are exempt and non-exempt, be charged for community benefits; and,
6. That the province provides an additional consultation for the community benefits authority regulation proposal that includes more specific details, such that municipalities are able to better understand and provide comments to the Province on the anticipated impacts of the prescribed maximum rates; and,
7. That, given the number of municipalities in Ontario that will need to simultaneously undertake development charge by-law revisions, the development of a community benefits charge strategy, *and* a subsequent community benefits charge bylaw, the Province increase the transition timeline to 24 months to provide municipalities sufficient time to undertake the required studies and policy formulation. While previous major changes made in the past to the D.C.A. in 1989 and 1997 provided for 18 months for municipalities to implement, given the requirements for municipalities to also develop CBC plans and bylaws, in addition to making changes to their DC bylaws, providing this additional time will help alleviate the pressure of administering these changes with limited municipal resources.; and,
8. That the Province clarify that the added administrative process costs for land appraisals is recoverable through a fee charged to applicants; and,
9. That clarification be provided regarding how municipalities are expected to administer existing reserve funds collected for “soft service” items prior to their transition to the community benefits authority; and,
10. That the Community Benefits Authority be included under the Development Charges Act as the better tool to administer these charges; and,
11. That O. Reg. 173/16: Community Planning Permits be modified to allow the collection of Community Benefit Charges, to simplify the provision of community facilities or services, rather than create a two-tier system that would ultimately add complexity to the development process.



The Town has also received comments from Watson & Associates Economists Ltd., consultants currently under the employ of the Town, which are supported by the Town and included as an attachment to this letter.

If you have any comments or require clarification, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Tollett", is written over the typed name.

Peggy Tollett
General Manager
Community Services

c: Adrian Smith, Region of Peel
Fuwing Wong, Town of Caledon
Heather Haire, Town of Caledon