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December 9, 2022

Honourable Steve Clark  
College Park 17th Floor  
777 Bay Street  
Toronto, ON  
M7A 2J3

**RE: Bill 23 Proposed Changes – Planning Act and Development Charges Act, 1997**

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Dear Minister Clark,

Please find enclosed Sifton Properties Limited's (here in known as "**Sifton**") review and comment regarding proposed changes through *Bill 23, More Homes Built Faster Act*, to the Planning Act and Development Charges Act, 1997. We are, generally, in support of the proposed changes to the Planning Act and Development Charges Act, 1997. We have concerns regarding the proposed subsections 42 (2.1) to (2.4) of the Planning Act. We request that the Ministry provide greater clarity on parkland dedication calculations and definitions of "other public recreational purposes". We would also request the Ministry to consider amending the new Sections 4.1, 4.2 and 4.3 of the Development Charges Act to expand the defined areas for Inclusionary Zoning and not subject to only protected major transit stations. Sifton would like to request the Ministry to repeal their decision on Subsection 9 (1) to change the Development Charges by-law to 5 years from the current proposed 10 years, as this will not generate accurate or high-quality data.

We appreciate the opportunity to comment on the proposed changes to the Planning Act and Development Charges Act, 1997. Should you require anything further, please don't hesitate to contact our office.

Yours truly,

**SIFTON PROPERTIES LIMITED**

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Manager – Planning & Development  
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Cc: Phil Masschelein, Senior VP Neighbourhood Development

## Bill 23

### **An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022**

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#### **SCHEDULE 9**

#### **PLANNING ACT**

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*The Schedule makes various amendments to the Planning Act.*

*10. Various amendments are made to section 42 of the Act with respect to parkland requirements, including the following:*

*i. Currently subsection 42 (1) provides that a council may require the dedication of land for park or other public recreational purposes as a condition of development or redevelopment and sets out maximum amounts based on the type of development or redevelopment. A new subsection 42 (1.1) is added to establish a maximum amount for development or redevelopment that will include affordable residential units, attainable residential units or residential units required to be affordable pursuant to an inclusionary zoning by-law. Similar changes are made to section 51.1.*

Sifton is in support of the above proposed amendments to subsection 42 (1.1) of the Planning Act. Sifton would like to request inclusionary zoning by-law to be expanded to areas outside of the protected major transit station areas.

*ii. New subsections 42 (2.1) to (2.4) are added, which set out rules with respect to the timing of the determination of the amount of land for park or other public recreational*

*purposes or payment in lieu that is required to be provided under a by-law under the section. Similar changes are made to section 51.1.*

Sifton is in support of the above proposed amendments to subsection 42 (2.1) to (2.4) of the Planning Act. In addition, Sifton would like to propose the addition of lands to be included as part of the overall parkland calculation or payment in lieu by adding gross area including natural heritage lands as part of the developable area within a draft plan of subdivision or condominium. Further, Sifton would like definitions of what is considered “other public recreational purposes”, would this include open space, schools, woodlands, hazard lands etc.

*iii. Amendments are made in relation to the alternative requirement for parkland conveyances and payments in lieu, including to change the maximum rates and provide a maximum amount of land or value thereof that may be required to be provided. Similar changes are made to section 51.1.*

Sifton is in support of the above proposed amendments to subsection 42 in relation to the maximum rates and amount of land value, as per subsection 42 (6.0.1) and 42 (3).

*iv. New subsections 42 (4.30) to (4.39) are added, which set out a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the section. The framework permits owners to appeal to the Tribunal if the municipality refuses to accept the conveyance of the identified land.*

Sifton agrees with the new subsections 42 (4.30) to (4.39) that permits owners to appeal to the Tribunal if the municipality refuses to accept conveyance of the identified land. In addition, Sifton would request a list that provides the appropriate parkland that should be accepted by the municipality which includes but is not limited to open space, schools, woodlands, natural heritage and hazard lands etc. Sifton would request that municipalities accept other forms of

natural areas for the purposes of passive recreation to provide more lands for developable purposes. In addition, Sifton would like the parkland calculation to be placed on the gross area of land not the net area.

*v. A new subsection 42 (16.1) is added, which requires a municipality to spend or allocate 60 per cent of the monies in the special account required by subsection 42 (15) annually.*

Sifton is in support of the requirement to allocate 60 per cent of monies related to parkland annually, as described in a new subsection 42 (16.1) and subsection 42 (15).

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**SCHEDULE 3                      DEVELOPMENT CHARGES ACT, 1997**

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*The Schedule makes various amendments to the Development Charges Act, 1997.*

- 1. Subsection 2 (4) is amended to remove housing services as a service in respect of which a development charge may be imposed.*

Sifton has no concerns with the proposed changes to Subsection 2 (4) which is based on the Section 4 of the Development Charges Act, 1997.

- 2. New sections 4.1, 4.2 and 4.3 provide, respectively, for exemptions from development charges for the creation of affordable residential units and attainable residential units, for non-profit housing developments and for inclusionary zoning residential units.*

Sifton is in support of the New sections 4.1, 4.2 and 4.3 with regards to exemptions from development charges for inclusionary zoning residential units. Sifton would like to request the expansion of inclusionary zoning beyond the protected major transit station areas, in order to allow for more affordable and attainable residential units throughout Ontario.

3. *Changes are made to the method for determining development charges in section 5, including to remove the costs of certain studies from the list of capital costs that are considered in determining a development charge that may be imposed and to require development charges to be reduced from what could otherwise be imposed during the first four years a by-law is in force.*

Sifton agrees with this proposed change but would like the “studies” to be defined.

4. *Currently, subsection 9 (1) provides that, unless it expires or is repealed earlier, a development charge by-law expires five years after it comes into force. The subsection is amended to extend this period to 10 years.*

Sifton is requesting the current by-law to remain at five years, as it provides a higher quality and accurate analysis. We do not agree with the proposed changes to subsection 9 (1).

5. *Section 26.2 is amended to provide that development charges in the case of rental housing development are reduced by a percentage based on the number of bedrooms. Transitional matters are provided for, including that the reduction applies to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day the amendments came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed.*

Sifton is in support of Section 26.2, as amended.

6. *A new section 26.3 is added to provide a maximum interest rate for the purposes of sections 26.1 and 26.2. Complementary amendments are made to sections 26.1 and 26.2.*

Sifton is in support of Section 26.3, as amended.

7. *New subsections 35 (2) and (3) are added, which, for certain services, require a municipality to spend or allocate 60 per cent of the monies in the reserve funds required by section 33 annually.*

Sifton is in support of subsection 35 (2) and (3), as amended.