

Appendix B - The Planning Act – Land Conveyance

Parkland conveyance authority is established in the Planning Act, Section 42, which pertains to parkland conveyances associated with development and redevelopment. Sections 51.1 and 53, which pertain to parkland requirements as a condition of plan of subdivision approval and consent, respectively. The Planning Act establishes conveyance of land for park and other recreation purposes as follows:

- Not exceeding 2% of the land area in the case of commercial or industrial development
- Not exceeding 5% of land in the case of all other types of development
- For residential purposes, the Act permits municipalities to utilize an alternative rate of conveyance for park based on a maximum rate of 1 hectare for every 300 dwelling units, subject to enabling policies within the approved local Official Plan including a parks Master Plan.

The City's current Official Plan (in force), Section 2.7 and Parkland Dedication By-law contains policies that enable the City to require parkland based on the alternative rate as a condition of development.

The City's Parkland Dedication Policies – Cash-in-Lieu of Land

The Park Dedication By-law (57-2005) provides the ability to collect cash-in-lieu of land for parkland or other public recreation uses. The current parkland dedication by-law was last updated in 2005 through recommendations approved in report F-70/04, resulting in the City adopting policies for maximum fixed rates for medium and high-density residential developments to ensure that cash-in-lieu of parkland dedication is fair and reasonable when compared to low density developments. Specifically, the following is used when calculating cash-in-lieu of parkland dedication;

Low Density

The value of the land to be developed as of the day before the building permit is authorizing development is issued, x 5%.

Medium Density the lesser of;

- i) The number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the building permit authorizing development is issued; or
- ii) The number of units in the proposed development x \$6,500.

High Density the lesser of;

- i) The number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the building permit authorizing development is issued; or
- ii) The number of units in the proposed development x \$5,500.