

July 25, 2022

Ms. Reena Bajwa
Coordinator of Financial Strategies and Business Consulting
City of Burlington
426 Brant Street
Burlington ON
L7R 3Z6

Sent via email to Reena.Bajwa@burlington.ca

Dear Ms. Bajwa,

RE: CITY OF BURLINGTON | Draft Community Benefits Charge Strategy and By-law

The Building Industry and Land Development Association ('BILD') is in receipt of the City of Burlington Draft Community Benefits Charge ('CBC') Strategy and By-law that were presented as *Item 4.1 2022 Community Benefits Strategy (F-27-22)* at the July 11th Corporate Services, Strategy, Risk and Accountability ('CSSRA') Committee meeting. On behalf of our Halton Chapter members, BILD acknowledges and thanks City staff and its consultant team for meeting with the development industry on July 20th via the Halton Developers Liaison Committee ('HDLC'). With this submission, we are providing you with our comments in advance of your deadline of August 5th.

In summary, BILD would appreciate confirmation from the City on the proper and intended application of the proposed CBC By-law. At the July 20th HDLC meeting, BILD's consultant from Kagan Shastri LLP provided the following case fact scenario involving a redevelopment to an existing residential building proposing to add fewer than 5 storeys and fewer than 10 residential units. The assumption in this scenario is that the addition is 2 storeys and 8 residential units. Post-addition, however, the resulting building is at least 5 storeys and contains at least 10 residential units; the addition does not meet the minimum '5 storey / 10 unit' threshold. BILD's position is that the per unit charge should not apply to the 8 proposed units since that falls below the 10 unit minimum. Kindly confirm that the City agrees with that position.

As your community building partners, we thank you for the opportunity to provide these comments. Should there be any questions, please do not hesitate to contact the undersigned.



Victoria Mortelliti
Manager, Policy & Advocacy

CC: BILD Review Team
Kevin Singh, Halton Chapter Co-Chair
Shane Cooney, Halton Chapter Co-Chair
Paula Tenuta, SVP, BILD
Members of the BILD Halton Chapter

The Building Industry and Land Development Association is an advocacy and educational group representing the building, land development and professional renovation industry in the Greater Toronto Area. BILD is the largest home builders' association in Canada, and is affiliated with the Ontario Home Builders' Association and the Canadian Home Builders' Association. It's 1,500 member companies consists not only of direct industry participants but also of supporting companies such as financial and professional service organizations, trade contractors, as well as manufacturers and suppliers of home-related products.

Memorandum

To	Reena Bajwa
From	Andrew Grunda
Date	August 3, 2022
Re:	City of Burlington Community Benefits Charge Strategy

Fax Courier Mail Email

We provide the following in response to the questions received from the Building Industry and Land Development Association (BILD) in their letter of July 25th and posed at the consultation meeting of July 20th.

1. Redevelopment Scenario – BILD posed the following redevelopment assumptions for the City’s clarification on the application of the Community Benefit Charge (C.B.C.). “The assumption in this scenario is that the addition is 2 storeys and 8 residential units. Post-addition, however, the resulting building is at least 5 storeys and contains at least 10 residential units; the addition does not meet the minimum ‘5 storey / 10 unit’ threshold. BILD’s position is that the per unit charge should not apply to the 8 proposed units since that falls below the 10 unit minimum”.

Subsection 37(4) of the *Planning Act* provides the following with respect to the imposition of a C.B.C.:

“A community benefits charge may not be imposed with respect to,

- a) development of a proposed building or structure with fewer than five storeys at or above ground;
- b) development of a proposed building or structure with fewer than 10 residential units;
- c) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- d) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
- e) such types of development or redevelopment as are prescribed”.

In regards to the scenario presented by BILD, it is our understanding that the redevelopment would not be exempt from payment of a C.B.C. under paragraph (c) of subsection 37(4), as the building after the redevelopment will have more than 5 storeys. However, the development would be exempt from payment of a



C.B.C. under paragraph (d) of subsection 37(4), as the units added to the existing building would be less than 10.

2. Imposition of C.B.C. – The question was posed at the consultation meeting as to whether the C.B.C. would be imposed on developments at the time of building permit issuance, if these developments were not subject to a community benefits agreement under the previous s.37 of the *Planning Act*.

It is our understanding that there may have been developments that were not subject to the previous provisions of s.37 of the *Planning Act*. This may be due to the application not requiring increases in height and density, or that the City did not require such agreements. The amended s.37 provisions of the *Planning Act* were intended, in part, to be more transparent and predictable to the development community. As such, the Province has elected to provide municipalities with the powers to impose a broad-based charge that is potentially applicable on all development not exempt under s.37 of the *Planning Act*, i.e. principally buildings with less with at least 5 storeys and containing at least 10 residential dwelling units. In this regard, there is nothing in the amended *Planning Act* that prevents the City from imposing a C.B.C. on a development that was not required to enter into a s.37 agreement previously, if the development is subject to the imposition of the charge after the by-law is passed.

We trust this memorandum sufficiently addresses these matters. We would be glad to discuss them with you further at your convenience.