

# Landowners Cost Sharing agreements



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What are cost sharing agreements

Why we ask for these agreements

Do we have any standards

What are our expectations resulting from these agreements

Authority to ask for such agreements

Benefits and Drawbacks related to Cost sharing agreements



# What are cost sharing agreements?

- Legal agreements between landowners
- Put in place to ensure common infrastructure interests are dealt with
- Meant to permit the timely and efficient installation of infrastructure
- The City is not party to these agreements

## Why we ask for these agreements

- Collaboration between landowners
- Efficiency in the design and implementation of infrastructure
- Good Planning practice and alignment with mater planning processes
- Assurance works will be built and paid for by landowners wishing to develop
- Coordination with external Stakeholders



## Do we have standards and what are our expectations resulting from these agreements

- We have standard procedures in dealing with landowners that are part of a block plan and those that are external to a block
- We look for acknowledgement letters from the landowner group trustee

## Authority to ask for such agreements

- The authority to ask for these agreement originates with our official plan
- Implemented though our secondary and block plan processes by way of development agreement conditions of approval



# Benefits and drawbacks related to Cost sharing agreements

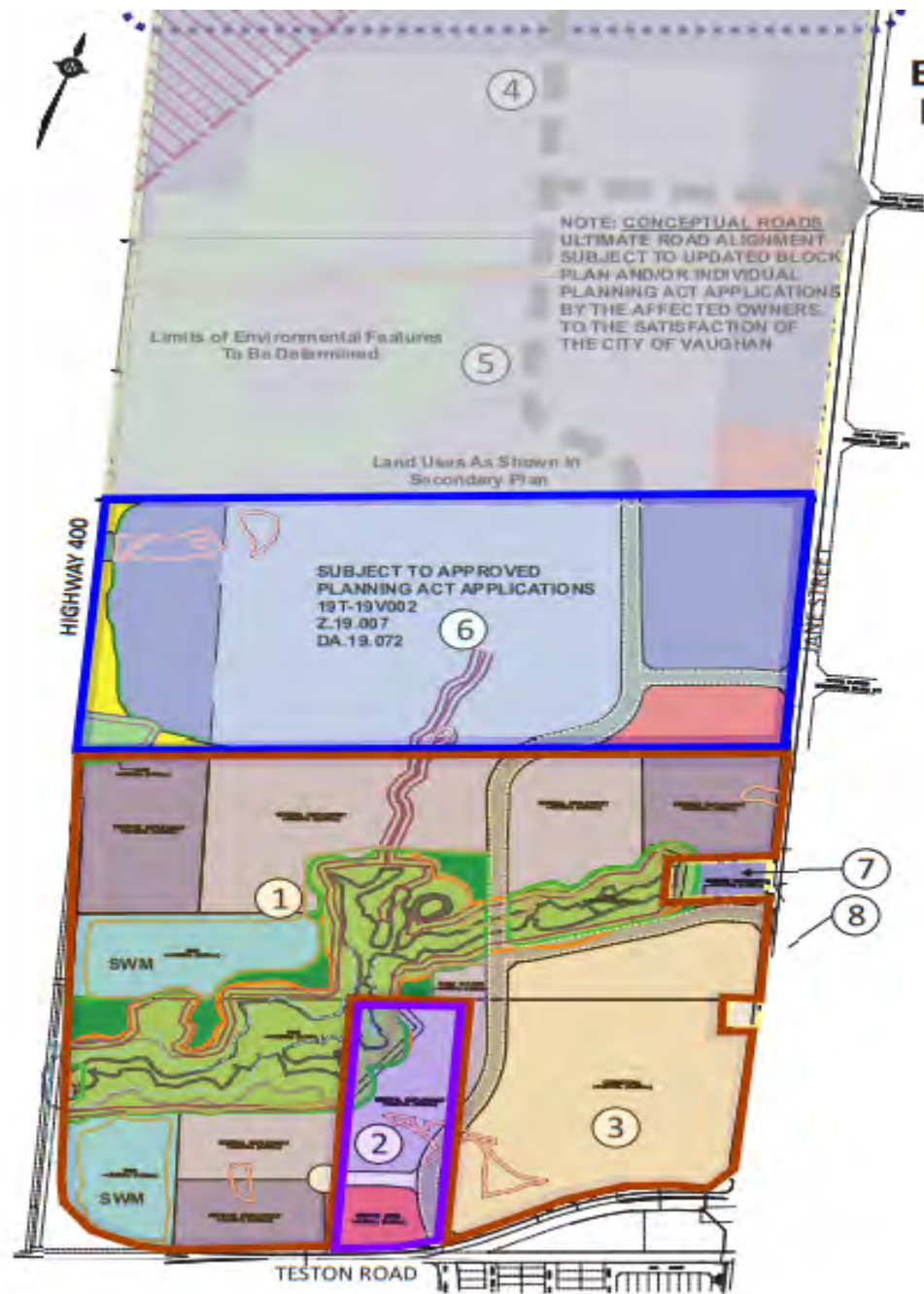
- We get assurances that infrastructure will be designed, built and funded by owners developing their lands
- Adherence to masterplans and standards
- Limited liability
- There is case law at the OLT in support of cost sharing, identifying it as the most efficient way to deal with development issues facing municipalities
- In a Tribunal decision from 1990 (Brampton (City) Official Plan Amendment No. 149 – [1990] O.M.B.D. No. 906) the Tribunal noted that a cost sharing regime is the most efficient way to deal with the problems facing municipalities, including:
  1. Equalizing the burden or providing the number of public facilities and services required among landowners.
  2. Avoid planning by ownership with a view to fairly distributing public uses.
  3. Ensure infrastructure is available to implement a plan where and when required.

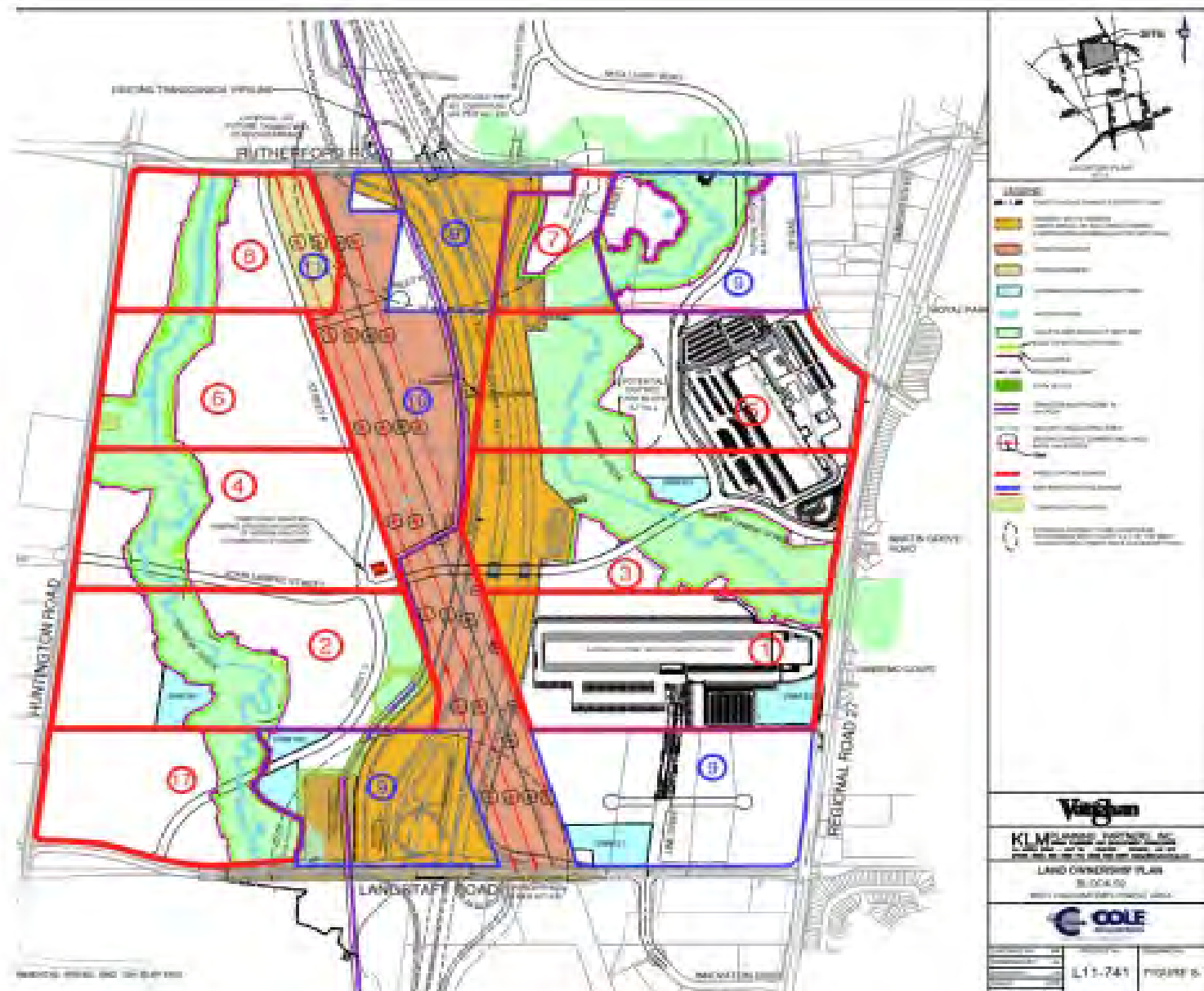
## Benefits and drawbacks related to Cost sharing agreements

1. Ensure that beneficiaries of development pay their way.
2. Coordinate the multiplicity of interests involved.

Moreover, the Ontario Divisional Court has affirmed that conditions of subdivision approval which require payment from a benefiting owner to a front-ending owner with respect to infrastructure of mutual benefit to be reasonable and justified pursuant to ss. 51(25) of the *Planning Act*. *Eastpine Kennedy-Steeles Ltd. v. Markham (Corp. of the Town)*, 2004 CanLII 28228 (ON SCDC).









# Questions.

