

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 201-2022**

**A By-law to enable the collection of community benefits charges in the City of Vaughan.**

**WHEREAS** section 37 of the *Planning Act*, RSO 1990, c P.13, as amended, authorizes local municipalities to pass a By-law imposing community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment;

**AND WHEREAS** the Council of The Corporation of the City of Vaughan has approved a community benefits charge strategy as required by subsection 37(9) of the *Planning Act* to permit passing of this By-law imposing community benefits charges;

**AND WHEREAS** in preparing the community benefits charge strategy, The Corporation of the City of Vaughan has consulted with such persons and public bodies as required by subsection 37(10) of the *Planning Act*;

**AND WHEREAS** the Council of The Corporation of the City of Vaughan is desirous of imposing community benefits charges against land to fund the capital costs of the facilities, services and matters identified in the community benefits charge strategy;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

### **Section 1 - Definitions and Applicability**

#### **1(1) DEFINITIONS**

In this By-law:

- a) **“Act”** means the *Planning Act*, RSO 1990, c P.13 as amended.
- b) **“building or structure”** means a permanent enclosed structure occupying an area greater than 10 square metres, consisting of a wall, roof, and/or floor, or any of them, or a structural system serving the function thereof, which includes, but is not limited to, air-supported structures or industrial tents. A canopy however shall not be considered a building or structure for the purpose of this By-Law and shall not attract charges under this By-law.

- c) **“building permit”** means a permit issued under the *Building Code Act, 1992*, SO 1992, c 23 which permits the construction of a *building or structure*, or which permits the construction of the foundation of a *building or structure*.
  - d) **“City”** means The Corporation of the City of Vaughan.
  - e) **“development”** means the construction, erection or placing of one or more *buildings or structures* on land or the making of an addition or alteration to a *building or structure* that has the effect of substantially increasing the size or useability thereof.
  - f) **“gross floor area”** means the total area of all of the floors in a building above grade measured from the outside of the exterior walls, but excluding bicycle parking within a building.
  - g) **“owner”** means the owner of the land to be developed or redeveloped including the person who has made under lawful authority the *development* or *redevelopment* application for which a charge is imposed under this By-law.
  - h) **“redevelopment”** means construction, erection or placing of one or more buildings or structures on land where all or part of a *building or structure* has previously been demolished on such land or changing the use from a *residential* to *non-residential* use or from a *non-residential* to *residential* use or from one *residential* use to another form of *residential* use.
  - i) **“residential”** means the use of land, *buildings or structures* for human habitation.
  - j) **“residential unit”** means a unit that:
    - i. consists of a self-contained set of rooms located in a building or structure;
    - ii. is used or intended for use as *residential* premises; and
    - iii. contains kitchen and bathroom facilities that are intended for the use of the unit only.
- 1(2)** This By-law applies to all lands within the corporate limits of the *City*.
- 1(3)** A community benefits charge will be imposed for *development* and *redevelopment* that requires:
- a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Act*;
  - b) the approval of a minor variance under section 45 of the *Act*;

- c) a conveyance of land to which a By-law passed under section 50(7) of the *Act* applies;
- d) the approval of a plan of subdivision under section 51 of the *Act*;
- e) a consent under section 53 of the *Act*;
- f) the approval of a description under section 9 of the *Condominium Act, 1998*, SO 1998, c 19; or
- g) the issuance of a *building permit*.

**1(4)** Notwithstanding any other sections in this By-law, a community benefits charge will not be imposed for:

- a) *development or redevelopment of a building or structure* that will create fewer than five storeys at or above ground;
- b) *development or redevelopment of a building or structure* that will create fewer than ten (10) new *residential units*; or
- c) additional types of *development or redevelopment* as prescribed by the *Act*.

## **Section 2 – Charge Requirement and Acceptability of In-Kind Contributions**

**2(1)** As a condition of *development or redevelopment* of lands in the *City*, Council hereby levies a four percent (4%) community benefits charge on the appraised value of the subject lands, payable by certified cheque.

**2(2)** *Owners* who propose an in-kind contribution as an alternative to the required monetary payment shall provide a proposed initial valuation of the in-kind contribution in a form satisfactory to the *City* for review.

**2(3)** Subject to receiving the valuation in section 2(2), the Deputy *City* Manager, Planning and Growth Management (or designate) in cases of *developments or redevelopments* with only a site plan application and *City Council* in all other cases may elect to accept proposed in-kind contributions on terms it deems satisfactory instead of a monetary payment or a combination thereof based on the community benefit proposed for the specific *development or redevelopment*.

**2(4)** The authority to enter into in-kind contribution agreements as approved per section 2(3) is delegated to the Deputy *City* Manager, Planning and Growth Management (or designate) and shall be in a form satisfactory to the Deputy *City* Manager, Legal and Administrative Services and *City* Solicitor (or designate).

- 2(5)** The attributed value of any accepted in-kind contribution shall be deducted from the total community benefit charges payable under this By-law for the subject lands.
- 2(6)** The value of the *gross floor area* for the uses exempted through section 1(4)c) shall be deducted from the overall community benefits charge payable for the *development or redevelopment*.
- 2(7)** The value of the *gross floor area* for the following shall be excluded from the value of the land used to determine the community benefit charge payable:
- a) any pre-existing *gross floor area* on the land which is the subject of the *development or redevelopment* which is neither demolished nor converted from non-*residential* uses to *residential* uses

### **Section 3 – Land Valuation for Charge and Dispute Resolution**

- 3(1)** Prior to the application for a *building permit*, the *owner* shall commission at its sole expense, an appraisal to determine the applicable community benefits charge payable under this By-law.
- 3(2)** All appraisals required under this By-law shall:
- a) be conducted by a certified professional appraiser designated as an Accredited Appraiser by the Appraisal Institute of Canada with experience appraising all types of real property;
  - b) state the criteria used to determine the value presented in the appraisal; and
  - c) remain valid for a maximum period of one (1) year from the appraisal date.
- 3(3)** An appraisal that does not meet the requirements of section 3(2) of this By-law does not engage the valuation dispute resolution process in section 37 of the *Act*.
- 3(4)** The appraisal valuation date of land subject to a charge under this By-law shall be the day before the day the required first *building permit* is issued for the *development or redevelopment*.
- 3(5)** The *City* shall maintain a list of at least three independent certified professional appraisers designated as an Accredited Appraiser by the Appraisal Institute of Canada, which may be amended from time to time, as required by the valuation dispute resolution process in accordance with section 37 of the *Act*.

#### **Section 4 – Administration**

- 4(1)** This By-law may be referred to as the “CBC By-law”.
- 4(2)** Payments required under this By-law shall be received prior to the issuance of a *building permit* or, if more than one *building permit* is required for the *development* or *redevelopment*, the day before the day the first permit is issued.
- 4(3)** Should any section or part of a section of this By-law be determined by a court or tribunal of competent jurisdiction to be invalid or of no force and effect, that section or part shall be severable and the remainder of this By-law will continue to operate in full force and effect.
- 4(4)** All payment collected under this By-law shall be paid into the Community Benefits Charge Reserve.
- 4(5)** In administering the Community Benefits Charge Reserve the *City Treasurer* shall:
- a) maintain records of all remittances, acquisitions and other details as prescribed by the *Act*;
  - b) invest fund money in securities as permitted by the *Municipal Act, 2001, SO 2001, c 25* with any earnings returned to the fund; and
  - c) issue publicly available reports on the fund in a frequency and format as prescribed by the *Act*.
- 4(6)** A review of this By-law to determine whether a revision is required will be conducted and the results confirmed by Council resolution:
- a) within five (5) years after the passing of this By-law; and
  - b) within five years after the last confirming Council resolution thereafter.

#### **Section 5 – Coming Into Force and Transition**

- 5(1)** This By-law comes into full force and effect on the day of passing.
- 5(2)** Unless repealed, any zoning by-law requiring section 37 contributions for height and/or density enacted by the City or ordered by the Ontario Land Tribunal before the passage of this By-law continues to apply after the passage of this By-law, and the subject lands are not subject to a community benefits charge under this By-law.

Enacted by City of Vaughan Council this 14<sup>th</sup> day of September, 2022.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

Authorized by Item No. 3 of Report No. 30  
of the Committee of the Whole  
Adopted by Vaughan City Council on  
June 28, 2022.