

INFORMATION ITEMS

Week Ending August 23, 2019

REPORTS

1. None

INTERGOVERNMENTAL CONSULTATIONS

1. Proposed changes to Provincial laws on Joint and Several Liability
2. Proposed Provincial Policy Statement (PPS) Changes

CORRESPONDENCE

1. City of Guelph Response to Intergovernmental Consultation RE: Proposed changes to O.Reg. 82/98 under the Development Charges Act related to Schedule 3 of Bill 108 – More Homes, More Choice Act, 2019
2. City of Guelph Response to Intergovernmental Consultation RE: Proposed new regulation pertaining to the community benefits authority under the Planning Act

BOARDS & COMMITTEES

1. None

ITEMS AVAILABLE IN THE CLERK'S OFFICE

1. None

Provincial/Federal Consultation Alert							
Title	Ministry	Consultation Deadline	Summary	Proposed Form of Input	Rationale	Lead	Link to Ministry Website
Proposed changes to Provincial laws on Joint and Several Liability	Ministry of the Attorney General	September 27, 2019	The Ministry of the Attorney General is seeking input from municipalities on joint and several liability, insurance costs, and the 'liability chill' affecting the delivery of everyday public services.	Written comments submitted to the Ministry of the Attorney General	Changes could see lower insurance costs and reduced liability exposure for Ontario municipalities	Legal, Realty, and Court Services	https://www.attorneygeneral.jus.gov.on.ca/english/

Provincial/Federal Consultation Alert							
Title	Ministry	Consultation Deadline	Summary	Proposed Form of Input	Rationale	Lead	Link to Ministry Website
ERO#019-0279 Proposed Provincial Policy Statement (PPS) Changes	Ministry of Municipal Affairs and Housing	October 21, 2019	<p>The Province is proposing changes to the PPS to support Ontario's Housing Supply Action Plan and recent changes to the land use planning system including Bill 108, More Homes, More Choice Act, 2019 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.</p> <p>Proposed changes include:</p> <ol style="list-style-type: none"> 1) Increasing Housing Supply and Mix including increasing the planning horizon from 20 to 25 years, increasing housing land supply from 10 to 12 years, and adding flexibility to the settlement area boundary expansion process. 2) Protecting the Environment and Public Safety including enhancing direction to prepare for the impacts of a changing climate, and enhancing stormwater management policies. 3) Reducing Barriers and Costs including requiring municipalities to fast-track development applications for certain proposals (e.g. housing), and refocusing energy policies to support a broad range of energy types and opportunities. 4) Supporting Rural, Northern and Indigenous Communities including enhanced municipal engagement with Indigenous communities on land use planning. 5) Supporting Certainty and Economic Growth including encouraging municipalities to assess locally-identified 	Written comments submitted through ERO. Council will be requested to endorse a proposed response at the October 16 Planning Meeting prior to submitting comments through the ERO.	The PPS is the consolidated statement of the provincial government's policies on land use planning that guides municipal decision making. Under the Planning Act municipal decisions on land use planning matters "shall be consistent with" the PPS. An endorsed Council response ensures that Council members are informed of the proposed changes and have an opportunity to contribute to the City's response.	Planning and Building Services	https://ero.ontario.ca/notice/019-0279

			employment areas when undertaking an official plan update, and providing municipalities with greater control over employment area conversions.				
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August 16, 2019

**Re: ERO Proposal Number 019-0184
O.Reg. 82/98**

**Proposed Changes to Regulations under the Development Charges Act,
1997**

Thank you for the opportunity to comment on Proposed Changes to Regulations under the Development Charges Act, 1997.

The City of Guelph provides the following comments on the “Proposed Changes to O.Reg 82/98 under the *Development Charges Act, 1997* related to Schedule 3 of Bill 108, the *More Homes, More Choice Act, 2019*.

1. Transition

The Minister proposes that the specified date for municipalities to transition to community benefits is January 1, 2021.

From this date to beyond:

- Municipalities would generally no longer be able to collect development charges for discounted services*

City of Guelph Recommendations:

The proposal should be amended to set the “specified date” for the purposes of s. 9.1 of the amended Development Charges Act, 1997 to no earlier than January 1, 2023.

The Minister should ensure that related amendments introduced through schedule 12 of the More Homes, More Choice Act, 2019 removing the “alternative requirement” for parkland dedication required under sections 42 and 51.1 of the Planning Act will not be proclaimed in force before the “specified date”.

The Minister should consider a legislative amendment to s. 51.1 of the Planning Act to close a potential gap with respect to parkland dedication/community benefits charges for Plans of Subdivision approved after s. 9 of Schedule 12 of the *More Homes, More Choice Act, 2019* is proclaimed in force, but before a municipality adopts a community benefit by-law as authorized by the amendments introduced through that section.

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The Minister should add transitional language for the discounted reserve fund balances and debt or capital obligations in place at the time of the specified date or the time of the community benefit charge by-law approval. Guelph recommends that any funds/obligations shall be transferred to the new community benefit charge reserve fund at the date of transition.

Commentary to support the recommendations:

The proposed specified date will not give municipalities' adequate time to do all that is required to amend and update existing development charges by-laws as well as prepare the required community benefits strategy and pass a community benefits charge by-law under the community benefits authority, once it is brought into force. This is particularly true given that the many aspects of this work, including the regulatory requirements for community benefits strategies and the proposed maximum "cap" on community benefits charges are not known at this time. For context, the most recent development charge study took approximately 18 months to complete from planning to by-law passage. This ensured appropriate community engagement time was allotted. The current proposed provincial timelines would not provide for quality engagement time with our community.

There is a potential for significant gaps in municipal revenues as a result of the transition to the community benefits regime introduced through the *More Homes, More Choice Act, 2019* if the existing "alternative rate" for parkland dedication under the *Planning Act* is removed before municipalities have implemented community benefits charge by-laws. These changes should not be brought into force prior to the "Specified Date".

There remains a potential issue with respect to parkland dedication imposed as a condition of a Plan of Subdivision. As amended by the *More Homes, More Choice Act, 2019*, subsection 51.1(6) will provide that where parkland dedication is required as a condition of a plan of subdivision imposed after the date section 9 of schedule 12 of the *More Homes, More Choice Act, 2019* comes into force any development or redevelopment of lands within that plan will not be subject to any community benefits charges by-law. This potentially immunizes future redevelopment within lands defined by a plan of subdivision approved after the new section 37 comes into force, but before a community benefits charge by-law is passed, from all future community benefits charges. A legislative change may be required to address this issue.

There remains a lack of guidance to how the transition of the discounted development charge reserve funds will be transitioned to the new community benefit charge regime. The City will have both positive and negative position discounted development charge reserve funds and in order to appropriately plan, this guidance is required.

2. Scope of types of Development Charges Deferral;

The Minister proposes that the types of developments proposed for development charge deferrals be defined as follows:

- *“Rental housing development” means construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for residential purposes with four or more self-contained units that are intended for use as rented residential premises*
- *“Non-profit housing development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for residential purposes by a non-profit corporation.*
- *“Institutional development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:*
 - *long-term care homes;*
 - *retirement homes;*
 - *universities and colleges;*
 - *memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion; and*
 - *hospices*
- *“Industrial development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:*
 - *manufacturing, producing or processing anything,*
 - *research or development in connection with manufacturing, producing or processing anything,*
 - *storage, by a manufacturer, producer or processor, of anything used or produced in such manufacturing, production or processing if the storage is at the site where the manufacturing, production or processing takes place, or*
 - *retail sales by a manufacturer, producer or processor of anything produced in manufacturing, production or processing, if the retail sales are at the site where the manufacturing, production or processing takes place.*
- *“Commercial development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:*

- *office buildings as defined under subsection 11(3) in Ontario Regulation 282/98 under the Assessment Act; and*
- *shopping centres as defined under subsection 12(3) in Ontario Regulation 282/98 under the Assessment Act.*

City of Guelph Recommendations:

Additional consultation with municipalities should be required with respect to certain terms. “Rental Housing Development” “Non-Profit Housing Development” and “Institutional Development” are overly broad and may capture types of development not intended. Terms within the proposed definitions “retirement home”) may require more specific definition. These definitions should be rationalized and linked to approved facilities under other provincial legislation (e.g. Public Hospital Act, Mental Health Act, Ministry of Training, Colleges and Universities Act, Ontario Not-for-Profit Corporations Act) to provide clear boundaries for the organizations that are eligible for this deferral.

Any exemptions should be explicitly tied to the functions being promoted (e.g. any exempted development by Universities and Colleges need to be connected to the educational purposes of those institutions, and not extend to development for other purposes or on other lands owned by those institutions that is not used for an educational purpose).

The proposed change should ensure that definitions in the regulation under the Development Charges Act, 1997 are rationalized, and do not conflict, with similar definitions in regulations under the Assessment Act. Warehouses, or warehouse expansions, not connected to on-site manufacturing, production or processing should not be eligible for deferral of payment or exemption for existing industrial buildings.

Commentary to support the recommendations:

The deferral of development charges will create a significant burden for municipalities, increasing both administrative and technology costs, creating new and unnecessary processes at time of building permit issuance and will impact on municipal debt capacity due to the need to cash flow these deferred payments while still providing the facilities and services they are intended to fund. The deferral will leave the municipality open to the risk of payment default, as a developer or associated company(s) could file bankruptcy and not pay the outstanding DCs owing.

Ambiguity in the definition for organizations/facilities eligible for the deferral of development charges causes significant burden on the municipality to create these boundaries through the municipal by-law and then defend them through the legal system. Further it causes administrative burden to continuously hear and advise on each development application for these requests. Clear and legislatively defensible boundaries are requested so that it is clear what the

eligibility requirement is for each category. Providing deferrals is costly on the tax payer, so they need to be limited and provided only when it is providing a benefit that is intended, that being affordable and rental housing.

The purpose of any exemption or deferral is to incent specific types of developments and the cost of those incentives are borne by the tax payer. For this reason, these should be limited to only specific purposes and functions. Universities can be one of the largest land developers within a city and their holdings are not all for the purpose of education. Development charge deferrals and exemptions should be limited only to those facilities required for education purposes.

Industrial and commercial development definitions, including the definition of “existing industrial building” should be rationalized with the definitions in regulations under the Assessment Act. The definition of “Existing Industrial Building” should also be rationalized. Warehouses not immediately connected with uses that provide employment and strengthen the industrial tax base should not qualify for any deferral or exemption for expansion of existing industrial buildings.

3. Period of Time for Which the Development Charge Freeze would be in Place:

In order to encourage development to move to the building permit stage so that housing can get to market faster and provide greater certainty of costs, the Minister is proposing that the development charge would be frozen until two years from the date the site plan application is approved, or in the absence of the site plan application, two years from the date the zoning application was approved.

City of Guelph Recommendations:

The proposed change to the regulation should be amended to freeze the development charge for one (1) year from the date of Site Plan approval (or Zoning approval). Further, in the case of a rezoning approval, the date of approval should be defined as the date when it was approved by the local Council. If that zoning is subsequently appealed to the LPAT, the development charge freeze does not stay in place until the matter is settled by the tribunal.

Building permit and site plan applications are often made simultaneously, and site plan approval is often the last step required for the issuance of a building permit. Two years from site plan approval to building permit would already represent a greater than usual delay, and where such delays are occurring it is unlikely to be related to the payment of development charges. A one year freeze will provide more incentive for a greater number of housing development projects, and impose less administrative burden on municipalities.

4. Interest rate during deferral and freeze of development charges

The Minister is not proposing to prescribe a maximum interest rate that may be charged on development charge amounts that are deferred or on development charges that are frozen.

The City of Guelph supports the proposed change.

5. Additional dwelling units

The existing O. Reg. 82/98 prescribes existing single detached dwellings, semi-detached/row dwellings and other residential buildings as buildings in which additional residential units can be created without triggering a development charge and rules related to the maximum number of additional units and other restrictions. It is proposed that this regulation be amended so that units could also be created within ancillary structures to these existing dwellings without triggering a development charge (subject to the same rules/restrictions).

The City of Guelph has no comment, this is consistent with the Legislation.

It is also proposed that one additional unit in a new single detached dwelling; semi-detached dwelling; and row dwelling, including in a structure ancillary to one of these dwellings, would be exempt from development charges.

The City of Guelph has no comment, this is consistent with the Legislation including previous amendments.

It is also proposed that within other existing residential buildings, the creation of additional units comprising 1% of existing units would be exempt from development charges.

The City of Guelph strongly believes the regulation should not be amended to make this exemption mandatory for all municipalities.

The policy objectives of this proposed change are unclear. It would seem to apply in an extremely limited number of cases in most Ontario municipalities, and there is no apparent rationale for requiring this type of growth to be subsidized by the existing tax-base. If such development is common or requires promotion within a specific municipality, the elected council of that municipality should decide if it ought to be exempted. Further this is a burdensome exercise to add to the process of determining quantity of development charges. Municipalities want a system that is efficient, achievable with technology and does not require manual staff intervention for charge calculations.

6. What Services can be charged for

The minister is proposing that various municipal services remain eligible for Development Charges.

(4) A development charge by-law may impose development charges to pay for increased capital costs required because of increased needs only for the following services:

12. Other services as prescribed. 2019, c. 9, Sched. 3, s. 2.

City of Guelph Recommendation:

The City recommends that where municipalities have an Active Transportation Plan in place, that routes identified within the Active Transportation Plan be eligible for Development Charges. The City recommends that Active Transportation Networks be considered as an eligible cost for Development Charges under 'Other Services as prescribed' within the regulation.

The More Homes More Choices Act espouses the values of improving travel times between work and home and improving commuting time. Active Transportation systems support movement within a community by providing safe and efficient destination oriented travel. Active Transportation plans help connect homes with schools and employment areas, they provide essential pedestrian and bicycle connections to transit hubs that have been identified as a critical part of this legislation. Active Transportation is supported by the Chief Public Health Officer's report on the State of Public Health in Canada 2017 as a way to build communities that support an active, healthy lifestyle. These networks form an essential part of how people are connected to transit, they are an effective and practical commuting option when designed as a network that connects residential areas with employment lands.

Please do not hesitate to contact me if you have any questions regarding the City of Guelph's feedback.

Sincerely,



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Cc Barbara Swartzentruber - Executive Director, Intergovernmental Relations and Strategy

Tara Baker - City Treasurer/ General Manager, Finance

August 16, 2019

**Re: ERO Proposal Number 019-0183
Bill 108 Community Benefit Charge**

Thank you for the opportunity to comment on the Proposed Changes to Regulations of the Planning Act specific to the Community Benefit Charge

The City of Guelph offers the following comments on the proposed regulations.

1. Transition

It is proposed that the specified date for municipalities to transition to community benefits is January 1, 2021

City of Guelph Recommendations:

The City recommends that the “specified date” be amended to no earlier than January 1, 2023 and be consistent with the “specified date in S9.1 of the amended Development Charges Act.

The Minister should ensure that related amendments introduced through schedule 12 of the More Homes, More Choice Act, 2019 removing the “alternative requirement” for parkland dedication required under sections 42 and 51.1 of the Planning Act not be proclaimed in force before the “specified date”.

The Minister should consider a legislative amendment to s. 51.1 of the Planning Act to close a potential gap with respect to parkland dedication/community benefits charges for Plans of Subdivision approved after s. 9 of Schedule 12 of the *More Homes, More Choice Act, 2019* is proclaimed in force, but before a municipality adopts a community benefit by-law as authorized by the amendments introduced through that section.

The Minister should provide transitional language for the changes impacting Section 37 that relate to; existing reserve fund balances, outstanding debt and capital obligations.. Guelph recommends that any funds/obligations be transferred to the new community benefit charge reserve fund at the date of transition.

Commentary to support the recommendations:

The proposed deadline for community benefit plan implementation does not provide sufficient time for municipalities to update the development charge study or plan, develop and implement a community benefit strategy. These strategies require significant community engagement and subject matter expertise including land

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value studies and population/growth projections. There needs to be more time allotted by the province for the municipal sector to adopt an entire new funding regime. As with anything new, there are implementation challenges that will inevitably occur.

Given the interdependency of the specified date in the Development Charges Act and the related sections of the Planning act, the City recommends aligning the deadlines to ensure there is no lost collections relating to parkland. The proposed regulation repeals section 42 of the Planning Act by January 1, 2020, however, a community benefit charge is not required until January 1, 2021. The City is concerned that there will be a gap in which municipalities will lack the authority to collect sufficient parkland dedication funds therefore causing an unintended loss of revenue for this period, that will ultimately be borne by the tax payers.

There remains a potential issue with respect to parkland dedication imposed as a condition of a Plan of Subdivision. As amended by the *More Homes, More Choice Act, 2019*, subsection 51.1(6) will provide that where parkland dedication is required as a condition of a plan of subdivision imposed after the date section 9 of schedule 12 of the *More Homes, More Choice Act, 2019* comes into force any development or redevelopment of lands within that plan will not be subject to any community benefits charges by-law. This potentially immunizes future redevelopment within lands defined by a plan of subdivision approved after the new section 37 comes into force, but before a community benefits charge by-law is passed, from all future community benefits charges. A legislative change may be required to address this issue.

There remains a lack of guidance to how the transition of the parkland dedication and Section 37 reserve funds will be transitioned to the new community benefit charge regime. The City will have both positive and negative balance reserve funds and in order to appropriately plan, this guidance is required.

2. Reporting on Community Benefit and/or Parkland Reserve Fund Activity

The new legislation requires that municipalities prepare an annual report disclosing; the opening and closing balances of the special account, a description of all purchases made throughout the year, details relating to borrowing and all interest earned or incurred by the special account.

City of Guelph Recommendation:

The proposed regulation should be amended to specifically state that the descriptions may be general in nature. Specific details (municipal addresses, etc.) should not be required where amounts have been allocated for future or potential land acquisitions. This will impair the City's ability to negotiate freely to acquire land at a market value.

3. Exemptions to the Community Benefit Charge

To encourage the development of certain types of development, the proposed amendments to the Planning Act includes a list of development and redevelopment types where a Community Benefit Charge may not be imposed.

The list includes:

- Long-term care homes*
- Retirement homes*
- Universities and colleges*
- Memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion*
- Hospices*
- Non-profit housing*

City of Guelph Recommendations:

The City recommends removing the proposed statutory exemptions, rather encourage municipalities to develop grant programs to incentivize developments that align with corporate strategy.

If statutory exemptions are retained, additional consultation is required to ensure precision in these definitions. Any exemptions should be explicitly tied to the functions being promoted (e.g. any exempted development by Universities and Colleges should be connected to the educational purposes of those institutions, and not extended to development for other purposes or on other lands owned by those institutions that is not used for an educational purpose).

Additional consultation with municipalities should be required with respect to certain terms. “Non-Profit Housing Development”, “Long-term Care Home” and “Retirement Home” are overly broad and may capture types of development not intended. These terms within the require more specific definition and should be rationalized and linked to approved facilities under other provincial legislation (e.g. Public Hospital Act, Mental Health Act, Ministry of Training, Colleges and Universities Act, Ontario Not-for-Profit Corporations Act) to provide clear boundaries for the organizations that are eligible for this deferral.

Further, the exemptions should mirror those defined in the Development Charge Act so that there is alignment for the calculation of all development exemptions.

Commentary to support the City’s recommendations:

Exemptions impose a significant burden on existing tax payers. This legislative change will make it impossible for growth to pay for growth or for municipalities to recover as much as was possible under the old legislation. The burden of

providing equitable service levels to the end users of the exempted development types will either need to be included within the rate of the Community Benefits Charge and applied to development types that are not exempt, will be subsidized by existing tax payers or these end users will do without soft services. None of these options seems to present an equitable solution for any stakeholder.

Ambiguity in the definition for organizations/facilities eligible for the deferral of development charges causes significant burden on the municipality to create these boundaries through the municipal by-law and then defend them through the legal system. Further, it causes administrative burden to continuously hear and advise on each development application for these requests. Clear and legislatively defensible boundaries are requested so that it is clear what the eligibility requirement is for each category.

The exemptions for community benefit charges and development charges should be consistent for ease of calculating and applying charges at time of building permit. To have differing rules creates an unnecessary complexity that should be avoided.

4. Community Benefit Formula

The amendments to the Planning Act provide the authority for municipalities to charge for community benefits at their discretion, to fund a range of capital infrastructure for community services needed because of development or redevelopment. The community benefits charge payable shall not exceed the amount determined by a formula involving the application of a prescribed percentage of the value of the development land.

The prescribed percentage has not yet be determined, but the intent is that the prescribed rate ensures municipalities collect as much as was possible with development charges for soft services, density bonusing, and parkland dedication including the alternative rate. The new approach is intended to make costs of development more predictable for developers.

City of Guelph Recommendations:

The formula needs to ensure full cost recovery for all growth-related costs of new development (including redevelopment). It needs to fairly distribute the cost of amenities based upon density of sites given that higher densities are driving the need for these services.

The community benefit charge formula should derive a rate per unit (residential/multi-residential) or a rate per sqft (institutional, commercial, industrial) of development similar to a development charge if there is to be any certainty for either the municipality or the developer. This is the rate that is applied and collected at building permit. The “cap” based upon land value should

only be used as a test and therefore be set high enough that it should not apply in most circumstances, and primarily used to achieve two goals:

- Ensure a reasonable limit is imposed on the CBC, and that the capital costs of facilities and services identified in the required community benefits strategy are reasonable, appropriate and ensure service level equity between development completed under old legislative regime and the new legislation. In this respect, it would replace existing limitations on the tools replaced (e.g. average level of service for development charges).
- Ensure the CBC does not become a barrier to the types of development the changes introduced through Bill 108 seek to promote, particularly with respect to constrained or otherwise difficult development sites (e.g. Brownfield redevelopment).

It is recommended that the cost of the statutory community benefit charge exemptions be built into the Community Benefit Charge to ensure there are no unfavourable impacts on the existing tax payer.

The City recommends that the Community Benefit Charge be due at building permit for all residential and non residential developments, and not be eligible for a deferred payment unless approved by council and entered into through legal agreement.

The City recommends that municipalities be given the authority to assign community benefit charge exemptions through their Community Benefit Charge by-law.

The City recommends that any negative balance in the reserve funds relating to soft services, be an eligible expense under the community benefit charge.

The City recommends that all debt amounts outstanding for soft services be eligible expenses under the community benefit charge.

It is recommended that all studies that address the accommodation of growth within the municipality be an eligible expense.

It is recommended that the community benefit strategy consider the capital infrastructure and amenities needed to accommodate growth to build out.

Commentary to support the City's recommendations:

The City believes there is no correlation between the value of land and the cost to construct facilities or amenities; so limiting the amount a municipality can recover from new development to pay for infrastructure needed to accommodate growth to the value of land, not construction costs, is without merit.

The regime based upon land value only will reduce the municipality's ability to forecast and plan for revenues over the long-term as land values are variable and reactive to market conditions. In order to achieve the goal of cost certainty up front, the CBC should likely be calculated in a manner similar to the calculation of existing development charges – that is, the need for facilities and services to which the CBC applies should be determined through the community benefits strategy. An estimate of the total capital costs to provide those facilities and services should be made, and a static charge per unit (for residential development) or per square metre (for other forms of development) should be established based on the expected growth over a certain period.

The CBC by-law will require an analysis of the need for facilities and services to accommodate growth not funded through development charges or other means, and to determine the capital costs of those required services in order to create a community benefits charge that can be applied to developments that meet the legislated criteria (the required community benefits strategy). Because this analysis, and the resultant charge, will be based on the municipality's needs, the imposition of a cap can only serve to ensure that the municipality will not achieve revenue sufficient to fund those identified needs. Shortfalls will need to be made up by other revenues, which will not meet the goal of maintaining existing revenue from the tools the CBC is intended to replace or ensure that future revenues are sufficient to meet the needs of the municipality and its residents.

5. Appraisals for community benefits

The proposed community benefit charge is limited by a percentage of the land value that will be prescribed by the regulations. If a developer believes that the municipality has applied a community benefit charge in excess of the prescribed rate, they may provide the municipality with an independent land value appraisal. The municipality may provide another appraisal of the land if it is believed that the developer's appraisal is not accurate. If the two appraisals differ by more than 5%, a third appraisal will be done by a list of municipally approved appraisers.

City of Guelph Recommendations

Provision should be made to permit the extension of the municipality's timeframe for a responding appraisal in certain circumstances (for instance, where no appraiser is available/able to provide the responding appraisal within the required timeframes, or where information required from a landowner for the purposes of an appraisal has not been provided).

Further, legislative changes or additional enabling powers for regulations should be added to address the following concerns:

- Municipalities should be explicitly authorized to charge the owner of the land the reasonable costs of any appraisals required from the municipality in this process.
- Owners should be required to allow access to the property being appraised and provide any information reasonably required for the purposes of a municipal appraisal, or an appraisal by an appraiser selected from the municipal list of appraisers.

6. Excluded services for community benefits

Similar to the previous Development Charges Act, costs relating to the following will not be eligible for recovery from growth through the community benefit charge:

- *Cultural or entertainment facilities*
- *Tourism facilities*
- *Hospitals*
- *Landfill sites and services*
- *Facilities for thermal treatment of waste*
- *Headquarters for general administration of municipalities and local boards*

City of Guelph Recommendation

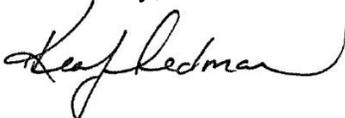
More certainty may be needed with respect to “cultural or entertainment facilities”. While it has previously been prohibited to collect a development charge related to this category of services, the provision of public art and other “cultural facilities have been eligible for contributions under the existing section 37 of the *Planning Act*. Matters that could have been funded under the existing section 37 of the *Planning Act* should not be made ineligible under the community benefit charge.

7. Community Planning Permit System

The City of Guelph has no comment to this section.

Please do not hesitate to contact me if you have any questions regarding the City of Guelph’s feedback.

Sincerely,



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