

**Ref: 2008-MM22.8**

June 27, 2008

**PLANNING AND GROWTH MANAGEMENT COMMITTEE:**

City Council on June 23 and 24, 2008, referred the following Motion to the Planning and Growth Management Committee:

**MM22.8 Request the Provincial Government to Require Section 37 Donations in Every Ontario Municipal Board Decision**  
*Moved by Councillor Walker, seconded by Councillor Stintz***SUMMARY:**

The planning applications evaluated and decided upon by City Council are being appealed to the Ontario Municipal Board (OMB) more than ever before. The OMB is overruling City Council more and more these days.

The major planning applications, or Re-Zonings, are particularly distressing to Toronto due to their impacts. The installation of a new, large building brings impacts to its immediate neighbourhood and by extension, bring a compounded impact to the City as a whole. These impacts are felt in the overcrowding of our sidewalks and roads, our subway platforms and trains, our water and sewer pipe capacity, our community centre capacity, and so on.

The Planning Act of Ontario includes provision (Section 37) for monetary donations from the applicant (developer) that are to be collected by the City if a development is considered to be reasonable and has justification for superseding the limits of the City's Zoning By-law. This monetary donation is to be collected for Capital upgrades of community facilities. A suggested list of community facilities to be upgraded or established via these donated Section 37 funds is identified by City Planning, during the evaluation of a proposed development.

Unfortunately, when the OMB overrules City Council to approve a development, it does not award the required Section 37 benefits to the City; or if the OMB does award a Section 37 benefit, it is substantially less than what is recommended by City Planning to be adequate. When the OMB fails to award Section 37 to the City, it furthers our deficit in funding Capital facilities needed to accommodate the resultant intensification.

The Provincial government has a responsibility to ensure the OMB's decisions do not negatively impact the municipalities whose decisions it overturns. Ensuring the appropriate Section 37 benefits are awarded to the City of Toronto in every OMB decision would help the City of Toronto cope with the intensification where City Council planning decisions have not been final and would help address some of our infrastructure deficit.

**RECOMMENDATIONS:**

1. That Toronto City Council request the Provincial government to order the Ontario Municipal Board to award the recommended and appropriate Section 37 benefits as defined in the Planning Act of Ontario when the Ontario Municipal Board approves any application for development within the City of Toronto.
2. That this Resolution be forwarded to the Premier of Ontario and the respective leaders of the Provincial Opposition.

for City Clerk

M. Toft/cd