

Authority: Executive Committee Item EX34.2, adopted as amended, by City of Toronto Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 1139-2022

To adopt a Community Benefits Charge by-law for the City of Toronto as City of Toronto Municipal Code Chapter 415, Development of Land, Article VI.

Whereas authority is given to Council under section 37 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to adopt a community benefits charge by-law; and

Whereas the City of Toronto has prepared a community benefits strategy pursuant to subsection 37(9) of the Planning Act; and

Whereas the City of Toronto has consulted with appropriate persons and public bodies in the preparation of this by-law;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 415, Development of Land, Article VI, Community Benefits Charge by-law, as follows:

ARTICLE VI Community Benefits Charges

§ 415-47. Definitions.

As used in this Article the following terms shall have the meaning indicated:

BASEMENT - the portion of a building between the first floor and any floor below the level of the first floor.

BUILDING CODE ACT - the Building Code Act, 1992, S.O. 1992, c.23, as amended.

BUILDING PERMIT - A permit issued pursuant to the Building Code Act that permits the construction, alteration or change in use of a building or structure which is described in its respective building permit application.

BUILDING PERMIT APPLICATION - An application submitted to and accepted by the Chief Building Official for a building permit which complies with the applicable zoning by-law and with all technical requirement of the Building Code Act and includes payment of all applicable fees.

CHIEF BUILDING OFFICIAL - A chief building official for the City of Toronto appointed or constituted under section 3 of the Building Code Act or their designate.

CITY OF TORONTO ACT, 2006 - the City of Toronto Act, 2006, S.O. 2006, C.11, as amended.

COMMUNITY BENEFIT STRATEGY - the community benefit strategy prepared pursuant to subsection 37(9) of the Planning Act.

CONDOMINIUM ACT - the Condominium Act, 1998, S.O. 1998, c.19 as amended.

DEVELOPMENT OR REDEVELOPMENT – Any activity or proposed activity in respect of any land, building or structure that requires:

- A. the passing of a zoning by-law or of an amendment to a zoning by-law;
- B. the approval of a minor variance;
- C. a conveyance of land to which a part lot control exemption by-law applies;
- D. the approval of a plan of subdivision;
- E. a consent to sever;
- F. the approval of a description of a plan of condominium pursuant to the Condominium Act; or
- G. the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.

EXECUTIVE DIRECTOR, CORPORATE AND REAL ESTATE MANAGEMENT - the Executive Director, Corporate and Real Estate Management for the City of Toronto or their designate.

GROSS FLOOR AREA - the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level.

HOUSING NOW DEVELOPMENT - development of affordable and market rental housing on City-owned lands under a long term lease and related development of ownership homes, if any, on City-owned lands sold to a developer, provided all such development occurs as part of the Housing Now Initiative.

HOUSING NOW INITIATIVE - the initiative originally approved by Council through the adoption of Item CC1.3 on December 4, 5 and 13, 2018 and Item EX1.1 adopted January 20 and 31, 2019 to increase the supply of affordable housing by leveraging the value of underutilized City-owned lands.

IN-KIND CONTRIBUTION - facilities, services or matters identified in a Community Benefits Strategy and required because of development or redevelopment provided by an owner of land, in lieu of payment of the community benefits charge otherwise applicable, in whole or in part.

MUNICIPAL HOUSING PROJECT FACILITY - means the class of municipal capital facilities prescribed by paragraph 18 of section 2 of Ontario Regulation 598/06, and as further defined in the City's Municipal Housing Facility By-law 183-2022, as such by-law may be amended or replaced from time to time.

MUNICIPAL HOUSING PROJECT FACILITY AGREEMENT - an agreement entered into pursuant to section 252 of the City of Toronto Act for the provision of a Municipal Housing Project Facility.

PHASE - part or parts of a larger development that are not being built concurrently and for which multiple building permit applications will be submitted.

PLANNING ACT - the Planning Act, R.S.O. 1990, c. P.13.

RESIDENTIAL UNIT - a unit that:

- A. consists of a self-contained set of rooms located in a building or structure,
- B. is used or intended for use as residential premises, and
- C. contains kitchen and bathroom facilities that are intended for the use of the unit only.

STOREY - a level of a building, other than a basement, located between any floor and the floor, ceiling or roof immediately above it.

VALUE OF THE LAND - for the purposes of determining the community benefit charge payable, appraisals of land value at first building permit issuance shall be carried out under the direction of the Executive Director, Corporate and Real Estate Management and shall be determined in accordance with generally accepted appraisal principles.

§ 415-48. Community Benefits Charges.

- A. A community benefit charge shall be payable for the capital costs of facilities, services and matters required for development and redevelopment of all lands in the geographic area of the City of Toronto.
- B. The community benefit charge shall be imposed on all development or redevelopment of a building or structure with five or more storeys and that adds ten or more Residential Units.
- C. The amount of the community benefit charge payable is 4 percent of the value of the land that is the subject of the development or redevelopment on the day before the day the first building permit is issued in respect of the development or redevelopment.
- D. The community benefit charge is payable prior to the issuance of the first building permit issued for the development or redevelopment.

- E. If a development or redevelopment is to be constructed in phases each Phase of the development is deemed to be a separate development or redevelopment for the purposes of this Article and the amount of the community benefit charge for each Phase will be 4 percent of the value of the land attributable to that Phase on the day before the first building permit for development or redevelopment of that Phase is issued.

§ 415-49. Exemptions.

- A. The value of the gross floor area for the following uses shall be excluded from the value of the land used to determine the community benefit charge payable:
- (1) uses set out in Section 1 of Ontario Regulation 509/20 to the Planning Act;
 - (2) any affordable housing unit that is the subject of a Municipal Housing Project Facility Agreement;
 - (3) any rental unit as defined in and required to be replaced pursuant to City of Toronto Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control, as such by-law may be amended or replaced from time to time;
 - (4) any existing Residential Unit that is not demolished on the land that is the subject of the development or redevelopment; and
 - (5) any existing non-residential use that is not demolished or converted to residential uses on the land that is the subject of the development or redevelopment.
- B. Despite § 415-48 B of this Article, a community benefit charge shall not be payable for the following exempted types of development or use:
- (1) development or redevelopment that is a Housing Now Development; and
 - (2) development or redevelopment comprising less than 10,000 square metres of residential gross floor area and for which an application for an amendment to a by-law under section 34 of the Planning Act or an application for site plan approval under section 114 of the City of Toronto Act, 2006 was received and deemed complete, in accordance with the requirements of the Planning Act and City of Toronto Official Plan Policy 5.5.2, prior to the passing of this Article.
- C. The onus is on the owner or applicant to produce evidence to the satisfaction of the City establishing that the owner or applicant is entitled to an exclusion or exemption under the provisions of this Article or Regulation 509/20 to the Planning Act.

§ 415-50. In-kind contributions.

- A. In the event that City Council has allowed an owner of land to provide an in-kind contribution in-lieu of payment of the community benefits charge otherwise payable and arrangements for its provision that are satisfactory to Council have been made, the community benefit charge otherwise payable for the development or redevelopment will be reduced by the value that the City has attributed to the in-kind contribution.
- B. Any development or redevelopment or use that is excluded or exempted in this Article shall not be considered an in-kind contribution for the purposes of subsection 37 (8) of the Planning Act.

§ 415-51. Regular review of this Article

- A. Within five years after this Article is passed City Council shall ensure that a review of this Article is undertaken and shall pass a resolution declaring whether a revision to this Article is needed and thereafter shall further review and pass a resolution every five years after the previous resolution was passed.

Enacted and passed on August 15, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)