

Attachment 2: Draft Parkland Dedication By-Law

City of Toronto By-law No. ~-2022
AMENDMENT NO. ~~~ TO THE TORONTO MUNICIPAL CODE CHAPTER 415,
DEVELOPMENT OF LAND

1. Article III, Conveyance of Land for Park Purposes as a Condition of Development is deleted and replaced as follows:

ARTICLE III
Conveyance of Land for Park Purposes as a Condition of Development

§ 415-21. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING AREA –

- A. In the case of an addition to an existing building or structure, the building or structure as enlarged less the building area of the existing building or structure to be retained.
- B. In the case of an alteration to an existing building or structure, the building or structure as altered less the building area of the existing building or structure to be retained and not altered.
- C. In the case of an addition and alteration to an existing building or structure, the building or structure as altered plus the area of the addition, less the building area of the existing building or structure to be retained and not altered.

BUILDING PERMIT APPLICATION - An application submitted to and accepted by the Chief Building Official for an above grade building permit that complies with the applicable zoning by-law and with all technical requirements of the Building Code Act, 1992 including payment of all applicable fees.

DEVELOPMENT –

- A. The construction, erection or placing of one or more buildings or structures on land.
- B. The making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability of the building or structure.
- C. The redevelopment of land through the removal of one or more buildings or structures to permit such development.

D. The laying out and establishing of a commercial parking lot.

E. The conversion of a building or structure originally proposed for an exempted or nonresidential use, to another use.

DWELLING ROOM - A room used or designed for human habitation which may include either but not both culinary or sanitary conveniences, and:

A. Includes but is not limited to rooms in the following building types:

- (1) Group Homes;
- (2) Long Term Care Homes;
- (3) Retirement Homes or lodges; and
- (4) Special care or special needs dwellings.

B. Does not include:

- (1) A room in a hotel, motel, tourist home or guest home;
- (2) A bathroom or kitchen;
- (3) A room in a dwelling unit; and
- (4) A windowless storage room that has a floor area of less than 10 square metres.

DWELLING UNIT - Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one or more persons, in which both culinary and sanitary facilities are provided for the exclusive use of such persons, but does not include a room or suite of rooms in a hotel.

ENVIRONMENTAL LANDS - Includes:

A. Valley land, being those lands located below the top of bank as defined by the Toronto and Region Conservation Authority and including any required buffer land or setback beyond the top of bank;

B. Lands identified as Natural Heritage in the official plan;

C. Provincially significant lands including Areas of Natural or Scientific Interest (ANSI), wetlands and environmentally significant areas (ESA);

D. Woodlots;

E. Areas identified in Chapter 658, Ravine and Natural Feature Protection;

F. Storm water management facilities; and

G. Rail berms, noise attenuation fences and crash walls.

INDUSTRIAL USES - Lands, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of goods, warehousing or bulk storage of goods, self storage facilities, distribution centres, truck terminals, research and development in connection with manufacturing, producing or processing of goods, and:

A. Includes office uses and the sale of commodities to the general public where such uses are accessory to and subordinate to an industrial use.

B. Does not include:

(1) A building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above; or

(2) Warehouse clubs and retail warehouses, including commercial establishments which have as their principal use the sale of goods and merchandise in a warehouse format.

GARDEN SUITE - a self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupant(s) of the suite and is in an ancillary building not abutting a lane. A laneway suite is not a garden suite.

LANEWAY SUITE - A self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, in a detached building that is ancillary to a residential building on the same lot, and is located in the rear yard abutting a lane.

LONG TERM CARE HOME - Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the Long-Term Care Homes Act, 2007.

NON-PROFIT HOUSING - Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof;

B. A non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act.

NON-RESIDENTIAL - Land, buildings or structures or portions thereof used, or designed or intended for a use other than for a residential use.

NON-RESIDENTIAL REPLACEMENT BUILDINGS OR STRUCTURES - A replacement building or structure which is to be constructed, erected or placed on land as a result of the destruction, by fire or act of God, of an original building or structure on the land, if the use of the new building remains the same and the building area of the new building or structure is to be no greater than that of the original building or structure.

PARKLAND ACQUISITION PRIORITY AREA - An area of the City that has been identified as a priority area for parkland acquisition and is subject to the application of the Alternative Parkland Dedication Rate, as provided for in the City's Official Plan and identified as:

A. An area shown on Maps 1a and A-1 through 11, inclusive, attached as Schedule A to this article at the end of this chapter;

B. An Employment Area identified on the City's Official Plan, Chapter 4, Land Use Plan Maps, that is converted through Official Plan amendment to include residential uses;

C. A Mixed Use Area identified on the City's Official Plan, Chapter 4, Land Use Plan Maps;

D. An Avenue, identified on the City's Official Plan, Chapter 2, Urban Structure Map.

RESIDENTIAL USE - Land, buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used as living accommodation, and:

A. Includes:

(1) Accessory uses naturally and normally incidental in purpose to the residential use;

(2) Accessory uses exclusively devoted to the residential use;

(3) A unit designed for combined live/work uses;

B. Does not include a hotel or similar building or structure providing temporary accommodation.

TRANSIT-ORIENTED COMMUNITY LAND – Lands designated as such under the *Transit-Oriented Communities Act, 2020*, S.O. 2020, c. 18,

§ 415-22. Conveyance of land for parks purposes.

As a condition of development of land the owner of the land shall convey or cause to be conveyed to the City, land for park or other public recreational purposes in the following manner:

- A. For residential uses, land equal to 5 percent of the land to be developed.
- B. For non-residential uses, land equal to 2 percent of the land to be developed.
- C. Where the development of a single parcel of land is proposed for both residential uses and non-residential uses, the respective rates set out in §§ 415-22A, 415-22B and 415-23 will be allocated proportionally according to the floor space of the respective uses.

§ 415-23. Alternative rate.

Despite § 415-22A, as a condition of development of land for residential use in a parkland acquisition priority area, the owner of the land shall convey or cause to be conveyed to the City, the greater of the amount set out in § 415-22A, or land at a rate of 0.4 hectares for each 300 dwelling units proposed provided that:

- A. For sites less than one hectare in size, the parkland dedication will not exceed 10 percent of the development site, net of any conveyances for public road purposes.
- B. For sites one hectare to five hectares in size, the parkland dedication will not exceed 15 percent of the development site, net of any conveyances for public road purposes.
- C. For sites greater than five hectares in size, the parkland dedication will not exceed 20 percent of the development site, net of any conveyances for public road purposes.
- D. Despite §§ 415-23A, 415-23B, and 415-23C, for sites five hectares or less in area located on land designated as transit-oriented community land, the parkland dedication will not be less than 5 percent or exceed 10 percent of the development site.
- E. Despite §§ 415-23A, 415-23B, and 415-23C, for sites greater than five hectares in area located on land designated as transit-oriented community land, the parkland dedication will not be less than 5 percent or exceed 15 percent of the development site.

§ 415-24. Cash-in-lieu of land dedication.

A. Despite § 415-22, where the size, shape or location of land proposed for parkland dedication is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require payment of cash-in-lieu of land.

B. Despite § 415-23, where the size, shape or location of land proposed for parkland dedication in parkland acquisition priority area is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require payment of cash-in-lieu of land, provided:

(1) that the value of the cash-in-lieu does not exceed:

(a) Ten percent of the value of the development site, net of any conveyances for public road purposes, for sites less than one hectare in size or, for land designated as transit-oriented community land, for sites five hectares or less in size.

(b) Fifteen percent of the value of the development site, net of any conveyances for public road purposes, for sites one hectare to five hectares in size or, for land designated as transit-oriented community land, for sites greater than five hectares in size.

(c) Twenty percent of the value of the development site, net of any conveyances for public road purposes, for sites over five hectares in size that are not on land designated transit-oriented community land.

(2) In no case, will the residential parkland dedication, cash-in-lieu or combination thereof, be less than 5 percent of the development site or the value of the development site, net of any conveyances for public road purposes.

§ 415-25. Cash-in-lieu; allocation.

A. Any payment of cash-in-lieu of land in accordance with § 415-24 will be used for the acquisition of new parkland or the improvement of parks and recreational facilities in accordance with the following allocation and the cash-in-lieu allocation policy:

(1) 50 percent for the acquisition of lands for parks and recreation purposes, further divided as follows:

(a) 50 percent to acquire parkland within the district where the funds were generated; and

(b) 50 percent to acquire parkland throughout the City.

(2) 50 percent for the development of parks and recreation facilities, further divided as follows:

(a) 50 percent to develop and upgrade parks and recreation facilities within the district where the funds were generated; and

(b) 50 percent to develop and upgrade parks and recreation facilities throughout the City.

B. Despite § 415-25A, Community Councils may recommend to City Council, through the Budget Committee, the allocation of expenditures of up to 100 percent of the district portion of parks and recreation facility development funds allocated under § 415-25A(2)(a) for the acquisition of parkland within the district where the funds were generated under § 415-22A(1)(a).

C. Any payment of cash-in-lieu of land to be conveyed through the alternative rate provision in accordance with § 415-24B in excess of 5 percent of the site area will be used to acquire parkland that is accessible to the area in which the development is located or to improve parks in the vicinity of the development.

§ 415-26. Parkland conveyance; conditions.

A. The location and configuration of land required to be conveyed shall be in the discretion of the City.

B. All conveyances shall be free and clear of all liens and encumbrances.

(1) Despite § 415-26B, encumbered land shall be deemed to count toward the parkland requirement if the encumbered land is designated as transit-oriented community land and is identified as encumbered by way of an order by the Minister of Infrastructure as per Section 42 (4.27) of the *Planning Act*.

C. Where on-site parkland dedication is not feasible, an off-site parkland dedication that is accessible to the area where the development site is located may be substituted for an on-site dedication, provided that:

(1) The off-site dedication is a good physical substitute for any on-site dedication;

(2) The value of the off-site dedication is equal to the value of the on-site dedication that would otherwise be required; and

(3) Both the City and the applicant agree to the substitution.

D. Land to be conveyed shall be in conformity with Council policies and guidelines for parkland.

E. Environmental lands will not be considered a conveyance for parks or other recreational purposes for the purposes § 415-22 and § 415-23.

§ 415-27. Administrative authority.

The General Manager Parks, Forestry and Recreation is authorized to determine the specific combination of land and/or cash in lieu of land on a site specific basis in accordance with this article and the City's Official Plan policies.

§ 415-28. Timing of conveyance or payment.

The conveyance of land or payments required to be made under this article shall be made prior to the issuance of the first above-ground building permit for the land to be developed.

§ 415-29. Valuation of land.

A. All appraisals of land value shall be carried out under the direction of the Executive Director, Facilities and Real Estate and shall be determined in accordance with generally accepted appraisal principles.

B. The cost of any appraisal undertaken by the City shall be paid for by the owner.

C. The value of the land shall be determined as of the day before the day of issuance of the first building permit in respect of the development.

D. The conveyance of land or payment of cash in lieu of land shall be taken into consideration in determining an appropriate credit with respect to the amount of money or land which may be required in connection with the further development of the subject lands:

(1) Where land has been conveyed to the City for park or other public recreational purposes, exclusive of highways and floodplain lands;

(2) Where a payment of cash in lieu of such conveyance has been received by the City in accordance with this article;

(3) Pursuant to the provisions of sections 42, 51.1 or 53 of the Planning Act.

§ 415-30. Exemptions.

A. This article does not apply to the following types of development:

(1) Non-profit housing;

(2) Replacement of an existing dwelling unit on an existing lot;

- (3) Enlargement of an existing dwelling unit on an existing lot, including a detached garage;
- (4) Creation of 1 additional dwelling unit in an existing residential building or the creation of 1 Laneway Suite on a lot, or the creation of 1 Garden Suite on a lot, which exemption for greater clarity, shall be given once, for the creation of only one additional dwelling unit on the lot;
- (5) Long Term Care homes;
- (6) Non-residential replacement buildings or structures;
- (7) An addition of 200 square metres or less to an existing non-residential building;
- (8) Industrial Uses;
- (9) Buildings or structures owned by and used for the purposes of:
 - (a) the Government of Canada;
 - (b) the Province of Ontario;
 - (c) the City of Toronto;
 - (d) Toronto Hydro Corporation.
- (10) Buildings or structures owned by and used for the purposes of:
 - (a) a public school as set out in the Education Act;
 - (b) a public university receiving regular and ongoing government operating funds for the purposes of providing post-secondary education;
 - (c) a public college established in accordance with the Ontario Colleges of Applied Arts and Technology Act, 2002.
- (11) Public Hospitals receiving and using aid under the Public Hospitals Act for the purposes set out in that Act.
- (12) Municipal child care centres and non-profit child care providers on Toronto District School Board, Toronto Catholic District School Board, or municipal lands;
- (13) Temporary uses pursuant to Section 39 of the Planning Act.

B. This article does not apply to the geographic areas described in Schedule B to this article attached at the end of this chapter.

§ 415-31. Transition.

A. The alternative rate provisions of this article shall not apply in respect of the development of any land where a building permit application that complies with applicable zoning with respect to the land was received prior to January 1, 2008, in which case the alternative parkland dedication rate as set out in the parkland dedication by-laws of the predecessor municipalities in force at that time shall apply with respect to that development.

B. Despite § 415-22, where there is a site or area specific by-law, a section 37 agreement, or other site specific agreement or exemption legally in effect on May 3, 2011, that provides for an exemption or for the conveyance of land for park or other recreational purposes or cash in lieu thereof at a different rate than the rate set out in § 415-22, the rate or exemption set out in that by-law, or agreement shall prevail over the rates set out in § 415-22, unless:

(1) there is a change in the proposed development that would increase the density of the development; or

(2) land originally proposed for development for an exempted use or for commercial or industrial purposes is now proposed for development for other purposes.

C. This article does not apply to any previously authorized agreements that provide for use of an alternative parkland dedication rate legally in effect at the time of adoption of the City's Official Plan.

D. Despite § 415-23, where a secondary plan or a site or area specific policy legally in effect on January 1, 2008, provides for a different alternative rate than that set out in § 415-23 or for an exemption, the alternative rate or the exemption set out in the secondary plan or the site or area specific policy shall prevail over the alternative rates set out in § 415-23.

E. Despite Subsection D, the alternative rates set out in § 415-23 shall prevail over the alternative rate legally in effect on January 1, 2008 for the North York Centre Secondary Plan.

F. Despite Subsections D and E, the alternative rates set out in §§ 415-23D and 415-23E regarding designated transit-oriented community land shall prevail over any alternative rates contained in the Official Plan including its constituent Secondary Plans.

§ 415-31.1 Conflict.

In the event of a conflict between the provisions of this article and any by-laws of the former municipalities respecting the conveyance of land for parks purposes as a condition of development, the provisions of this article shall prevail to the extent of the conflict.

§ 415-31.2 Repeals.

The following by-laws are repealed effective May 3, 2011:

- A. Chapter 302 (By-law 1988-193) and Chapter 303 (By-law 1993-23) of the former City of Etobicoke Municipal Code.
- B. By-law 30152 of the former City of North York.
- C. By-laws 20512 and 22660, of the former City of Scarborough.
- D. Chapter 165, Article 1, of the former City of Toronto Municipal Code.
- E. Chapter 445 (By-law 13-83) of the former City of York Municipal Code.

**SCHEDULE A, ARTICLE III
CONVEYANCE OF LAND FOR PARK PURPOSES AS A CONDITION OF
RESIDENTIAL DEVELOPMENT, MAPS 1A AND A-1 – A-11**

[Re-insert Maps 1A and A-1 to A-11 as currently found in the by-law]

**SCHEDULE B, ARTICLE III
CONVEYANCE OF LAND FOR PARKS PURPOSES AS A CONDITION OF
DEVELOPMENT**

Municipal Code Chapter 415, Development of Land, Article III, Conveyance of Land for Park Purposes as a Condition of Development, does not apply to the following geographic areas:

- A. The Railway Lands as described in By-law 612-85.
- B. Land known in the year 1989 as "No. 99 Paton Road" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of Lots 2, 3, 4, 5 and part of Lot 1 on the north side of Bloor Street, now Bloor Street West, and Lots 30, 31 and 32 on the south side of Paton Road according to Plan 392 registered in the Land Registry Office for the Registry Division of Toronto (No. 63), designated as PARTS 1, 2, 3, 4, 5, 6, 7, 8,

9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 on a plan of survey deposited in the said Land Registry Office as 63R-4634.

- C. The Massey-Ferguson land as defined in subsection 2(1) of By-law 438-86.
- D. The land bounded by Yonge Street, Gerrard Street West, Bay Street and College Street.
- E. The land municipally known in the year 1992 as "No. 230 Front Street West" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of part of Block 1, according to Plan 66M-2248, registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), designated as PARTS 1, 2, 3, 4, 5 and 7 on a plan of survey deposited in the Land Registry Office as 66R-15457.

The southerly limit of Wellington Street West, the northerly limit of Front Street West and the easterly limit of John Street as confirmed under the Boundaries Act by Plan BA-428, registered on June 28, 1973, as CT4776.

Being the whole of parcel Block 1-2 in the Register for section 66M-2248.

- F. Land known in the year 1992 as "Nos. 210 and 244 Victoria Street" and "No. 10 Shuter Street", being the subject of By-law 669-91, with respect to the "thirty-four (34) artists" dwelling units and the community services and facilities comprising three thousand eight hundred ninety (3,890) square metres of residential gross floor area, and three thousand eight hundred eleven (3,811) square metres of nonresidential gross floor area respectively, as these terms are referred to and defined in By-law 670-91.
- G. The land known municipally in the year 1993 as "No. 235 Queens Quay West (York Quay Centre)" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of part of Block 12, according to Plan 616E registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 2 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as 66R-15681. Being part of Parcel 2-1 in the Register for Section A-616E.

- H. The lands known municipally in the year 1993 as "Parcels Nos. SQ-2W and SQ-2E on Queens Quay West" and described as follows:

Parcel SQ-2W:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of:

FIRSTLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 3 on a plan of survey deposited in the said Land Registry Office as 64R-14173.

SECONDLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 2 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-16778. Being part of Parcel Block G-7 in the Register for Section AD-1397.

Parcel SQ-2E:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of:

FIRSTLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 19 on a plan of survey deposited in the said Land Registry Office as 64R-14173.

SECONDLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 1 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-16778. Being part of Parcel Block G-7 in the Register for Section AD-1397.

- I. The land known municipally in the year 1993 as "570, 590 and 600 Queens Quay West (Parcel BQ-8)" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of parts of Blocks D, G, H and I, according to Plan D1397 and part of Block 3 according to Plan D1429, both Plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 3, 4, 5 and 6 on a plan of survey deposited in the said Land Registry Office as 63R-4555.

- J. The land known in the year 1993 as "Nos. 2376, 2382 and 2388 Dundas Street West" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of part of Township Lot 34, in Concession 2 From the Bay, in the original Township of York, designated as PARTS 1 and 2 on a plan of survey deposited in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), as 64R-14342.

SUBJECT TO a free and uninterrupted Right-of-way in favour of the owner of the lands immediately to the south, its successors and assigns, through, over, along and upon that part of the said Township Lot 34, designated as PART 2 on the said Plan 64R-14342 as set out in Instrument 133227W.H.

AND TOGETHER WITH a free and uninterrupted Right-of-way in favour of the owner of the hereinbefore described lands, its successors and assigns, through, over, along and upon that part of the said Township Lot 34, designated as PART 3 on the said Plan 64R-14342 as set out in Instrument 133227W.H.

The said land being most recently described in Instrument CT920454.

- K. The land known municipally in the year 1995 as "26 Noble Street" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of all Units and Common Elements comprising the property included in Metropolitan Toronto Condominium Plan No. 1082 being Property Identifier Numbers 12082-0001(LT) to 12082-0012(LT), Land Titles Division of Metropolitan Toronto (No. 66).

- L. The land known municipally in the year 1995 as "24 Noble Street" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of all Units and Common Elements comprising the property included in Metropolitan Toronto Condominium Plan No. 931 being Property Identifier Numbers 11931-0001(LT) to 11931-0079(LT), Land Titles Division of Metropolitan Toronto (No. 66).

- M. The land known municipally in the year 1995 as "226 and 230 Queens Quay West" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of:

FIRSTLY: (Land Titles Office)

All of Parcel 1-3 in the Register for Section A-616-E. Being parts of Blocks 1, 2 and 3 according to Plan 616E registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 1 to 15, inclusive, on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-16486.

SECONDLY: (Land Registry Office)

Parts of Blocks 2 and 3 according to Plan 616E registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 18, 19 and 20 on a plan of survey deposited as 64R-13511.

- N. The land known municipally in the year 1995 as "950 Yonge Street" and described as follows:

All of Parcel 4-1 in the Register for Section A-383. Being parts of Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 on the south side of Emma Street, now Roden Place, part of Block A, the One Foot Reserved and part of Sarah Street, formerly John Street, according to Plan 383 and Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 and Block N on the north side of Frichot Avenue according to Plan 854, both said Plans being TORONTO MUNICIPAL CODE, DEVELOPMENT OF LAND Page 165.10 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), the said part of Sarah Street closed by Judge's Order dated March 21, 1961, registered as Instrument 62476E.M., designated as PARTS 1, 2, 3, 4, 5 and 6 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-17311. City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario.

- O. The land known municipally in the year 1996 as "15 Sudbury Street" and described as follows:

Parcel Ordinance Reserve-1, Section A-878 in the City of Toronto, in the Municipality of Metropolitan Toronto, being composed of part of the Ordinance Reserve on the south side of Sudbury Street on Registered Plan 878 and part of Sudbury Street, on the said Plan 878, as stopped up and closed by By-law 16423 and 17143 of The Corporation of the City of Toronto registered as Instrument 24938-WF and Instrument 27690-WF, respectively, designated as Parts 1, 2, 3 and 4 on Reference Plan 66R-15969.

- P. The land known municipally in the year 1999 as Nos. 195 and 253 Merton Street and described as follows:

In the City of Toronto and Province of Ontario, being composed of;

FIRSTLY:

Parcel 153-2 in the Register for Section M-5. Being part of Lot 153 on Plan M-5 designated as PART 1 on Plan 66R-17257, both said Plans being in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66).

SECONDLY:

Parcel 151-3 in the Register for Section M-5. Being Lots 154, 155, 156, 157, 158 and 159 and parts of Lots 151, 152, 153, 160, 161 and 162 on Plan M-5 designated as PARTS 6 and 8 on Plan 66R-15877, both said Plans being in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66).

- Q. The land known municipally in the year 2005 as Nos. 146 and 160 Wellesley Street East and described as follows:

In the City of Toronto and Province of Ontario, being composed of:

Lot 58 and Part of Lot 57, Registered Plan D-30 and Part of Park Lot 5, Concession 1, From the Bay, City of Toronto, more particularly described as Parts 1 through 18, inclusive, on Plan 66R-21117.

2. Article IV, Conveyance of Land for Parks Purposes as a Condition of Development - Former City of North York and its constituent Schedule A is deleted and replaced as follows:

ARTICLE IV

Conveyance of Land for Parks Purposes as a Condition of Development - Former City of North York

§ 415-32. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING PERMIT APPLICATION - An application for an above grade building permit that substantially complies with all technical requirements of the Building Code Act, 1992, including payment of applicable fees.

DEVELOPMENT:

- A. The construction, erection or placing of one or more buildings or structures on land;
- B. The making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability of the building or structure;

C. The redevelopment of land through the removal of one or more buildings or structures to permit such development.

NON-PROFIT HOUSING - Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof;

B. A non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act.

PARKLAND ACQUISITION PRIORITY AREA - An area of the former City of North York, within the boundaries of the North York Community Council, excluding Wards 7 and 12, as they existed immediately prior to December 1, 2018 and as defined in Ontario Regulation 191/00, that has been identified as a priority area for parkland acquisition and is subject to the application of the Alternative Parkland Dedication Rate, as provided for in the former City of North York's Official Plan and identified as:

A. An area shown on Maps 1a and A-1, A-2, A-4, A-5, A-6, A-7, A-8 and A-9 attached as Schedule A to Article III at the end of this chapter;

B. An Employment Area identified on the City's Official Plan, Chapter 4, Land Use Plan Maps, that is converted through Official Plan amendment to include residential uses;

C. A Mixed Use Area identified on the City's Official Plan, Chapter 4, Land Use Plan Maps;

D. An Avenue, identified on the City's Official Plan, Chapter 2, Urban Structure Map.

REPLACEMENT BUILDINGS OR STRUCTURES - A replacement building or structure which is to be constructed, erected or placed on land as a result of the destruction, by fire or act of God, of an original building or structure on the land, if the use of the new building remains the same and the building area of the new building or structure is to be no greater than that of the original building or structure.

RESIDENTIAL PURPOSES - The residential component of development of land in a parkland acquisition priority area.

TRANSIT-ORIENTED COMMUNITY LAND – Lands designated as such under the *Transit-Oriented Communities Act, 2020*, S.O. 2020, c. 18,

§ 415-33. Conveyance of land for parks purposes; alternative rate.

A. As a condition of development of land for residential purposes in respect to those properties located in a parkland acquisition priority area and identified in Schedule A to this article attached at the end of this chapter, the owner of the land shall convey or cause to be conveyed to the City the greater of:

(1) Land equal to 5 percent of the land to be developed; or

(2) Land at a rate of 0.4 hectares for each 300 dwelling units proposed provided that:

(a) For sites less than one hectare in size, the parkland dedication will not exceed 10 percent of the development site, net of any conveyances for public road purposes.

(b) For sites one hectare to five hectares in size, the parkland dedication will not exceed 15 percent of the development site, net of any conveyances for public road purposes.

(c) For sites greater than five hectares in size, the parkland dedication will not exceed 20 percent of the development site, net of any conveyances for public road purposes.

(3) Despite § 415-33(2) for sites five hectares or less in area located on land designated as transit-oriented community land, the parkland dedication will not be less than 5 percent or exceed 10 percent of the development site.

(4) Despite § 415-33(2), for sites greater than five hectares in area located on land designated as transit-oriented community land, the parkland dedication will not be less than 5 percent or exceed 15 percent of the development site.

B. Where a secondary plan or a site or area specific policy contained in the former City of North York Official Plan and in effect on the date of passage of this article provides for a different alternative rate or an exemption, the alternative rate or the exemption set out in that secondary plan or the site or area specific policy shall prevail over the alternative rates set out in § 415-33A but for § 415-33A(3) and § 415-33A(4) regarding designated transit-oriented community land.

C. Despite § 415-33A and B, where any of the properties listed in Schedule A become subject to the City of Toronto Official Plan by virtue of a decision or order of the Ontario Land Tribunal, such properties shall cease to be subject to this article and shall be subject to Article III of this chapter.

§ 415-34. Parkland conveyance; conditions.

A. The location and configuration of land required to be conveyed shall be in the discretion of the City.

B. All conveyances shall be free and clear of all liens and encumbrances.

(1) Despite § 415-34B, encumbered land shall be deemed to count toward the parkland requirement if the encumbered land is designated as transit-oriented community land and is identified as encumbered by way of an order by the Minister of Infrastructure as per Section 42 (4.27) of the *Planning Act*.

C. Where on-site parkland dedication is not feasible, an off-site parkland dedication that is accessible to the area where the development site is located may be substituted for an onsite dedication, provided that:

(1) The off-site dedication is a good physical substitute for any on-site dedication;

(2) The value of the off-site dedication is equal to the value of the on-site dedication that would otherwise be required; and

(3) Both the City and the applicant agree to the substitution.

D. Land to be conveyed shall be in conformity with Council policies and guidelines for parkland.

§ 415-35. Cash-in-lieu of land dedication.

A. Despite § 415-33, where the size, shape or location of land proposed for parkland dedication is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require payment of cash in lieu of land provided that the value of the cash-in-lieu does not exceed:

(1) Ten percent of the value of the development site, net of any conveyances for public road purposes, for sites less than one hectare in size or, for land designated as transit-oriented community land, for sites five hectares or less in size.

(2) Fifteen percent of the value of the development site, net of any conveyances for public road purposes, for sites one hectare to five hectares in size or, for land designated as transit-oriented community land, for sites greater than five hectares in size.

(3) Twenty percent of the value of the development site, net of any conveyances for public road purposes, for sites over five hectares in size that are not on land designated transit-oriented community land.

B. In no case, will the parkland dedication, cash-in-lieu or combination thereof, be less than 5 percent of the development site or the value of the development site, net of any conveyances for public road purposes.

C. Any payment of cash-in-lieu of land to be conveyed through the alternative rate provision in excess of 5 percent of the site area will be used to acquire parkland that is accessible to the area in which the development is located or to improve parks in the vicinity of the development.

§ 415-36. Delegation of authority.

The General Manager Parks, Forestry and Recreation is authorized to determine the specific combination of land and/or cash in lieu of land on a site specific basis in accordance with this article and the Official Plan policies of the former City of North York.

§ 415-37. Timing of conveyance or payment.

The conveyance of land or payments required to be made under this article shall be made prior to the issuance of the first above-ground building permit for the land to be developed.

§ 415-38. Mixed use.

Where a parcel of land is proposed for residential and non-residential development, the respective rates shall be applied to the total land area of the parcel in the same proportion as the gross floor area of the residential use is to the gross floor area of the non-residential use.

§ 415-39. Valuation of land.

A. All appraisals of land value shall be carried out under the direction of the Executive Director, Facilities and Real Estate and shall be determined in accordance with generally accepted appraisal principles.

B. The cost of any appraisal undertaken by the City shall be paid for by the owner.

C. The value of the land shall be determined as of the day before the day of issuance of the first building permit in respect of the development.

D. The conveyance of land or payment of cash in lieu of land shall be taken into consideration in determining an appropriate credit with respect to the amount of money or land which may be required in connection with the further development of the subject lands:

- (1) Where land and has been conveyed to the City for park or other public recreational purposes, exclusive of highways and floodplain lands;
- (2) Where a payment of cash in lieu of such conveyance has been received by the City in accordance with this article;
- (3) Pursuant to the provisions of sections 42, 51.1 or 53 of the Planning Act.

§ 415-40. Exemptions.

This article does not apply to the following types of development:

- A. Non-profit housing;
- B. Replacement buildings or structures;
- C. Single detached and semi-detached replacement dwellings.

§ 415-41. Transition.

The provisions of this article shall not apply in respect of the development of any land where a building permit application that complies with applicable zoning with respect to the land was received prior to the date of enactment of this article.

**SCHEDULE A, ARTICLE IV: CONVEYANCE OF LAND FOR PARK PURPOSES AS
A CONDITION OF RESIDENTIAL DEVELOPMENT – FORMER CITY OF NORTH
YORK**

List of Properties Subject to Article IV

1. York University Secondary Plan
2. 314-325 Bogert Avenue 305-308 Poyntz Avenue
3. 230 Finch Avenue East
4. 939 Lawrence Avenue East (Don Mills Plaza)
5. 865-867-869 Sheppard Avenue West 6. 555 Finch Avenue West (Advent Health Care)