

Final Report

Prepared by Hemson Consulting for the City of Markham

2022 Community Benefits Charges Strategy

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List of Acronyms

ACT Planning Act (Ontario), R.S.O. 1990, c. P.13

BTE Benefit to Existing

CBC Community Benefits Charge

DC Development Charges

DCA Development Charges Act, 1997

GFA Gross Floor Area

GFT Growth Funding Tool

PPU Persons per Unit

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Executive Summary

A. Purpose of 2022 CBC Strategy

i. What is a Community Benefits Charge?

A Community Benefits Charge (CBC) is a new growth-funding tool (GFT) under the Planning Act (Act) that allows municipalities to levy a charge against certain forms of higher density development to fund associated development-related capital infrastructure needs. The CBC provisions replace the former section 37 height and density bonusing in the Act, subject to transition rules. A CBC can be levied in addition to development charges (DCs) and collections under Section 42/51 of the Planning Act under the provisions and restrictions of the Act.

Municipalities can use CBCs to fund a wide-range of capital costs of any public service that are related to the needs associated with new growth if those costs are not already recovered from development charges and parkland provisions. A CBC can be used to fund services provided for under a DC by-law, and for parkland acquisitions, as long as there is no duplication of recovery of the same capital costs under another GFT.

ii. Legislative Context

The City of Markham's 2022 Community Benefits Charges Strategy (herein referred to as the "CBC Strategy") is presented as part of the process to lead to the approval of a CBC By-law in compliance with the Planning Act, 1990 (the "Act"). The report is prepared in accordance with the Act and associated Ontario Regulations 509/20 (O. Reg. 509/20), including the amendments that came into force on September 18th, 2020.

iii. CBCs Levied on Higher Density Residential Development

A CBC can only be levied against higher density residential development, limited by the Act to developments that are:

- Five or more storeys, *and*
- Contain 10 or more residential units.

Note that a mixed-use development, a building that contains both residential and non-residential uses, can be subject to a CBC if it meets the above criteria.

The regulations to s.37 of the Act, O. Reg. 509/20, also provide for a number of statutory exemptions from the payment of a CBC, namely:

- Long-term care & retirement homes;
- Colleges, universities and post-secondary Indigenous institutes;
- Royal Canadian Legion;
- Hospice for end of life care;
- Non-profit housing.

iv. CBC Strategy

Subsection 37(32) of the Planning Act prescribes that the maximum permitted charge that can be levied is four per cent of land value for a development with five or more storeys and ten or more residential units on the day before issuance of the building permit. Several key steps must be undertaken in order to levy CBCs. They include:

- Preparing a development (growth) forecast;
- Determining the increased need arising from development;
- Determining how these costs are attributed to CBC development;
- Identifying any excess capacity that exists; and
- Estimated benefit to existing shares, grants, subsidies or other contributions.

B. Development Forecast

Over the ten-year planning period from 2022 to 2031, the City is anticipated to grow by approximately 11,946 occupied dwelling units in buildings which would be subject to a community benefits charge. As set out in Section 3 of O. Reg. 509/20, the maximum permissible CBC is capped at four per cent. At the four per cent cap, a high level estimate of the CBC revenue potential associated with these units is approximately \$45.69 million. Additional details are provided in Section 5.

C. CBC Capital Needs Exceed Revenue Forecast

The estimated CBC eligible costs of the growth-related capital program totals \$157.95 million which exceeds the amount that can be funded under the four per cent cap.

D. Application of CBCs

The City of Markham is anticipated to levy CBCs as a per cent of land value of the development prior to the issuance of a building permit, or the first permit if the development requires multiple permits. The charges will be applied on a city-wide basis to all eligible developments notwithstanding statutory exemptions in subsection 37 (4) (e) of the Act and the City's CBC By-law.

1. Introduction

A. Introduction and Background

The City of Markham's Community Benefits Charges Strategy is presented as part of a process to lead to the approval of a new community benefits charge by-law in compliance with the Planning Act, 1990 (Act).

Subsection 37(9) of the Act and section 2 of O. Reg. 509/20 require that a community benefits charges strategy shall:

- (a) include estimates of the anticipated amount, type and location of development and redevelopment with respect to which community benefits charges will be imposed;
- (b) include estimates of the increase in the need for facilities, services and matters attributable to the anticipated development and redevelopment to which the community benefits charges by-law would relate;
- (c) identify the excess capacity that exists in relation to the facilities, services and matters referred to in clause (b);
- (d) include estimates of the extent to which an increase in a facility, service or matter referred to in clause (b) would benefit existing development;
- (e) include estimates of the capital costs necessary to provide the facilities, services and matters referred to in clause (b); and
- (f) identify any capital grants, subsidies and other contributions made to the municipality or that the council of the municipality anticipates will be made in respect of the capital costs referred to in clause (e).

This strategy presents the estimated CBC development-related net capital costs attributable to CBC eligible development that is forecast to occur in the City. The apportionment of these net capital costs is shown among various growth-related funding sources including Development Charges.

The Act requires that municipalities consult with the public; accordingly, the City will make this CBC Strategy and the CBC by-law available for public comment before Council's passage of the by-law. An industry information and engagement session was held prior to Council's consideration of the CBC Strategy and by-law and a public meeting is proposed to be held in the spring of 2022. Following completion of this consultation process, Council will review the strategy, the comments received regarding this report and any other information brought to Council's attention regarding the proposed rate. Finally, Council will pass a new Community Benefits Charges by-law for the City.

The remainder of this strategy report sets out the information and analysis upon which the proposed charges are based.

B. Legislative Context & Regulatory Requirement

The community benefits section of the Planning Act has replaced what was previously referred to as section 37 "Increased Density." This change was introduced through the COVID-19 Economic Recovery Act, 2020 and previous versions in the More Homes, More Choice Act, 2019 as well as the Plan to Build Ontario Together Act, 2019. The new section 37 enables municipalities to impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the municipality.

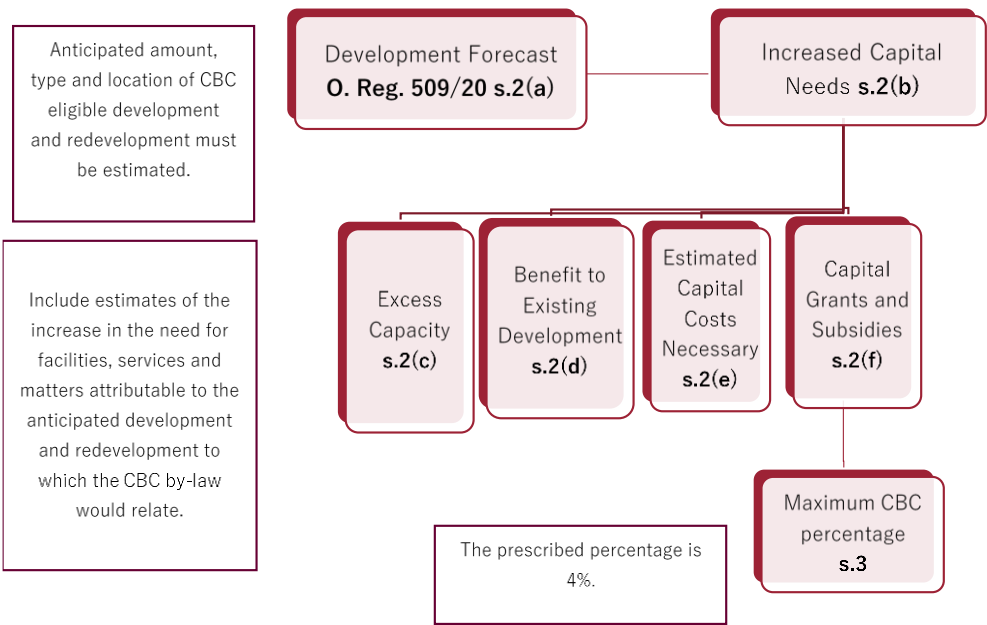
The new section 37 sets out the relationship between community benefits charges and other growth-related funding tools, including the development charges levied under the Development Charges Act, 1997.

2. Purpose of the 2022 Community Benefits Charge Strategy

A. Key Steps in Determining CBCs

As shown in Figure 1, the CBC Strategy needs to include various components to validate the applied charge. In the case of the City of Markham, the charge is levied on a land value basis not exceeding the legislated maximum of four per cent.

Figure 1. Key Steps in Determining CBCs



B. Proposed Methodology & Approach

The Community Benefits Charges legislation does not specify the method by which a CBC is levied. Various options could be applied by a municipality, such as charges based on a per cent of land value, a per-unit charge, or a charge based on gross floor area of development. It is proposed the City adopt a charge based on four per cent of land value at the time of building permit issuance, for the collection of CBCs levied on a city-wide basis. This approach enables the City to maximize revenue collections to help fund growth-related costs. The City could consider the approaches to implementing the charge through the CBC by-law or through policy.

The CBC capital program, summarized in the section below and in Section 4 of the Strategy, was developed with City staff and relies on previous work completed for the 2022 capital budget, 2022 DC Background Study, and the City's Section 37 implementation guidelines.

As directed by subsection 37 (45) CBC collections shall be paid into a special account. Furthermore, subsection 37 (47) directs that a minimum of 60 per cent of the monies in the special account must be allocated or spent annually. A process outside of this CBC Strategy will be established to outline the details for determining priorities for spending, as approved by Council.

C. CBC Capital Program

The total gross capital program identified for recovery from CBCs is \$257.51 million. The entire gross capital cost is not eligible to be funded by CBCs and a series of legislated deductions have been made including consideration for excess capacity, replacement or benefit to existing shares and shares to be funded from other growth-funding tools.

No grants, subsidies, or other recoveries have been identified, however, a replacement share of \$16.70 million related to Roads & Other Related Infrastructure have been netted off to yield a total development-related cost of \$240.81 million.

Of the total development-related cost (\$240.81 million), only a portion of \$157.95 million is deemed eligible for recovery from CBC developments. A share of the costs, \$58.53 million has been identified for recovery from development charges under the City's 2022 Development Charges Background Study. Of the remaining development-related costs (\$182.28 million), \$157.95 million is eligible for recovery through CBCs; the remaining \$24.33 million may be considered for funding from future development charge studies or for funding from other sources.

Table 1. Summary of CBC Capital Program (\$000s)

Service	Gross Project Cost	Grants/ Subsidies/ Other Recoveries	Net Cost	Replacement & BTE (\$)	Total Development-Related Cost	2022 DC Study Share (\$)	Remaining Development-Related	Total CBC-Related Costs
Waste Management	\$36,000	\$0	\$36,000	\$0	\$36,000	\$0	\$36,000	\$36,000
Community Facilities	\$12,000	\$0	\$12,000	\$0	\$12,000	\$0	\$12,000	\$3,042
Roads & Other Related Infrastructure	\$93,933	\$0	\$93,933	\$16,704	\$77,229	\$58,525	\$18,704	\$18,704
Urban Park Facilities	\$58,190	\$0	\$58,190	\$0	\$58,190	\$0	\$58,190	\$58,190
Parking	\$12,088	\$0	\$12,088	\$0	\$12,088	\$0	\$12,088	\$7,485
Public Realm & Public Art	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	\$8,750
Housing	\$10,000	\$0	\$10,000	\$0	\$10,000	\$0	\$10,000	\$10,000
District Energy	\$25,000	\$0	\$25,000	\$0	\$25,000	\$0	\$25,000	\$15,479
Administration	\$300	\$0	\$300	\$0	\$300	\$0	\$300	\$300
TOTAL COST	\$257,511	\$0	\$257,511	\$16,704	\$240,807	\$58,525	\$182,282	\$157,950

Note: 2022 DC Study Share related to the in-period (2022 – 2031) development charge recoverable share identified in the City of Markham's 2022 DC Study. Figures have been rounded.

3. Development Forecast

This section describes the methodology and results of the development forecast that forms the basis of the capital program. The development forecast is based on estimates of growth occurring within approved Official Plan designated urban areas and is consistent with the 2022 DC Background Study.

This section portrays the results of the housing unit and population forecast in line with the requirements of O. Reg. 509/20 s.2(a).

A. Proposed 10-Year Planning Horizon

The City establishes capital budgets on a 10-year basis and the CBC Strategy capital programs are in line with the internal City capital planning time-frame. In addition, the time frame aligns with the 2022 DC Background Study as some capital projects are eligible to be funded using both growth funding tools. The time frame for the development forecast and the capital programs in this CBC Strategy is 2022 – 2031.

B. Consistent with the DC Development Forecast

The forecast for the CBC Strategy was based on the forecast used in the City's 2022 DC Background Study (DC Study), which is derived from Census Canada and CMHC data.

Based on the City's current development pipeline data, it is anticipated that approximately 90 per cent of apartment units over the 2022 to 2031 period will meet the CBC criteria and be five or more storeys *and* contain 10 or more residential units. As shown in Table 2, the total forecast of units in the City over the 2022 – 2031 period totals 32,673.

Table 2. Forecast of Annual Housing Unit Starts – City-Wide

Year	Single/Semi	Row	Apartment	Total
2022	944	793	1,189	2,926
2023	969	813	1,219	3,001
2024	993	834	1,250	3,078
2025	1,019	855	1,283	3,157
2026	1,045	877	1,315	3,237
2027	1,060	890	1,334	3,284
2028	1,087	912	1,368	3,367
2029	1,114	935	1,402	3,452
2030	1,143	959	1,438	3,540
2031	1,172	984	1,475	3,630
Total 2022 - 2031	10,545	8,853	13,274	32,673

As shown in Table 3, the total forecast of units subject to CBCs is approximately 11,946 apartment unit starts over the 2022 to 2031 period. This represents 90 per cent of the total 10-year forecast of apartment unit starts or 37 per cent of all unit types.

Table 3: Forecast of Annual Housing Unit Starts – Units Subject to CBCs

Year	Single/Semi	Row	Apartment	Total
2022	-	-	1,069	1,069
2023	-	-	1,097	1,097
2024	-	-	1,125	1,125
2025	-	-	1,154	1,154
2026	-	-	1,184	1,184
2027	-	-	1,201	1,201
2028	-	-	1,231	1,231
2029	-	-	1,262	1,262
2030	-	-	1,294	1,294
2031	-	-	1,327	1,327
Total 2022-2031	0	0	11,946	11,946

Table 4 shows the calculation of persons in units subject to CBCs as a percentage of persons in all units. This calculation uses the occupancy factors or “persons per unit” (PPU) assumptions established as part of the City’s 2022 DC Background Study. The average apartment unit PPU is 1.92 for blended apartments; this, when applied by the total 10-year CBC unit start forecast (11,946), results in an estimate of 22,911 persons in units subject to a CBC. This represents 25 per cent of the overall 10-year forecast of people in all unit starts (90,381).

This 25 per cent figure is used to inform the CBC-eligible percentage of projects that are anticipated to benefit all residential and mixed-use development, as shown in Section 4. It is noted that, in certain cases, a potential non-residential benefit is recognized resulting in a CBC-eligible share that is lower than 25 per cent.

Table 4. Forecast of Persons in Unit Starts, 2022 – 2031

	Single/Semi	Row	Apartment	Total
Units Subject to CBC	-	-	11,946	11,946
All Units	10,545	8,853	13,274	32,673
PPU Assumptions	3.73	2.89	1.92	
Persons in Units Subject to CBC	-	-	22,911	22,911
Persons in All Units	39,328	25,595	25,458	90,381
% of Persons in Units Subject to CBC				25%

Table 5 illustrates the CBC eligible development forecast where 90 per cent of apartment units over the 2022 to 2031 period will meet the CBC criteria. This assumption is based on the City’s current development pipeline data as well as historical trends.

Table 5: City-Wide Apartment Growth in CBC Apartment Developments

Year	Total City-Wide Apartments	Annual Growth	Total CBC Eligible Development	Annual Growth
2022	3,320	1,189	2,988	1,069
2023	4,540	1,219	4,086	1,097
2024	5,790	1,250	5,211	1,125
2025	7,073	1,283	6,365	1,154
2026	8,388	1,315	7,549	1,184
2027	9,722	1,334	8,750	1,201
2028	11,090	1,368	9,981	1,231
2029	12,492	1,402	11,243	1,262
2030	13,930	1,438	12,537	1,294
2031	15,405	1,475	13,865	1,327
Total	-	13,274	-	11,946

The non-residential forecast presented below is used to determine shares of capital costs related to growth in CBC-eligible development where a project benefits both residential and non-residential development. The ten-year forecasted population in new dwelling units plus place of work employment totals 145,971; of this total growth, 62 per cent (90,381) is anticipated to occur within residential development while the remaining 38 per cent (55,590) is anticipated to occur in non-residential development.

4. CBC Capital Program

A. Facilities, Services, and Matters Considered

Before passing a CBC by-law, the Act requires municipalities to prepare a CBC Strategy that identifies the facilities, services and matters that will be funded with community benefits charges. The Act does not prescribe the specific facilities, services or matters to which CBC funding may be allocated.

Section 5 outlines the CBC revenue analysis and rate structure. Detailed in this section is evidence that the anticipated CBC revenue permitted for collection under the four per cent cap, is insufficient to meet the increased needs arising from the CBC-eligible development. As such, through consultation with City staff, a priority list of service categories have been identified. The list is based on projects that have lost eligibility for DC funding, projects anticipated to be funded through Section 37 Bonus Zoning, projects where DC legislation limits funding due to historical service level restrictions and others. The following services have been included as related to developments subject to the CBC:

- Waste Management;
- Community Facilities;
- Roads & Other Related Infrastructure;
- Urban Park Facilities;
- Parking;
- Public Realm & Public Art;
- Housing;
- District Energy;
- Administration.

Under each of these services, the City anticipates development-related costs which are, fully or partially, driven by mid and high-density

residential and mixed-use development. The identified CBC-eligible project costs for these services are beyond the costs anticipated to be funded through other growth funding tools- including development charges and parkland dedication.

It is noted that the CBC capital program is a point-in-time analysis of the needs anticipated over the 2022 – 2031 planning period. It is recognized that these needs may change over time through the City's normal annual budgeting processes. While certain projects, and types of projects, are listed within the CBC capital program, the identified capital project listings within each of the service categories do not preclude the City from assigning CBC funds to another facility or project under that service.

Each service area covers the following matters:

- Service Description;
- Service Delivery and Service Levels Consideration;
- Estimate of Need;
- Consideration of Excess Capacity;
- Capital Cost;
- Identification of any Anticipated Capital Grants, Subsidies or Other Contributions;
- Consideration of Benefit to Existing;
- Relation to funding from Other GFT (if applicable);
- Share of Net Capital Costs related to CBC Eligible Developments.

B. Projects Funded by Multiple GFTs

When a project is identified for funding from both DCs and CBCs, it recognizes the CBC development (largely higher density residential) places an incrementally higher demand for the service/project than is permitted

under the DCA ten-year service level restrictive funding envelope cap. There is no funding of the same share of project from both DC and CBCs.

C. Capital Needs by Service

Table 6 below includes the details by service of the capital needs associated with the forecasted CBC eligible developments in the City over the ten-year period 2022 to 2031. The capital costs included in this Strategy reflect a point in time for this framework, however, the need for the services is estimated to continue beyond the ten-year period relative to the amount of CBC development.

Although no formal policy on the application of funds has yet to be developed outside of the statutory requirements, it might be expected that projects with no other growth funding tool sources be prioritized for CBC funds. This will continue to be monitored and evaluated moving forward.

TABLE 6: CBC DEVELOPMENT-RELATED CAPITAL PROGRAM
CITY OF MARKHAM
COMMUNITY BENEFITS CHARGES - CAPITAL PROGRAM

Project Description	Gross Project Cost	Grants/ Subsidies/ Other Recoveries	Net Cost	BTE (%)	Replacement & BTE (\$)	Total Development-Related Cost	2022 DC Study Share (\$)	Remaining Development-Related	CBC Share (%)	Total CBC-Related Costs
1.0 Waste Management										
1.1 Provisional for AVAC System	\$36,000,000	\$0	\$36,000,000	0%	\$0	\$36,000,000	\$0	\$36,000,000	100%	\$36,000,000
TOTAL WASTE MANAGEMENT	\$36,000,000	\$0	\$36,000,000		\$0	\$36,000,000	\$0	\$36,000,000		\$36,000,000
2.0 Community Facilities										
2.1 Provision for Additional Culture	\$5,000,000	\$0	\$5,000,000	0%	\$0	\$5,000,000	\$0	\$5,000,000	25%	\$1,267,451
2.2 Community Facilities	\$7,000,000	\$0	\$7,000,000	0%	\$0	\$7,000,000	\$0	\$7,000,000	25%	\$1,774,431
TOTAL COMMUNITY FACILITIES	\$12,000,000	\$0	\$12,000,000		\$0	\$12,000,000	\$0	\$12,000,000		\$3,041,882
3.0 Roads & Other Related Infrastructure										
3.1 Provision for Active Transportation	\$59,134,646	\$0	\$59,134,646	18%	\$10,348,563	\$48,786,083	\$38,437,520	\$10,348,563	18%	\$10,348,563
3.2 Streetscape Infrastructure	\$8,211,000	\$0	\$8,211,000	25%	\$2,052,750	\$6,158,250	\$4,105,500	\$2,052,750	25%	\$2,052,750
3.3 Sidewalk Infrastructure	\$24,587,452	\$0	\$24,587,452	18%	\$4,302,804	\$20,284,648	\$15,981,844	\$4,302,804	18%	\$4,302,804
3.4 Utility Underground in High Density Areas	\$2,000,000	\$0	\$2,000,000	0%	\$0	\$2,000,000	\$0	\$2,000,000	100%	\$2,000,000
TOTAL ROADS AND OTHER RELATED INFRASTRUCTURE	\$93,933,098	\$0	\$93,933,098		\$16,704,117	\$77,228,981	\$58,524,864	\$18,704,117		\$18,704,117
4.0 Urban Park Facilities										
4.1 Provision for Langstaff Urban Parks	\$11,038,131	\$0	\$11,038,131	0%	\$0	\$11,038,131	\$0	\$11,038,131	100%	\$11,038,131
4.2 Provision for Markham Centre Urban Parks	\$36,851,527	\$0	\$36,851,527	0%	\$0	\$36,851,527	\$0	\$36,851,527	100%	\$36,851,527
4.3 Provision for Additional Park Development & Facilities & Trails	\$10,000,000	\$0	\$10,000,000	0%	\$0	\$10,000,000	\$0	\$10,000,000	100%	\$10,000,000
4.4 Provision for Tree Planting	\$300,000	\$0	\$300,000	0%	\$0	\$300,000	\$0	\$300,000	100%	\$300,000
TOTAL URBAN PARK FACILITIES	\$58,189,658	\$0	\$58,189,658		\$0	\$58,189,658	\$0	\$58,189,658		\$58,189,658

TABLE 6: CBC DEVELOPMENT-RELATED CAPITAL PROGRAM
CITY OF MARKHAM
COMMUNITY BENEFITS CHARGES - CAPITAL PROGRAM

Project Description	Gross Project Cost	Grants/ Subsidies/ Other Recoveries	Net Cost	BTE (%)	Replacement & BTE (\$)	Total Development-Related Cost	2022 DC Study Share (\$)	Remaining Development-Related	CBC Share (%)	Total CBC-Related Costs
5.0 Parking										
5.1 Provision for On Street Parking in Urban Areas	\$12,088,294	\$0	\$12,088,294	0%	\$0	\$12,088,294	\$0	\$12,088,294	62%	\$7,484,733.28
TOTAL PARKING	\$12,088,294	\$0	\$12,088,294		\$0	\$12,088,294	\$0	\$12,088,294		\$7,484,733
6.0 Public Realm & Public Art										
6.1 Provision for Enhanced Urban Design	\$5,000,000	\$0	\$5,000,000	0%	\$0	\$5,000,000	\$0	\$5,000,000	100%	\$5,000,000
6.2 Provision for Public Art	\$5,000,000	\$0	\$5,000,000	0%	\$0	\$5,000,000	\$0	\$5,000,000	75%	\$3,750,000
TOTAL PUBLIC REALM	\$10,000,000	\$0	\$10,000,000		\$0	\$10,000,000	\$0	\$10,000,000		\$8,750,000
7.0 Housing										
7.1 Affordable Housing Units in High Density Buildings	\$10,000,000	\$0	\$10,000,000	0%	\$0	\$10,000,000	\$0	\$10,000,000	100%	\$10,000,000
TOTAL HOUSING	\$10,000,000	\$0	\$10,000,000		\$0	\$10,000,000	\$0	\$10,000,000		\$10,000,000
8.0 District Energy										
8.1 Contribution to District Energy in Urban Centres	\$25,000,000	\$0	\$25,000,000	0%	\$0	\$25,000,000	\$0	\$25,000,000	62%	\$15,479,300.23
TOTAL District Energy	\$25,000,000	\$0	\$25,000,000		\$0	\$25,000,000	\$0	\$25,000,000		\$15,479,300
9.0 Administration										
9.1 CBC Strategy and Implementation	\$300,000	\$0	\$300,000	0%	\$0	\$300,000	\$0	\$300,000	100%	\$300,000
TOTAL Administration	\$300,000	\$0	\$300,000		\$0	\$300,000	\$0	\$300,000		\$300,000
TOTAL CBC CAPITAL PROGRAM	\$257,511,050	\$0	\$257,511,050		\$16,704,117	\$240,806,933	\$58,524,864	\$182,282,069		\$157,949,691

i. Waste Management

a) Service Description

The City of Markham provides Waste Management services for its residents. Costs related to supporting the collection of waste are not eligible for recovery through development charges, however, are eligible for funding through CBCs.

b) Service Delivery and Service Levels Consideration

Inclusion of an automated vacuum collection (AVAC) system in Langstaff does not increase the level of service provided to existing residents as it will be servicing new growth in the Langstaff area.

c) Estimate of Need

Included in this service area, is a provision for an AVAC system which transports waste at high speed through underground channels and is deemed necessary to service new growth in the Langstaff area.

d) Consideration of Excess Capacity

No excess capacity exists for this service.

e) Capital Cost

The gross cost included in the capital program totals \$36.00 million over the ten-year planning period.

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

No grants, subsidies, or other recoveries have been identified for the AVAC system.

g) Consideration of Benefit to Existing

No benefit to existing shares have been identified for this service, as such, the full project cost of \$36.00 million is deemed development-related.

h) Relation to Funding from Other GFT (if applicable)

No other development charges or other growth-funding tools have been identified for this service.

i) Share of Net Capital Costs Related to CBC Eligible Developments

The entire cost of the AVAC system (\$36.00 million) is included in the CBC-related cost and is eligible for recovery from CBC developments.

ii. Community Facilities

a) Service Description

Community Facilities service area encompasses a variety of facilities available to residents of the City of Markham. Community facilities include theatres, culture hubs, community centres, libraries and other facilities for the delivery of programming in the City.

As the City continues to grow, largely through redevelopment and intensification, there is a need to construct new community facilities and expand existing facilities. Some of these servicing needs are eligible to be funded from development charges, such as library development and expansion, however, the DCA has limitations which restrict the funding of theatres, art galleries, and other cultural facilities through this growth funding tool. CBCs can assist in funding a share of development-related community facility needs that are not eligible for funding under development charges or other growth-funding tools.

b) Service Delivery and Service Levels Consideration

Facilities and services related to theatres and culture are not eligible for funding through development charges. These servicing needs were previously paid for through the tax base in conjunction with old Section 37 density bonusing monies, developer contributions, and other sources. The City has a current inventory of these types of facilities and the needs

identified in the CBC capital program provide expanded servicing capacity to meet the need arising from development.

c) Estimate of Need

The need for community facilities, driven by CBC developments, is partly based on previous Section 37 contributions, planned capital projects, and costs ineligible for funding in the 2022 DC Background Study but deemed development-related.

d) Consideration of Excess Capacity

Excess capacity has not been identified for this service area.

e) Capital Cost

The capital costs included in the CBC Strategy totals \$12.00 million and includes a provision for additional culture – such as theatres and culture hubs (\$5.00 million), and community facilities (\$7.00 million).

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

No grants, subsidies, or other recoveries have been identified for this service area; as such, the full amount of \$12.00 is the net cost to the municipality.

g) Consideration of Benefit to Existing

No benefit to existing shares have been identified for this service area.

h) Relation to Funding from Other GFT (if applicable)

No other development charges or other growth-funding tools have been identified for this service, however, a share of 75 per cent (\$8.96 million) may be eligible for funding through other sources as this share of the capital program is not deemed eligible for CBC funding.

i) Share of Net Capital Costs related to CBC Eligible Developments

The net capital cost associated with community facilities CBC eligible developments is \$12.00, however, the full cost is not eligible for recovery

through CBCs. The share eligible for CBC funding is 25 per cent (\$3.04 million) and is based on the share of CBC eligible development and the total ten-year residential growth in the City. The remaining \$8.96 million may be considered for funding from other sources.

iii. Roads & Other Related Infrastructure

a) Service Description

This service area includes various capital costs related to active transportation infrastructure within road right-of-way, in greenspaces and other areas. Examples of infrastructure included in this service are cycling, sidewalk, and streetscaping infrastructure, utility underground in high density areas, as well as other active transportation works.

Much of the City's growth is achieved through redevelopment and intensification, and these land uses have reduced on-site parking requirements, display lower use of single-occupancy motorized vehicles and higher active transportation modes of transportation. Some of these needs are funded from development charges however the increased needs arising from high density development are not fully eligible to be recovered from DCs; CBCs are a tool that can be used to fund a share of these increased needs.

b) Service Delivery and Service Levels Consideration

The service is delivered by the City and funded from property taxes, DCs, grants and subsidies. The existing service level is included in the DC Recreation and Parks Development and the DC Roads and Related Infrastructure services.

c) Estimate of Need

The transportation mode shares of denser urban built environments generally skew to non-car mode shares such as biking, walking and other forms of active transportation. Therefore, costs related to active transportation are included in the CBC capital program.

d) Consideration of Excess Capacity

There is no excess capacity available within the City's existing active transportation infrastructure and the costs included in the CBC strategy relate to incremental needs arising from development over the ten-year planning horizon.

e) Capital Cost

The gross capital cost included in 6 is \$93.93 million. This includes a provision for active transportation infrastructure (\$59.13 million), streetscape infrastructure (\$8.21 million), sidewalk infrastructure (\$24.59 million), and a provision for utility underground in high density areas (\$2.00 million).

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

No grants, subsidies or other contributions have been identified for this service.

g) Consideration of Benefit to Existing

Benefit to existing shares related to Roads & Other Related Infrastructure total \$16.70 million and relate to the provision for active transportation and sidewalk infrastructure (18 per cent), and streetscape infrastructure (25 per cent).

These shares are based on mode splits and further details can be found in Appendix C of the City of Markham's 2022 Development Charges Background Study.

h) Relation to funding from Other GFT (if applicable)

The provision for active transportation, streetscape infrastructure, and sidewalk infrastructure have DC contributions totaling \$58.52 million as identified in the City of Markham's 2022 D Background Study.

i) Share of Net Capital Costs related to CBC Eligible Developments

CBC shares of 18 per cent have been allocated to the provision for active transportation (\$10.35 million) and sidewalk infrastructure (\$4.30 million) based on mode splits as indicated in Markham's 2022 DC Background Study.

A CBC share of 25 per cent has been allocated to streetscape infrastructure (\$2.05 million) and is based on shares of CBC development and total population growth in the City of Markham over the 2022 – 2031 planning period.

100 per cent of the provision for utility underground in high density areas has been deemed CBC eligible as the sole purpose of the project is to service new growth in high density development in the City. The total CBC eligible share of the Roads & Other Related Infrastructure capital program is \$18.70 million.

iv. Urban Park Facilities

a) Service Description

The Urban Park Facilities capital program includes costs related to the delivery and development of park space. The service area includes the development of various identified urban parks, facilities, and trails, as well as a provision for tree planting.

As development densities increase in the City, the need for public greenspace intensifies given many new households do not have private outdoor space. DCs, *Planning Act* s.42 parkland conveyance, and other growth funding tools will not fully meet the parkland needs arising from high density residential development; CBCs provide a mechanism to fund a share of the increased development need.

b) Service Delivery and Service Levels Consideration

In the past, the City has collected both monies and infrastructure related to urban parks through the previous Section 37.

c) Estimate of Need

Dense urban developments place a greater demand for public urban parks and associated amenities. Decreased access to private greenspace leads to higher use of new and existing parks in high density neighbourhoods.

Further exacerbated by COVID-19, urban parks now more than ever, are seen as a vital component of a complete community.

d) Consideration of Excess Capacity

There is no excess capacity available within the City's existing parks network in areas that will experience high-density residential development. The costs included in the CBC strategy are related to incremental needs arising from development over the ten-year planning horizon.

e) Capital Cost

The gross capital cost of the service identified in 6 is \$58.19 million. This cost includes a provision for Langstaff urban parks (\$11.04 million), a provision for Markham Centre urban parks (\$36.85 million), additional park development, facilities, and trails (\$10.00 million), and a provision for tree planting (\$0.30 million)

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

No grants, subsidies or other contributions have been identified for this service.

g) Consideration of Benefit to Existing

Benefit to existing shares have not been identified for this service area as the costs included are entirely related to growth.

h) Relation to Funding from Other GFT (if applicable)

No development charges or other growth-funding tools have been identified for this service.

i) Share of Net Capital Costs related to CBC Eligible Developments

All projects included in the Urban Park Facilities capital program have been deemed 100 per cent CBC eligible as the projects included relate entirely to growth in high density areas; as such, the full cost of the Urban Park Facilities capital program (\$58.19 million) is eligible for funding through CBCs over the next ten years.

v. Parking

a) Service Description

The service area of Parking includes capital costs related to on street parking in urban areas of the municipality. Investment in parking infrastructure improvements is important to maintain accessibility and usability of the transportation network – particularly in denser neighbourhoods. Under the previous legislative regime, parking was a service included in the City’s Development Charges (DC).

b) Service Delivery and Service Levels Consideration

The City established past service levels through prior DC Background Studies. The costs proposed for recovery do not exceed past established service levels.

c) Estimate of Need

On-street City provided parking is necessary as the City continues to grow. Despite mandatory parking standards, the City continues to experience greater demand for additional parking arising from development.

d) Consideration of Excess Capacity

There is no excess capacity available within the City's parking facilities and the costs included the CBC strategy are related to incremental needs arising from high density development.

e) Capital Cost

The gross capital cost associated with the parking program is \$12.09 million and is dedicated to funding on street parking in urban areas.

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

No grants, subsidies or other contributions have been identified for this service.

g) Consideration of Benefit to Existing

Benefit to existing shares have not been identified for this service area as the costs included are entirely related to growth.

h) Relation to Funding from Other GFT (if applicable)

Provision of parking is not eligible for funding from development charges.

i) Share of Net Capital Costs Related to CBC Eligible Developments

The total CBC eligible cost is \$7.48 million (62 per cent) of the development-related costs. This share is based on total forecasted residential and non-residential development in the city between 2022 and 2031 and the growth anticipated to occur in CBC eligible developments. The remaining \$4.60 million may be considered for funding from other sources.

vi. Public Realm & Public Art

a) Service Description

This service area includes items such as enhanced urban design and public art. To clarify further, the capital costs included are those which are

ineligible for funding through development charges and is not abutting development which are part of the local service.

Recognizing the higher level of pedestrian and other active transportation activity in the City – especially in high density areas, Public Realm & Public Art investment is important to ensure functional and liveable communities.

b) Service Delivery and Service Levels Consideration

The City has used the previous *Planning Act* s.37 density bonusing provisions to secure and fund a range of community design works.

c) Estimate of Need

The need included in the CBC Strategy for recovery from CBC eligible developments is based on discussions with staff, the City's 2022 capital budget, as well as past Section 37 collections.

d) Consideration of Excess Capacity

There is no excess capacity in the Public Realm & Public Art CBC capital program.

e) Capital Cost

The total gross cost of the program includes a provision for enhanced urban design and provision for public art at \$5.00 million each to total a Public Realm & Public Art capital program of \$10.00 million.

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

No grants, subsidies or other contributions have been identified for the projects included in the capital program.

g) Consideration of Benefit to Existing

All projects included in the Public Realm & Public Art capital program are entirely related to growth, therefore, no BTE shares have been identified.

h) Relation to Funding from Other GFT (if applicable)

None of the identified projects have funding from other growth funding tools. A share of \$1.25 million has been removed from the CBC eligible share related to the provision for public art. This capital cost is related to development in the City that does not fall within the CBC eligible development threshold.

i) Share of Net Capital Costs Related to CBC Eligible Developments

The provision for public art has been allocated 75 per cent \$(3.75 million) to CBC eligible developments based on the share of the public art provision that will not be in high density areas.

The provision for enhanced urban design has been allocated 100 per cent to CBC eligible developments; thus, the full project cost of \$5.00 million is eligible for recovery through CBCs over the 2022 – 2031 planning period.

vii. Housing

Although the prime service delivery responsibility falls on the shoulders of York Region, the City of Markham works alongside the Region to evaluate the need and method for delivering affordable housing.

The need for affordable housing increases as a municipality's population grows. Under the provincial statute, the Region lacks the ability to levy CBCs for infrastructure or services related to affordable housing; the municipality, however, is permitted to use CBCs as a growth funding tool to create affordable housing units.

a) Service Delivery and Service Levels Consideration

The City participates in the creation of new affordable housing through Official Plan policies, funding partnerships, and land disposition. Current funding for affordable housing is done through general taxation.

b) Estimate of Need

As identified in York Region's Official Plan (YROP)¹ policy 3.5.7, a minimum of 35 per cent of new housing units in Regional Centres and key development areas must be affordable to offer a range of affordability for low and moderate income households. To complete this goal, support from local municipalities and the private sector are needed. As noted on page 21 of the Housing Matters, 2020 report²:

Local cities and towns provide on the ground implementation of regional and senior government policy through Local Official Plans, zoning and the development application and approvals process, including negotiations for community benefits such as affordable housing and non-profit sector housing. They are integral in practically and technically interpreting policy and facilitating implementation to meet the needs of residents and workers.

Of the total ten-year housing growth in the City of Markham over the next ten years (32,670), approximately 11,440 units would need to be affordable to meet the 35 per cent affordable housing target. A provision of \$10.00 million has been included in the Housing capital program within the CBC Strategy to help meet this target.

c) Consideration of Excess Capacity

No deductions for excess capacity have been made for the provision identified in the CBC capital program.

¹ York Region, Official Plan 2019 Office Consolidation version, April 2019.
<<https://www.york.ca/wps/wcm/connect/yorkpublic/0dc3cfc2-2e0f-49d2-b523-dc7c14b08273/yropConsolidation2019Accessible.pdf?MOD=AJPERES&CVID=mLW2t3Y>>

² Housing Matters: A Review of the Housing Market in York Region, 20198 Update
<https://www.york.ca/wps/wcm/connect/yorkpublic/dbbd22a6-b4ed-4513-b60f-71993717843d/20036_HousingMattersUpdate_March162020.pdf?MOD=AJPERES&CVID=n3ALSMq>

d) Gross Capital Cost

The gross capital cost of the program is \$10.00 million over the ten-year period from 2022 to 2031. These costs include the City's development charges, planning application fees and other capital costs associated with the development of affordable housing units in high density buildings.

e) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

There are no grants, subsidies or other contributions identified for this service area.

f) Consideration of Benefit to Existing

Given the provision for new affordable housing units is specific to high density buildings, no replacement or benefit to existing shares have been identified for this service area.

g) Relation to Funding from Other GFT (if applicable)

Given the affordable housing provision is directly related to the creation of affordable housing units in high density buildings, affordable housing was not included as a service in the City of Markham's 2022 Development Charges Study. As such, no development charges or other growth funding tools have been identified for this service area.

h) Share of Net Capital Costs related to CBC Eligible Developments

The amount eligible for recovery from CBCs is 100 per cent or \$10.00 million.

viii. District Energy

a) Service Description

The District Energy service area includes capital costs related to the contribution of district energy in urban centres. Investment in district energy is particularly important in urban areas to maintain a thermal network of pipes connected to groups of buildings.

b) Service Delivery and Service Levels Consideration

District energy is currently funded through the City's tax base.

c) Estimate of Need

Included in this service area are costs related to a network of pipes used to efficiently heat and cool clusters of buildings.

d) Consideration of Excess Capacity

No excess capacity exists for this service.

e) Capital Cost

The gross cost included in the capital program totals \$25.00 million over the ten year planning period.

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

There are no grants, subsidies or other contributions identified for this service area.

g) Consideration of Benefit to Existing

Given the provision for district energy is specific to urban centres, no replacement or benefit to existing shares have been identified for this service area.

h) Relation to Funding from Other GFT (if applicable)

None of the identified projects have funding from other growth funding tools, however, a share of \$9.52 million has been removed from the CBC eligible share; this portion of the District Energy capital program may be eligible for funding from other sources.

i) Share of Net Capital Costs related to CBC Eligible Developments

The total CBC eligible cost is \$15.48 million (62 per cent) of the development-related costs. This share is based on the total forecasted residential and non-residential development in the city between 2022 and

2031 and the growth anticipated to occur in CBC eligible developments. As mentioned previously, the remaining \$9.52 million may be considered for funding from other sources.

ix. Administration

a) Service Description

The cost of the CBC Strategy itself is eligible under the Act and included in this service category and includes costs related to supporting the administration of the CBC Strategy and By-law.

b) Service Delivery and Service Levels Consideration

Inclusion of the CBC Strategy and implementation does not increase the level of service provided to existing residents as they replace existing Section 37 workflows.

c) Estimate of Need

Included in this service area are costs related to updating the CBC Strategy and costs to support the implementation and administration of the CBC Strategy and By-law.

d) Consideration of Excess Capacity

No excess capacity exists for this service.

e) Capital Cost

The gross cost included in the capital program totals \$0.30 million over the ten year planning period.

f) Identification of any Anticipated Capital Grants, Subsidies or Other Contributions

There are no grants, subsidies or other contributions identified for this service area.

g) Consideration of Benefit to Existing

No replacement or benefit to existing shares have been identified for this service area.

h) Relation to Funding from Other GFT (if applicable)

No development charges or other growth funding tools have been identified for this service area.

i) Share of Net Capital Costs related to CBC Eligible Developments

The entire cost of the CBC Strategy implementation of \$0.30 million is deemed eligible for funding through CBCs.

5. CBC Revenue Analysis & Rate Structure

A. CBC Capital Needs Greater than Projected CBC Revenue

As described above in Section 4, the total cost of the CBC-eligible capital program is \$157.95 million and exceeds the total forecasted revenue of \$45.69 million.

For the purpose of projecting CBC revenues under the four per cent cap, the forecast of apartment units subject to CBCs was broken down by four geographies. Based on current City development data, a sample of potential CBC eligible developments was utilized and current market land values were estimated based on the City's appraisers. It is noted, that land values at the time of building permit can vary considerably across, and within, geographies and the land values used to the revenue forecast represent those in the Markham East, West, North, and Central areas.

Applying the legislated four per cent cap, it is anticipated that the average unit will contribute approximately \$3,825 in CBCs. As illustrated in Table 7, this results in a high-level estimate of potential CBC revenues of approximately \$45.69 million for the City over the 2022 – 2031 period.

As discussed in Section 4, the total cost of the CBC-eligible capital program over the same 2022-2031 period is \$157.95 million. As such, it is evident that the capital needs cannot be fully funded by potential CBC revenues.

Table 7: Estimate of Potential CBC Revenues, 2022 – 2031

Area	# of CBC Eligible Units	4% of Land Value per Unit	CBC Revenue
Total Units	11,946	\$3,825	\$45,693,450

B. Proposed Rate Structure is as a Percentage of Site Land Value

It is proposed that the CBC levy rate will be based on a uniform four per cent of land value across the City. Developments that meet the criteria set out in Section 37 (4) of the Act will be subject to the charge excluding those listed as exempt under O. Reg. 509/20.

C. Land Appraisal Process

Individual CBC obligations will be calculated based on the market value of the site on the day before issuance of the first building permit. Payment is required prior to the issuance of a building permit by the City. In accordance with subsection 37 (44) of the Act. If the developer considers the charge to be higher than four per cent of land value, they are permitted to submit a payment under protest and must submit an alternate appraisal within 30 days. The City then has 45 days to provide the appraisal upon which the charge was based.

E. CBC Special Account

i. Existing Reserves

Existing reserves to be transferred to the CBC Special Account include any unspent or unallocated portions of the legacy Parking DC reserve and existing funds in the legacy Section 37 bonus zoning reserve less any prior commitments.

ii. CBC Reserve

Subsection 37 (45) of the Act requires that a single CBC special account be established. This is unlike DC reserves which are dedicated to specific service areas as defined in the DC by-law. The funds in the CBC reserve will include any existing reserves from non-eligible DC services and CBC monies collected.

Annually, the City must allocate or spend 60 per cent of the funds in the special account to CBC-eligible projects. The following information shall be provided to the public each year in the respect of the preceding year:

1. Statements of the opening and closing balances of the special account and of the transactions relating to the account.
2. In respect of the special account referred to in subsection 37 (45) of the Act, statements identifying,
 - i. facilities, services and matters acquired during the year with funds from the special account;
 - ii. details of the amounts spent; and
 - iii. for each facility, service or matter mentioned in subparagraph i, the manner in which any capital cost not funded from the special account was or will be funded.

3. In respect of the special account referred to in subsection 42 (15) of the Act, statements identifying,
 - i. land and machinery acquired during the year with funds from the special account;
 - ii. buildings erected, improved or repaired during the year with funds from the special account;
 - iii. details of the amounts spent; and
 - iv. for each asset mentioned in subparagraphs i and ii, the manner in which any capital cost not funded from the special account was or will be funded.
4. The amount of money borrowed from the special account and the purpose for which it was borrowed.
5. The amount of interest accrued on any money borrowed from the special account.

D. Statutory Exemptions

O. Reg. 509/20 includes the following statutory exemptions:

1. Development or redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2 (1) of the Long-Term Care Homes Act, 2007.
2. Development or redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2 (1) of the Retirement Homes Act, 2010.

3. Development or redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - ii. a college or university federated or affiliated with a university described in subparagraph i,
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017.
4. Development or redevelopment of a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion.
5. Development or redevelopment of a building or structure intended for use as a hospice to provide end of life care.
6. Development or redevelopment of a building or structure intended for use as residential premises by any of the following entities:
 - i. a corporation to which the Not-for-Profit Corporations Act, 2010 applies that is in good standing under that Act and whose primary object is to provide housing,
 - ii. a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
 - iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act. O. Reg 509/20, s. 1, 8.

6. Implementation & Administration

A. Consultation

The Act requires that a municipality consult with such persons and public bodies as the municipality considered appropriate. Subsection 37 (10) indicates that, at the discretion of the City, consultation shall be conducted. For the 2022 CBC Strategy, the City has met with the development industry in early 2022 and has provided the industry and Council with information for public review:

- An information meeting was held with the development industry on March 31st, 2022.
- Preliminary working capital programs were provided to industry stakeholders prior to the meeting with the development industry in March 2022.
- The draft CBC Strategy has been posted on the City of Markham website this April 6th, 2022, in advance of a formal public meeting.
- A formal public meeting is anticipated to be held on April 12th, 2022, ahead of the by-law being presented to Council for passage.

B. By-Law Passage, Notice and Appeal Provisions

The CBC By-law is anticipated to be passed mid-2022. The commencement of the by-law will be on the date the by-law is passed or the specified in the by-law, whichever is later in accordance with subsection 37 (11) of the Act.

A notice of passage is required to be provided no later than twenty days after passage, subsection 37 (13) of the Act. Furthermore, O.Reg. 509/20 subsection 4(2) states that a notice shall be given to every owner of land in the area to which the by-law applies, every person and organization that has

written request for the notice, upper-tier municipalities, school boards and by publication in a newspaper of sufficient general circulation.

A CBC by-law may be appealed to the Ontario Land Tribunal within forty days of passage by filing with the clerk of the City. The Tribunal is limited in its ability to amend the CBC By-law including not being able to increase the amount of CBCs that will be payable in any particular case, add, remove or reduce the scope of an exemption, change a provision for a phasing in so as to make the charges payable earlier and change the date the by-law will expire.

C. Treatment of In-Kind Contributions

The City may allow developers to pay CBCs in part or in whole with in-kind contributions. Such contributions will be evaluated on a case by case basis.

Paragraphs 6-8 of subsection 37 of the Act guide the legislative framework for the consideration of in-kind contributions:

In-kind contributions

(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies. 2020, c. 18, Sched. 17, s. 1.

Notice of value of in-kind contributions

(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them. 2020, c. 18, Sched. 17, s. 1.

Deduction of value of in-kind contributions

(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law. 2020, c. 18, Sched. 17, s. 1.

The CBC by-law will provide for the potential acceptance of CBC in-kind contributions consistent with the legislative requirements.

D. CBC Payment Dispute Mechanism

Developers may dispute the CBC charge by paying in protest and submitting an alternate appraisal. If the appraisals are within 5 per cent of each other the City must refund the difference. However, if the appraisal difference is greater than 5 per cent, the City will request the developer to select one of three appraisers from a City list. That will be the final appraisal and if it results in a lower CBC rate than paid, the City must refund the difference. Figure 2 below provides a summary of the appraisal and dispute process.

Figure 2: Payment Dispute Mechanism

	Planning Act	Timing	Action	Outcome
Charge as set by City	37(44)	Building permit	Developer pays	Payment received – process complete
			Developers pays under protest	New appraisal required
Payment under protest	37(33)	30 days	Developer submits appraisal to City	City review need for new appraisal or accept value
City disputes developer's value	37(35)	45 days	City submits appraisal to applicant	Joint review - if less than 5 percent difference, use higher value

	Planning Act	Timing	Action	Outcome
Arbitrated value	37(38)	60 days	Applicant picks appraiser from City roster	New appraisal sets value
In-kind contribution	37(7)	Before providing service / facility	City to advise applicant of in kind value	No appeal process. Value is deducted from charge

Appendix
CBC By-law
(Available Under
Separate Cover)