



August 13, 2019

The Honourable Doug Ford
Premier of Ontario
Room 281, Legislative Building
Queen's Park, Toronto M7A 1A1
Email: doug.ford@pc.ola.org

RE: CITY OF MARKHAM COMMENTS ON PROPOSED REGULATIONS – DEVELOPMENT CHARGES ACT, 1997 AND COMMUNITY BENEFITS CHARGE AUTHORITY (10.0)

Dear Premier:

This will confirm that at a meeting held on July 26, 2019, the Council of the City of Markham adopted the following resolution:

1. That the report entitled, "City of Markham Comments on Proposed Regulations - Development Charges Act, 1997 and Community Benefits Charge Authority" be received; and,
2. That this report, with the recommendations from the City of Markham on the proposed regulations to the Development Charges Act, 1997 and the Community Benefits Authority, be forwarded to the Premier of Ontario, Minister of Municipal Affairs and Housing, all York Region MPPs and the Regional Municipality of York; and,
3. That the City of Markham strongly urges the Province of Ontario to ensure that the implementation of the Community Benefits Charge will result in revenue neutrality for municipalities; and,
4. That the City of Markham supports the following:
 - a. The Province's efforts to increase the affordable housing supply in Ontario communities and encourages the Province to work with local municipalities and other government agencies to develop mechanisms toward that goal; and,
 - b. The Provincial implementation timeline of January 1, 2021 to transition to the Community Benefits Charge regime; and,
 - c. The Province's recommendation under Section 26.1 of the Development Charges Act, 1997.
 - d. The community benefits reporting requirements as proposed by the Province; and,
 - e. The parkland reporting requirements as proposed by the Province; and,

- f. The proposed list of developments included in the community benefits exemptions, to the extent that they are applicable to non-profit developments only; and,
 - g. The Minister of Municipal Affairs and Housing's proposal not to establish a maximum interest rate to be applied during the deferral and freeze of development charges; and
5. That the City of Markham request the Province:
- a) Authorize municipalities to register a priority lien on the tax roll of properties with mandatory development charge deferrals to protect the municipality against losses in the event of bankruptcy or land ownership changes; and,
 - b) Allow municipalities to use additional tools, other than a priority lien, to ensure that mandatory development charge deferrals are secured in a manner that protects municipal interests; and,
 - c) Specify that the date for which development charges are to be determined/frozen under Section 26.2 of the Development Charges Act, 1997 begins when an application for a zoning by-law amendment is deemed complete pursuant to section 34(10.4) of the Planning Act, and further, that a provision be made for municipalities to determine what constitutes acceptance of a site plan application for the purposes of determining development charges; and,
 - d) Mandate that any major revisions to an application require a recalculation of the applicable development charges from the date the major revision is accepted by the municipality, or the date such revision is deemed major by the municipality; and,
 - e) Clarify the proposed regulations related to secondary dwelling units in new residential buildings to indicate that a secondary dwelling unit is subordinate to, or accessory to, a main residential building in order to be identifiably differentiated from other residential development such as multi-unit buildings (e.g. multi-plexes, stacked townhouses); and,
 - f) Amend the Community Benefits Charge to reflect a fixed per capita charge in addition to a percentage of land value; and
 - g) Set the Community Benefits Charge cap percentage for low density development at a minimum of 20% of land value (if it is solely linked to a percentage of land value) in order to maintain revenue neutrality for the City of Markham; and,
 - h) Set the Community Benefits Charge cap percentage for high density development at a minimum of 85% of land value (if it is solely linked to a percentage of land value) with the percentage increasing as intensification increases in order to maintain revenue neutrality for the City of Markham; and,
 - i) Establish the proposed range of the Community Benefits Charge cap based on building type (low density vs high density) and geographic location; and,
 - j) Allow municipalities to establish a fee as part of the proposed process for land appraisals to offset the additional administrative costs; and,

- k) Authorize municipalities to levy a Community Benefits Charge in a Community Planning Permit area (without a cap); and,
 - l) Permit municipalities, where the Minister designates an area subject to a Community Planning Permit System, to enter into cost-sharing agreements with multiple landowners to provide community services to those areas; and further,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

If you have any questions, please contact Kevin Ross at 905-477-7000 ext. 2126.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'K. Kitteringham', with a stylized flourish at the end.

Kimberley Kitteringham
City Clerk

Copy to: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
 MPPs, York Region
 C. Raynor, Regional Clerk, Regional Municipality of York
 K. Ross, Manager, Development Finance & Payroll