

Memorandum

To	Marc Bancroft
From	Daryl Abbs
Date	January 7, 2024
Re:	Parks Plan - Parkland Dedication and Payment-in-lieu of Parkland Analysis

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This Parks Plan is being provided to summarize Watson & Associates Economists Ltd. (Watson)'s review and analysis of the Municipality of Thames Centre parkland dedication and payment-in-lieu of parkland policies.

1. Introduction

Watson was retained by the Municipality of Thames Centre (Municipality) to undertake a review and analysis of the Municipality's current policies with respect to parkland dedication and payment-in-lieu of parkland. This memo outlines the relevant legislation, the Municipality's current policies, analysis of alternative policies, and next steps/considerations for Municipality staff. Summary information along with a draft parkland dedication by-law are provided in the appendices. This analysis incorporates the recent changes to the *Planning Act* via *Bill 23, More Homes Built Faster Act*.

2. Legislative Overview

The *Planning Act* provides municipalities with the authority to impose conditions on development and redevelopment to receive parkland or payment-in-lieu of parkland. Section 42 of the *Planning Act* provides for the rules with respect to conveyance of land for park purposes (to be imposed by by-law), Section 51.1 provides the rules for the conveyance of parkland imposed as a condition of approval of a plan of subdivision, and Section 53 provides the rules for conveyance of parkland required for consent. The following outlines the relevant paragraphs of Section 42. Note: the rules under Section 51.1 and 53 are similar except for the date of determination of value for payment-in-lieu of parkland, which is noted below. Additionally, no by-law is required to impose the base dedication provisions under Section 51.1 or 53.



Parkland Dedication

Section 42 (1) provides that the municipality may require land be conveyed in the amount of 2 per cent for industrial and commercial development and 5 per cent for all other development (i.e., residential, and institutional):

“42 (1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

(2) A by-law passed under this section comes into force on the day it is passed, or the day specified in the by-law, whichever is later.”

New from Bill 23:

Section 42 (1.1) is proposed to be added upon proclamation by the Lieutenant Governor. This section provides for a reduction in the parkland dedication requirements for affordable residential units. Once enacted, where there are affordable residential units (as defined in the *Development Charges Act*), the dedication requirements shall not exceed 5% multiplied by the ratio of non-affordable residential units vs. the total number of residential units. For example:

- Number of affordable residential units: 10
- Number of non-affordable residential units: 90
- Total units: 100
- 5% multiplied by (90 divided by 100) equals 90% of 5% or 4.5%.

Section 42 (1.2) has been added to provide for an exemption for non-profit housing developments (as defined in the *Development Charges Act*).

Section 42 (1.3) has been added to provide for a similar residential intensification exemption as the *Development Charges Act*:

(1.3) A by-law passed under this section does not apply to the erection or location of,

- a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other*



than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

- (c) *one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*

Alternative Parkland Dedication Rate

For residential development or redevelopment, a municipality may also impose an alternative requirement to the 5 per cent dedication based on a rate of one hectare for each 600¹ net residential units, as follows:

“(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 600 net residential units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3).”

New From Bill 23

Section 42(3.0.2) has been added to identify that the number of units included in the calculation is the net new residential units after the development or redevelopment. This provides for a credit for the existing units.

Section 42(3.0.3) is proposed to be added to note that affordable residential units and attainable residential units (as defined in the *Development Charges Act*), shall be excluded from the net residential unit calculation.

Section 42(3.3) has been added to provide caps on the maximum dedication/payment-in-lieu required. This section is provided as follows:

- (3.3) *A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,*
 - (a) *in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and*

¹ New for Bill 23. Previous amount was one hectare for each 300 dwelling units.



- (b) *in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.”*

Requirement for a Parkland Dedication By-law – Alternative Residential Rate

To use the residential alternative requirement of one hectare for each 600 net residential units, a municipality must have the policy in their Official Plan document and pass a by-law which outlines parkland dedication (and payment-in-lieu of parkland) requirements. As of the passage of *Bill 73 (Smart Growth for our Communities Act)* in 2015, Section 42 of the *Planning Act* was amended to include a requirement to complete a Parks Plan prior to including the use of the alternative rate provisions in an Official Plan. Now, as per *Bill 23*, a Parks Plan is required to be undertaken prior to passing a by-law which includes the alternative residential rate.

The Municipality does have the alternative provisions included in their Official Plan (section 2.7.2), therefore, it appears the alternative provisions can be included in a parkland dedication by-law. Section 42 (4.1) and (4.2) denote the requirement for a Parks Plan and the need for consultation with school boards and other persons as the municipality considers appropriate. There is no prescription as to the contents of the Parks Plan.

To impose the alternative rate under Section 42 or 51.1 of the *Planning Act*, the municipality must pass a by-law. Section 42 (3.1) and (4.4) to (4.24) provide for the rules/requirements to pass a by-law with the inclusion of the alternative rate. A summary of the subsections is as follows:

- **Consultation:** the municipality shall consult with persons and public bodies as the municipality considers appropriate (note that in the preparation of a Parks Plan, the Municipality shall consult with every school board that has jurisdiction and may consult with any other persons or public bodies the municipality considers appropriate);
- **Notice of Passage:** the municipality shall give written notice of the passing of the by-law within 20 days of passage and identify the last day for appealing the by-law (40 days after passage). Details of the notice requirements are set out in O.Reg. 509/20 and are provided in Appendix A;
- **Appeal of By-law to the Ontario Land Tribunal:** A by-law may be appealed. The Clerk has certain duties on appeal which are listed in subsection 4.10. The Tribunal has various powers to dismiss the appeal or direct the municipality to amend the by-law.

Although a by-law is required to impose any parkland dedication under Section 42 of the *Planning Act*, the notice and consultation requirements do not appear to apply if the by-law does not include provision for the alternative rate.



Payment-in-lieu of Parkland

The Municipality may receive payment-in-lieu of parkland based on the value of the land otherwise to be conveyed. Further, if the Municipality has authorized the use of the alternative rate for parkland dedication, payment-in-lieu may be received instead, at a rate of one hectare for each 1,000¹ net residential units.

“(6) If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed.”

“(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 1,000 net residential units proposed or such lesser rate as may be specified in the by-law.”

Determination of Value of Parkland

The value of the land for payment-in-lieu of parkland purposes shall be determined as of the day before the building permit is issued.

“(6.4) For the purposes of subsections (4.19), (6), (6.0.1) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.”

Note, for parkland conveyed as a condition of a plan of subdivision, the value shall be determined as of the day before the approval of the draft plan of subdivision. Section 51.1 (4) provides for the following:

“(4) For the purpose of determining the amount of any payment required under subsection (3) or (3.1), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision.”

Note, for parkland conveyed under consent, the value shall be determined as of the day before the provisional consent was given. Section 53 (13) provides for the following:

“(13) If, on the giving of a provisional consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires a payment in lieu, for the purpose of determining the amount of the payment, the value of the land shall be determined as of the day before the day the provisional consent was given.”

¹ New for Bill 23. Previous amount was one hectare for each 500 dwelling units.



New From Bill 23

Sections 42(2.1), (2.2), (2.3), and (2.4) have been added to provide for a rate freeze similar to what is included in the *Development Charges Act*. This is provided as follows:

- (2.1) *The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,*
- (a) *the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the City of Toronto Act, 2006 was made in respect of the development or redevelopment;*
- (b) *if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or*
- (c) *if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.*
- (2.2) *Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.*
- (2.3) *If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).*
- (2.4) *Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.”*

Special Account and Reporting Requirements

All money received by the Municipality for the purposes of payment-in-lieu shall be paid into a special account and spent only for the following purposes (as per Subsection 42(15)):

- acquisition of land to be used for park or other public recreational purposes;
- erection, improvement, or repair of buildings; and
- acquisition of machinery for park or other public recreational purposes.



Subsection 42(17) of the *Planning Act* provides that a council that passes a by-law under Section 42 shall provide the reports and information as prescribed in the regulation. Ontario Regulation 509/20, Section 7 identifies the information that shall be provided to the public each year (for the previous 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 above, statements identifying,
 - a. land and machinery acquired during the year with funds from the special account,
 - b. buildings erected, improved, or repaired during the year with funds from the special account,
 - c. details of the amounts spent, and
 - d. 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.
3. The amount of money borrowed from the special account and the purpose for which it was borrowed.
4. The amount of interest accrued on any money borrowed from the special account.

New From Bill 23

Section 42(16.1) has been added to require that: “in each calendar year beginning in 2023, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.”

3. Current Practice and Analysis

3.1 Overview of Guiding Documents

Thames Centre’s Official Plan (O.P.), Section 2.7: “Public Parkland” sets out policies with respect to public parkland along with policies regarding parkland dedication. This section discusses parkland standards, requirements for parks, and parkland dedication guidelines. Section 2.7.2, notes that parkland dedication may be required at the rates of 5% for residential development and 2% for commercial and industrial development. It also notes that the Municipality may accept payment-in-lieu of parkland dedication. Finally, the Municipality may require residential development to dedicate land based on the alternative rate of one (1) hectare of land for each 600¹ dwelling units proposed.

¹ New for Bill 23. Previous amount was one hectare for each 300 dwelling units.



Additionally, the Municipality's Comprehensive Zoning by-law was reviewed. This document provides definitions for open space, parks (private and public), and recreation uses.

Finally, a review of the Municipality's 2021 Development Charge (D.C.) Background Study was undertaken. The D.C. study sets out the inventory of parkland, amenities, vehicles, and recreation facilities over the previous 10-year period. The study also sets out the growth-related capital needs for parks and recreation services (except purchase of parkland) that are to be recovered through D.C.s.

Thames Centre recently completed a Community Services and Facilities Masterplan. The analysis from this report may help guide policies with respect to parkland dedication and overall park/recreation definitions as a complement to the Masterplan.

3.2 Current Parkland Dedication and Payment-in-Lieu Policies

The O.P. provides the overarching policies with respect to parkland dedication and payment-in-lieu of parkland. There is currently no parkland dedication by-law.

3.2.1 Parkland Dedication

Overview

The policies with respect to parkland dedication in the O.P. allow for the requirement for 5% of the land for residential developments and 2% for commercial and industrial. Additionally, the Municipality is able to utilize the alternative rate of one (1) hectare of land for each 600¹ dwelling units.

Through discussions with staff, the alternative residential rate has not been utilized as there is currently no by-law in place.

Alternative Rate Requirement for Parkland Dedication

The *Planning Act* allows for use of the alternative rate for land dedication, however, the rate at which the value is determined is based on one (1) hectare for each 600 net residential units. If the Municipality were to incorporate this dedication rate, it should be used where it would provide for a greater amount of land dedication relative to the 5% rate. This can be calculated by analyzing the density of development at the breakeven point (i.e., where both rates provide the same land dedication).

To calculate the breakeven point of density, if we assume there is a 20-hectare development, the parkland dedicated at the 5% rate would yield a dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 600 net residential units, this will imply that to get the same amount of land dedication, there will need to be a

¹ New for Bill 23. Previous amount was one hectare for each 300 dwelling units.



density of 600 units on the 20 hectares of development. This equates to a density of 30 units per hectare or 12 units per acre. If density exceeds this breakeven point, the Municipality will receive more land by using the alternative rate.

Analysis

There are a few potential revisions to the current practice that may assist the Municipality in maximizing receipt of dedicated parkland.

- Consider revising the O.P. to include parkland dedication requirements of 5% for institutional development.
- Consider in a parkland dedication by-law, guidance on the use of the alternative rate requirement (i.e., when development exceeds density of 30 units per hectare or 12 units per acre).
 - As a result, the Municipality may consider utilizing the alternative rate for all high-density developments and reviewing density of each low-density and medium-density development on a case-by-case basis.

3.2.2 *Payment-in-Lieu of Parkland*

Overview

With respect to policies regarding payment-in-lieu of parkland, the O.P. (Section 2.7.3) states that the Municipality may accept payment-in-lieu of parkland dedication if it is determined that:

- The required land dedication fails to provide an area of suitable shape, size, or location for development as public parkland; or
- The required dedication of land would render the remainder of the site unsuitable or impractical for development; or
- Existing park and recreational facilities in the vicinity of the site are, in the opinion of Council, already adequate to serve the projected increase in population.

The O.P. states that the cash value of the land will be determined by an appraisal authorized by the Municipality. The value of the land is to be determined as follows:

- If the payment-in-lieu of dedication has been required by by-law under Section 42 of the *Planning Act*, the value shall be determined as of the day before issuance of a building permit;
- If the payment-in-lieu of dedication has been required as a condition of subdivision under Section 51.1 of the *Planning Act*, the value shall be determined as of the day before the day the draft plan is approved.

The *Planning Act* allows a municipality to require payment-in-lieu of 5% for residential and institutional lands and 2% for commercial and industrial lands.



Alternative Rate Requirement for Parkland Dedication

The *Planning Act* allows for use of the alternative rate for payment-in-lieu of dedication, however, the rate at which the value is determined is based on one (1) hectare for each 1,000 net residential units. Similar to dedication of parkland, if the Municipality chooses to impose the alternative residential rate, the Municipality should clearly define when it is appropriate to use the alternative rate relative to the 5% rate. This can be estimated by analyzing the density of development at the breakeven point (i.e., where both rates provide the same payment-in-lieu of dedication).

To calculate the breakeven point of density, if we assume there is a 20-hectare development, the payment-in-lieu would be based on the equivalent value of dedication of 5% of the lands dedication and would yield a value equivalent to the dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 1,000 net residential units, this will imply that to get the same amount of equivalent land dedication, there will need to be a density of 1,000 units on the 20 hectares of development. This equates to a density of 50 units per hectare or 20 units per acre. If density exceeds this breakeven point, the Municipality will receive more payment-in-lieu by using the alternative rate.

Per Lot Rate

The Municipality utilizes a per lot rate for residential and commercial/industrial payments-in-lieu of parkland dedication. The rates imposed are \$4,000 per lot for residential development and \$1,600 per lot for commercial and industrial development. Watson has reviewed these rates and estimated the equivalent value that would be received on a typical lot in the Municipality. That is, what is the assumed value of the land at the 5% dedication rate using the per lot fees of \$4,000 and \$1,600. This summary is provided in Table 3-1 for residential and commercial/industrial lots, respectively.



Table 3-1
Municipality of Thames Centre
Per Lot Equivalent Value Calculations

Urban Lots	Current Charge	Calculated Charge based on Average Land Values
Average Price per Acre		\$ 1,670,000
Assumed Density per Acre		8
Assumed Value per Lot	\$ 80,000	\$ 209,000
P.I.L. Parkland Charge per Lot	\$ 4,000	\$ 10,450

Rural Lots	Current Charge	Calculated Charge based on Average Land Values
Average Price per Acre		\$ 780,000
Assumed Density per Acre		2
Assumed Value per Lot	\$ 80,000	\$ 390,000
P.I.L. Parkland Charge per Lot	\$ 4,000	\$ 19,500

As per the calculations above, with a parkland dedication fee at \$4,000 per residential lot, the assumed value of the land would be \$80,000 per lot. To compare this calculated value per lot to the current market, Watson undertook a review of recent sale price data from the Municipal Property Assessment Corporation (MPAC). Based on the properties surveyed (recent sales), the average price per acre is approximately \$1,670,000 for urban residential land areas and \$780,000 per acre for rural residential land areas (based on the value the day before building permit. Utilizing an assumption of 8 units per acre for urban areas and 2 units per acre in rural areas based on forecast densities utilized in the development charges background study, the estimated value per lot for would be \$209,000 and \$390,000, respectively.

Additionally, a review of recent subdivision developments was undertaken. The lot values prior to building permit issuance were observed to be approximately \$400,000 (in 2023\$) for urban land areas. This land value analysis was undertaken using MPAC¹ database information and is summarized in Appendix C. As a result, utilizing \$209,000 per lot for the above analysis would appear conservative. The current rate per lot is significantly lower than the amount that would be collected using the 5% rate or the alternative rate (i.e., based on value of land the day before building permit, as provided under S.42 of the *Planning Act*).

With respect to the commercial and industrial rates per lot, it is unclear as to a typical lot size as properties vary depending on the nature of the business. As a result, it would

¹ MPAC database review undertaken as of October 2023



be recommended that the Municipality require an appraisal be undertaken and the 2% dedication rate be applied.

The recent changes arising from Bill 23 have required that development or redevelopment proceeding through a site plan application or zoning by-law amendment application have their payment-in-lieu rates frozen at the time the application is submitted. As a result, it is recommended that a per lot rate not be used for these types of development and that appraisals are required to apply the 5%/2% rates.

Analysis

There are a few potential revisions to the current practice that may assist the Municipality in maximizing receipt of payment-in-lieu of parkland.

- Consider revising the O.P. to include payment-in-lieu of parkland dedication requirements of 5% for institutional development.
- No longer impose payment-in-lieu for commercial and industrial properties on a per lot rate basis, however, impose 2% of the appraised value of the land.
- Consider increasing the residential per lot fee to for all residential lots with provision for indexing.
- Consider including in a parkland dedication by-law, guidance on the use of the alternative rate requirement (i.e., when development equals or exceeds a density of 50 units per hectare or 20 units per acre).
 - As a result, the Municipality may consider utilizing the alternative rate for all high-density developments and reviewing the density of each low-density and medium-density development on a case-by-case basis.

3.3 Current Recoveries from Development Charges

3.3.1 Overview of Parks vs. Recreation

The *Development Charges Act* (D.C.A.) allows for the recovery of growth-related capital costs. Section 2(4) of the D.C.A. lists the services for which recovery of capital costs are eligible; this includes parks and recreation services. There is an exception however, with respect to land for parks which is outlined in Section 2.1 of Ontario Regulation 82/98. Ineligible parkland includes land for woodlots and land that is acquired because it is environmentally sensitive. Land for an enclosed structure used throughout the year for public recreation and land that is necessary for the structure to be used for that purpose, including parking and access to the structure is eligible for inclusion in a D.C. background study and by-law.

In summary, land for park purposes is not eligible for inclusion in a D.C., however, land for recreation is eligible. The distinction between parkland and land for recreation purposes is important in determining which lands may be recovered from new development through D.C.s as this will help maximize the recovery of costs.

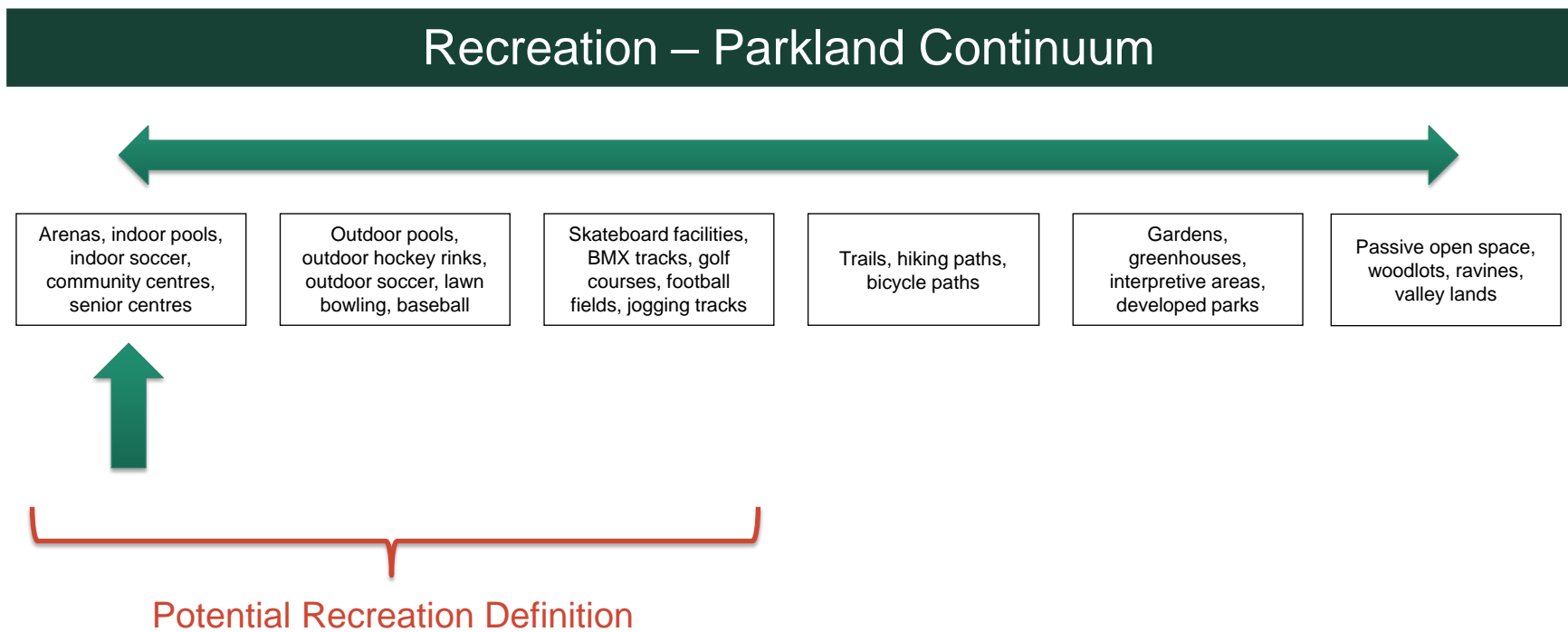


Historically, the Municipality has paid for land for indoor recreation facilities (e.g., arenas, community centres, etc.) through D.C.s and all other parkland has been acquired through dedication or paid with funds collected from payment-in-lieu of parkland. However, a consideration of “recreation” may be undertaken. For example, an indoor soccer field built inside of an air supported structure would be considered an indoor facility and the land for the facility may be funded with D.C.s. If the soccer field was constructed outside, the land would be funded from the parkland reserve. In both cases, the use of the “facility” is the same, however, the funding is different. If soccer facilities (both indoor and outdoor) were defined as “recreation” in all of the Municipality’s policies (e.g., O.P., parks and recreation master plans, zoning by-law, etc.) there is the potential for the Municipality to recover the cost of the land from D.C.s.

Figure 3-1 provides for a continuum of parks and recreation uses. These range from indoor facilities such as arenas to open space parkland. The green arrow on the left denotes the current definition of recreation utilized by the Municipality (i.e., for which land is included in the D.C. study). There is a potential for the recreation definition to be expanded to include outdoor recreation uses such as pools, outdoor hockey rinks, outdoor soccer, lawn bowling, baseball diamonds, skateboard facilities, BMX tracks, golf courses, football fields, and jogging tracks.



Figure 3-1
Municipality of Thames Centre
Recreation to Parkland Continuum





3.3.2 Current Definitions in Thames Centre Documents

To assess and confirm the Municipality's current definitions of parks and recreation, Watson undertook a review of the following documents:

- Municipality of Thames Centre Official Plan (2020); and
- Municipality of Thames Centre Zoning By-law No. 75-2006 (2021 consolidation amendment).

Through a review of these documents, each reference to parks and/or recreation was noted to ascertain the Municipality's assumed definition of each term. The O.P. utilizes the terms in various contexts and appears to have different meanings in different sections of the O.P. For example, the Alternative Conveyance section speak to parks and recreation facilities separately, implying they are distinct from one another. However, in Parks and Open Space Designation the definitions become blurred as Parks and Open Space designation are defined to include parks, arenas, community centres, playing fields, etc.

Table B-1 in Appendix B provides for a list of all of the instances of the term's parks and recreation in the above listed documents, along with notes on the implication of the definitions/references.

3.3.3 Opportunities for Maximizing Recoveries

The Municipality may seek to maximize recovery of costs for recreation land by utilizing recovery through D.C.s as much as possible. To achieve this, the Municipality must first update their existing policy documents to clearly define parks versus recreation. These refined definitions should be consistent between all policy documents.

4. Impacts of Current Practice vs. Alternative Approaches

4.1 Approach to Analysis

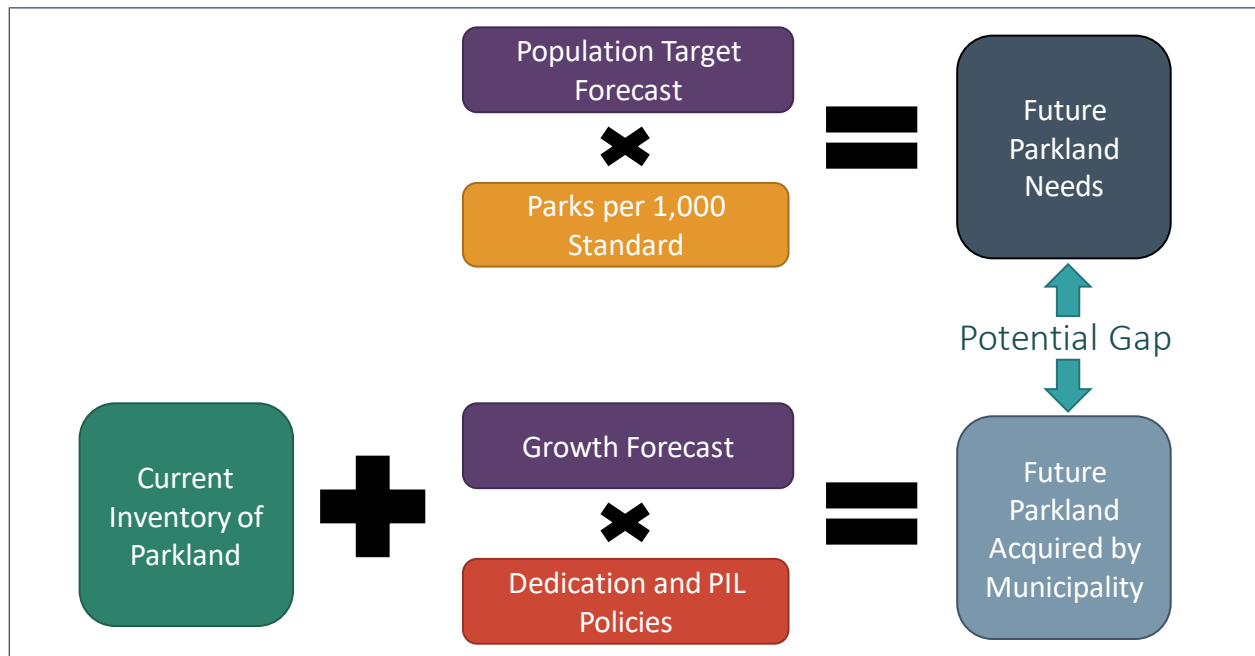
To quantify the impacts of the various approaches on the Municipality's ability to achieve their parkland targets, the following section provides for the anticipated parkland dedication and payment-in-lieu of dedication, calculated by using the Municipality's 2021 D.C. background study growth forecast, and the various rates described above.

Figure 4-1 provides an overview of the analysis. To estimate the future parkland needs, the parks standard is applies to the target population at the end of the forecast period. This analysis is presented in Section 4.2. To estimate the potential future parkland received and/or payment-in-lieu of parkland received, various dedication and payment-in-lieu policies are applied to the anticipated growth and added to the current inventory



of parkland. Once the anticipated parkland/ payments received analysis is complete, the potential gap in parkland/funding may be identified.

Figure 4-1
Municipality of Thames Centre
Parkland Needs Analysis



4.2 Current Inventory of Parkland and Future Need

4.2.1 Summary of Current Inventory

The 2023 Community Services and Facilities Master Plan identified the current inventory of active parkland in the Municipality as of 2023. Table 4-1 provides for a summary of the 2023 inventory:

Table 4-1
Municipality of Thames Centre
Inventory of Parkland (2023)

Inventory of Active Parkland	Total Acres	Total Hectares
Total Area	141.1	57.1



Note: There are planned active parkland developments totalling 5.2 hectares. These parks are excluded from the subsequent analysis as they reflect parkland identified to accommodate growth in the forecast period.

The Community Services and Facilities Master Plan identifies the target service level or 3.9 hectares per 1,000 residents for active parkland. A review of the anticipated parkland needs to 2046 was identified based on the anticipated population and the service level of 3.9 hectares of parkland per 1,000 residents. Based on a projected population of 21,231 people in 2046, the Municipality would require 82.80 hectares of parkland, implying that by 2046, the Municipality would need to receive (or purchase) 25.70 hectares of additional parkland. This information is summarized in Table 4-2:

Table 4-2
Municipality of Thames Centre
Required Parkland by 2046 as per Recommended Service Level and Anticipated Growth

Parkland Requirement Calculations	Current Parkland Inventory	Area Required in 2046 Based on a Population of 21,231	Additional Parkland Needed
Active Parkland (ha)	57.10	82.80	25.70

Note: The Community Services and Facilities Master Plan identified the need for 15.20 hectares by 2031.

4.3 Parkland Dedication

4.3.1 Current Approach

With respect to parkland dedication, currently the Municipality receives parkland dedication in the amount of 5% of the land area for residential developments and 2% of the land area for industrial and commercial developments. No dedication requirements are applied to institutional developments.

The current inventory was measured as of 2023. As a result, the growth forecast period utilized for this analysis is 2023 to 2046. The Municipality’s 2021 D.C. background study growth forecast was utilized for this analysis and prorated to align with the forecast period in this analysis. When defining the need for parkland based on the total population of the Municipality, Thames Centre requires 25.70 hectares of additional parkland (to maintain the recommended standard of 3.9 hectares of active parkland per 1,000 population). Table 4-3 provides for a summary of the anticipated residential units to be constructed over this time period. With assumed densities of 10, 15, and 40 units per acre for low, medium, and high-density development¹, respectively, the total acres

¹ Based on the assumed densities utilized in the D.C. background study growth forecast.



of residential development lands equal 219.80 acres (or 88.95 ha). At a parkland dedication rate of 5%, the total parkland to be dedicated would be 10.99 acres (or 4.45 hectares).

Table 4-3
Municipality of Thames Centre
Residential Parkland Dedication at 5%

Unit Type	Anticipated Units (2023 to 2046)	Density Assumption (units/acre)	Total Acres	Total Acres Dedicated at 5%
Singles	1,900	10	190.00	9.50
Towns	348	15	23.20	1.16
Apartments	264	40	6.60	0.33
Total	2,512		219.80	10.99
Total Hectares			88.95	4.45

Table 4-4 provides for a summary of the anticipated non-residential development to be constructed over the 2023-to-2046-time horizon. Based on the D.C. growth forecast, there is approximately 1,208 employees that will be added. Based on the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 907,500 sq.ft. Assuming the industrial buildings have a lot coverage of 25% and the institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 3.25 million sq.ft. This equates to a total land area of 74.50 acres (or 30.15 hectares). Based on a 2% dedication rate applied to industrial and commercial properties (currently, there is no provision to impose the charges on institutional development), this would provide the Municipality with a total of 1.11 acres (or 0.45 hectares) over the forecast period.

Table 4-4
Municipality of Thames Centre
Non-residential Parkland Dedication at 2% (0% Institutional)

Type	Anticipated Employment (2023 to 2046)	Sq.ft. per Employee	Anticipated Sq.ft. (2023 to 2046)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Acres Dedicated at 2%
Industrial	254	1,300	330,200	25%	1,320,800	30.32	0.61
Commercial	601	550	330,550	30%	1,101,833	25.29	0.51
Institutional	353	699	246,747	30%	822,490	18.88	-
Total	1,208		907,497		3,245,123	74.50	1.11
Total Hectares						30.15	0.45

In total, this approach would yield the Municipality with approximately 12.10 acres (or 4.90 hectares) of parkland if every property provided parkland dedication.

4.3.2 **Base Provisions of the Planning Act (5% Residential and Institutional, 2% Commercial and Industrial)**

The *Planning Act* allows municipalities to require parkland dedication at a rate of 2% of land for commercial and industrial development and 5% for all other development (i.e., residential, and institutional).



In this approach, the calculated residential dedication would be the same as presented in Table 4-3. The non-residential parkland dedication calculations in Table 4-4 have been restated in Table 4-5 to include institutional parkland dedication calculated at the 5% rate. In total, this scenario would provide the Municipality with 13.05 acres (10.99 acres from residential and 2.06 acres from non-residential).

Table 4-5
Municipality of Thames Centre
Non-residential Parkland Dedication; 5% Institutional, Commercial and Industrial at 2%

Type	Anticipated Employment (2023 to 2046)	Sq.ft. per Emp	Anticipated Sq.ft. (2023 to 2046)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Acres of Land Area	Total Acres Dedicated at 2%
Industrial	254	1,300	330,200	25%	1,320,800	30.32	0.61
Commercial	601	550	330,550	30%	1,101,833	25.29	0.51
Institutional	353	699	246,747	30%	822,490	18.88	0.94
Total	1,208		907,497		3,245,123	74.50	2.06
Total Hectares						30.15	0.83

4.3.3 Alternative Residential Rate and 5% Institutional Rate

With respect to use of the alternative rate for parkland dedication of one (1) hectare for every 600 net residential units, the Municipality would receive approximately 9.92 acres (or 4.01 hectares) of parkland. Table 4-6 provides for the anticipated acres of parkland dedication based on the residential growth forecast from the D.C. study and use of the alternative rate.

Table 4-6
Municipality of Thames Centre
Residential Parkland Dedication at One Hectare for Each 600 Net Residential Units

Unit Type	Anticipated Units (2023 to 2046)	One Hectare for 600 Net Residential Units (ha)	Total Acres	Acres at 10% Maximum*
Singles	1,900	3.17	7.82	7.82
Towns	348	0.58	1.43	1.43
Apartments	264	0.44	1.09	0.66
Total	2,512	4.19	10.35	9.92

**As per Bill 23 (now s42(3.3) of the Planning Act), properties 5 hectares or less are limited to 10% of the land area. Parkland dedication for apartments would exceed this limitation, therefore the 10% dedication cap assumption was used*

With respect to non-residential dedication, the calculations from Section 4.3.2 would still apply (i.e., 2.06 acres). In total, this approach would provide for 11.97 acres (or 4.85 hectares) of parkland dedication over the forecast period.

4.3.4 Summary of Analysis

Table 4-7 provides for a comparison of the approaches to parkland dedication for residential development (5% vs. one hectare for 600 net residential units) and non-residential development (currently policy vs. 2% for industrial/commercial and 5% for



institutional). As the Municipality requires 25.70 hectares of parkland over the forecast, the Municipality is forecast to be in a deficit in all scenarios.

Table 4-7
Municipality of Thames Centre
Summary Comparison of Current vs. Alternative Rate Approach to Parkland Dedication

Summary	5% for Residential and 2% for Commercial and Industrial	5% for Residential and Institutional and 2% for Commercial and Industrial	1 Hectare for 600 Net Residential Units, 2% for Commercial and Industrial and 5% for Institutional
Residential Acres	10.99	10.99	9.92
Non-residential Acres	1.11	2.06	2.06
Total Acres	12.10	13.05	11.97
Total Hectares	4.90	5.28	4.85

4.4 Payment-in-Lieu of Parkland

With respect to Payment-in-Lieu of Parkland, there are three (3) approaches to imposing these fees on development and redevelopment in the Municipality:

1. **Current Policy:** impose a rate per lot (\$4,000 for residential and \$1,600 for non-residential);
2. **5%/2% Rates:** impose the equivalent value of 5% of the land area for residential and institutional development and the equivalent value of 2% of the land area for commercial and industrial development; and
3. **Alternative Rate:** impose the equivalent value of one (1) hectare of land for each 1,000 net residential units for residential development.

Similar to the analysis with respect to parkland dedication, the D.C. growth forecast was used to estimate the amount of development in the Municipality from 2023 to 2046. The estimated land values in the Municipality were analyzed based on recent land sales obtained from MPAC and are based on the value of the land the day before building permit issuance. A summary table of the properties reviewed is provided in Appendix C. Based on the properties analyzed, the average sales price of residential vacant land is assumed to be \$1,670,000 per acre¹ and the average sales price of non-residential

¹ The value utilized in the calculations is based on values in the urban area (i.e., properties serviced with water and wastewater).



properties is approximately \$280,000 per acre for industrial, \$930,000 for commercial, and \$610,000 for institutional.

Note, generally parkland is located in residential areas. As a result, the analysis herein assumes that the Municipality would purchase parkland at the value of serviced residential land (i.e., the day before building permit). This analysis allows for comparison of the approaches; however, the Municipality may purchase land at a lower value depending on local circumstances.

4.4.1 Current Policy

Under the current policy, the Municipality imposes a fee of \$4,000 per lot for residential and a fee of \$1,600 per lot for non-residential. Utilizing the growth forecast from the 2021 D.C. background study and prorated to align with the forecast period in this analysis, there are a total of 2,248 low and medium density units anticipated to be constructed over the 2023 to 2046 forecast period. Each of these units are assumed to be developed as one lot for each unit. With respect to high-density development, it has been assumed that there may be an average of 50 units per lot. As a result, its anticipated that there would be an additional 5 apartment lots in total. The number of lots is then multiplied by the fee per lot to estimate the payment-in-lieu of parkland revenue. With respect to non-residential development (commercial and industrial), through discussions with staff, in practice the Municipality does not appear to impose payment-in-lieu of parkland fees on non-residential development. Table 4-8 summarizes these calculations. The total anticipated revenue would be \$9,012,000 over the forecast period.

Table 4-8
Municipality of Thames Centre
Anticipated Payment-in-Lieu of Parkland Dedication Revenues

Development Type	Fee per Lot	Anticipated Lots between 2023 and 2046 (single and town)	Anticipated Lots between 2023 and 2046 (apartments)*	Anticipated Non-Residential Lots	Revenue Anticipated
Residential	\$4,000	2,248	5	-	\$9,012,000
Non-residential	\$1,600	-	-	n/a	\$0
Total			5	-	\$9,012,000

* assumed 50 units per lot

Based on the residential cost of land per acre, this would provide the Municipality with the ability to purchase approximately 5.40 acres of land (or 2.18 hectares).

4.4.2 5%/ 2% Rates

The *Planning Act* allows municipalities to require payment-in-lieu of parkland dedication at a rate of 2% for commercial and industrial development and 5% for all other development (i.e. residential and institutional). Note however, the Municipality's O.P. does not include provision for collection of parkland dedication from institutional development.



The Municipality’s 2021 D.C. background study growth forecast was utilized for this analysis and prorated to align with the forecast period in this analysis. There are a total of 2,512 low, medium, and high-density units anticipated to be constructed over the 2023 to 2046 forecast period. Table 4-9 provides for a summary of the anticipated residential units to be constructed to 2046. With assumed densities of 10, 15, and 40 units per acre for low, medium, and high-density development, respectively, the total acres of residential development lands equal 219.80 acres (or 88.95 hectares). At a value of \$1,670,000 per acre (or \$4,130,000 per hectare), the total value of the developable lands would be approximately \$367.07 million. At a rate of 5% of the land value, the Municipality would receive approximately \$18.35 million.

Table 4-9
Municipality of Thames Centre
Anticipated Payment-in-Lieu of Parkland Dedication Revenues for Residential

Unit Type	Anticipated Units (2023 to 2046)	Density Assumption (units/Acre)	Total Acres	Value of Land per Acre	Total Value of Developable Lands	5% of the Total Value
Singles	1,900	10	190.00	\$1,670,000	\$317,300,000	\$15,865,000
Towns	348	15	23.20	\$1,670,000	\$38,744,000	\$1,937,200
Apartments	264	40	6.60	\$1,670,000	\$11,022,000	\$551,100
Total	2,512		219.80		\$367,066,000	\$18,353,300
Total Hectares			88.95			

Table 4-10 provides for a summary of the anticipated non-residential development to be constructed over the 2023 to 2046 time-period. Based on the D.C. growth forecast, there are approximately 1,208 employees that will be added. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 907,500 sq.ft. Assuming the industrial buildings have a lot coverage of 25%, institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 3.25 million sq.ft. This equates to a total land area of 74.50 acres (or 30.15 hectares). At a value of \$280,000 per acre for industrial, \$930,000 for commercial, and \$610,000 for the total value of the developable lands would be approximately \$43.53 million. At a rate of 2% of the land value for commercial and industrial and 5% for institutional, the Municipality would receive approximately \$1.22 million.



Table 4-10
Municipality of Thames Centre
Anticipated Payment-in-Lieu of Parkland Dedication Revenues
2% for Commercial and Industrial, 5% for Institutional

Type	Anticipated Employment (2023 to 2046)	Sq.ft. per Employee	Anticipated Sq.ft. (2023 to 2046)	Assumed Lot Coverage	Total Sq.ft. of Land Area
Industrial	254	1,300	330,200	25%	1,320,800
Commercial	601	550	330,550	30%	1,101,833
Institutional	353	699	246,747	30%	822,490
Total	1,208		907,497		3,245,123

Type	Total Sq.ft. of Land Area	Total Acres of Land Area	Value of Land per Acre	Total Value of Developable Lands	2% of the Total Value
Industrial	1,320,800	30.32	\$ 280,000	\$ 8,489,991	\$ 169,800
Commercial	1,101,833	25.29	\$ 930,000	\$ 23,523,990	\$ 470,480
Institutional	822,490	18.88	\$ 610,000	\$ 11,517,881	\$ 575,894
Total	3,245,123	74.50		\$ 43,531,862	\$ 1,216,174
Total Hectares		30.15			

* Institutional based on 5% of the value of land

In total, this scenario would provide the Municipality with approximately \$19.57 million.

4.4.3 Alternative Residential Rate

Regarding receipt of payment-in-lieu of dedication the *Planning Act* also allows the use of an alternative rate of the value of one (1) hectare of land for each 1,000 net residential units.

With respect to use of the alternative rate the non-residential payment-in-lieu would remain the same at approximately \$1.22 million. However, if the Municipality were to utilize the alternative rate for residential developments, the Municipality would receive approximately \$10.37 million for a total of \$11.58 million. Table 4-11 provides for the anticipated payment-in-lieu of parkland based on the residential growth forecast from the D.C. study and the use of the alternative rate.

Table 4-11
Municipality of Thames Centre
Residential Payment-in-Lieu of Dedication at One Hectare for Each 1,000 Net Residential Units

Unit Type	Anticipated Units (2023 to 2046)	1 Ha for 1000 Dwelling Units (Acres)	Value of Land per Acre	Total Value of Developable Lands	Acres at 10% Maximum*	Total Value of Developable Lands
Singles	1,900	4.69	\$1,670,000	\$7,840,483	4.69	\$ 7,840,483
Towns	348	0.86	\$1,670,000	\$1,436,046	0.86	\$ 1,436,046
Apartments	264	0.65	\$1,670,000	\$1,089,414	0.65	\$ 1,089,414
Total	2,512	6.21			6.21	\$ 10,365,944



4.4.4 Summary of Analysis

Table 4-12 provides for a comparison of the approaches to payment-in-lieu of parkland for residential development (per lot fee vs. 5% vs. 1,000 net residential units) and non-residential development (no payment vs. 2% for industrial/commercial and 5% for institutional). Use of the per lot fee provides the Municipality with approximately \$9.01 million, use of the 5%/2% provides for approximately \$19.57 million, and use of the alternative rate provides for approximately \$11.58 million.

Table 4-12
Municipality of Thames Centre
Summary Comparison of Current vs. Alternative Rate Approaches

Summary	Per Lot Fee for Residential	5% for Residential and 2% for Commercial and Industrial and 5% for Institutional	1 Hectare for 1,000 Dwelling Units, 2% for Commercial and Industrial and 5% for Institutional
Residential Recovery	\$9,012,000	\$18,353,300	\$10,365,944
Non-residential Recovery	\$0	\$1,216,174	\$1,216,174
Total	\$9,012,000	\$19,569,474	\$11,582,118

4.4.5 Sensitivity Analysis

As noted in the previous section, the value of land used for the analysis is based on surveyed purchase prices which aim to reflect the value the day before building permit. This aligns with Section 42 of the Planning Act.

When the Municipality purchases new land for parks, it may be assumed that the land will be purchased in an urban area. As such, a conservative estimate would be to assume the land is purchased at the same valuation as used in the above analysis for residential development (\$1.67M per acre or \$4.13M per hectare). To present alternative assumptions, Table 4-13 provides the assumed surplus/deficit using various land valuation assumptions. As shown in the table, there is a deficit in almost all scenarios except use of the 5%/2% Planning Act provisions, where the purchase price of the land would be approximately \$200,000 per acre or \$500,000 per hectare.



Table 4-13
Municipality of Thames Centre
Impacts of Various Land Purchase Assumptions

Summary	Per Lot Fee for Residential	5% for Residential and 2% for Commercial and Industrial and 5% for Institutional	1 Hectare for 1,000 Dwelling Units, 2% for Commercial and Industrial and 5% for Institutional
Residential Recovery	\$9,012,000	\$18,353,300	\$10,365,944
Non-residential Recovery	\$0	\$1,216,174	\$1,216,174
Total	\$9,012,000	\$19,569,474	\$11,582,118
Total Ha Required	25.70	25.70	25.70
Scenario 1 - \$4.13M per hectare or \$1.67M per acre			
Total Value of Land Required	\$ 106,144,717	\$ 106,144,717	\$ 106,144,717
Deficit / (Surplus) (\$)	\$ 97,132,717	\$ 86,575,243	\$ 94,562,599
Scenario 2 - \$2.00M per hectare or \$809,000 per acre			
Total Value of Land Required	\$ 51,401,800	\$ 51,401,800	\$ 51,401,800
Deficit / (Surplus) (\$)	\$ 42,389,800	\$ 31,832,326	\$ 39,819,682
Scenario 3 - \$1.00M per hectare or \$405,000 per acre			
Total Value of Land Required	\$ 25,700,900	\$ 25,700,900	\$ 25,700,900
Deficit / (Surplus) (\$)	\$ 16,688,900	\$ 6,131,426	\$ 14,118,782
Scenario 4 - \$0.50M per hectare or \$202,000 per acre			
Total Value of Land Required	\$ 12,850,450	\$ 12,850,450	\$ 12,850,450
Deficit / (Surplus) (\$)	\$ 3,838,450	-\$ 6,719,024	\$ 1,268,332



5. Observations and Comments

Based on the above, the following provides a summary of our observations and potential recommendations for the Municipality's consideration.

1. **Parkland Dedication:** The Municipality's current policy for imposing parkland dedication is to impose the 5% dedication requirement on residential development and 2% for commercial and industrial development. The Municipality should consider imposing the following:
 - a. Utilize the alternative rate for residential development in a parkland dedication by-law (where the alternative rate provides for more dedication and subject to the update to the O.P.); and
 - b. Consider revising the O.P. to identify the 5% dedication rate for institutional developments and include in a future parkland dedication by-law.
2. **Payment-in-Lieu:** The following provides a summary of recommendations with respect to payment-in-lieu:
 - a. **Residential Per Lot Fee:** The current per lot fee is \$4,000. The Municipality should consider increasing this fee and to apply to consents only. Any increases may be phased-in over time. This fee should be included in a parkland dedication by-law and be subject to indexing. For all other development, the 5% or alternative rate would apply, subject to an appraisal.
 - b. **Site Plan and Zoning By-law Amendment Applications:** Development and redevelopment that proceeds through these applications will have their payment-in-lieu rate frozen at the time of submission of the application. As a result, it is recommended that the Municipality require an appraisal be submitted with the application to ensure the appropriate value of land is being dedicated.
 - c. **Commercial and Industrial Per Lot Fee:** With respect to the non-residential rates per lot, it is unclear as to a typical lot size as properties vary depending on the nature of the business. As a result, it would be recommended that the Municipality require an appraisal be undertaken and the 2% dedication rate be applied.
 - d. **Institutional Development and Redevelopment:** It is recommended that the Municipality consider revising their O.P. to include policies to collect payment-in-lieu of dedication for institutional development at a rate of 5% of the value of the land. Additionally, this may be included in a future parkland dedication by-law.



- e. **All Other Residential Development and Redevelopment:** The Municipality may continue to consider use of the alternative rate (the value is one (1) hectare of land for each 1,000 net residential units) where the alternative rate provides for more payment-in-lieu.
- f. **Parkland vs. Recreation Land:** To maximize recovery of costs for parkland and recreation land, the Municipality may consider refining definitions in the Official Plan, Zoning By-law, and other policy documents to clearly delineate parkland vs. recreation land. This will allow for more land to be recovered through D.C.s, freeing up the dedication and payment-in-lieu funds to be used for parkland.

6. Next Steps

With respect to next steps, Municipality staff may consider the observations provided in the above section. The Municipality may incorporate these observations into a parkland dedication and payment-in-lieu of parkland by-law. A draft by-law has been provided in Appendix D.

We trust that the information provided in this memo is useful and we would be pleased to discuss further.



Appendix A

Parkland Dedication By-law Passage Notice Requirements



APPENDIX A: PARKLAND DEDICATION BY-LAW PASSAGE NOTICE REQUIREMENTS

Section 4(2) of O.Reg. 509/20 provides the following notice requirements:

- 2) Notice shall be given,
 - a) by personal service, fax, mail or email to,
 - i) as determined in accordance with subsection (3), every owner of land in the area to which the by-law applies,
 - ii) every person and organization that has given the clerk of the municipality a written request for notice of the passing of the by-law and has provided a return address,
 - iii) in the case of a by-law passed by the council of a lower-tier municipality, the clerk of the upper-tier municipality that the lower-tier municipality is in, and
 - iv) the secretary of every school board having jurisdiction within the area to which the by-law applies; or
 - b) by publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the passing of the by-law.
- 3) For the purposes of subclause (2) (a) (i), an owner is any person who is identified as an as owner on the last revised assessment roll, subject to any written notice of a change of ownership of land the clerk of the municipality may have received.
- 4) A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the clerk.
- 5) Notice shall contain the following information:
 - (1) A statement that the council of the municipality has passed a community benefits charge by-law or a by-law under section 42 of the Act, as the case may be, and the statement shall set out the number of the by-law and the date on which the by-law passed.
 - (2) A statement that any person or organization may appeal the by-law to the Local Planning Appeal Tribunal under subsection 37 (17) or 42 (4.9) of the Act, as applicable, by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.
 - (3) The last day on which the by-law may be appealed.



- (4) In the case of a notice of the passing of a community benefits charge by-law, an explanation of the community benefits charges imposed by the by-law.
 - (5) In the case of a notice of the passing of a by-law under section 42 of the Act, an explanation of the parkland and payment in lieu requirements imposed by the by-law.
 - (6) A description of the lands to which the by-law applies, a key map showing the lands to which the by-law applies, or an explanation why no description or key map is provided.
 - (7) The location and times during which persons may examine a copy of the by-law.
- 6) For the purposes of subsection 37 (16) and 42 (4.8) of the Act, the prescribed day is,
- a) if the notice is by publication in a newspaper, the first day on which the publication is circulated;
 - b) if the notice is given by fax, the day that the notice is faxed;
 - c) if the notice is given by mail, the day that the notice is mailed; or
 - d) if the notice is given by email, the day that the notice is emailed.



Appendix B

Parkland vs. Recreation Definitions Review



Table B-1
Municipality of Thames Centre
Parkland vs. Recreation – Review of Definitions in Current Policy Documents

Document	Document Reference	Definition of Recreation vs. Parkland	Notes/Commentary
Official Plan	Section 1.10.2 - Growth and Development; Page 10	It should be noted that the demand for housing and the attraction of people to live in the community is also impacted by other factors such as employment opportunities; education, parks and recreation facilities and services and other quality of life factors which can be promoted through economic and social development initiatives to counter current trends.	It is noted that parks and recreation are a factor to attract people to live in a community. Parks are identified separate from recreation facilities, however, there is no definition of recreation. It is suggested that definitions be included for parks and for recreation to clearly delineate what is captured under each term.
Official Plan	2.1 General Development Policies - Page 15	In order to effectively accommodate the current and future residents of the Municipality, Council will endeavour to ensure that: (2) sufficient community facilities, such as parks and recreational facilities , are provided;	Parks are identified separate from recreation facilities, however, there is no definition of recreation. It is suggested that definitions be included for parks and for recreation to clearly delineate what is captured under each term.
Official Plan	2.7.1 Public Parkland Standards - Page 20	2.7 PUBLIC PARKLAND 2.7.1 PUBLIC PARKLAND STANDARDS The following standards shall be used as guidelines for the establishment of community parkland . Community parkland shall be established, in accordance with the policies of this Plan, on the basis of 3 hectares per 1,000 population. Such parklands are intended to serve the residents of the Municipality. The greatest concentration of existing parkland is currently within Dorchester. Parkland should continue to locate in the urban areas, however, playing fields may be developed to serve the larger community by locating them in an accessible location and may be established within the “Agricultural” designation if the recreational development does not interfere with existing farm operations, no alternative site	This section establishes the service standard target for parkland, however, does not identify what is included in the 3 hectares (e.g., should this include all parkland? Should this include land for recreation facilities, hazard lands, woodlots, etc.?). The second paragraph appears to make a distinction between parkland and land for playing fields (which may be categorized as recreation through definitions). It is recommended that through the parks and recreation master plan, the Municipality consider the standards for parkland in more detail. This can be broken down into various categories of parks and seek to identify the amount of land for parks separate from land for recreation.
Official Plan	2.7.2 Land Conveyances - Page 21	Whenever development or redevelopment of lands is proposed for residential purposes, the Municipality shall, as a condition of approval, require that up to five percent (5%) of such lands for development at 14 units per gross hectare or less, or one hectare (1 ha) for every 300 dwelling units for development at densities greater than 14 units per gross hectare, be conveyed to the Municipality for park purposes . Commercial and industrial development shall, as a condition of approval, require that up to two percent (2%) of such land be conveyed to the Municipality for parkland. All lands to be so conveyed shall require approval by the Municipality and under no circumstances will Municipal Council be obligated to accept parkland which is being offered by an applicant for a proposed plan of subdivision. Lands having environmental constraints may not be acceptable to the Municipality.	This section sets out the provisions for dedication of land for park purposes. Should the Municipality seek to refine definitions to separate parkland vs. recreation land, this section would be in-line with that approach as the land dedicated through these provisions would be used for parks and land for recreation would be recovered through development charges.



Document	Document Reference	Definition of Recreation vs. Parkland	Notes/Commentary
Official Plan	2.7.3 Alternative Conveyances - Page 21	<p>The Municipality may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be determined by an appraisal authorized by the Municipality. The value of the lands shall be determined as of the day before the day the issuance of the building permit as outlined in Section 42 of the <i>Planning Act</i>, R.S.O. 1990 Chap.P.13. For plans of subdivision, the value of the land is determined as of the day before the day the Draft Plan is approved, as outlined in Sections 51.1(3) and (4) of the <i>Planning Act</i>, R.S.O. 1990 Chap.P.13. Funds collected under the alternative conveyance regulations shall be used for parkland upkeep, parkland development, recreational facilities, acquisition of natural habitat areas, and for the protection of natural habitat areas.</p> <p>Cash-in-lieu of land dedication shall be considered by Council when:</p> <p>(1) The required land dedication fails to provide an area of suitable shape, size, or location for development as public parkland; or</p> <p>(2) The required dedication of land would render the remainder of the site unsuitable or impractical for development; or</p> <p>(3) Existing park and recreational facilities in the vicinity of the site are, in the opinion of Council, already adequate to serve the projected increase in population.</p>	<p>This section provides for the rules regarding requirement of payment-in-lieu of dedication. Similar to the note with respect to land conveyances, this section may provide for a delineation between parkland and recreation land.</p> <p>If the Municipality wanted to include recreation lands in their D.C. study and by-law, this section may be expanded to note that payment-in-lieu will be used for parkland and not recreation land.</p>
Official Plan	2.23 Barrier Free Access - Page 33	<p>It shall be a policy of this Plan that, in reviewing development applications and when the Municipality is undertaking public works, serious consideration be given to the creation of a barrier free environment. Encouragement will also be given to design standards that create a safe pedestrian environment. Guidance may be obtained from the County of Middlesex Accessibility Committee. Barrier free design will be applied to intersection, curb cuts, pedestrian activated signals, public buildings, all new institutional, recreational, commercial, industrial, or multi-unit structures.</p>	n/a
Official Plan	2.25.1 Planning Impact Analysis - Page 34	<p>Proposals for changes in the use of land which require the completion of a Planning Impact Analysis shall address the following items to the satisfaction of the Municipality:</p> <p>(6) the proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed;</p>	Recreation facilities are identified separate from open space which assists in delineating the two concepts.
Official Plan	3.2.4 Natural Area Designation - Page 56	<p>Goals:</p> <p>(2) To encourage compatible recreation, conservation and education activities.</p>	In this section, recreation appears to be encouraged in natural areas. Based on the parkland-recreation continuum in Figure 3-1, this appears to blur the delineation of parkland vs. recreation land.
Official Plan	3.2.4.2, 3.2.5.2, and 3.2.6.2 Policies - Page 58 and 60	<p>Permitted uses shall be in accordance with the policies outlined in this Section and shall be limited to existing agricultural operations, maple syrup production, forestry following good forestry management practices, non-intensive recreation uses such as nature viewing and trails activities (but not including motorized vehicle trail or the use of motorized vehicles), wildlife and fisheries management, archaeological activities, essential transportation and utility facilities subject to an Environmental Impact Study, buildings, structures and facilities accessory to existing uses, and small-scale commercial uses accessory to existing agriculture operations.</p>	Recreation is defined here as nature viewing and trail activities which may not be consistent with the definitions required to capture recreation land under the D.C. study. Should the Municipality want to delineate parks vs. recreation for the purposes of collecting land for recreation under D.C.s, the Municipality may consider revising this wording to remove recreation to recreation.



Document	Document Reference	Definition of Recreation vs. Parkland	Notes/Commentary
Official Plan	3.3 Non-renewable Resources - 3.3.3.5 Extractive Industrial Special Policy 2 - page 66	“ Recreational ” uses permitted in Section 4.7.3 shall be permitted on the lands located immediately north of Wyton Drive and between Lakeside Drive and Rebecca Road (part of Lot 11, 12 and 13, Concession 1) and designated “Extractive Industrial”, subject to the aggregate resources being extracted and the site being appropriately rehabilitated. An amendment to the Official Plan will not be required for this change in land use, however, an amendment to the Zoning By-law, combined with Site Plan Control approval, shall be required prior to the development of “ Recreational ” uses.	See comment on section 4.7.3 below
Official Plan	Section 4 - Settlement Area and Land Use Policies - 4.1.2 Goals - Page 71	The following goals shall apply to all Settlement Areas in the Municipality and all land use specific designations in this Section: (1) To maintain an appropriate balance and diversity between areas to be used for residential, commercial, industrial, institutional, and recreational activities .	Recreational activities appear to be a broad category that may include parkland. This section may be revised by adding in parks as well.
Official Plan	Section 4.1.3 - Policies - All Settlement Area Designations - (10) Institutional Uses - Page 78	The development of new institutional uses that serve a community and are not significant traffic generators, except those utilities referred to in Sections 2.15 and 2.16 of this Plan, and except the land uses that are explicitly designated “Institutional”, shall be permitted in all Settlement Areas without an amendment to this Plan. Uses included in this section as being permitted in other land use designations include neighbourhood-oriented institutional uses such as churches, community halls of less than 500 square metres and/or a hall associated with either a school or a church, cemeteries, public utilities, neighbourhood recreation facilities and parks , libraries, and facilities for special population groups (including centres or elementary schools for the care, boarding or teaching of children, interval houses for the physically abused, daycare facilities, and senior citizen centres).	Recreation facilities are identified separate from open space which assists in delineating the two concepts.
Official Plan	4.2.3 Policies on Hamlet Designation - Page 82	(1) Permitted uses shall be in accordance with the policies outlined in this Section and shall include: ... (e) recreational and park uses... (2) New commercial, industrial, institutional and recreational uses may be allowed without an amendment to this Plan provided the Zoning By-law is amended where necessary and the proposed use satisfies the following criteria:	In item 1, recreation uses are identified separate from park uses. However, in item 2, recreational uses appear to be a broad category which may include parkland.
Official Plan	4.6.1 Institutional Designation Overview - Page 105	Parks, arenas, community centres and other public recreation facilities are encouraged to locate within the “Parks and Open Space” designation.	Parks and recreation appear to be included in the same land designation, implying recreation uses, including facilities, are located on parkland. This section may be refined by including a “Recreation Land” designation and noting what is considered recreation separate from parks which would locate within the Parks and Open Space designation.
Official Plan	4.7 - Recreational Designation 4.7.3 Policies - Page 108	Permitted uses shall be in accordance with the policies outlined in this Section and shall include commercial recreational facilities including: golf courses; private parks; campgrounds; outdoor or indoor sports activities; amusement parks and other tourist and recreation attractions; residences and offices associated with the recreational uses; and accessory uses such as restaurants, snack bars, parking areas and auxiliary buildings.	With the exception of private parks, the permitted uses in the Recreational designation appear to identify recreation distinctly from parkland.



Document	Document Reference	Definition of Recreation vs. Parkland	Notes/Commentary
Official Plan	4.8 Parks and open Space Designation - 4.8.1 Overview - Page 109	<p>The “Parks and Open Space” designation shall be used primarily for publicly owned recreational uses and open space lands including, but not limited to parks, fairgrounds, arenas, community centres, playing fields, and conservation lands that are not covered under the “green-space” system. Public ownership, however, does not necessarily imply that the lands are, or will remain, fully accessible to the public.</p>	Notes that recreation uses are located in parks and open space implying there is no distinction between parkland and recreation land.
Official Plan	4.8 Parks and open Space Designation - 4.8.3 Policies - Page 110	<p>The following policies shall apply to those lands designated “Parks and Open Space” on Schedules “A” and “B” of this Plan:</p> <p>(1) Permitted uses shall be in accordance with the policies outlined in this Section and shall include major public and open space areas and parks; public fairgrounds; community centres, arenas, and playing fields; conservation lands that are not covered under the “green-space” system; and other similar public uses. Lots containing a combination of public park uses and recreation facilities may also be permitted. Neighbourhood and small-scale parks do not require a “Parks and Open Space” designation as they are permitted in the “Residential” and “Hamlet” designations.</p> <p>(2) Parks shall be acquired through land dedication or cash-in-lieu, as provided for in the <i>Planning Act</i> and the policies of this Plan, and by means of funds through the Five-Year Capital Budget. Locations on low capability agricultural lands will be preferred.</p> <p>(3) Should a developer, as part of a multiple unit development, provide recreational facilities such as swimming pools, tennis courts, etc., beyond the required dedication of one hectare for every three hundred dwellings, the Council may consider increasing the density permitted on the site without an amendment to the Official Plan....</p>	<p>In item 1, recreation uses are identified as part of the parks and open space designation.</p> <p>Item 3 provides some examples of recreation facilities.</p> <p>In general, there is no clear delineation between parkland and recreation land in this section</p>
Zoning By-law	Section 2 - Definitions	<p>PARK Park, means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreation buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a golf course, a golf driving tee or range, a ski hill, a play area, a bandstand, a skating rink, a horticultural greenhouse, a zoological garden, an historical establishment, a bowling green, a tennis or badminton court, a playfield, a running track, a swimming area, a wading pool, a boating pond or lake, a watercourse, a refreshment booth, a picnic area, or an auditorium or place of assembly.</p> <p>'RECREATION USE, OUTDOOR Recreation Use, Outdoor, means any form of play, amusement or relaxation, such as games or sports, carried on completely in the open air and not requiring any buildings for the recreational use itself although accessory buildings for related facilities may be required such as for administrative or office purposes, storage, and accessory food facilities; but does not include combat games as defined in this By-Law.</p>	<p>Although recreation use is defined separate from parks, the definition of parks includes active and passive recreational uses including a golf course, sports courts, pools, etc.</p> <p>The Municipality may consider defining recreational uses separate from parks based on the parks-recreation continuum in Figure 3-1</p>



Appendix C

MPAC Database Review



Table C-1
Municipality of Thames Centre
MPAC Data
As of October 2023

MPAC Database - URBAN

Property Code - 100 - Vacant Residential Land not on water

Address	Current Value	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
	Assessment				
Address 1	\$99,000	\$148,750	Dec-22	0.13	\$ 1,144,231
Address 2	\$105,000	\$186,030	Dec-22	0.19	\$ 979,105
Address 3	\$105,000	\$186,030	Dec-22	0.19	\$ 979,105
Address 4	\$104,000	\$168,750	Jul-23	0.19	\$ 888,158
Address 7	\$96,000	\$431,500	Oct-22	0.20	\$ 2,157,500
Address 8	\$95,000	\$403,600	Oct-22	0.20	\$ 2,018,000
Address 9	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 10	\$96,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 12	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 13	\$96,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 14	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 15	\$96,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 16	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 17	\$96,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 18	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 19	\$97,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 20	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 21	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 22	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 23	\$97,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 24	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 25	\$97,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 26	\$96,000	\$433,400	Oct-22	0.20	\$ 2,167,000
Address 27	\$97,000	\$405,300	Oct-22	0.20	\$ 2,026,500
Address 28	\$96,000	\$425,000	Oct-22	0.20	\$ 2,125,000
Address 29	\$105,000	\$517,400	Oct-22	0.20	\$ 2,587,000
Address 30	\$99,000	\$522,000	Oct-22	0.20	\$ 2,610,000
Address 31	\$99,000	\$522,000	Oct-22	0.20	\$ 2,610,000
Address 32	\$99,000	\$522,000	Oct-22	0.20	\$ 2,610,000
Address 33	\$98,000	\$519,800	Oct-22	0.20	\$ 2,599,000
Address 35	\$102,000	\$178,530	Jan-22	0.16	\$ 1,115,813
Address 36	\$103,000	\$186,030	Dec-22	0.18	\$ 1,033,500
Address 37	\$104,000	\$188,530	Jan-22	0.19	\$ 992,263
Address 38	\$104,000	\$189,530	Jan-22	0.19	\$ 997,526
Address 39	\$105,000	\$189,530	Dec-22	0.20	\$ 947,650
Address 41	\$106,000	\$189,530	Jan-22	0.20	\$ 947,650
Address 43	\$101,000	\$183,530	Jul-23	0.16	\$ 1,147,063
Address 44	\$124,000	\$210,530	Jan-22	0.51	\$ 412,804
Address 46	\$103,000	\$199,978	Jan-22	0.21	\$ 952,276
Address 49	\$102,000	\$178,530	Jan-22	0.16	\$ 1,115,813
Address 51	\$102,000	\$178,530	Jan-22	0.16	\$ 1,115,813
Address 53	\$104,000	\$191,030	Jul-23	0.20	\$ 955,150
Address 54	\$96,000	\$175,000	Jun-23	0.16	\$ 1,093,750
Address 56	\$94,000	\$166,900	Jun-23	0.16	\$ 1,043,125
Address 58	\$102,000	\$178,530	Jan-22	0.19	\$ 939,632
Total		\$ 14,913,498		8.93	
Average Per Acre					\$ 1,670,000

MPAC Database - RURAL

Property Code - 106 - Vacant Industrial

Address	Current Value	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
	Assessment				
Address 1	\$94,000	\$275,000	Mar-23	0.40	\$ 687,500
Address 57	\$115,000	\$350,000	Jun-23	0.51	\$ 686,275
Address 2	\$144,000	\$490,000	Oct-22	0.52	\$ 942,308
Total		\$ 1,115,000		1.43	
Average Per Acre					\$ 780,000



Table C-1
Municipality of Thames Centre
MPAC Data continued
As of October 2023

MPAC Database

Property Code - 106 - Vacant Industrial

Address	Current Value Assessment	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 1	\$90,000	\$999,900	Sep-23	2.80	\$ 357,107
Address 2	\$164,000	\$675,000	Apr-22	3.13	\$ 215,655
Total		\$ 1,674,900		5.93	
Average Per Acre					\$ 280,000

MPAC Database

Property Code - 105 - Vacant Commercial

Address	Current Value Assessment	Last Sale Amount	Last Sale Date	Acres	\$ Per Acre
Address 1	\$120,000	\$950,000	Jun-22	1.02	\$ 931,373
Total		\$ 950,000		1.02	
Average Per Acre					\$ 930,000

* Addresses have been removed for confidentiality purposes.



Appendix D

Draft Parkland Dedication By-law



THE MUNICIPALITY OF THAMES CENTRE

By-law __-2023

Being a by-law to provide for the dedication of parkland or the payment in lieu thereof for all development or redevelopment in the Municipality

Whereas section 42 of the *Planning Act* provides that for the development or redevelopment of land, the council of a local municipality may, by by-law, require that land in an amount not exceeding, in the case of land proposed for Development or Redevelopment for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent, be conveyed to the municipality for park or other public recreational purposes;

And whereas section 51.1 of the *Planning Act* provides that an approval authority may impose, as a condition of the approval of a plan of subdivision, that land be conveyed to the local municipality for park or other public recreational purposes, such land not to exceed, in the case of a subdivision proposed for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent;

And whereas section 53 of the *Planning Act* provides that section 51.1 of the *Planning Act* also applies to the granting of consents;

And whereas a Parks Plan was prepared in consultation with the local school boards and other persons or public bodies the municipality considered appropriate, and made publicly available on _____, 2023;

And whereas the Council of the Municipality of Thames Centre wishes to use the provisions of the *Planning Act* for the purposes of acquiring and providing parkland for the use and enjoyment of the residents of the Municipality of Thames Centre;

Now therefore the Council of the Municipality of Thames Centre hereby enacts as follows:

Part 1: Interpretation

Definitions

1. In this by-law:

- (a) “**Act**” means the *Planning Act*, R.S.O. 1990, c.P.13
- (b) “**Affordable Residential Unit**” means a residential unit that meets the criteria set out in subsection 4.1(2) or 4.1(3) of the *Development Charges Act*;
- (c) “**Attainable Residential Unit**” means a residential unit that meets the criteria set out in subsection 4.1(4) of the *Development Charges Act*;



- (d) **“Board of Education”** has the same meaning as “board”, as defined in the Education Act, R.S.O. 1990, c.E.2, as amended;
- (e) **“Commercial”** means the use of land, buildings, or structures for a use which is not industrial, and which are used in connection with:
- i. the selling of commodities to the general public; or
 - ii. the supply of services to the general public; or
 - iii. office or administrative facilities.
- (f) **“Council”** means the Council for the Municipality of Thames Centre;
- (g) **“Development”** means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
- (h) **“Gross Floor Area”** has the same meaning as in the Municipality’s Development Charges By-law, as amended.
- (i) **“Industrial”** means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;
- (j) **“Institutional”** means the use of land, buildings, or structures for hospitals, correctional institutions and associated facilities, municipal facilities, elementary and secondary schools, colleges, universities, places of worship and ancillary uses, military and cultural buildings, daycare centres, residential care facilities for more than ten persons and long term care centres;
- (k) **“Mixed Use”** means the physical integration of two or more of the following uses within a building or structure or separate buildings or structures on the lands proposed for Development or Redevelopment: Commercial; Industrial; Institutional; Residential; or any other use not noted herein;
- (l) **“Non-profit housing development”** means development of a building or structure intended for use as residential premises by,
- i. a corporation without share capital to which the Corporations Act 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; or

- iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

- (m) “**Official Plan**” means the Municipality’s Official Plan, as amended.
- (n) “**PIL**” means payment-in-lieu of parkland otherwise required to be conveyed.
- (o) “**Planning Act**” means the *Planning Act*, R.S.O. 1990, c.P.13, as amended,
- (p) “**Redevelopment**” means the removal of a building or structure from land and the further Development of the land or, the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith;
- (q) “**Residential**” means the use of land, buildings, or structures for human habitation;
- (r) “**Residential Unit**” means one or more habitable rooms each of which is accessible from the others and which function as an independent and separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building;
- (s) “**Rural Area**” means those areas designated as not being within a settlement area by the Official Plan;
- (t) “**Shared Use Agreement**” means an agreement between a Board of Education and Thames Centre for the sharing of buildings and/or property;
- (u) “**Thames Centre**” means Municipality of Thames Centre;
- (v) “**Municipality**” means the Corporation of the Municipality of Thames Centre; and
- (w) “**Zoning By-law**” means the by-law passed pursuant to section 34 of the *Planning Act*.

Rules of Interpretation

2. (1) The following rules of interpretation shall be applied to interpretation of this by-law:
 - (a) References to items in the plural include the singular, as applicable.
 - (b) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to



be representative examples and not intended to be an exhaustive list.

- (c) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- (d) Specific references to laws or by-laws are meant to refer to the current laws applicable at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
- (e) The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- (f) Where this by-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may be provided but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.
- (g) Terms with capitals shall be read with the meaning in section 1 and other words shall be given their ordinary meaning.
- (h) If any court of competent jurisdiction finds any provision of this by-law is illegal or *ultra vires* of the jurisdiction of the Municipality, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- (i) Nothing in this by-law relieves any person from complying with any provision of any federal or provincial legislation or any other by-law of the Municipality.
- (j) Where a provision of this by-law conflicts with the provisions of another by-law in force in the Municipality, the more specific by-law shall prevail.

Application

- 3. The provisions of this by-law apply to the entire geographic area of the Municipality of Thames Centre.

Exemptions

- 4. Development or Redevelopment described in the subsections (a) through to and including (f) shall be exempt from the obligations to convey land or make a PIL under Parts 2 and 3 of this by-law:
 - a) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of the Municipality of Thames Centre;
 - b) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education, where a Shared Use Agreement exists;
 - c) The replacement of any building that is a direct result of destruction due to



accidental fire or other accidental cause provided that no intensification or change of use is proposed, including but not limited to an increase in total Residential Units count or Gross Floor Area;

- d) The enlargement of an existing Residential Unit provided that the enlargement does not result in additional Residential Units;
- e) Institutional Development;
- f) Development or Redevelopment of land, buildings or structures for temporary construction uses as defined by the Municipality's Zoning By-law; and
- g) Development or Redevelopment of,
 - i. a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - ii. a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - iii. one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Part 2: Conveyance of Land for Park Purposes

- 5. Land shall be required to be conveyed to Thames Centre for park purposes as a condition of Development or Redevelopment of land in an amount to be determined in accordance with subsections (a) through to and including (e).
 - a) In the case of lands proposed for Residential uses, the greater of the following:
 - i. if the density of the development is 30 units per hectare or less, at a rate of five per cent (5%) of the land being Developed or Redeveloped, or
 - ii. if the density of the development is greater than 30 units per hectare, at a rate of one (1) hectare for each six hundred (600) net residential units proposed.
 - With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of



the Development Charges Act, 1997, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

- “A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the Development Charges Act, 1997; and
 - “B” is the number of residential units that are part of the development or redevelopment; or
- b) In the case of lands proposed for Commercial, or Industrial uses, land in the amount of two per cent (2%) of the land to be Developed or Redeveloped.
- c) In the case of a Mixed-Use Development or Redevelopment, land in the aggregate, calculated as follows:
- i. the Residential component, if any, as determined by Thames Centre, of the lands being Developed or Redeveloped, shall require the conveyance of land as determined in accordance with subsection (a) of this by-law; plus
 - ii. the Commercial, or Industrial component of the lands being Developed or Redeveloped, if any as determined by Thames Centre, shall require the conveyance of land as determined in accordance with subsection (b) of this by-law; plus
 - iii. the component of the lands proposed for any use other than Residential, Commercial or Industrial if any as determined by the Municipality, shall require the conveyance of land as determined in accordance with subsection (d) of this by-law.
- d) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections (a), (b) and (c) of this section, land in the amount of five per cent (5%) of the land to be Developed or Redeveloped.
- e) Where the development of land results from the approval of a site plan or zoning by-law amendment and the approval of the application occurred within two years of building permit issuance, the conveyance shall be determined on the date of the planning application. Where both planning applications apply, conveyance shall be determined on the date of the later planning application.

Location of Conveyance and Condition of Title



6. Subject to restrictions in the *Planning Act*, the location and configuration of land required to be conveyed pursuant to this by-law shall be as determined by Thames Centre and all such lands shall be free of all encumbrances, including but not limited to such easements which Thames Centre, in its sole and absolute discretion, is not prepared to accept and shall be free of any contamination, including but not limited to any toxic, noxious or dangerous contaminants, and shall otherwise be in a condition satisfactory to Thames Centre.
7. A requirement as part of Development or Redevelopment to convey any valley land or watercourse corridors, woodlands, natural heritage system lands and associated buffers, easements, vista blocks and storm water management ponds, as those terms are defined in the Official Plan or any secondary plan adopted under the Official Plan, shall not be considered to be a conveyance of land for park purposes in satisfaction of a requirement under this by-law.

Timing of Conveyance

8. Where land is required to be conveyed in accordance with this by-law, the lands shall be conveyed as follows:
 - a) in the case of Development or Redevelopment to be approved pursuant to sections 51.1 or 53 of the *Planning Act*, the conveyance of land may be required as a condition of approval, and said lands shall be conveyed to Thames Centre either prior to or immediately upon registration of the plan of subdivision or upon the consent being given, as determined by Thames Centre; and
 - b) in the case of Development or Redevelopment where land has not been conveyed or has not been required pursuant to sections 51.1 or 53 of the *Planning Act*, Thames Centre shall require the conveyance of land as a condition of Development or Redevelopment prior to building permit issuance in accordance with section 42 of the *Planning Act*.

Part 3: Payment-in-Lieu of Parkland

9. In lieu of requiring the conveyance of land required by part 2 of this by-law, Thames Centre may require the payment of the value of the lands otherwise required to be conveyed, calculated in accordance with the following:
 - a) Where the PIL has been required for a consent pursuant to sections 51.1 or 53 of the *Planning Act*, PIL may be provided on per lot basis where the land is used for a Residential use as per Schedule 1.

The per lot rates shall be indexed annually on January 1st of each year commencing January 1, 2024, by the CMHC housing starts by dwelling type



index and posted by Thames Centre. Thames Centre's failure to post the indexed rate shall not waive the requirement for compliance with this by-law.

If the applicant does not agree with the per lot rate, they may submit a property appraisal subject to the PIL requirements in subsection b).

- b) For all other development or redevelopment, the PIL shall be calculated as the equivalent value of the land required based on a property appraisal provided by the applicant, as follows:
- i. in the case of lands proposed for Residential, the greater of the following:
 - 1) if the density of the development is 50 units per hectare or less, at a rate of five per cent (5%) of the value of land being Developed or Redeveloped, or
 - 2) If the density of the development is greater than 50 units per hectares, at a rate of the value of one (1) hectare of land for each one thousand (1,000) net residential units proposed.
 - With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997, or residential units described in subsection 4.3 (2) of that Act, the PIL that may be required shall not exceed 5 per cent of the value of the land multiplied by the ratio of A to B where,
 - "A" is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the Development Charges Act, 1997; and
 - "B" is the number of residential units that are part of the development or redevelopment; or
 - ii. in the case of lands proposed for Commercial or Industrial uses, the value of two per cent (2%) of the land to be Developed or Redeveloped;
 - iii. in the case of a Mixed-Use Development or Redevelopment, the value of the land in the aggregate, calculated as follows:
 - 1) the Residential component, if any as determined by Thames Centre, of the lands being Developed or Redeveloped, shall require the PIL of the value of land as determined in accordance with paragraph (i) of this subsection; plus



- 2) the Commercial or Industrial component of the lands being Developed or Redeveloped, if any as determined by Thames Centre, shall require the conveyance of land as determined in accordance with paragraph (ii) of this subsection; plus
- 3) the component of the lands proposed for any use other than Residential, Commercial, or Industrial if any as determined by the Municipality, shall require the conveyance of land as determined in accordance with paragraph (iii) of this subsection; and
- iv. in the case of lands proposed for Development or Redevelopment for a use other than those referred to in paragraphs (i), (ii) and (iii) of this subsection, the value of five per cent (5%) of the land to be Developed or Redeveloped.

Timing of PIL Payment and Determination of Value

10. PIL shall be paid as follows:

- a) For Development or Redevelopment where the payment of PIL is not required as a condition of an approval or a consent, pursuant to either sections 51.1 or 53 of the *Planning Act*, the PIL shall be paid prior to the issuance of the building permit in respect of the Development or Redevelopment in accordance with section 42 of the *Planning Act*. The value of the land shall be determined as of the day before the day the building permit is issued in respect of the Development or Redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.
- b) In the event that an extension of an approval described in subsection (a) or (b) is requested, the value of the land shall be determined as of the day before the day of the approval of the extension.
- c) Where the development of land results from the approval of a site plan or zoning by-law amendment and the approval of the application occurred within two years of building permit issuance, the PIL shall be calculated on the value of the land on the date of the planning application. Where both planning applications apply, PIL shall be calculated on the value of the land on the date of the later planning application.

Part 4: Other



Previous or Required Conveyances

11. Notwithstanding parts 2 and 3 of this by-law, if land has been conveyed or is required to be conveyed to Thames Centre for park or other public recreational purposes or PIL has been received by Thames Centre or is owing to it pursuant to a condition imposed pursuant to sections 42, 51.1 or 53 of the *Planning Act*, no additional conveyance or payment in respect of the lands subject to the earlier conveyance or payment will be required by Thames Centre in respect of subsequent Development or Redevelopment unless:
 - a) There is a change in the proposed Development or Redevelopment which would increase the density of the development; or
 - b) Land originally proposed for Development or Redevelopment for Commercial or Industrial uses is now proposed for Development or Redevelopment for other uses.
12. Where there is a claim of previous conveyance or PIL payment, it is the applicant's/owner's responsibility to provide suitable evidence of such previous conveyance or PIL payment, to Thames Centre's satisfaction.
13. Land or PIL required to be conveyed or paid to Thames Centre for park or other public recreation purposes pursuant to parts 2 and 3 of this by-law shall be reduced by the amount of land or PIL previously received by Thames Centre pursuant to sections 42, 51.1 or 53 of the *Planning Act* in respect of the lands being Developed or Redeveloped.

Phased Development

14. Where approvals are issued in phases for Development or Redevelopment, Thames Centre shall calculate and require the conveyance of land for park purposes or the payment of PIL, in accordance with parts 2 and 3 of this by-law, on a phase-by-phase basis.

Part 5: General

15. Where a determination is required to be made by Thames Centre in this by-law, that determination shall be made by the [Position of Staff Member that Makes Determination]. The [Position of Staff Member that Makes Determination]'s decision shall be final.
16. This by-law shall be referred to as the "Parkland Dedication By-law".
17. By-law xx-xxxx and any amendments to the by-law are repealed. Policies made prior the adoption of By-law xx-xxxx respecting conveyance of land for park purposes and



payment in lieu of conveyance of land for park purposes are rescinded.

18. This by-law comes into force upon passage.

Schedules

The following schedule shall form part of this By-law:

Schedule 1: PIL of Parkland Per Lot Fee Required as a Condition of a Severance or Consent

Read and passed in open session on _____, 2023.

Mayor

Clerk



**Schedule 1 to By-law XX-2023
PIL of Parkland Per Lot Fee Required for a Consent**

January 1, 2023 onwards*
\$XX

**Rates are subject to indexing as per Section 9(a)*