



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 11, 2018

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**FROM:** Legal Department

**DATE:** May 18, 2018

**SUBJECT:** *Planning Act - Section 42 By-law Amendment*

**LOCATION:** Town

**WARD:** Town wide

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### **RECOMMENDATION:**

That this item be withdrawn to provide further opportunity for discussion prior to submission to Council for consideration.

### **KEY FACTS:**

The following are key points for consideration with respect to this report:

- Sections 42, 51.1, and 53 of the Planning Act allow Council to require that land be conveyed to the Town for park or other public recreational purposes in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2% and in all other cases 5%, for park or other recreational purposes. In addition, if the land proposed for development or redevelopment is for residential purposes the Town, instead of the 5%, may require that land be conveyed for such purposes at a rate of one hectare for each 300 dwelling units or less. Further Council may require that a payment in lieu be made to the value of the land otherwise required to be conveyed, and if it does, then it is calculated at a rate of one hectare for each 500 dwelling units or less.
- Council has passed a regulatory by-law in keeping with its statutory authority under the Planning Act; ie, Bylaw 2008–105.
- Recent Parkland contribution litigation brought to the fore the desire for amendments to By-law 2008–105 to better clarify Council's intentions respecting Parkland contribution, whether it be by land or by dollars.
- The report respecting this matter remains in process and is not yet complete, and in preparing the report, it has become apparent that there should be more discussion before it is submitted to Council for consideration.

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**BACKGROUND:**

The reason for this report is that the Town was recently challenged before the then OMB, now LPAT, with respect to the way in which it applies the Planning Act provisions regarding Parkland contributions and its application and interpretation of the Town Parkland Contribution By-law 2008–105.

While that particular challenge was dismissed on a preliminary motion, the challenge did raise a number of concerns that Staff recommend be addressed by Town Council by way of amendments to By-law 2008–105.

Further time to complete the work in finalizing the staff report is requested so that further review and discussion can take place before the report is submitted for Council's consideration.

**COMMENT/OPTIONS:**

A Legal Services Report is being prepared but it is not yet complete. Staff had hoped to be in a position to bring a report to the June 11, 2018 Planning and Development Council meeting but were unable to do so as a result of the need for further review and discussion at the staff level.

Therefore, with Council permission, staff will report at a later meeting.

**CONSIDERATIONS:**

(A) **PUBLIC**  
N/A

(B) **FINANCIAL**  
N/A

(C) **IMPACT ON OTHER DEPARTMENTS & USERS**  
N/A

(D) **CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**  
This report addresses the corporate strategic goal to:  
be accountable in everything we do

(E) **COMMUNITY SUSTAINABILITY**  
N/A

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**APPENDICES:**

N/A

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