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By E-mail to [gabe.charles@oakville.ca](mailto:gabe.charles@oakville.ca)

January 11, 2024

Mr. Gabriel A.R. Charles, MCIP, RPP  
Director of Planning Services  
Town of Oakville  
Oakville Town Hall  
1225 Trafalgar Road  
Oakville, Ontario L6H 0H3

Dear Mr. Charles:

**Re: Draft Town of Oakville Parkland Dedication By-law  
Comments – North Oakville Community Builders Inc.**

We are counsel to North Oakville Community Builders Inc. (“**NOCBI**”), trustee to the North Oakville East Developers Group (the “**Group**”), which is comprised of landowners within North Oakville East Secondary Plan area (“**North Oakville East**”).

The North Oakville East Master Parkland Agreement dated August 13, 2007, entered into between the Town of Oakville (the “**Town**”), NOCBI, and the Group (the “**NOE Master Parkland Agreement**”) is a comprehensive agreement between the Group and the Town that governs all matters pertaining to the dedication of parkland in North Oakville East.

The Group has reviewed the updated draft Parkland Dedication By-law (the “**Parks By-law**”) attached as Appendix B to Town Staff’s Report dated October 31, 2023, to Planning and Development Council that was considered on November 13, 2023, and notes the following provision:

- 7.2 **Agreements Apply** – *Notwithstanding any other provisions in this Parkland Dedication By-law, where before, or after the passing of this By-law, the Council of the Town of Oakville has approved or authorized an Agreement with respect to the dedication of parkland and/or the payment-in-lieu of parkland, the terms of that Agreement, including any subsequent amendments to that Agreement, shall remain binding between the parties, and any parkland dedication and/or payment-in-lieu of parkland shall be in accordance with the rates specified in the Agreement,*



*rather than the rates provided for in this Parkland Dedication By-law.*

The Group understands that the above-noted provision in the draft Parks By-law is a clear affirmation that the NOE Master Parkland Agreement will continue to govern all matters pertaining to the dedication of parkland in North Oakville East, notwithstanding the adoption of a new Parks By-law. Based on the foregoing understanding, the Group does not have concerns with the proposed Parks By-law.

Please note that this letter is only submitted on behalf of the overall Group. Individual landowners within the Group may have other comments on the draft Parks By-law or Parks Plan (2031).

Yours truly,  
**LOOPSTRA NIXON LLP**

Daniel Steinberg

Copy: Chris Mark (chris.mark@oakville.ca)  
Matt Day (matt.day@oakville.ca)  
Ruth Victor (ruth@rvassociates.ca), planner for NOCBI  
North Oakville East Developers Group

November 10, 2023

**Mayor Rob Burton and Members of Council**  
**Town of Oakville**  
1225 Trafalgar Rd.  
Oakville, ON  
L6H 0H3

Sent via email to [townclerk@oakville.ca](mailto:townclerk@oakville.ca)

**RE: Town of Oakville  
Planning and Development Committee**

**Item 7.4. Parks Plan 2031 and draft Parkland Dedication By-law.**

Date to Planning and Development Committee: November 13, 2023

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The Building Industry and Land Development Association (BILD) have received Item 7.4, *Parks Plan 2031 and the draft Parkland Dedication By-law*, as part of the agenda for the Planning and Development Committee meeting scheduled for November 13th. BILD has reviewed the staff report and accompanying attachments and have the following comments for consideration.

#### **Parkland Dedication By-law**

Our comments regarding the revised Parkland By-law primarily focus on *the Absence of Appropriate Credits*.

While setting the correct parkland dedication rate is essential, so too is providing appropriate parkland credits. In BILD's opinion, such credits must be provided for explicitly in the Parkland By-law. These credits have the direct effect of reducing the required amount of parkland and/or CIL. This in turn encourages intensification and helps reduce the cost of housing. The Parkland By-law should recognize that lands which are not fully programmable but nevertheless provide an important and valuable open space and public recreational function, are properly 'parkland' and should be fully credited accordingly. In BILD's opinion, the Parkland By-law should have provided a full (100%) credit just as the City of Vaughan's Parkland By-law 168-2022 (enacted on June 28, 2022) did, for:

- Off-site parkland
- Strata parks
- Dual use facilities (i.e. park above and SWM below)
- POPS (Privately Owned Public Space); and
- Undevelopable lands which nevertheless provide open space and passible recreational opportunities.

#### **Parks Plan 2031**

In addition to the comments above, we kindly submit the attached memorandum prepared by our consultant at Keleher Planning and Economic Consulting (KPEC), addressing the updated 2031 Parks Plan.



As your partner in community building, we appreciate the opportunity to provide this correspondence. As always, BILD would be happy to meet with staff to discuss this correspondence further. Nonetheless, we look forward to your response.

Kind regards,

A handwritten signature in black ink, appearing to read "Victoria Mortelliti".

**Victoria Mortelliti, MCIP, RPP.**

Senior Manager, Policy & Advocacy

CC:                    BILD's Review Team  
                          Gabe Charles, Town of Oakville  
                          Members of the BILD Halton Forum

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*The Building Industry and Land Development Association is an advocacy and educational group representing the building, land development and professional renovation industry in the Greater Toronto Area. BILD is the largest home builders' association in Canada, and is affiliated with the Ontario Home Builders' Association and the Canadian Home Builders' Association. It's 1,300 member companies consists not only of direct industry participants but also of supporting companies such as financial and professional service organizations, trade contractors, as well as manufacturers and suppliers of home-related products.*

November 10, 2023

Memorandum to: Victoria Mortelliti  
BILD

From: Daryl Keleher, MCIP, RPP, Principal  
Keleher Planning & Economic Consulting Inc.

Re: Oakville – Parkland By-law  
Our File: P1090

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Keleher Planning & Economic Consulting Inc. was retained by BILD to review materials related to the Town of Oakville’s forthcoming parkland by-law. This memorandum presents questions and comments related to the contents of the Town’s Parks Plan dated November 2023.

### Questions and Comments

- The Parks Plan includes a recommendation to continue to utilize 2.2ha/1000 for Active Parkland. However, it is noted that the Town’s current provision is 2.56ha/1000:
  - A surplus of 0.36 ha/1000 means that the Town could add 34,978 additional persons (over and above 2021 Census population of 213,759 persons) without adding any Active Parkland and still be at or above the target of 2.2ha/1000 persons.
  - This surplus doesn’t account for the additional lands that may get added to Active Parkland through “refining the definition of Active Parkland to include a more fulsome list of recreational opportunities, including non-intensive recreational activities such as trails and the enjoyment of nature”.
  - Is the Town able to estimate what would the Town’s parkland provision be once these are added?
  - Can the Town provide details about what the criteria would or will be for adding ‘passive’ parkland to the “Active Parkland” category?
- Page 37 of the Parks Plan includes a comparison of parkland conveyance standards (1ha/300 or 1ha/600) with current parkland target (2.2ha/1000 people),
  - However, this comparison ignores that the current parkland provision rate (2.56ha/1000) and achievement of the target rate (2.2ha/1000) has been due to the Town’s historic use of an uncapped parkland CIL approach for years that resulted in high levels of parkland CIL yielded from higher-density developments than other municipalities that voluntarily used Parkland caps (like City of Toronto, which used 10%-20% caps similar to what was adopted through Bill 23)
  - The table shows that even the old Planning Act standard, at the lower densities tested was providing roughly half of what the Town’s parkland target is.

- The 2.2ha/1000 is 296% higher than the current Planning Act provision rate, but also 96% higher than the pre-Bill 23 rate.
- Page 41 of the Parks Plan includes a 12% minimum target for parkland area within Strategic Growth Areas
  - However, the 12% is based on a survey of major urban downtowns where only one of those surveyed (Lower Manhattan, which presumably includes Central Park) achieved 12%, with those ranging from 3-12%.
  - Can the analysis also incorporate the number of persons served by the parkland inventory to put things on the ha/1000 persons basis that the Town-wide target is based on?
  - Why was the highest in the sampled range used for the 'minimum' target?
  - Does the inventory of parkland available for persons within the Town's SGAs include a proportionate share of large District Parks (North Park) also needed by persons, or does it only include local, neighbourhood-based parkland? If so, how does this correspond with the amount of and type of parkland included in the sample of other municipalities used?
  - Can the analysis done on page 47 be revised to include the prospective amount of additional Active Parklands to be added once the Town's definition is refined?
  - Analysis should be undertaken to ensure that requiring 12% of gross area in SGAs be parkland (before accounting for roads, and other undevelopable lands, including non-Active Parklands), combined with a stated focus to prioritize on-site dedication does not limit development potential on some parcels within SGA.

Calvin Lantz  
Direct: +1 416 869 5669  
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November 13, 2023  
File No.: 148616.1001

**By E-mail**  
**townclerk@oakville.ca**

Planning and Development Council  
Town of Oakville  
Oakville Town Hall  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Attention: Town Clerk

Dear Sirs/Mesdames:

**Re: Item 7.4 – Parks Plan 2031 and Draft Parkland Dedication By-law  
Distrikt Developments  
Letter of Concern**

We are counsel to Distrikt Developments, who, together with its affiliate entities, have broad land holdings in the Town of Oakville and acquire additional lands in the Town from time to time. These landholdings include those within major transit station areas, which are encouraged for high density development, including:

- 217 – 227 Cross Avenue and 571 – 587 Argus Street: 3.11 acres, with ~1,800 dwelling units proposed (development applications filed with the Town);
- 166 South Service Road: 2.94 acres, with ~1,700 dwelling units proposed (development applications filed with the Town);
- 590 Argus Road: 3.80 acres, with ~1,750 dwelling units (development applications filed with the Town);
- 157 – 165 Cross Avenue: 2.38 acres, with ~1,250 dwelling units (development applications forthcoming); and
- 3064 Trafalgar Road: 2.01 acres, with ~725 dwelling units (rezoning approved; site plan approval application filed with the Town).

Our client is an appellant of the Town of Oakville's current Parkland Dedication By-law No. 2022-108 (the "**Current Parkland By-law**"), which is presently proceeding before the Ontario Land Tribunal under Case No. OLT-22-004712.

In view of the amendments to the *Planning Act* introduced through Bill 23, *More Homes Built Faster Act, 2022*, we are pleased that the Town is now advancing a new parkland dedication by-law that seeks to incorporate these legislative changes and which will culminate in the repeal of the Current Parkland By-law.

While we are supportive of the Town's efforts to advance a parkland dedication by-law that is in alignment with the legislative requirements, we recommend the following changes be made to the draft parkland dedication by-law (attached as Appendix B to the staff report, dated October 31, 2023) (the "**Draft**

**Parkland Dedication By-law**") in order to more fully achieve alignment with the statutory requirements under the *Planning Act*:

## 1. Timing for Land Value Assessment

Section 6.1 of the Draft Parkland Dedication By-law fixes the timing for land value assessment under Section 42 of the *Planning Act* to the "day before the day that the building permit is issued in respect of the development".

However, Subsection 42(2.1) of the *Planning Act* requires that the timing for land value assessment be fixed on:

- (a) the day that a Site Plan Control Approval application is made for the development (the "**Site Plan Application Date**");
- (b) if the Site Plan Application Date does not apply, the day an application for a Zoning By-law Amendment is made in respect of the development (the "**Rezoning Application Date**"); and
- (c) if neither the Site Plan Application Date nor the Rezoning Application Date applies, then the day a building permit is issued in respect of the development.

Section 6.1 of the Draft Parkland Dedication By-law should be revised to accord with the valuation dates set out in Subsection 42(2.1) of the *Planning Act*.

## 2. Encumbered Parkland Dedication

Consistent with the approach adopted by other municipalities in Ontario like the City of Vaughan, in accordance with Subsection 42(4.30) of the *Planning Act*, the Draft Parkland Dedication By-law should contain provisions that expressly recognize the landowner's ability to identify lands for the conveyance of encumbered parkland, strata parks, and privately owned public accessible spaces in satisfaction of its parkland dedication requirements.

Such a recognition will ensure that the Draft Parkland Dedication By-law is in alignment with the *Planning Act*, even after the Bill 23 amendments regarding encumbered parkland dedication come into force. These provisions should provide express recognition that calculations of payments-in-lieu will be net of the value of any land conveyance made towards the overall parkland dedication requirement for a development or redevelopment.

Our client intends to continue in its engagement with the City's consultation process, and we look forward to reviewing any revisions that the Town makes to the Draft Parkland Dedication By-law in response to the comments received.

We ask to be provided notice of this Council's decision on the Parkland Plan and the Draft Parkland Dedication By-law, and to be provided with notice of any upcoming Council or Committee meetings where such matters will be considered.

Yours truly,



Calvin Lantz

CL/jsc

cc. Tyler Grinyer, *Bousfields Inc.*  
Client