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Authority: XXX Committee Item EX XXX, adopted by  
City of Toronto Council on XXX, 2022

## CITY OF TORONTO

### Bill XX

### BY-LAW -2022

#### To adopt a Community Benefits Charge for the City of Toronto

Whereas authority is given to Council under section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to adopt a community benefits charge by-law; and

Whereas the City of Toronto has prepared a community benefits strategy pursuant to subsection 37(9); and

Whereas the City of Toronto has consulted with appropriate persons and public bodies in the preparation of this by-law;

The Council of the City of Toronto enacts:

1. As used in this by-law the following terms shall have the meaning indicated:
  - i. "Basement" - the portion of a building between the first floor and any floor below the level of the first floor.
  - ii. "Building Code Act" - the *Building Code Act, 1992*, S.O. 1992, c.23,
  - iii. "Building Permit" – A permit issued pursuant to the Building Code Act that permits the construction, alteration or change in use of a building or structure which is described in its respective building permit application.
  - iv. "Building Permit Application" – An application submitted to and accepted by the Chief Building Official for a building permit which complies with the applicable zoning-by-law and with all technical requirement of the Building Code Act and includes payment of all applicable fees.
  - v. "Chief Building Official" – A chief building official for the City of Toronto appointed or constituted under section 3 of the Building Code Act or their designate.
  - vi. "Community Benefit Strategy" – the community benefit strategy prepared pursuant to subsection 37(9) of the Planning Act
  - vii. "Condominium Act" – the *Condominium Act, 1998*, S.O. 1998, c.19

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- viii. "Development or redevelopment" – Any activity or proposed activity in respect of any land, building or structure that requires
  - (a) the passing of a zoning by-law or of an amendment to a zoning by-law;
  - (b) the approval of a minor variance;
  - (c) a conveyance of land to which a part lot control exemption by-law applies;
  - (d) the approval of a plan of subdivision;
  - (e) a consent to sever;
  - (f) the approval of a description of a plan of condominium pursuant to the; or
  - (g) the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.
- ix. "Executive Director, Corporate and Real Estate Management – the Executive Director, Corporate and Real Estate Management for the City of Toronto or their designate.
- x. "Gross Floor Area" – the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level.
- xi. "In-kind contribution" - facilities, services or matters identified in a Community Benefits Strategy and required because of development or redevelopment provided by an owner of land, in lieu of payment of the community benefits charge otherwise applicable, in whole or in part.
- xii. "Planning Act" – the *Planning Act*, R.S.O. 1990, c. P.13
- xiii. "Residential Unit" - a unit that,
  - (a) consists of a self-contained set of rooms located in a building or structure,
  - (b) is used or intended for use as residential premises, and
  - (c) contains kitchen and bathroom facilities that are intended for the use of the unit only.
- xiv. "Storey" – a level of a building, other than a basement, located between any floor and the floor, ceiling or roof immediately above it.
- xv. "Value of the Land" - for the purposes of determining the community benefit charge payable, appraisals of land value shall be carried out under the direction of

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the Executive Director, Corporate and Real Estate Management and shall be determined in accordance with generally accepted appraisal principles.

2. A community benefit charge shall be payable for the capital costs of facilities, services and matters required for development and redevelopment of all lands in the geographic area of the City of Toronto.
3. The community benefit charge shall be imposed on all development or redevelopment of a building or structure with five or more storeys and that adds ten or more residential units.
4. The amount of the community benefit charge payable is 4% of the value of the land that is the subject of the development or redevelopment on the day before the day the first building permit is issued in respect of the development or redevelopment.
5. The community benefit charge is payable prior to the issuance of the first building permit issued for the development or redevelopment.
6. If a development or redevelopment is to be constructed in phases each phase of the development is deemed to be a separate development or redevelopment for the purposes of this by-law and the amount of the community benefit charge for each phase will be 4% of the value of the land of that phase on the day before the first building permit for development or redevelopment of that phase is issued.
7. The value of the gross floor area for the uses set out in Section 1 of Ontario Regulation 509/20 to the Planning Act shall be deducted from the community benefit charge otherwise payable.
8. The onus is on the owner or applicant to produce evidence to the satisfaction of the City establishing that the owner or applicant is entitled to an exemption under the provisions of this by-law.
9. In the event that City Council has allowed an owner of land to provide an in-kind contribution in-lieu of payment of the community benefits charge otherwise payable and arrangements for its provision that are satisfactory to Council have been made, the community benefit charge otherwise payable for the development or redevelopment will be reduced by the value that the City has attributed to the in-kind contribution.
10. Within five years after this by-law is passed City Council shall ensure that a review of this by-law is undertaken and shall pass a resolution declaring whether a revision to the by-law is needed and thereafter shall further review and pass a resolution every five years after the previous resolution was passed.

Enacted and passed on XXX , 2022.

Frances Nunziata,      John D. Elvidge,  
Speaker                      City Clerk  
(Seal of the City)