



By-law 2022-48

A BY-LAW TO ESTABLISH COMMUNITY BENEFITS CHARGES FOR THE CORPORATION OF THE CITY OF MARKHAM

WHEREAS authority is given to Council under section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, (hereinafter called the "Act") to adopt a Community Benefits Charge by-law; and

AND WHEREAS the City of Markham (hereinafter the "City") has prepared a Community Benefits Charge Strategy pursuant to subsection 37(9) of the Act;

AND WHEREAS the City has consulted with appropriate persons and public bodies in the preparation of this by-law.

**NOW THEREFORE THE COUNCIL OF THE CITY OF MARKHAM
ENACTS AS FOLLOWS:**

DEFINITIONS

1. In this by-law,
 - (1) "**Basement**" means all portions of a Building below the first storey of a Building;
 - (2) "**Building**" means a building, or part thereof, occupying an area greater than ten square metres (10m²) consisting of a wall, roof and floor or a structural system serving the function thereof, and includes an above-grade storage tank and an industrial tent;
 - (3) "**Building Code Act**" means the *Building Code Act, 1992*, S.O. 1992, c.23, as amended from time to time;
 - (4) "**Building Permit**" – means a permit issued under the *Building Code Act, 1992*, which permits the construction or change in use of a **Building** including but not limited to the construction of the foundation of a **Building**;
 - (5) "**Building Permit Application**" means 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 requirements of the **Building Code Act** and includes payment of all applicable fees;
 - (6) "**Chief Building Official**" means a chief building official for the City appointed or constituted under section 3 of the *Building Code Act* or their designate;
 - (7) "**Community Benefits Charge**" means a charge imposed pursuant to this by-law;
 - (8) "**Community Benefits Strategy**" means the community benefit strategy prepared pursuant to subsection 37(9) of the Act;

- (9) "**Condominium Act**" means the *Condominium Act, 1998*, S.O. 1998, c.19 as amended from time to time;
- (10) "**Development or Redevelopment**" means any activity or proposed activity in respect of any land, **Building** or structure, whether existing or proposed, 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 Condominium Act; or
 - (g) the issuing of a permit under the Building Code Act, in relation to a building or structure;
- (11) "**Gross Floor Area**" means the sum of the total area of each floor level of a **Building** or structure, above and below the ground, measured from the exterior of the main wall of each floor level;
- (12) "**In-kind contribution**" means 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 a portion or all of the **Community Benefits Charge** otherwise applicable;
- (13) "**Region**" means the Regional Municipality of York;
- (14) "**Residential Unit**" means a unit that:
- (a) consists of a self-contained room or set of rooms located in a Building or structure,
 - (b) is used or intended for use as residential premises,
 - (c) contains kitchen and bathroom facilities that are intended for the use of the unit only, and
 - (d) functions as a housekeeping unit used or intended for use as a domicile by one or more persons.
- (15) "**Storey**" means a level of a **Building** or structure, other than a **Basement**, located between any floor and the floor, ceiling or roof immediately above it;
- (16) "**Value of the Land**" means for the purposes of determining the **Community Benefits Charge** payable, the appraised value of the land in an appraisal prepared by or for the **Municipality** and in accordance with generally accepted appraisal principles and standards.

APPLICABLE LANDS

2.
 - (1) Subject to subsection 2(2) herein, this by-law applies to all lands within the City of Markham.
 - (2) This by-law shall not apply to land or **Buildings** within the City of Markham that are owned by or used for the purposes of the **Municipality** or the **Region**.

APPLICATION OF BY-LAW

3.
 - (1) A **Community Benefits Charge** shall be payable for the capital costs of facilities, services, and matters required for **Development or Redevelopment** of all lands in the geographic area of the City of Markham unless subsection 2(2) herein applies.
 - (2) The **Community Benefits Charge** shall be imposed on all **Development or Redevelopment** of a **Building** or structure with five or more **Storeys** and that contains (for development) or adds (for redevelopment) ten or more **Residential Units**.

AMOUNT OF CHARGE

4. The amount of the **Community Benefits Charge** payable is 4% of the **Value of the Land** that is the subject of the **Development or Redevelopment** on the day before the first **Building Permit** is issued in respect of the **Development or Redevelopment**.
5. The **Community Benefits Charge** otherwise payable shall be reduced on a proportionate basis based on the percentage of the Building comprised of the **Gross Floor Area** for the types of **Development or Redevelopment** set out in section 1 of Ontario Regulation 509/20 to the Act.

TIMING OF CALCULATION AND PAYMENT

6.
 - (1) The **Community Benefits Charge** is payable prior to the issuance of the first **Building Permit** issued for the **Development or Redevelopment**.
 - (2) 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 Benefits Charge** for each phase is 4% of the **Value of the Land** of that phase on the day before the first **Building Permit** for the **Development or Redevelopment** of that phase is issued.

EXEMPTIONS

7. The onus is on the owner or applicant to produce evidence to the satisfaction of the **Municipality** establishing that the owner or applicant is entitled to an exemption under the provisions of this by-law.

IN-KIND CONTRIBUTIONS

8. In the event that City Council has allowed an owner of land to provide an **In-kind contribution** in-lieu of payment of a portion or all of the **Community Benefits Charge** otherwise payable and arrangements for the provision of the **In-kind contribution** that are satisfactory to City Council have been made, the **Community Benefits Charge** otherwise payable for the **Development or Redevelopment** shall be reduced by the value that the City has attributed to the **In-kind contribution**.

REVIEW

9. 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 the by-law and pass a resolution within every five years after the previous resolution was passed.

SHORT TITLE

10. The by-law may be cited as the "City of Markham Community Benefits Charge By-law".

Read a first, second, and third time and passed May 31, 2022.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor

Attachment "1"

AMENDED CBC BY-LAW

That section 4 of the CBC By-law be repealed and replaced with the following:

4. The amount of the Community Benefits Charge payable is 4% of the Value of the Land that is the subject of the Development or Redevelopment on the day before the first Building Permit is issued in respect of the Development or Redevelopment, multiplied by the ratio of "A" to "B" where,

"A" is the Gross Floor Area of any part of a Building or structure, which part is proposed to be erected or located as part of the Development or Redevelopment, and

"B" is the Gross Floor Area of all Buildings and structures that will be on the land after the Development or Redevelopment (bolding omitted)