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by email, [robin.martin@pc.ola.org](mailto:robin.martin@pc.ola.org)

Robin Martin, MPP  
Eglinton-Lawrence, Province of Ontario

Dear MPP Martin:

**Bill 138: Plan to Build Ontario Together Act, 2019  
Schedules 10 and 31  
Support amendments to Bill 138 that help to provide community benefits**

We request that you, as our representative in the Provincial Legislature, support amendments to Bill 138 that help to provide community benefits.

**Legislative authority is needed to provide for, and to require, registering agreements between municipalities and developers on title**

If Section 37 is repealed, the new Bill should include a mechanism to achieve a clearly enforceable contract that is registered on title, between a developer and a municipality. We urge that a provision be added authorizing registration on title of agreement between municipalities and property developers. Such agreements, among other things, may include provisions regarding agreements for in-kind contributions as well as liens against a property for deferred Development and Community Benefit Charge deferrals. We support the City of Toronto request for legislative authority allowing municipalities to require registration on title of agreements with developers.

**Certainty and Transparency is required for determination of land-value-based development charges**

There needs to be greater certainty in the determination of development and community benefit charges. A land-value-based cap on development and community benefit charges is problematic as land values are not well-determined. Adjudication of disputes over land values is potentially expensive and anything but transparent. It would be preferable to base caps for development and community benefits charges on variables that are more easily determined, such as number of units, or density (FSI).

**A separate provision is needed for parkland dedication**

Parkland dedication is of crucial importance in building complete communities, especially in dense urban areas such as North Toronto where intensification leads to large communities of residential towers that obstruct sunlight and where park availability is deficient. Children in such areas have few places to play, whether playgrounds for young children or sports fields for teenagers. The reduction in developer park contributions enacted by Bill 108 represents a serious

## **Bill 138: Plan to Build Ontario Together Act, 2019**

### **Schedules 10 and 31**

#### **Support amendments to Bill 138 that help to provide community benefits**

blow to the development of healthy communities in areas of intensification such as Yonge-Eglinton in Toronto.

We urge you to support a modification to Bill 138 that would keep a separate provision for parkland dedication and for cash-in-lieu contributions where parkland dedication is not possible. If it becomes commingled with all other development charges, it becomes too easy for parkland dedication to be subordinated to pressures for the construction of hard services or the provision of other community needs.

#### **The Bill needs to ensure that there is no gap between the effective date of repeal of the former Section 37 and Section 42 provisions and the date of enactment of municipal Community Benefits Charge by-laws replacing those provisions**

It is of crucial importance that transition provisions do not provide a period in which developments can avoid both existing Section 37/42 obligations and the new Community Benefit Charge (CBC) that is to replace them.

#### **The Bill needs to provide certainty and transparency regarding developer appeals of municipal development-charge by-laws**

Of particular concern is the one-sided limitation on the powers of the LPAT tribunal set out in the new section 37a (11.12)(a). That section limits the powers of the Tribunal by providing that it may not amend or order the amendment of a by-law so as to increase the amount of a community benefits charge that will be payable in any particular case. We are concerned that the appeal process introduced by Bill 138 may be potentially used by developers seeking to game the system through making appeals in order to achieve negotiated settlements that reduce the charges payable on their properties. Such settlements by their nature are confidential prior to approval by a municipal council, being essentially concluded out of the public eye, and so are anything but transparent or certain.

We recommend that, at a minimum, Schedule 31 be amended to provide that Section 37(11.12) be changed to provide that the Tribunal “may not amend or order the amendment of a by-law so as to increase **or decrease** the amount ... payable in any particular case.”

Thank you for your consideration to support modifications to Bill 138, that are important for the health and vibrancy of our community.

Sincerely,  
Maureen Kapral  
Vice-President, LPRO

c: Councillor Mike Colle, City of Toronto, Ward 8, [councillor\\_colle8@toronto.ca](mailto:councillor_colle8@toronto.ca)  
Mayor John Tory, [mayor\\_tory@toronto.ca](mailto:mayor_tory@toronto.ca)