



Community Benefits Charge Strategy

Town of Oakville

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List of Acronyms and Abbreviations

Acronym	Full Description of Acronym
C.B.C.	Community Benefits Charge
C.I.L.	Cash-in-lieu
D.C.	Development charge
D.C.A.	Development Charges Act, 1997, as amended
M.C.R.	Municipal Comprehensive Review
N.F.P.O.W.	No fixed place of work
O.L.T.	Ontario Land Tribunal
O. Reg.	Ontario Regulation
P.P.U.	Persons per unit
sq.ft.	square foot
sq.m	square metre



Report



Chapter 1

Introduction



1. Introduction

1.1 Purpose of this Document

This strategy report has been prepared pursuant to the requirements of *the Planning Act, 1990*, (section 37) and, accordingly, recommends the imposition of a Community Benefits Charge (C.B.C.) and associated policies for the Corporation of the Town of Oakville (the “Town”).

The Town retained Watson & Associates Economists Ltd. (Watson), to undertake the C.B.C. strategy process beginning in the fall of 2021. Watson worked with Town staff preparing the C.B.C. analysis and policy recommendations contained within this strategy.

The C.B.C. strategy report, containing the proposed C.B.C. by-law, will be distributed to members of the public in order to provide interested parties the background information on the legislation, the recommendations contained herein, and an outline of the basis for these recommendations.

This report has been prepared, in the first instance, to meet the statutory requirements applicable to the Town’s C.B.C. strategy, as summarized in Chapter 3. It also addresses the requirement for “rules” (contained in Chapter 6) and the proposed by-law to be made available as part of the approval process (included as Appendix B).

In addition, the report is designed to set out sufficient background on the legislation (Chapter 3) and the policies underlying the proposed by-law, to make the exercise understandable to those who are involved.

Finally, the report addresses post-adoption implementation requirements (Chapter 7) which are critical to the successful application of the new policy.

The chapters in the strategy report are supported by Appendices containing the data required to explain and substantiate the calculation of the charge. A full discussion of the statutory requirements for the preparation of a strategy and calculation to support the C.B.C. rate is provided herein.



1.2 Legislative Context

1.2.1 *Bill 197 – COVID-19 Economic Recovery Act, 2020*

The *COVID-19 Economic Recovery Act* received Royal Assent on July 21, 2020. Schedule 3 of the Act amends the Development Charges Act (D.C.A.) and Schedule 17 amends the Planning Act (including amendments to community benefits and the alternative rate of parkland dedication). These amendments replace those not proclaimed under the *More Homes, More Choice Act, 2019* (Bill 108).

The *COVID-19 Economic Recovery Act* amendments in Schedules 3 and 17 were proclaimed and came into effect on September 18, 2020. In regard to the C.B.C., eligible municipalities have two years after the date of proclamation (i.e., September 18, 2022) to transition to the new rules and pass a C.B.C. by-law if they wish to impose these charges.

D.C.A. Amendments:

Changes to Eligible Services – the amendments reframe the context of the D.C.A. from a tool to fund services that are not defined as "ineligible," to only include "eligible" services for which development charges (D.C.s) may be imposed. Eligible services include:

- Water supply services, including distribution and treatment services;
- Wastewater services, including sewers and treatment services;
- Storm water drainage and control services;
- Services related to a highway;
- Transit services;
- Waste diversion services;
- Policing services;
- Fire protection services;
- Ambulance services;
- Public library services;
- Long-term care services;
- Parks and recreation services;
- Public health services;



- Child-care services;
- Housing services;
- Services related to proceedings under the Provincial Offences Act; and
- Emergency preparedness services.

C.B.C. Amendments:

As per section 37 (5) of the *Planning Act, 1990*, a C.B.C. may be imposed for services that do not conflict with services or projects provided under a municipality's D.C. by-law or Parkland dedication by-law. Hence, the service provided under the C.B.C. would be defined as follows:

- (a) land for park or other public recreational purposes in excess of lands dedicated or provided cash-in-lieu payments under section 42 or 51 of the Planning Act;
- (b) services not provided under section 2 (4) of the D.C.A. (as noted above);
- (c) capital costs for eligible D.C. services that are not intended to be funded under the Town's D.C. by-law.

Single-tier and lower-tier municipalities may impose a C.B.C. against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. As noted above, there are no restrictions on the services that may be included in the charge, with the exception of capital costs included under a D.C.A. by-law or Cash-in-Lieu (C.I.L.) of Parkland by-law. There are, however, restrictions on the application of the charges, i.e., a C.B.C. may not be imposed with respect to:

- development or redevelopment of fewer than 10 residential units, and in respect of buildings or structures with fewer than five storeys;
- a building or structure intended for use as a long-term care home;
- a building or structure intended for use as a retirement home;
- a building or structure intended for use by a university, college, or an Indigenous Institute;
- a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- a building or structure intended for use as a hospice to provide end-of-life care; or



- not-for-profit housing.

O. Reg. 509/20 specifies that a maximum charge of 4% of the value of land at the time of building permit issuance may be imposed. Prior to adopting a C.B.C. by-law the municipality must undertake a C.B.C. strategy report and follow the required public procedure. The C.B.C. by-law is appealable to the Ontario Land Tribunal (O.L.T.) within 40 days of the by-law passage.

1.2.2 Bill 109 – More Homes for Everyone Act, 2022

The *More Homes for Everyone Act, 2022* received Royal Assent on April 14, 2022. Schedule 5 of the Act amends the Planning Act with respect to C.B.C. by-laws. New subsections 37 (54) to (59) require that Council must pass a resolution on whether a revision to the C.B.C. by-law is needed at least every five years from the date the by-law was first passed.

The municipality must review the by-law and determine whether there is need for a revision and requires that municipalities shall consult with such persons and public bodies as appropriate. The municipality must give notice of the passing of the resolution within 20 days on the website of the municipality.

If Council does not pass a resolution within the five years, the by-law is deemed to expire.

1.3 Current Policies

The Town has utilized the former section 37 of the Planning Act (known as bonus zoning for increased height and density in the past) to secure public benefits in exchange for permitting additional height and density through the re-zoning process and subsequent bonusing agreements. Agreements have included in-kind contributions, as well as cash payments intended to serve the immediate existing community around the development and the new development itself. The Town has agreements in place and plans to utilize the funding collected in accordance with these agreements and the Livable Oakville Plan (the Town's Official Plan) policies. Public benefits are identified in the Livable Oakville Plan for the various growth areas in the Town (i.e., Midtown, Uptown Core, Kerr Village, etc.) and include provisions for items such as:

- community service/facility space;
-



- non-profit childcare facilities;
- public art;
- enhanced streetscape / public open space improvements;
- affordable housing units;
- parking;
- enhanced green building and energy conservation technology; and
- cash contributions.

The current balance in the Town's Bonus Zoning reserve fund is \$3.3 million, with \$3.4 million in future collections expected as a result of recent zoning by-law amendments (there are some sites where the bonus is authorized by the by-law but precise benefits remain subject to future negotiations), which will bring the total to \$6.7 million.

It is noted that the public benefits to be achieved through collections under the former Section 37 (which includes the \$6.7 million reserve balance) are in addition and separate from those identified in this C.B.C. Strategy.

1.4 Summary of the Process

Prior to passing a C.B.C. by-law, the Planning Act, section 37 (10) requires the Town to consult with such persons and public bodies as the Town considers appropriate. As such, a meeting of Council has been set for August 9, 2022, to present the strategy to the public and members of Council to solicit input. The meeting is also being held to answer any questions regarding the strategy's purpose, approach, and proposed C.B.C. by-law. Subsequently, a public consultation meeting has been set for August 18, 2022, with the development community and general public to allow for feedback on the strategy. The feedback received during the public consultation will be reported back to Council during a meeting scheduled for September 6, 2022.

Figure 1-1 provides an outline of the schedule to be followed with respect to the C.B.C. strategy and by-law adoption and implementation process.



Figure 1-1
Town of Oakville
Schedule of Key Dates in the C.B.C. Strategy Process

Item	Date
1. Data collection, land valuation analysis, growth forecast development, capital needs assessment, staff review, C.B.C. calculations and policy work.	October 2021 to May 2022
2. Council Workshop	March 10, 2022
3. Steering Committee/Council Workshop	April 22, 2022
4. Release of the C.B.C. Strategy and draft by-law	August 5 2022
5. Meeting of Council to present the C.B.C. Strategy and proposed by-law	August 9, 2022
6. Public Consultation Meeting for the Development Community and General Public to present the C.B.C. Strategy and proposed by-law and receive feedback.	August 18, 2022
7. Council considers adoption of C.B.C. strategy and passage of by-law	September 6, 2022
8. Notice given of by-law passage	No later than 20 days after passage
9. Last day for by-law appeal	40 days after passage



Chapter 2

Anticipated Development in the Town of Oakville



2. Anticipated Development

2.1 Requirement of the Act

The growth forecast contained in this chapter (with supplemental tables in Appendix A) provides for the anticipated development for which the Town will be required to provide services over a 2022 to 2031 time horizon.

Chapter 3 provides the methodology for calculating a C.B.C. as per the Planning Act. Figure 3-1 presents this methodology schematically. It is noted in the first box of the schematic that in order to determine the C.B.C. that may be imposed, it is a requirement of section 37 (9) of the Planning Act and O. Reg. 509/20 that “the anticipated amount, type and location of development and redevelopment, for which a C.B.C. can be imposed, must be estimated.”

2.2 Basis of Population, Household and Employment Forecast

The C.B.C. growth forecast has been derived by Watson. In preparing the growth forecast, the following information sources were consulted to assess the residential and non-residential development potential for the Town over the forecast period, including:

- Town of Oakville Development Charges Background Study, May 13, 2022, Watson & Associates Economists Ltd.;
- Town of Oakville Residential Growth Analysis Study - Technical Report, May 4, 2017, by Watson & Associates Economists Ltd.;
- Halton Region Integrated Growth Management Strategy Growth Concepts Discussion Paper, Regional Official Plan Review, February 2021;
- 2006, 2011, 2016 and 2021 population and household Census data;
- 2006, 2011 and 2016 employment Census data;
- Historical residential building permit data over the 2012 to 2021 period;
- Residential supply opportunities as identified by Town of Oakville staff; and
- Discussions with Town staff regarding anticipated residential development in the Town.

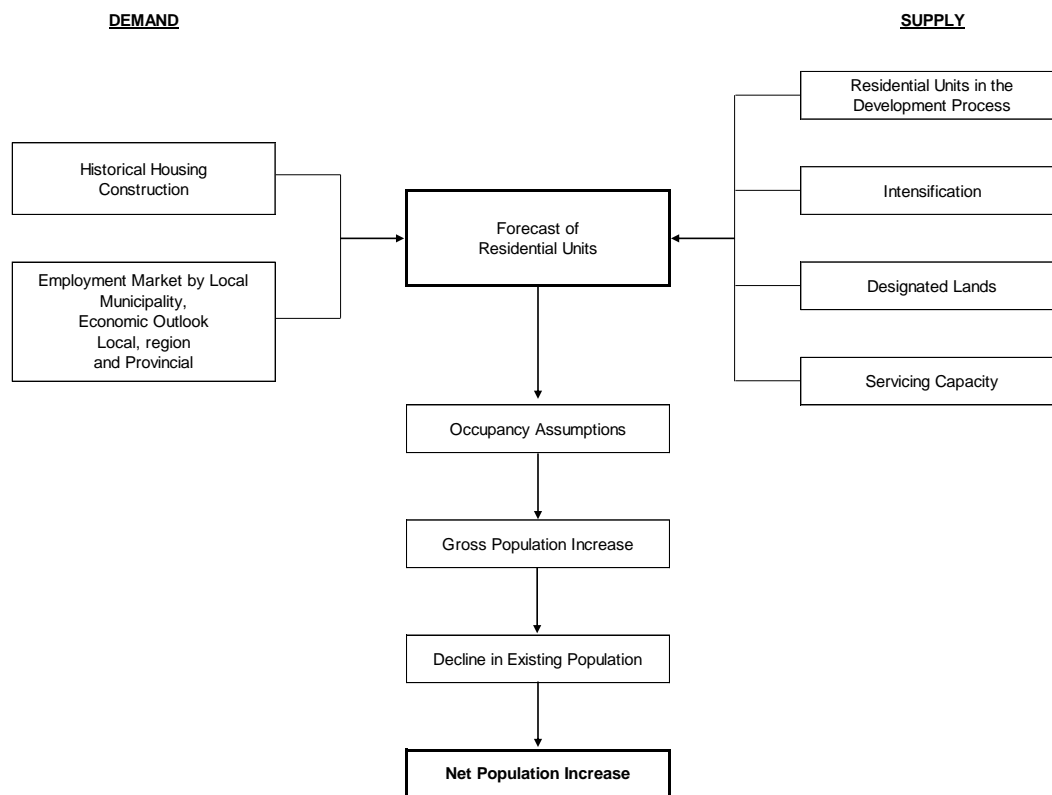


2.3 Summary of Growth Forecast

A detailed analysis of the residential and non-residential growth forecasts is provided in Appendix A and the methodology employed is illustrated in Figure 2-1. The discussion provided herein summarizes the anticipated growth for the Town and describes the basis for the forecast. The results of the residential growth forecast analysis are summarized in Table 2-1 below, and Schedule 1 in Appendix A.

As identified in Table 2-1 and Schedule 1, population in the Town of Oakville is anticipated to reach approximately 259,510 by mid-2031, resulting in an increase of approximately 39,350 persons.^[1]

Figure 2-1
Approach to Population and Housing Forecast



^[1] The population figures used in the calculation of the 2022 C.B.C. exclude the net Census undercount, which is estimated at approximately 3.0%.



**Table 2-1
Town of Oakville
Residential Growth Forecast Summary**

	Year	Population (Including Census Undercount) ^[1]	Excluding Census Undercount			Housing Units						Persons Per Unit (P.P.U.): Total Population/ Total Households
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi- Detached	Multiple Dwellings ^[2]	Apartments ^[3]	Other	Total Households	Equivalent Institutional Households	
Historical	<i>Mid 2006</i>	170,650	165,613	1,873	163,740	38,860	8,825	8,790	55	56,530	1,703	2.930
	<i>Mid 2011</i>	188,070	182,520	2,090	180,430	42,030	10,611	9,709	62	62,412	1,900	2.924
	<i>Mid 2016</i>	199,730	193,832	2,117	191,715	43,145	12,020	11,035	65	66,265	1,925	2.925
Forecast	<i>Mid 2022</i>	226,850	220,160	2,401	217,759	45,961	14,555	15,898	65	76,479	2,183	2.879
	<i>Mid 2031</i>	267,400	259,510	3,201	256,309	50,163	18,507	24,066	65	92,800	2,910	2.796
Incremental	Mid 2006 - Mid 2011	17,420	16,907	217	16,690	3,170	1,786	919	7	5,882	197	
	Mid 2011 - Mid 2016	11,660	11,312	27	11,285	1,115	1,409	1,326	3	3,853	25	
	Mid 2016 - Mid 2022	27,120	26,328	284	26,044	2,816	2,535	4,863	0	10,214	258	
	Mid 2022 - Mid 2031	40,550	39,350	800	38,550	4,202	3,952	8,168	0	16,321	727	

^[1] Census undercount estimated at approximately 3.0%.

^[2] Includes townhouses and apartments in duplexes.

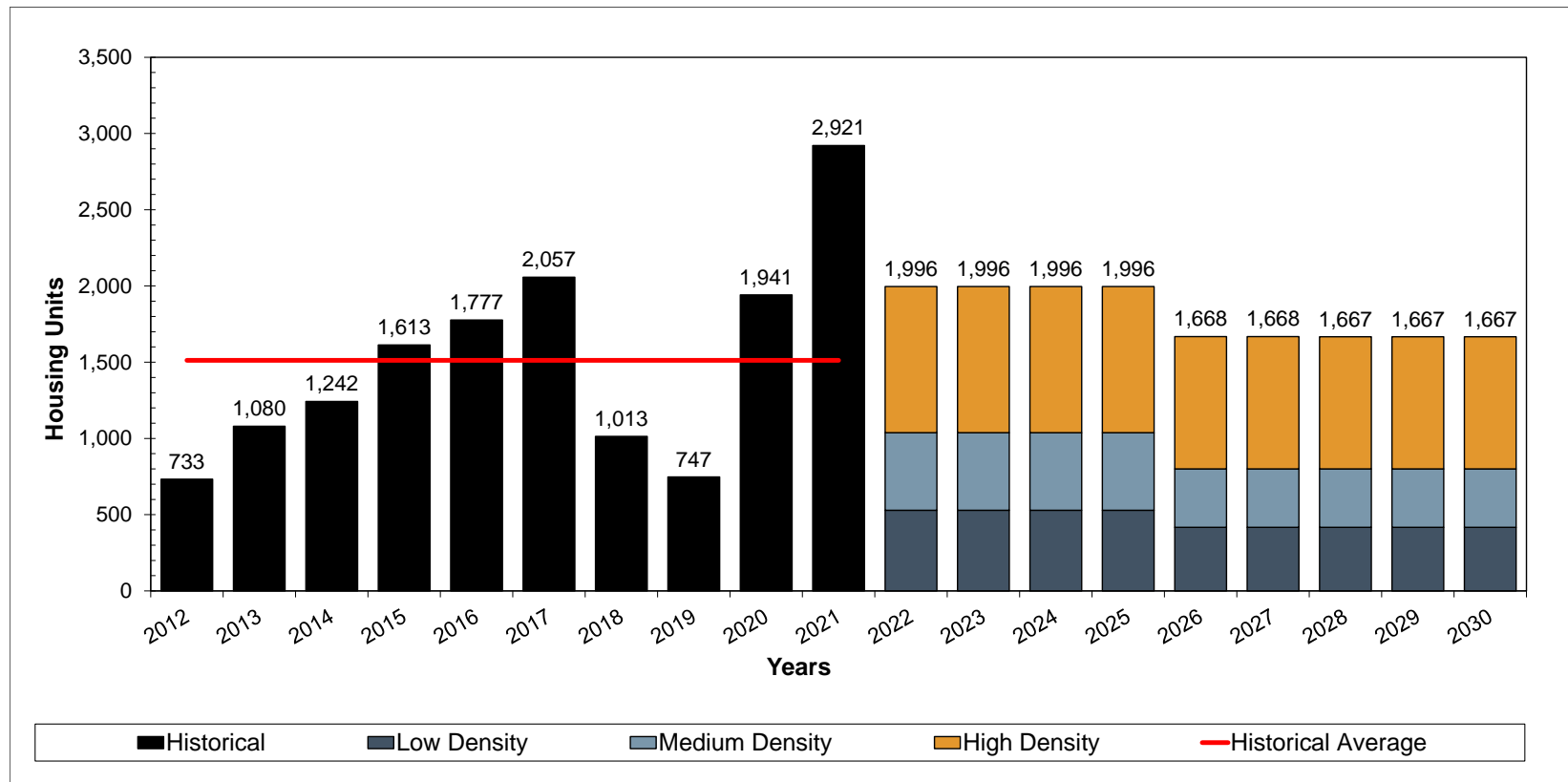
^[3] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.

Note: Population including the Census undercount has been rounded.

Source: Derived from the Town of Oakville Residential Growth Analysis Study - Technical Report, May 4, 2017, by Watson & Associates Economists Ltd.



Figure 2-2
Town of Oakville
Annual New Housing Forecast^[1]



^[1] Growth forecast represents calendar year.

Source: Historical housing activity derived from Town of Oakville building permit data (net of demolitions), 2012 to 2021, by Watson & Associates Economists Ltd.



Provided below is a summary of the key assumptions and findings regarding the Town of Oakville C.B.C. growth forecast:

1. Unit Mix (Appendix A – Schedules 1, 5 and 6)

- The housing unit mix for the Town was derived from a detailed review of historical development activity (as per Schedule 6), as well as active residential development applications (as per Schedule 5) and discussions with Town staff regarding anticipated development trends for the Town of Oakville.
- Based on the above indicators, the 2022 to 2031 household growth forecast for the Town is comprised of a unit mix of 26% low density units (single detached and semi-detached), 24% medium density (multiples except apartments) and 50% high density (accessory units, bachelor, 1-bedroom and 2+ bedroom apartments) units.

2. C.B.C.-Eligible Units

- Subsection 37 (4) of the Planning Act establishes the criteria for a development to be C.B.C. eligible. A C.B.C. may be imposed if:
 - Development of a proposed building or structure has five or more storeys at or above ground and has 10 or more residential units;
 - Redevelopment of an existing building or structure that will have 5 or more storeys at or above ground after redevelopment and proposes to add 10 or more residential units to an existing building or structure; or
 - Such types of development or redevelopment as prescribed. 2020, c. 18, Sched. 17, section 1.
- The C.B.C.-eligible unit forecast is derived based on the established criteria above and a detailed review of historical Census housing trends, historical development activity (as per Schedule 6), active residential development applications (as per Schedule 5) and discussions with Town staff regarding anticipated C.B.C.-eligible developments.
- Based on the above indicators, the Town is forecast to accommodate 5,599 C.B.C.-eligible household units over the 2022 to 2031 forecast



period.¹ This translates to 69% of all high-density units, including accessory units, being C.B.C. eligible from 2022 to 2031.

3. Geographic Location of C.B.C.-Eligible Residential Development (Appendix A – Schedule 2)

- Schedule 2 summarizes the anticipated amount, type, and location of C.B.C.-eligible development by area for the Town.
- In accordance with forecast demand and available land supply, the amount and percentage of forecast C.B.C.-eligible housing growth between 2022 and 2031 by development location is summarized in Table 2-2.
- The development locations are North Oakville and South Oakville, with the latter identified by Uptown Core, Downtown, Bronte Village, Kerr Village, Palermo Village, Midtown and all other areas.

¹ 1,586 high-density units which meet the C.B.C. development criteria of 5+ floors and 10+ units have been excluded from the C.B.C. eligible forecast from 2022 to 2031 due to the application of s37 bonusing.



Table 2-2
Town of Oakville
Residential High-Density Growth by Development Area

Development Location	High-Density Housing Growth, 2022 to 2031 ^[1]	C.B.C.- Eligible Share (%)	C.B.C.- Eligible Housing Growth, 2022 to 2031	C.B.C.- Housing Growth Shares by Location, 2022 to 2031
North Oakville	5,087	66%	3,332	60%
South Oakville	3,081	74%	2,267	40%
<i>Uptown Core</i>	735	59%	430	8%
<i>Downtown</i>	44	34%	15	0%
<i>Bronte Village</i>	203	94%	191	3%
<i>Kerr Village</i>	395	62%	246	4%
<i>Palermo Village</i>	1,188	95%	1,129	20%
<i>Midtown</i>	275	93%	256	5%
<i>Other Areas</i>	241	0%	0	0%
Town-Wide Total	8,168	69%	5,599	100%

^[1] High density includes accessory apartments, bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: 1,586 high-density units which meet the C.B.C. development criteria of 5+ floors and 10+ units have been excluded from the C.B.C. eligible forecast from 2022 to 2031 due to the application of s37 bonusing.

Source: Watson & Associates Economists Ltd.

4. Planning Period

- For the purpose of this study, a 10-year planning horizon has been assumed which aligns with the Town's 10-year (2022-2031) capital budget.



5. Population in New Units (Appendix A – Schedules 3 and 4)

- The number of housing units to be constructed by 2031 in the Town over the forecast period is presented in Figure 2-2. Over the 2022 to 2031 forecast period, the Town is anticipated to average approximately 1,630 new housing units per year.
- Institutional population^[1] is anticipated to increase by approximately 800 people between 2022 to 2031.
- Population in new units is derived from Schedules 3 and 4 which incorporate historical development activity, anticipated units (see unit mix discussion) and average persons per unit (P.P.U.) by dwelling type for new units.
- Schedule 7 summarizes the average P.P.U. assumed for new housing units by age and type of dwelling based on Statistics Canada 2016 custom Census data for the Town of Oakville. The total calculated P.P.U. for all density types has been adjusted accordingly to account for the P.P.U. trends which has been recently experienced in both new and older units. Forecast 15-year average P.P.U.s by dwelling type are as follows:
 - Low density: 3.684
 - Medium density: 2.727
 - High density:^[2] 1.703

6. Existing Units and Population Change (Appendix A – Schedules 3 and 4)

- Existing households for mid-2022 are based on 2021 Census households, plus estimated residential units constructed between mid-2021 to the beginning of the forecast period, assuming a six-month lag between construction and occupancy (see Schedule 3).^[3]

^[1] Institutional population largely includes special care facilities such as nursing home or residences for senior citizens. A P.P.U. of 1.100 depicts 1-bedroom and 2-or-more-bedroom units in collective households.

^[2] Includes accessory units, bachelor, 1-bedroom and 2-or-more-bedroom apartments.

³ Total permanent dwellings in 2021 based on occupied by usual residents based on 2021 Statistics Canada Census data and unit types based on the 2016 Census households, plus estimated residential units occupied between mid 2016 and mid 2021.



- The change in average occupancy levels for existing housing units is calculated in Schedules 3 and 4, by aging the existing population over the forecast period. The forecast population change in existing households over the 2022 to 2031 forecast period is approximately 1,620.

7. Employment (Appendix A – Schedules 8a and 8b)

- The employment projections provided herein are largely based on the activity rate method, which is defined as the number of jobs in the Town divided by the number of residents.
- 2016 employment data for the Town is outlined in Schedule 8a. In accordance with Statistics Canada Census data, the Town's 2016 employment base including work at home and no fixed place of work (N.F.P.O.W.) is 100,095.^[1]
- Total employment, including work at home and N.F.P.O.W. for the Town is anticipated to reach approximately 130,400 by mid-2031. This represents an employment increase of approximately 22,820 over the 2022 to 2031 forecast period.
- Schedule 8a, Appendix A, summarizes the employment forecast, excluding work at home employment and N.F.P.O.W. employment, which is the basis for the C.B.C. employment forecast. The impact on municipal services from work at home employees has already been included in the population forecast. The need for municipal services related to N.F.P.O.W. employees has largely been included in the employment forecast by usual place of work (i.e., employment and gross floor area generated from N.F.P.O.W. construction employment).
- Total employment for the Town (excluding work at home and N.F.P.O.W. employment) is anticipated to reach approximately 104,940 by mid-2031. This represents an employment increase of approximately 18,970 for the 2022 to 2031 forecast period.
- Employment associated within special care institutional dwellings treated as residential, resulting in an institutional employment difference between

^[1] No fixed place of work is defined by Statistics Canada as "persons who do not go from home to the same workplace location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."



Schedules 8a and 8b. Total employment growth in Schedule 8b (excluding work at home and N.F.P.O.W. employment) has been downwardly adjusted to account for institutional employment associated with special care facilities. Total employment in Schedule 8b is anticipated to reach approximately 104,440 by mid-2031. This represents an employment increase of approximately 18,592 for the 2022 to 2031 forecast period.

Based upon the above information, the following summaries are provided for use in the calculations presented in chapter 4, as follows:

- Of the services to be provided, most service costs will be allocated a 68% residential share (Table 2-3);
- Of the residential portion of the costs, 35% of the population is forecast to reside in high-density residential units (Table 2-4); and
- Of those whose reside in high density residential units, 69% are forecast to reside in units to which the C.B.C. may be imposed (Table 2-5).

Table 2-3
Residential and Non-Residential Growth Share based on Incremental Growth in Population and Employment over the 10-Year Forecast Period

Residential Population and Non-Residential Employment	Population/ Employment	Residential/ Non- Residential %
Residential Net Population	39,350	68%
Employment (net of Work at Home & N.F.P.O.W.)	18,592	32%
Total Population & Employment	57,942	100%



Table 2-4
Low/Medium Density Growth and High-Density Growth Share

Residential Density	Residential Population	% of Gross Population in New Units
Low/Medium Density	26,254	65%
High Density	13,912	35%
Total Residential Forecast	40,166	100%

Table 2-5
Eligible and Ineligible High-Density Growth Share

Residential High Density	Residential Population	% of Gross Population in High Density Units
Eligible High Density	9,537	69%
Ineligible High Density	4,375	31%
Total Residential High Density Forecast	13,912	100%

Note: 1,586 high-density units which meet the C.B.C. development criteria of 5+ floors and 10+ units have been excluded from the C.B.C. eligible forecast from 2022 to 2031 due to the application of s37 bonusing.

2.4 Land Valuation

As the C.B.C. rate is applied against the value of land the day before a building permit is issued, average land values are required to be assessed in various locations throughout the Town where the development and redevelopment is anticipated. These land values assist in calculating the eligible C.B.C. rate (up to a maximum of 4%). As such the Town commissioned a professional land appraiser to provide input into the analysis.



Robson Associates Inc. undertook land value estimates on behalf of the Town to assist with the implementation of this C.B.C. strategy. The land valuations were based on high density residential lands in different locations throughout the Town. The high-density lands were based on lands anticipated to be developed into buildings with five storeys or more and a minimum of 10 residential units.

The land areas to which an average valuation has been applied are as follows:

1. Kerr Village;
2. Midtown;
3. Uptown Core;
4. Bronte Village;
5. Palermo Village;
6. Downtown; and
7. North Oakville.

Table 2-6 provides the findings of the land value assessment for eligible high-density development, by area.

Table 2-6
Summary of Land Valuations by Area

Area	Average Land Value Per Acre
Kerr Village	\$ 12,000,000
Midtown	\$ 12,000,000
Uptown Core	\$ 9,000,000
Bronte Village	\$ 11,000,000
Palermo Village	\$ 8,000,000
Downtown	\$ 28,310,000
North Oakville	\$ 5,750,000

As per Robson Associates Inc.



2.5 Land Analysis

For purposes of calculating the total land value potential for high-density development in the Town, the eligible high-density growth forecast was aligned with the average land valuations based on applications in the planning process and the anticipated growth over the 10-year forecast. Table 2-7 provides for the assumptions on growth by area and the corresponding land valuations.

Table 2-7
Summary of Eligible High-Density Growth in the Planning Process by Area

Area	Total C.B.C. Eligible Units	Average Land Value Per Acre
Kerr Village	246	\$ 12,000,000
Midtown	256	\$ 12,000,000
Uptown Core	430	\$ 9,000,000
Bronte Village	191	\$ 11,000,000
Palermo Village	1,129	\$ 8,000,000
Downtown	15	\$ 28,310,000
North Oakville	3,332	\$ 5,750,000
Total	5,599	

The acres of land by area associated with the C.B.C.-eligible units were provided by staff. The estimated total acres are multiplied by the land values in Table 2-7 to determine a total land value which will be used as the denominator in the C.B.C. calculations. Table 2-8 provides for these calculations. An estimated 40.78 acres of eligible high-density growth is anticipated over the 10-year forecast period; with the total land value estimated at approximately \$293.1 million.



Table 2-8
Summary of Eligible High-Density Growth and Total Land Value by Area

Area	Total C.B.C. Eligible Units	Average Land Value Per Acre	Estimated Total Acres	Estimated Land Value
Kerr Village	246	\$ 12,000,000	1.94	\$ 23,244,000
Midtown	256	\$ 12,000,000	0.93	\$ 11,130,000
Uptown Core	430	\$ 9,000,000	4.89	\$ 43,977,000
Bronte Village	191	\$ 11,000,000	1.31	\$ 14,390,000
Palermo Village	1,129	\$ 8,000,000	6.31	\$ 50,458,000
Downtown	15	\$ 28,310,000	0.17	\$ 4,718,000
North Oakville	3,332	\$ 5,750,000	25.24	\$ 145,144,000
Total	5,599		40.78	\$ 293,061,000



Chapter 3

Approach to the Calculation

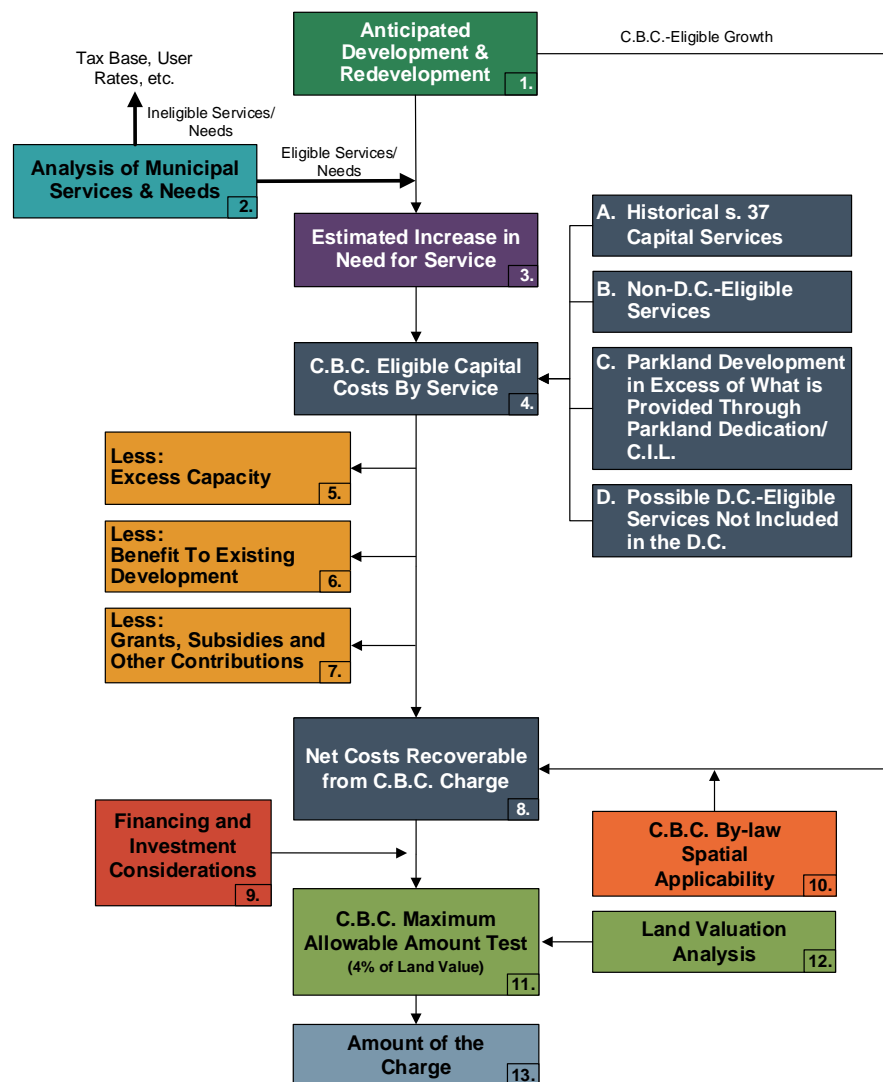


3. The Approach to the Calculation of the Charge

3.1 Introduction

This chapter addresses the requirements of subsection 37(9) of the Planning Act and sections 2 and 3 of O. Reg. 509/20 with respect to the establishment of the need for service which underpins the C.B.C. calculation. These requirements are illustrated schematically in Figure 3-1.

Figure 3-1
The Process of Calculating a Community Benefits Charge under the Planning Act





3.2 Anticipated Development and Redevelopment

The anticipated development and redevelopment forecast is provided in chapter 2 (with supplemental tables in Appendix A). This chapter provides for the anticipated overall growth within the Town over a 10-year (2022 to 2031) time horizon and then estimates the residential units eligible to be considered as per section 37 (4) of the Planning Act.

3.3 Services Potentially Involved

As per section 37 (5) of the Planning Act, a C.B.C. may be imposed for services that do not conflict with services or projects provided under a municipality's D.C. by-law or Parkland dedication by-law. Hence, the service provided under the C.B.C. would be defined as follows:

- (a) land for park or other public recreational purposes in excess of lands dedicated or provided cash-in-lieu payments under section 42 or 51 of the Planning Act.
- (b) services not provided under section 2 (4) of the D.C.A.
- (c) capital costs for eligible D.C. services that are not intended to be funded under the Town's D.C. by-law.

Examples of services not provided by a D.C. or Parkland by-law include (but are not limited to) capital facilities and equipment for municipal parking, airports, municipal administration building expansions, museums, arts centres, public art, heritage preservation, landfill, public realm improvements, community gardens, space for non-profits, etc.

3.4 Increase in the Need for Service

Similar to a D.C., the C.B.C. calculation commences with an estimate of “the increase in the need for service attributable to the anticipated development,” for eligible services to be covered by the by-law. There must be some form of link or attribution between the anticipated development and the estimated increase in the need for service. While the need could potentially be expressed generally in terms of units of capacity, a project-specific expression of need would appear to be most appropriate. This is suggested by the requirement of section 2 (e) of O. Reg. 509/20 which provides “include estimates of



the capital costs necessary to provide the facilities, services and matters referred to in clause 2 (b).” As noted, this is a similar consideration provided when undertaking a D.C. calculation.

3.5 Capital Forecast

Section 37 (2) of the Planning Act provides that, “The council of a local municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters.” The Act does not define what capital costs may be included within the charge. As noted in section 3.3 above, the Act provides that the C.B.C. charge could include capital costs for eligible D.C. services that are not intended to be funded under the Town’s D.C. by-law. This provision suggest that capital costs may be defined in an equivalent manner as the D.C.A. Hence, based on this relationship with the D.C.A., capital costs may include:

- (a) costs to acquire land or an interest therein (including a leasehold interest);
- (b) costs to improve land;
- (c) costs to acquire, lease, construct or improve buildings and structures;
- (d) costs to acquire, lease or improve facilities, including rolling stock (with a useful life of 7 or more years), furniture and equipment (other than computer equipment), materials acquired for library circulation, reference, or information purposes;
- (e) interest on money borrowed to pay for the above-referenced costs;
- (f) costs to undertake studies in connection with the above-referenced matters; and
- (g) costs of the C.B.C. Strategy study.

3.6 Deductions

The section 2 of O. Reg. 509/20 potentially requires that three deductions be made to the capital costs estimates. These relate to:

- excess capacity;



- benefit to existing development; and
- anticipated grants, subsidies, and other contributions.

The requirements behind each of these reductions are addressed below.

3.6.1 Reduction for Excess Capacity

Section 2 (c) of O. Reg. 509/20 requires the identification of the excess capacity that exists in relation to the facilities, services and matters referred to in clause 2(b) suggesting the need for a potential deduction to the capital.

“Excess capacity” is undefined, but in this case, the excess capacity must be able to meet some or all of the increase in need for service, in order to potentially represent a deduction. The deduction of excess capacity from the future increase in the need for the service would normally occur as part of the conceptual planning and feasibility work associated with justifying and sizing new facilities. For example, if a new landfill site to accommodate increased solid waste generated by the new growth is not required because sufficient excess capacity is already available, then a landfill site expansion would not be included as an increase in need, in the first instance.

3.6.2 Reduction for Benefit to Existing Development

Section 2 (c) of O. Reg. 509/20 of the Planning Act provides that the capital estimates identify the extent to which an increase in a facility, service or matter referred to in clause 2 (b) of the regulation would benefit existing development. The general guidelines used to consider benefit to existing development included:

- the repair or unexpanded replacement of existing assets that are in need of repair;
- the elimination of a chronic servicing problem not created by growth; and
- providing services where none previously existed (for example, extending garbage pickup to the rural area which previously did not receive the municipal service).

Where existing development has an adequate service level which will not be tangibly increased by an increase in service, no benefit would appear to be involved. For example, where expanding existing garbage collection vehicles simply replicates what existing residents are receiving, they receive very limited (or no) benefit as a result. On



the other hand, where a clear existing service problem is to be remedied, a deduction should be made accordingly.

In the case of services such as cultural facilities, the service is typically provided on a municipal-wide system basis. For example, facilities of the same type may provide different services (i.e., art vs. theatre), different programs (i.e., art classes vs. acting classes), and different time availability for the same service (i.e., art classes available on Wednesdays in one facility and Thursdays in another). As a result, residents will travel to different facilities to access the services they want at the times they wish to use them, and facility location generally does not correlate directly with residence location. Even where it does, displacing users from an existing facility to a new facility frees up capacity for use by others and generally results in only a very limited benefit to existing development. Further, where an increase in demand is not met for a number of years, a negative service impact to existing development is involved for a portion of the planning period.

3.6.3 Reduction for Anticipated Grants, Subsidies and Other Contributions

This step involves reducing the capital costs by capital grants, subsidies, and other contributions made or anticipated by Council and in accordance with various rules such as the attribution between the share related to new vs. existing development. That is, some grants and contributions may not specifically be applicable to growth or where Council targets fundraising as a measure to offset impacts on taxes.

Although specific grants, subsidies and/or other contributions may not be currently identified and reduced in the calculations, due diligence will be undertaken by Town staff during the annual budget process to net off any future identified funding from these other sources.

3.7 Municipal-wide vs. Area Rating

This step involves determining whether all of the subject costs are to be recovered on a uniform municipal-wide basis or whether some or all are to be recovered on an area-specific basis. Unlike D.C.s, there is no mandatory requirement to consider area rating of services (providing charges for specific areas and services); however, the legislation



does not prohibit area rating. There may be instances where Council may consider varying rates to align with other policies or possible incentives in the development area.

3.8 Land Valuation Analysis

To facilitate the rate calculation provided in section 3.9, an estimate of the market value of the land related to the anticipated applicable development/redevelopment presented in section 3.2, needs to be undertaken. It is noted that the land values may vary based on a number of factors including location, zoning density, parcel size, etc., however, these values should estimate the land value the day before building permit issuance. This data may be available from municipal staff, or the municipality may consider engaging the assistance of a land appraiser.

3.9 Calculation of the Community Benefit Charge

Section 37(32) of the Planning Act provides that the maximum charge which can be imposed is prescribed by the regulations. O. Reg 509/20 section 3 provides that the maximum charge is to be 4%.

To calculate the rate, the net capital cost (provided by netting the deductions set out in section 3.6 from the capital presented in section 3.5) divided by the land values related to the anticipated applicable development/redevelopment produces a percentage of the capital cost to the land value. The product of this calculation provides for the eligible rate. As noted above, the maximum rate to be imposed is 4%; hence, the rate can be any rate between 0% and 4%.



Chapter 4

C.B.C.-Eligible Cost Analysis



4. C.B.C.-Eligible Cost Analysis

4.1 Introduction

This chapter outlines the basis for calculating eligible costs to be recovered through C.B.C.s which are to be applied on a uniform basis throughout the Town. In each case, the required calculation process set out in O. Reg. 509/20 section 2 (a) through (f) to the Planning Act and described in Chapter 3 was followed in determining C.B.C.-eligible costs.

The nature of the capital projects and timing identified in the Chapter reflects Town staff's recommendation based on Council policy directions. However, it is recognized that over time, capital projects and Council priorities change; accordingly, Council's intentions may alter, and different capital projects (and timing) may be necessary to meet the need for services required by new growth.

4.2 Allocation of Costs to Eligible High-Density Growth

For capital costs identified for recovery through the C.B.C., a review of the gross costs has been made based on information provided by Town staff. Each capital project was assessed to determine if there were deductions required to the gross costs related to excess capacity, benefit to existing development, and grants, subsidies, or other contributions known. The resultant net growth costs were then allocated based on the following:

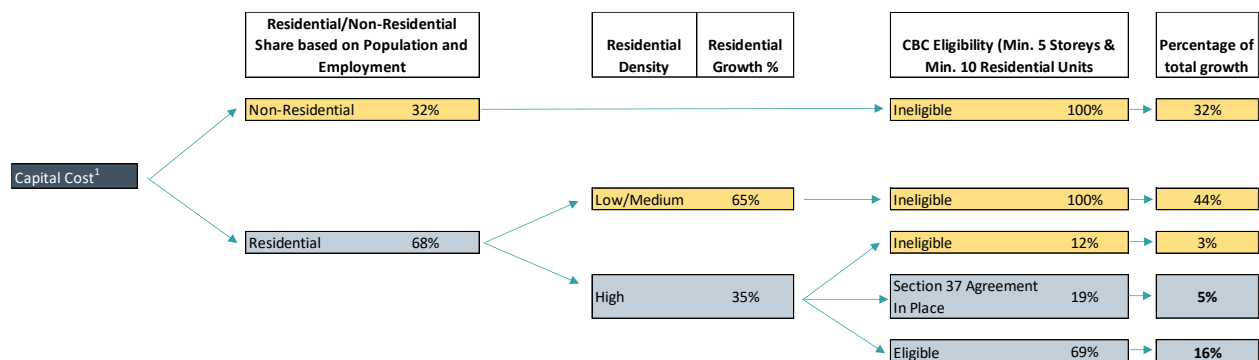
- Net costs for certain services (municipal parking, general administration space, and planning studies), were apportioned between residential and non-residential growth (Table 2-3) based upon the relation between population and employment.
- Similar to the Town's D.C. background study, parks, recreation, and culture services were apportioned 95% residential and 5% non-residential.
- The costs related to undertaking the C.B.C. Strategy have been assigned as 100% residential and fully attributable to the eligible C.B.C. growth.
- The costs associated with residential growth were then further apportioned between low/medium density growth and total high-density growth anticipated over the forecast (Table 2-4).



- Finally, the costs associated with the total high-density growth were apportioned to eligible growth (i.e., buildings with a minimum of five storeys and a minimum of 10 residential units) and ineligible growth (Table 2-5).

As noted above, similar to the calculations undertaken in the Town’s D.C. study, some services are shared between residential and non-residential growth based on the incremental population and employment for the forecast period. Based on the C.B.C. 10-year forecast, this would result in an allocation of 68% residential/32% non-residential. Figure 4-1 provides a flowchart of the shares that would be assigned to Town-wide services such as municipal parking. Based on Tables 2-3 through 2-5, the allocations between the total growth anticipated over the forecast period would result in 16% of net growth-related costs being eligible for recovery through the C.B.C. (see Table 4-1).

Figure 4-1
Growth Shares for Town-Wide Services

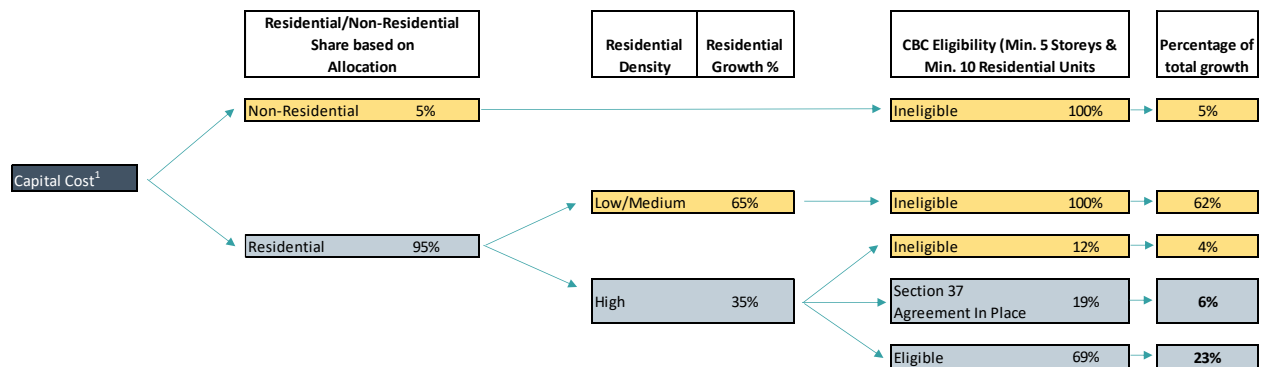


¹ Capital Cost is net of deductions for Benefit to existing, excess capacity, grants, subsidies, and other contributions, etc.

As the predominant users of parks, recreation & culture services tend to be residents of the Town, the forecast growth-related costs have been allocated 95% to residential and 5% to non-residential, similar to the allocations provided for in the Town’s D.C. study for these types of services. Figure 4-2 provides a flowchart of the shares that would be assigned to services such as culture and public realm. Therefore, for these services, the total growth anticipated over the forecast period would result in 23% of net growth-related costs being eligible for recovery through the C.B.C. (see Table 4-2).



Figure 4-2
Growth Shares for Parks, Recreation & Cultural Services



¹ Capital Cost is net of deductions for Benefit to existing, excess capacity, grants, subsidies, and other contributions, etc.

With respect to the costs related to undertaking the C.B.C. Strategy Study, 100% is attributable to the eligible high-density growth as the C.B.C. is not applicable to other forms of development (see Table 4-3).

4.3 C.B.C. Eligible Cost Analysis

This section provides for the evaluation of development-related capital requirements over a 10-year planning horizon. The projects include municipal parking, general administration space, cultural hubs, public art, event space, Town Square redevelopment, and the C.B.C. study.

It is noted that the projects identified herein are in addition to the capital items that are to be funded from the Town’s current Section 37 agreements.

The estimated gross cost of each project has been reviewed with staff and where necessary, deductions have been made to recognize the benefit the projects have to the existing community. Further, the projects that have been identified have been reviewed and currently, there is no anticipated grants, subsidy or other funding anticipated for the majority of the projects. Finally, as the projects are associated with future service needs, consideration was given to the capacity available for the existing service and projects provided are considered to be incremental costs to service the future growth needs.



Based on the calculations and allocations to eligible high-density growth, the Town has identified approximately \$14.4 million in eligible net growth-related costs to be included within the C.B.C. calculations and are presented in Tables 4-1, 4-2, and 4-3.



**Table 4-1
Capital Infrastructure Needs to be Recovered through C.B.C.s for Parks, Recreation, and Cultural Services**

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Costs Less Deductions					Allocations Between Residential and Non-Residential Growth		Allocation Between Residential Growth by Density		Potential C.B.C. Recoverable Cost	
			Gross Capital Cost Estimate (2022\$)	Post Period Benefit	Less:		Net Growth-Related Cost	Total Non-Residential Share	Total Residential Share	Low/Medium Density Residential	Total High Density Residential	Ineligible High Density Residential	Eligible High Density Residential
					Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development							
2022-2031													
1	Culture Master Plan & Events Strategy	2022	100,000	-	-		100,000	5,000	95,000	61,700	33,300	10,300	23,000
2	Downtown Cultural Hub Study	2023	1,000,000	-	500,000		500,000	25,000	475,000	308,700	166,300	51,600	114,700
3	Expansion of Performing Arts Theatre/Cultural Hub	2028	12,500,000	-	-		12,500,000	625,000	11,875,000	7,718,700	4,156,300	1,288,500	2,867,800
4	New Event Space/Amphitheatre	2028	700,000	-	-		700,000	35,000	665,000	432,200	232,800	72,200	160,600
5	New Outdoor event stage	2031	400,000	-	-		400,000	20,000	380,000	247,000	133,000	41,200	91,800
6	Burnet Park New Art Installation	2022	78,000	-	-		78,000	3,900	74,100	48,200	25,900	8,000	17,900
7	Public Art Creation	2023-2031	900,000	-	-		900,000	45,000	855,000	555,700	299,300	92,800	206,500
8	Truth and Reconciliation Recognition	2023-2031	900,000	-	-		900,000	45,000	855,000	555,700	299,300	92,800	206,500
9	Expansion of Shell Park garden plots	2023	95,000	-	-		95,000	4,700	90,300	58,700	31,600	9,800	21,800
10	Town Square Redevelopment	2023	3,657,500	-	2,926,000		731,500	36,600	694,900	451,700	243,200	75,400	167,800
	Total		20,330,500	-	3,426,000	-	16,904,500	845,200	16,059,300	10,438,300	5,621,000	1,742,600	3,878,400



**Table 4-2
Capital Infrastructure Needs to be Recovered through C.B.C.s for Municipal Parking and General Administration**

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Costs Less Deductions					Allocations Between Residential and Non-Residential Growth		Allocation Between Residential Growth by Density		Potential C.B.C. Recoverable Cost	
			Gross Capital Cost Estimate (2022\$)	Post Period Benefit	Less:		Net Growth-Related Cost	Total Non-Residential Share	Total Residential Share	Low/Medium Density Residential	Total High Density Residential	Ineligible High Density Residential	Eligible High Density Residential
					Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development							
	2022-2031						32%	68%	65%	35%	31%	69%	
	General Administration:												
1	New Town Hall - location study, accomodation study, provision for land acquisition (Net Growth Portion)	2026-2031	10,000,000	-	-		10,000,000	3,200,000	6,800,000	4,420,000	2,380,000	737,800	1,642,200
2	Heritage Planning Studies	2022-2031	250,000	-	-		250,000	80,000	170,000	110,500	59,500	18,400	41,100
	Municipal Parking:												
3	Mid-town Parking Study	2024	300,000	-	-		300,000	96,000	204,000	132,600	71,400	22,100	49,300
4	North Oakville Parking Study	2026	300,000	-	-		300,000	96,000	204,000	132,600	71,400	22,100	49,300
5	North Oakville Parking Feasibility Study	2024	300,000	-	-		300,000	96,000	204,000	132,600	71,400	22,100	49,300
6	Palemo Parking Feasibility Study	2024	300,000	-	-		300,000	96,000	204,000	132,600	71,400	22,100	49,300
7	Downtown Parking Utilization Study	2024-2026	100,000	-	-		100,000	32,000	68,000	44,200	23,800	7,400	16,400
8	Bronte Parking Utilization Study	2026-2031	100,000	-	-		100,000	32,000	68,000	44,200	23,800	7,400	16,400
9	Kerr Parking Utilization Study	2026-2031	100,000	-	-		100,000	32,000	68,000	44,200	23,800	7,400	16,400
10	On Street Paid Parking Program-Expansion	2023-2026	200,000	-	-		200,000	64,000	136,000	88,400	47,600	14,800	32,800
11	Downtown Parking Facility	2026-2031	74,000,000	37,000,000	-		37,000,000	11,840,000	25,160,000	16,354,000	8,806,000	2,729,900	6,076,100
12	Bronte Parking Facility - Land	2027	6,650,000	-	1,529,500		5,120,500	1,638,600	3,481,900	2,263,200	1,218,700	377,800	840,900
13	North Oakville Parking Facility - Land	2029	3,220,000	-	-		3,220,000	1,030,400	2,189,600	1,423,240	766,360	237,600	528,800
14	Palemo Parking Facility - Land	2031	4,550,000	-	-		4,550,000	1,456,000	3,094,000	2,011,100	1,082,900	335,700	747,200
15	Parking DC Balance (negative)	2022	1,000,000	-	-		1,000,000	320,000	680,000	442,000	238,000	73,800	164,200
	Total		101,370,000	37,000,000	1,529,500	-	62,840,500	20,109,000	42,731,500	27,775,440	14,956,060	4,636,400	10,319,700



**Table 4-3
Capital Infrastructure Needs to be Recovered through C.B.C.s for the C.B.C. Strategy**

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Costs Less Deductions					Allocations Between Residential and Non-Residential Growth		Allocation Between Residential Growth by Density		Potential C.B.C. Recoverable Cost	
			Gross Capital Cost Estimate (2022\$)	Post Period Benefit	Less:		Net Growth-Related Cost	Total Non-Residential Share	Total Residential Share	Low/Medium Density Residential	Total High Density Residential	Ineligible High Density Residential	Eligible High Density Residential
					Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development							
	2022-2031												
1	Community Benefit Charge Strategy	2022-2029	225,000	-	-		225,000	0%	225,000	-	225,000	0%	225,000
	Total		225,000	-	-	-	225,000	-	225,000	-	225,000	-	225,000



Chapter 5

C.B.C. Calculation



5. C.B.C. Calculation

5.1 Anticipated Funding Recovery

To summarize the calculation of the charge, the following has been undertaken:

- 1) **Anticipated Development:** As presented in Chapter 2, the 10-year growth forecast provides for 5,599 eligible high-density units (i.e., in buildings containing a minimum of five storeys and a minimum of 10 residential units).
- 2) **Land Valuation:** The Town engaged a land appraiser to provide average land valuations for properties anticipated for eligible high-density development. The land valuations were provided for various locations throughout the Town (refer to Chapter 2).
- 3) **Identification of Services:** A number of services were identified including municipal parking, recreation and cultural services, public art, general administration, and the C.B.C. strategy itself.
- 4) **C.B.C. Eligible Costs:** Capital needs related to the identified services were provided by Town staff. Gross costs of the capital projects were assessed for the portion of the projects that would benefit the existing community vs. the future growth. The growth-costs were then allocated amongst all types of growth to calculate the amount that is associated with eligible high-density units.
- 5) **Total Land Value:** Based on the growth forecast, density assumptions, and land valuation assessment, the total land value for eligible high density was calculated to equal approximately \$293.1 million.
- 6) **Maximum C.B.C.:** As per the Planning Act, the maximum a municipality can impose for a C.B.C. is equal to 4% of the land value of a property, the day before building permit issuance. Based on the total land value, the estimated potential C.B.C. recovery for the Town equates to approximately \$11.7 million for the 10-year forecast period (see Table 5-1).



**Table 5-1
Anticipated C.B.C. Funding Recovery**

Area	Total C.B.C. Eligible Units	Average Land Value Per Acre	Estimated Total Acres	Estimated Land Value	C.B.C. %	Potential C.B.C. Revenue
Kerr Village	246	\$ 12,000,000	1.94	\$ 23,244,000		
Midtown	256	\$ 12,000,000	0.93	\$ 11,130,000		
Uptown Core	430	\$ 9,000,000	4.89	\$ 43,977,000		
Bronte Village	191	\$ 11,000,000	1.31	\$ 14,390,000		
Palermo Village	1,129	\$ 8,000,000	6.31	\$ 50,458,000		
Downtown	15	\$ 28,310,000	0.17	\$ 4,718,000		
North Oakville	3,332	\$ 5,750,000	25.24	\$ 145,144,000		
Total	5,599		40.78	\$ 293,061,000	4%	\$ 11,722,440

The Town has identified capital costs attributable to eligible high-density growth in the amount of \$14.4 million (as per Tables 4-1 through 4-3), which is in excess of the maximum allowable amount of approximately \$11.7 million. Therefore, the Town has provided herein that the maximum C.B.C. of 4% may be considered to be imposed on eligible forms of development. It is noted that available C.B.C. funding will not provide funding for all projects on the capital projects list, and hence Town Council will have to consider the highest capital priorities to be funded through C.B.C. revenue during the annual budget process. Table 5-2 provides a summary of the growth capital costs by service.

**Table 5-2
Summary of Growth Capital Costs**

Service	Gross Capital Cost Estimate (2022\$)	Deductions:			Net Growth-Related Cost	Eligible High Density Residential
		Post Period Benefit	Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development		
Parks, Recreation and Culture	20,330,500	-	3,426,000	-	16,904,500	3,878,400
General Administration	10,250,000	-	-	-	10,250,000	1,683,300
Municipal Parking	91,120,000	37,000,000	1,529,500	-	52,590,500	8,636,400
C.B.C. Strategy	225,000	-	-	-	225,000	225,000
Total	121,925,500	37,000,000	4,955,500	-	79,970,000	14,423,100
Total Land Value						293,061,000
Calculated Percentage to Recover all Costs Identified						4.9%



Chapter 6

C.B.C. Policy Recommendations and C.B.C. By-law Rules



6. C.B.C. Policy Recommendations and C.B.C. By-law Rules

6.1 C.B.C. Policies

Planning Act section 37 and O. Reg. 509/20 outline the required policies that must be considered when adopting a C.B.C. by-law. The following subsections set out the recommended policies governing the calculation, payment and collection of C.B.C.s in accordance with the legislation.

6.2 C.B.C. By-law Rules

6.2.1 *Payment in any Particular Case*

In accordance with the Planning Act, subsection 37 (3), a C.B.C. may be imposed only with respect to development or redevelopment that requires one of the following:

- (a) “the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;
- (f) the approval of a description under section 9 of the *Condominium Act, 1998*; or
- (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.”



6.2.2 Maximum Amount of the Community Benefit Charge

Subsection 37 (32) of the Planning Act states that the amount of a C.B.C. payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

Based on section 3 of O. Reg. 509/20, the prescribed percentage is 4%.

6.2.3 Exemptions (full or partial)

The following exemptions are provided under subsection 37 (4) of the Planning Act and section 1 of O. Reg. 509/20:

- Development of a proposed building or structure with fewer than five storeys at or above ground;
- Development of a proposed building or structure with fewer than 10 residential units;
- Redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure;
- Such types of development or redevelopment as are prescribed:
 - Development or redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*.
 - Development or redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*.
 - Development or redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - ii. a college or university federated or affiliated with a university described in subparagraph i,
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.



- Development or redevelopment of a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion.
- Development or redevelopment of a building or structure intended for use as a hospice to provide end of life care.
- Development or redevelopment of a building or structure intended for use as residential premises by any of the following entities:
 - i. a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing,
 - ii. a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
 - iii. a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

In addition to the exemptions noted above, the C.B.C. will not apply to buildings or structures owned by and used for the purposes of any municipality, local board, or Board of Education.

6.2.4 Timing of Collection

The C.B.C.s imposed are calculated, payable, and collected upon issuance of a building permit for eligible development or redevelopment.

6.2.5 In-kind Contributions

A municipality that has passed a C.B.C. by-law may allow the landowner to provide to the municipality: facilities, services, or matters required because of development or redevelopment in the area to which the by-law applies. The Town may permit in-kind contributions at its sole discretion.

Prior to providing these contributions, the municipality shall advise the landowner of the value of the in-kind contributions that will be attributed to them. As part of this valuation, the contributing landowner will be expected to provide any valuation documents as backup or alternatively, staff will investigate and assign a reasonable value to the in-kind contribution. This value shall be deducted from the amount the landowner would otherwise be required to pay under the C.B.C. by-law.



6.2.6 The Applicable Areas

The C.B.C. by-law will apply to all lands within the Town.

6.2.7 Special Account

All money received by the municipality under a C.B.C. by-law shall be paid into a special account. The money contained within the special account:

- may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001*, and the earnings derived from the investment of the money shall be paid into a special reserve fund account; and
- must have at least 60 percent of the funds spent or allocated at the beginning of the year.

In addition to the monies collected under a C.B.C. by-law, transitional rules for transferring existing reserve funds are provided in subsection 37 (51) of the Planning Act. These rules apply for any existing reserve funds related to a service that is not listed in subsection 2 (4) of the D.C.A., as well as reserve funds established under section 37 of the Planning Act prior to Bill 197.

1. If the municipality passes a C.B.C. by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (45) of the Planning Act.
2. If the municipality has not passed a C.B.C. by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* (a provision which requires the funds raised for a reserve fund must only be used for the intended purpose) and any equivalent provision do not apply with respect to the general capital reserve fund referred to in paragraph 2.
4. If paragraph 2 applies and the municipality passes a C.B.C. by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to



in paragraph 2 to the special account referred to in subsection (45) of the Planning Act.

6.2.8 Credits

Subsection 37 (52) of the Planning Act indicates that any credits that were established under section 38 of the D.C.A. and that are not related to a service that is listed in subsection 2 (4) of the D.C.A., may be used by the holder of the credit with respect to a charge that the holder is required to pay under a C.B.C. by-law.

6.2.9 By-law In-Force Date

A C.B.C. by-law comes into force on the day it is passed, or the day specified in the by-law, whichever is later.

6.3 Recommendations

It is recommended that Council:

Adopt the C.B.C. approach to calculate the charges on a uniform Town-wide basis;

Approve the capital project listing set out in Chapter 4 of the C.B.C. Strategy dated August 5, 2022, subject to further annual review during the capital budget process;

Create a special reserve fund account which will contain all C.B.C. monies collected;

Approve the C.B.C. Strategy dated August 5, 2022, as amended (if applicable);

Determine that no further public consultation is required; and

Approve the C.B.C. By-law as set out in Appendix B.



Chapter 7

By-law Implementation



7. By-law Implementation

7.1 Introduction

This chapter addresses the public consultation process and by-law implementation requirements for the imposition of a C.B.C. by-law. Figure 7-1 provides an overview of the process.

7.2 Public Consultation Process

7.2.1 *Required Consultation*

In establishing the policy for which a C.B.C. strategy and by-law will be based; section 37 (10) of the Planning Act requires that:

“In preparing the community benefits strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.”

As there is no specific guidance as to which parties the municipality shall consult with, municipalities may establish their own policy for public consultation. The policy for public consultation should be designed to seek the co-operation and participation of those involved, in order to produce the most suitable policy. Municipalities may consider a public meeting, similar to that undertaken for D.C. study processes (however, this is not a mandated requirement). At a minimum, this would include a presentation to Council and the public on the findings of the C.B.C. strategy, advanced notice of the meeting, and consideration for delegations from the public.

7.2.2 *Interested Parties to Consult*

There are three broad groupings of the public who are generally the most concerned with municipal C.B.C. policy.

1. The first grouping is the residential development community, consisting of land developers and builders, who will typically be responsible for generating the majority of the C.B.C. revenues. Others, such as realtors, are directly impacted by C.B.C. policy. They are, therefore, potentially interested in all aspects of the charge, particularly the percentage applicable to their properties, projects to be



funded by the C.B.C. and the timing thereof, and municipal policy with respect to development agreements and in-kind contributions.

2. The second public grouping embraces the public at large and includes taxpayer coalition groups and others interested in public policy.
3. The third grouping is the non-residential mixed-use development sector, consisting of land developers and major owners or organizations with significant construction plans for mixed use developments. Also involved are organizations such as Industry Associations, the Chamber of Commerce, the Board of Trade, and the Economic Development Agencies, who are all potentially interested in municipal C.B.C. policy. Their primary concern is frequently with the percentage charge applicable to their lands, exemptions, and phase-in or capping provisions in order to moderate the impact.

As noted in section 1.4, through the C.B.C. strategy process, the Town's consultation process includes meetings with the development community, general public, and Council.

7.3 Anticipated Impact of the Charge on Development

The establishment of sound C.B.C. policy often requires the achievement of an acceptable balance between two competing realities. The first is that increased residential development fees (such as a C.B.C.) can ultimately be expected to be recovered via higher housing prices and can impact project feasibility in some cases (e.g., rental apartments). Secondly, C.B.C.s or other municipal capital funding sources need to be obtained in order to help ensure that the necessary infrastructure and amenities are installed. The timely installation of such works is a key initiative in providing adequate service levels and in facilitating strong economic growth, investment, and wealth generation.



7.4 Implementation Requirements

7.4.1 Introduction

Once the Town has calculated the charge, prepared the complete strategy, carried out the public process, and passed a new by-law, the emphasis shifts to implementation matters.

These include notices, potential appeals and complaints, in-kind contributions, and finally the collection of revenues and funding of projects.

The sections that follow provide an overview of the requirements in each case.

7.4.2 Notice of Passage

In accordance with subsection 37 (13) of the Planning Act, when a C.B.C. by-law is passed, the clerk of the municipality shall give written notice of the passing and of the last day for appealing the by-law (the day that is 40 days after the day it was passed). Such notice must be given no later than 20 days after the day the by-law is passed (i.e., as of the day of newspaper publication or the mailing of the notice).

Section 4 of O. Reg. 509/20 further defines the notice requirements which are summarized as follows:

- notice shall be given by publication in a newspaper which is (in the clerk's opinion) of sufficient circulation to give the public reasonable notice, or by personal service, fax or mail to every owner of land in the area to which the by-law relates;
- subsection 4 (2) lists the persons/organizations who must be given notice; and
- subsection 4 (5) lists the seven items that the notice must cover.

7.4.3 Appeals

Subsections 37 (13) to 37 (31) of the Planning Act set out the requirements relative to making and processing a C.B.C. by-law appeal as well as an OLT hearing in response to an appeal. Any person or organization may appeal a C.B.C. by-law to the OLT by filing a notice of appeal with the clerk of the municipality, setting out the objection to the



by-law and the reasons supporting the objection. This must be done by the last day for appealing the by-law, which is 40 days after the by-law is passed.

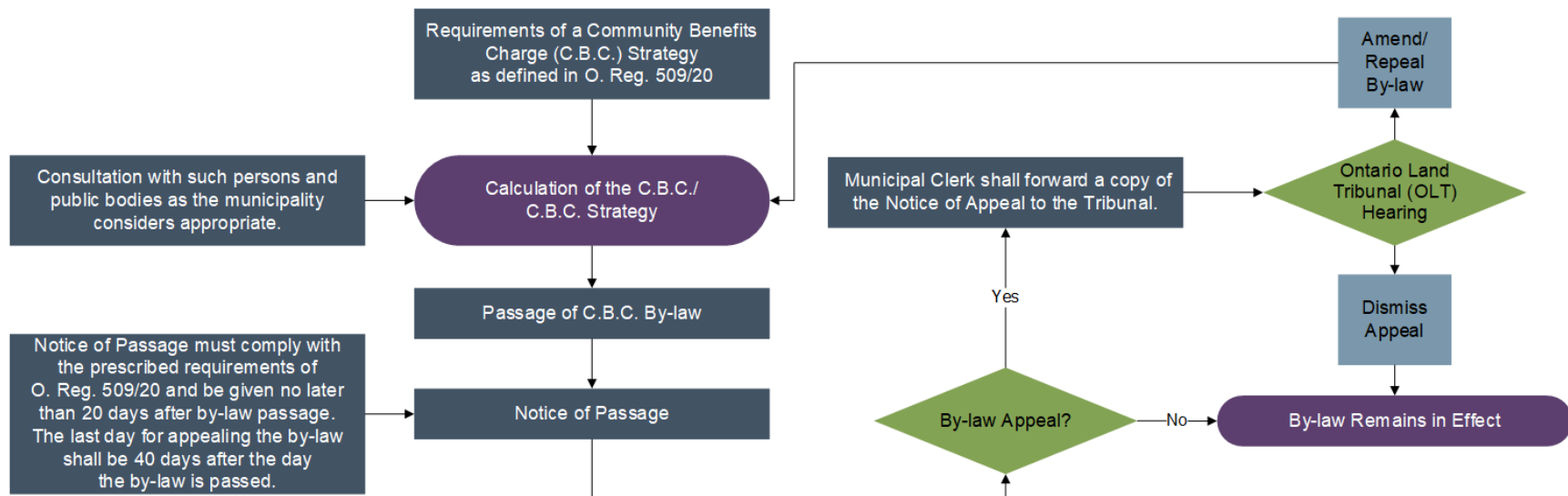
The municipality is carrying out a public consultation process, in order to address the issues that come forward as part of that process, thereby avoiding or reducing the need for an appeal to be made.

7.4.4 In-Kind Contributions

Subsections 37 (6) to 37 (8) provide the rules for in-kind contributions. An owner of land may provide the municipality facilities, services, or matters required because of development or redevelopment in the area to which the by-law applies. Prior to providing these contributions, the municipality shall advise the owner of the land of the value that will be attributed to the contributions. The value of the contributions shall be deducted from the amount the owner of the land would otherwise have to pay under the C.B.C. by-law.



Figure 7-1
The Process Required for Passing a Community Benefits Charge By-law under the Planning Act





7.5 Ongoing Application and Collection of C.B.C. funds

7.5.1 Introductions

Once the municipality passes a C.B.C. by-law, development or redevelopment that meets the requirements of the C.B.C. by-law will pay a C.B.C. based on the value of their land. The following sections describe the overall process and discusses the approach to appraisals and use of the special account as set out in the Planning Act.

7.5.2 Overview of Process and Appraisals

Figure 7-2 provides an overview of the process for application of the C.B.C. by-law and collection of C.B.C. funds.

Once the C.B.C. by-law is in place, as development or redevelopment that meets the eligibility criteria proceeds (i.e., prior to issuance of a building permit), the municipality collects C.B.C.s based on the calculated percentage (as set out in the by-law and C.B.C. strategy) and the value of the land. For each eligible development, the Town will coordinate a land appraisal of the market value of the land from a certified professional appraiser of real estate who is designated as an accredited appraiser by the Appraisal Institute of Canada, at no expense to the Town, for use in calculating the C.B.C. charge on each development or redevelopment.

If the owner is of the view that the amount of the C.B.C. charge exceeds 4% of the value of land, the owner shall pay the charge under protest and provide an appraisal within 30 days.

If the Town agrees with the owners appraised value, it shall refund the difference in the calculated C.B.C. charge.

If the Town does not agree with the appraisal provided by the owner, the Town has 45 days to provide the owner of the land with their own appraisal value. Then:

- If no appraisal is provided to the owner within 45 days, the owner's appraisal is deemed accurate and the difference in the amounts shall be refunded to the owner.



- If the municipality's appraisal is within 5% of the landowner's appraisal, the landowner's appraisal is deemed accurate, and the municipality shall refund the difference in the amounts to the owner.
- If the appraisal is more than 5% higher than the landowner's appraisal, the municipality shall request an appraisal be undertaken by an appraiser, selected by the landowner, from the list of approved appraisers provided by the municipality. This must be undertaken within 60 days. This final appraisal is deemed accurate for the purposes of calculating the applicable C.B.C.
- In regard to the last bullet, subsection 37 (42) and 37 (43) require the municipality to maintain a list of at least three persons who are not employees of the municipality or members of Council and have an agreement with the municipality to perform appraisals for the above. This list is to be maintained until the C.B.C. by-law is repealed or the day on which there is no longer any refund that could be required (whichever is later).

7.5.3 Special Reserve Fund Account

All funds collected under the C.B.C. by-law is to be deposited into a special account. Subsections 37 (45) to 37 (48) of the Planning Act outline the rules with respect to the special reserve fund account. As noted in section 6.2.7, these rules are as follows:

- All money received under a C.B.C. by-law shall be paid into a special account;
- The money in the special account may be invested in securities (as permitted under the Municipal Act) and the interest earnings shall be paid into the special account;
- In each year, a municipality shall spend or allocate at least 60 percent of the monies that are in the special account at the beginning of the year; and
- The municipality shall provide reports and information as set out in section 7 of O. Reg. 509/20
- In regard to the third bullet, it is suggested that the annual capital budget for the Town directly list the works which are being undertaken and/or to which monies from this fund are being allocated toward.

As per this C.B.C. strategy, the growth-related services (as outlined in Chapter 4), form the anticipated capital needs required to service growth over the 10-year forecast period. However, other services may be considered by Council in the future and are subject to approval by resolution and inclusion in the annual budget process. Further,

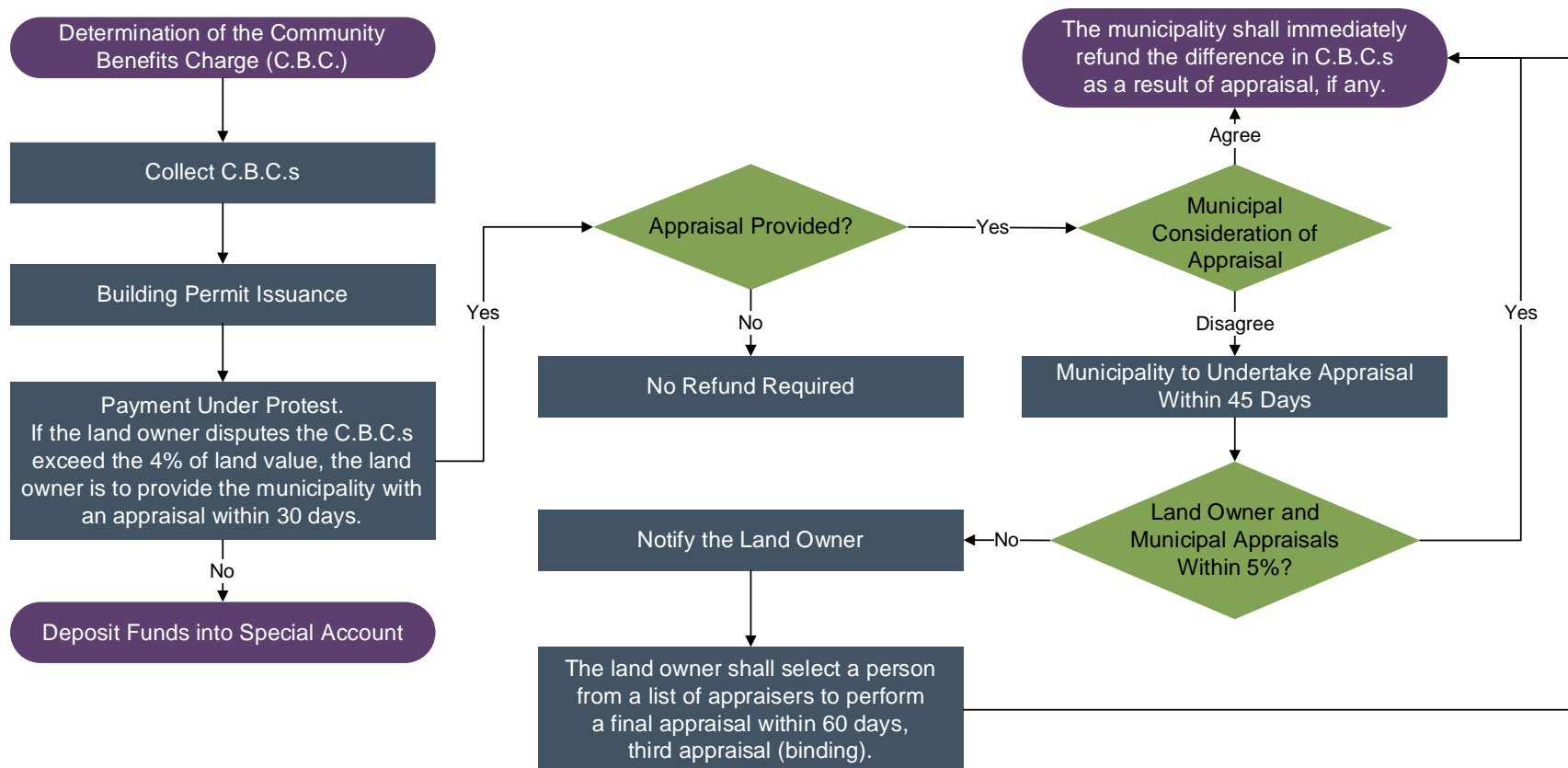


any additional services approved and funded from C.B.C. revenue in the future will be reported on through an annual C.B.C. reserve fund statement, which will form part of the Town's overall year-end statements.

During the annual budget process, the use of C.B.C. funding will be reviewed, and the capital costs associated with each eligible service and capital project will be confirmed and identified for approval of Council.



Figure 7-2
Town of Oakville
Community Benefits Charge Application and Calculation Process





7.6 Transitional Matters

7.6.1 Existing Reserves and Reserve Funds

The Planning Act, section 37 (49) to section 37 (51) provides transitional provisions for:

1. A special account established under the previous section 37 rules; and
2. A D.C. reserve fund for which services are no longer eligible.

With respect to item 1, the Town has collected prior section 37 funds which were allocated to a Section 37 Community Benefits reserve fund.

If the Town passes a C.B.C. by-law with an in-force date before September 18, 2022, the Town shall allocate the money in the Section 37 Community Benefits reserve fund to the C.B.C. special account.

If the Town does not pass a C.B.C. by-law before September 18, 2022, the Section 37 Community Benefits reserve fund is deemed to be a general capital reserve fund for the same purpose in which the money was collected. Subsequently, if a C.B.C. by-law is passed after September 18, 2022, the Town shall allocate the money from the newly created general capital reserve fund, to the C.B.C. special account.

7.6.2 Credits under Section 38 of the Development Charges Act

The Planning Act (s.37 (52)) provides that, if a municipality passes a C.B.C. by-law before September 18, 2022, any credits held for services that are no longer D.C. eligible (e.g., parking services), may be used against payment of a C.B.C. by the landowner. The Town does not currently hold credits related to the services which are no longer D.C. eligible, therefore, there are no adjustment against future payments of a C.B.C. to apply.

7.6.3 Continued Application of Previous Section 37 Rules

Section 37.1 of the Planning Act provides for transitional matters regarding previous section 37 rules.



Appendices



Appendix A

Background Information on Residential and Non- Residential Growth Forecast



Schedule 1 Town of Oakville Residential Growth Forecast Summary

Year	Population (Including Census Undercount) ^[1]	Excluding Census Undercount			Housing Units						Persons Per Unit (P.P.U.): Total Population/ Total Households	
		Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi-Detached	Multiple Dwellings ^[2]	Apartments ^[3]	Other	Total Households	Equivalent Institutional Households		
Historical	Mid 2006	170,650	165,613	1,873	163,740	38,860	8,825	8,790	55	56,530	1,703	2.930
	Mid 2011	188,070	182,520	2,090	180,430	42,030	10,611	9,709	62	62,412	1,900	2.924
	Mid 2016	199,730	193,832	2,117	191,715	43,145	12,020	11,035	65	66,265	1,925	2.925
Forecast	Mid 2022	226,850	220,160	2,401	217,759	45,961	14,555	15,898	65	76,479	2,183	2.879
	Mid 2031	267,400	259,510	3,201	256,309	50,163	18,507	24,066	65	92,800	2,910	2.796
Incremental	Mid 2006 - Mid 2011	17,420	16,907	217	16,690	3,170	1,786	919	7	5,882	197	
	Mid 2011 - Mid 2016	11,660	11,312	27	11,285	1,115	1,409	1,326	3	3,853	25	
	Mid 2016 - Mid 2022	27,120	26,328	284	26,044	2,816	2,535	4,863	0	10,214	258	
	Mid 2022 - Mid 2031	40,550	39,350	800	38,550	4,202	3,952	8,168	0	16,321	727	

^[1] Census undercount estimated at approximately 3.0%.

^[2] Includes townhouses and apartments in duplexes.

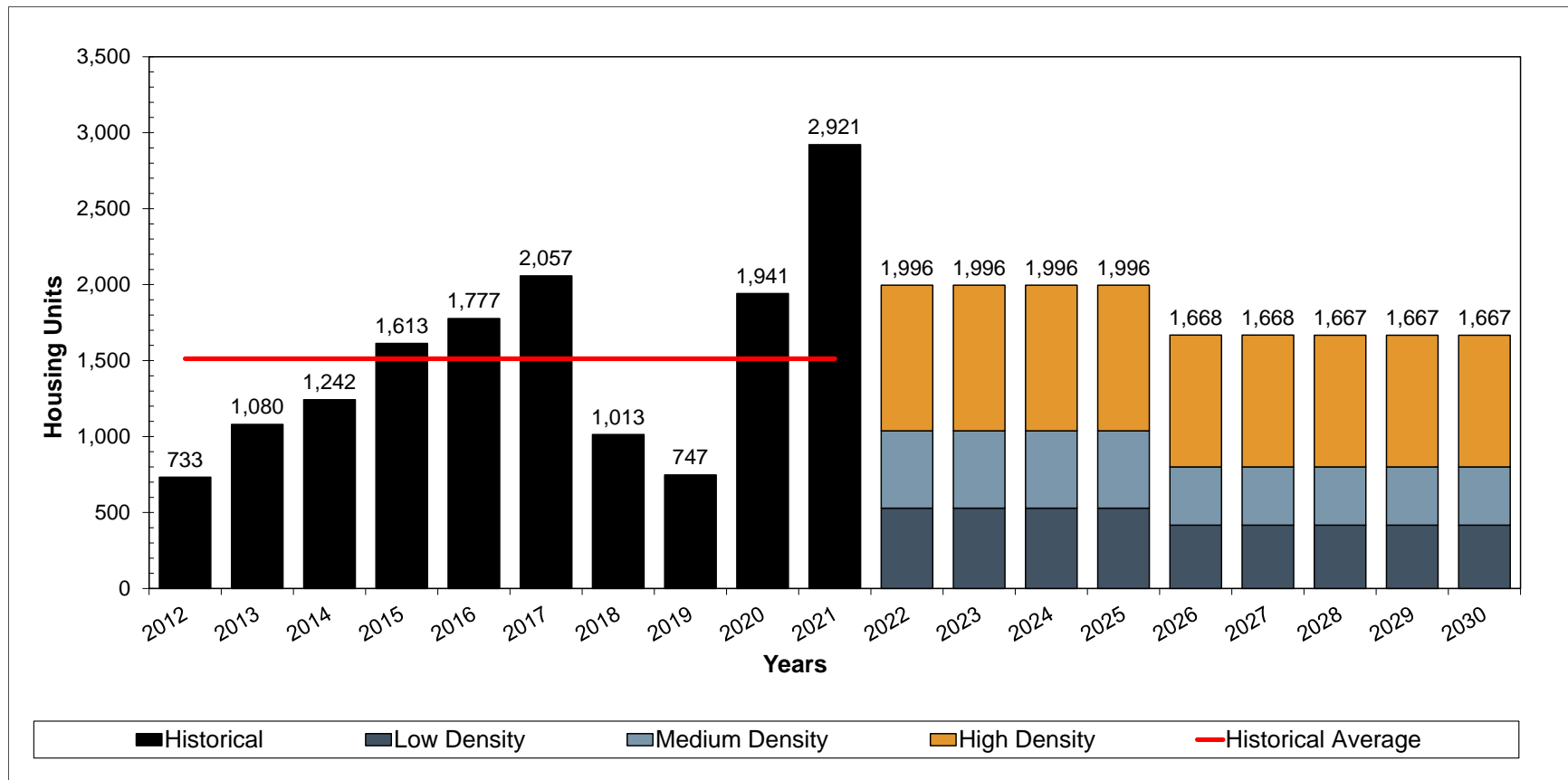
^[3] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.

Note: Population including the Census undercount has been rounded.

Source: Derived from the Town of Oakville Residential Growth Analysis Study - Technical Report, May 4, 2017, by Watson & Associates Economists Ltd.



Figure A-1
Town of Oakville
Annual New Housing Forecast^[1]



[1] Growth forecast represents calendar year.

Source: Historical housing activity derived from Town of Oakville building permit data (net of demolitions), by Watson & Associates Economists Ltd.



Schedule 2
Town of Oakville
Estimate of the Anticipated Amount, Type and Location of
Residential Development for Which Community Benefits Charges Can Be Imposed

Development Location	Timing	Single & Semi-Detached	Multiples ^[1]	Apartments ^[2]			Total Residential Units	Gross Population In New Units	Existing Unit Population Change	Net Population Increase, Excluding Institutional	Institutional Population	Net Population Including Institutional
				Units in C.B.C. Ineligible Buildings	Units in C.B.C. Eligible Buildings	Total Apartment Units						
North Oakville	2022 - 2031	3,362	2,371	1,755	3,332	5,087	15,906	27,512	(179)	27,333	640	27,973
South Oakville	2022 - 2031	840	1,581	814	2,267	3,081	8,583	12,653	(1,437)	11,217	160	11,377
South Oakville C.B.C. Eligible Unit Breakdown												
Uptown Core				305	430	735						
Downtown				29	15	44						
Bronte Village				12	191	203						
Kerr Village				149	246	395						
Palermo Village				59	1,129	1,188						
Midtown				19	256	275						
All Other Areas				241	0	241						
Town of Oakville	2022 - 2031	4,202	3,952	2,569	5,599	8,168	16,321	40,166	-1,616	38,550	800	39,350

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes accessory apartments, bachelor, 1-bedroom and 2-bedroom+ apartments.

Notes:

- Numbers may not add to totals due to rounding.
- 1,586 high-density units which meet the C.B.C. development criteria of 5+ floors and 10+ units have been excluded from the C.B.C. eligible forecast from 2022 to 2031 due to the application of s37 bonusing.

Source: Watson & Associates Economists Ltd.



Schedule 3
Town of Oakville
Current Year Growth Forecast
Mid 2016 to Mid 2022

		Population
Mid 2016 Population		193,832
Occupants of New Housing Units, Mid 2016 to Mid 2022	<i>Units (2)</i>	10,214
	<i>multiplied by P.P.U. (3)</i>	2.497
	<i>gross population increase</i>	25,509
Occupants of New Equivalent Institutional Units, Mid 2016 to Mid 2022	<i>Units</i>	258
	<i>multiplied by P.P.U. (3)</i>	1.100
	<i>gross population increase</i>	283
Change in Housing Unit Occupancy, Mid 2016 to Mid 2022	<i>Units (4)</i>	66,265
	<i>multiplied by P.P.U. change rate (5)</i>	0.008
	<i>total change in population</i>	536
Population Estimate to Mid 2022		220,160
<i>Net Population Increase, Mid 2016 to Mid 2022</i>		26,328

- (1) 2016 population based on Statistics Canada Census unadjusted for Census undercount.
- (2) Estimated residential units constructed, Mid-2016 to the beginning of the growth period assuming a six-month lag between construction and occupancy.
- (3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit ¹ (P.P.U.)	% Distribution of Estimated Units ²	Weighted Persons Per Unit Average
<i>Singles & Semi Detached</i>	3.612	28%	0.996
<i>Multiples (6)</i>	2.695	25%	0.669
<i>Apartments (7)</i>	1.749	48%	0.833
Total		100%	2.497

¹ Based on 2016 Census custom database

² Based on Building permit/completion activity

- (4) 2016 households taken from Statistics Canada Census.
- (5) Change occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.
- (6) Includes townhouses and apartments in duplexes.
- (7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



**Schedule 4
Town of Oakville
Growth Forecast
Mid 2022 to Mid 2031**

			Population
Mid 2022 Population			220,160
Occupants of New Housing Units, Mid 2022 to Mid 2031	<i>Units (2)</i>	16,321	
	<i>multiplied by P.P.U. (3)</i>	2,461	
	<i>gross population increase</i>	40,166	40,166
Occupants of New Equivalent Institutional Units, Mid 2022 to Mid 2031	<i>Units</i>	727	
	<i>multiplied by P.P.U. (3)</i>	1,100	
	<i>gross population increase</i>	800	800
Change in Housing Unit Occupancy, Mid 2022 to Mid 2031	<i>Units (4)</i>	76,479	
	<i>multiplied by P.P.U. change rate (5)</i>	-0.021	
	<i>total change in population</i>	-1,616	-1,616
Population Estimate to Mid 2031			259,510
<i>Net Population Increase, Mid 2022 to Mid 2031</i>			<i>39,350</i>

(1) Mid 2022 Population based on:

2016 Population (193,832) + Mid 2016 to Mid 2022 estimated housing units to beginning of forecast period (10,214 x 2.497 = 25,509) + (258 x 1.1 = 283) + (66,265 x 0.008 = 536) = 220,160

(2) Based upon forecast building permits/completions assuming a lag between construction and occupancy.

(3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit ¹ (P.P.U.)	% Distribution of Estimated Units ²	Weighted Persons Per Unit Average
<i>Singles & Semi Detached</i>	3.684	26%	0.948
<i>Multiples (6)</i>	2.727	24%	0.660
<i>Apartments (7)</i>	1.703	50%	0.852
<i>one bedroom or less</i>	1.394		
<i>two bedrooms or more</i>	1.849		
Total		100%	2.461

¹ Persons per unit based on adjusted Statistics Canada Custom 2016 Census database.

² Forecast unit mix based upon historical trends and housing units in the development process.

(4) Mid 2022 households based upon 2016 Census (66,265 units) + Mid 2016 to Mid 2022 unit estimate (10,214 units) = 76,479 units.

(5) Change occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



Schedule 5
Town of Oakville
Summary of C.B.C Eligible Units in the Development Approvals Process

Location	C.B.C. Eligible Units in Active Development Applications	
	Total	Share
North Oakville	3,278	60%
South Oakville	2,215	40%
South Oakville C.B.C. Eligible Unit Breakdown		
Uptown Core	422	8%
Downtown	0	0%
Bronte Village	188	3%
Kerr Village	242	4%
Palermo Village	1,111	20%
Midtown	252	5%
All Other Areas	0	0%
Town of Oakville	5,493	100%

Note: 1,586 high-density units which meet the C.B.C. development criteria of 5+ floors and 10+ units have been excluded from the C.B.C. eligible forecast from 2022 to 2031 due to the application of s. 37 bonusing.

Source: Derived from data provided by the Town of Oakville by Watson & Associates Economists Ltd.



Schedule 6
Town of Oakville
Historical Residential Building Permits
Years 2012 to 2021

Year	Residential Building Permits			
	Singles & Semi Detached	Multiples ^[1]	Apartments ^[2]	Total
2012	141	251	341	733
2013	374	519	187	1,080
2014	248	428	566	1,242
2015	482	1,050	81	1,613
2016	251	477	1,049	1,777
Sub-total	1,496	2,725	2,224	6,445
Average (2012 - 2016)	299	545	445	1,289
% Breakdown	23.2%	42.3%	34.5%	100.0%
2017	809	820	428	2,057
2018	257	299	457	1,013
2019	300	437	10	747
2020	698	450	793	1,941
2021	571	97	2,253	2,921
Sub-total	2,635	2,103	3,941	8,679
Average (2017 - 2021)	527	421	788	1,736
% Breakdown	30.4%	24.2%	45.4%	100.0%
2012 - 2021				
Total	4,131	4,828	6,165	15,124
Average	413	483	617	1,512
% Breakdown	27.3%	31.9%	40.8%	100.0%

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.

Source: Historical housing activity derived from Town of Oakville building permit data (net of demolitions), by Watson & Associates Economists Ltd.



Schedule 7
Town of Oakville
Person Per Unit by Age and Type of Dwelling
(2016 Census)

Age of Dwelling	Singles and Semi-Detached						15 Year Average	15 Year Average Adjusted ^[3]
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	-	-	3.433	4.381	3.612		
6-10	-	-	2.313	3.617	4.644	3.785		
11-15	-	-	2.133	3.482	4.400	3.581	3.659	3.684
16-20	-	-	2.130	3.310	4.308	3.426		
20-25	-	-	2.583	3.327	4.207	3.495		
25-35	-	-	2.450	3.088	3.837	3.225		
35+	-	1.833	1.936	2.811	3.607	2.843		
Total	-	1.676	2.086	3.152	4.069	3.258		

Age of Dwelling	Multiples ^[1]					Total	15 Year Average	15 Year Average Adjusted ^[3]
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR			
1-5	-	-	2.058	2.867	-	2.695		
6-10	-	-	2.109	2.938	-	2.850		
11-15	-	-	1.800	2.705	-	2.610	2.718	2.727
16-20	-	-	1.930	2.692	-	2.599		
20-25	-	-	1.700	2.834	-	2.634		
25-35	-	-	2.024	2.720	3.850	2.673		
35+	-	1.440	1.896	2.579	3.833	2.478		
Total	-	1.510	1.944	2.756	3.679	2.648		

Age of Dwelling	Apartments ^[2]					Total	15 Year Average	15 Year Average Adjusted ^[3]
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR			
1-5	-	1.494	1.848	-	-	1.749		
6-10	-	1.351	1.951	-	-	1.779		
11-15	-	1.488	1.804	3.083	-	1.808	1.779	1.703
16-20	-	1.440	2.050	2.000	-	1.899		
20-25	-	1.150	1.855	2.842	-	1.806		
25-35	-	1.294	1.799	2.762	-	1.755		
35+	-	1.211	1.865	2.345	-	1.683		
Total	1.000	1.290	1.859	2.493	-	1.737		

Age of Dwelling	All Density Types					
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total
1-5	-	1.495	1.931	3.213	4.324	2.851
6-10	-	1.362	2.035	3.368	4.578	3.287
11-15	-	1.468	1.866	3.270	4.404	3.196
16-20	-	1.581	2.047	3.156	4.270	3.126
20-25	-	1.205	1.916	3.150	4.171	3.033
25-35	-	1.302	1.877	3.018	3.835	2.929
35+	-	1.254	1.891	2.764	3.617	2.536
Total	1.900	1.320	1.915	3.050	4.047	2.893

[1] Includes townhouses and apartments in duplexes.

[2] Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

[3] Adjusted based on 2001 to 2016 historical trends and forecast trends.

Note: Does not include Statistics Canada data classified as "Other."

P.P.U. not calculated for samples less than or equal to 50 dwelling units and does not include institutional population.



Schedule 8a Town of Oakville Employment Forecast, Mid-2022 to Mid-2031

Period	Population	Activity Rate								Employment								Employment
		Primary	Work at Home	Industrial	Commercial / Population Related	Institutional	Total	N.F.P.O.W. ^[1]	Total Including N.F.P.O.W.	Primary	Work at Home	Industrial	Commercial/ Population Related	Institutional	Total	N.F.P.O.W. ^[1]	Total Employment (Including N.F.P.O.W.)	Total (Excluding Work at Home and N.F.P.O.W.)
Mid 2006	165,613	0.002	0.052	0.140	0.174	0.078	0.446	0.041	0.487	270	8,540	23,268	28,878	12,840	73,795	6,830	80,625	65,255
Mid 2011	182,520	0.001	0.045	0.117	0.183	0.089	0.436	0.041	0.477	170	8,290	21,343	33,393	16,310	79,505	7,520	87,025	71,215
Mid 2016	193,832	0.001	0.055	0.120	0.197	0.101	0.474	0.043	0.516	150	10,620	23,288	38,158	19,630	91,845	8,250	100,095	81,225
Mid 2022	220,160	0.001	0.056	0.111	0.183	0.095	0.446	0.043	0.489	150	12,228	24,454	40,385	20,989	98,205	9,371	107,576	85,977
Mid 2031	259,510	0.001	0.056	0.113	0.195	0.096	0.460	0.043	0.502	150	14,413	29,220	50,662	24,910	119,355	11,045	130,400	104,942
Incremental Change																		
Mid 2006 - Mid 2011	16,907	-0.001	-0.006	-0.024	0.009	0.012	-0.010	0.000	-0.010	-100	-250	-1,925	4,515	3,470	5,710	690	6,400	5,960
Mid 2011 - Mid 2016	11,312	-0.0002	0.0094	0.0032	0.0139	0.0119	0.0382	0.0014	0.0396	-20	2,330	1,945	4,765	3,320	12,340	730	13,070	10,010
Mid 2016 - Mid 2022	26,328	-0.0001	0.0008	-0.0091	-0.0134	-0.0059	-0.0278	0.0000	-0.0278	0	1,608	1,166	2,227	1,359	6,360	1,121	7,481	4,752
Mid 2022 - Mid 2031	39,350	-0.0001	0.0000	0.0015	0.0118	0.0007	0.0139	0.0000	0.0139	0	2,185	4,767	10,277	3,921	21,150	1,674	22,824	18,965
Annual Average																		
Mid 2006 - Mid 2011	3,381	-0.00014	-0.00123	-0.00471	0.00172	0.00237	-0.00200	-0.00001	-0.00201	-20	-50	-385	903	694	1,142	138	1,280	1,192
Mid 2011 - Mid 2016	2,262	0.0000	0.0019	0.0006	0.0028	0.0024	0.0076	0.0003	0.0079	-4	466	389	953	664	2,468	146	2,614	2,002
Mid 2016 - Mid 2022	4,388	0.0000	0.0001	-0.0015	-0.0022	-0.0010	-0.0046	0.0000	-0.0046	0	268	194	371	226	1,060	187	1,247	792
Mid 2022 - Mid 2031	4,372	0.0000	0.0000	0.0002	0.0013	0.0001	0.0015	0.0000	0.0015	0	243	530	1,142	436	2,350	186	2,536	2,107

^[1] Statistics Canada defines no fixed place of work (N.F.P.O.W.) employees as "persons who do not go from home to the same work place location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."
Source: Derived from the Halton Region IGMS Growth Concepts Discussion Paper, February 2021, employment forecast for the Town of Oakville to 2031.



Schedule 8b
 Town of Oakville
 Employment Forecast
 Excluding Work at Home and No Fixed Place of Work.
 Adjusted Institutional Employment
 Mid-2022 to Mid-2031

Period	Population	Employment				
		Primary	Industrial	Commercial/ Population Related	Institutional ^[1]	Total
Mid 2006	165,613	270	23,268	28,878	12,840	65,255
Mid 2011	182,520	170	21,343	33,393	16,310	71,215
Mid 2016	193,832	150	23,288	38,158	19,630	81,225
Mid 2022	220,160	150	24,454	40,385	20,857	85,845
Mid 2031	259,510	150	29,220	50,662	24,405	104,437
Incremental Change						
Mid 2006 - Mid 2011	16,907	-100	-1,925	4,515	3,470	5,960
Mid 2011 - Mid 2016	11,312	-20	1,945	4,765	3,320	10,010
Mid 2016 - Mid 2022	26,328	0	1,166	2,227	1,227	4,620
Mid 2022 - Mid 2031	39,350	0	4,767	10,277	3,548	18,592

[1] Forecast institutional employment and gross floor area has been adjusted downward to account for employment associated with special care units.

Source: Derived from the Halton Region IGMS Growth Concepts Discussion Paper, February 2021, employment forecast for the Town of Oakville to 2031.



Appendix B

Proposed C.B.C. By-law



OAKVILLE

**THE CORPORATION OF THE TOWN OF OAKVILLE
BY-LAW NUMBER 2022-069**

A by-law to establish community benefits charges generally for
The Corporation of the Town of Oakville

WHEREAS subsection 37(2) of the *Planning Act*, R.S.O. 1990, CHAPTER P.13 (hereinafter “the Act”) provides that the council of a municipality may by by-law impose community benefits charges against land to pay for capital costs of facilities, services and matters required because of development or redevelopment;

AND WHEREAS the Town of Oakville has prepared a Community Benefits Charge Strategy in accordance with subsection 37(9) of the Act and O.Reg. 509/20 which identifies the facilities, services and matters that will be funded with community benefits charges;

AND WHEREAS the Town of Oakville has consulted with such persons and public bodies as the Town of Oakville considers appropriate;

AND WHEREAS the Council of the Town of Oakville is desirous of imposing community benefits charges against land to fund the facilities, services and matters identified in the Community Benefits Charge Strategy required because of development or redevelopment;

COUNCIL ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,
 - (1) *Act* means the *Planning Act*, R.S.O. 1990, CHAPTER P.13, as amended or successor legislation;
 - (2) *basement* refers to the portion of the building between the *first storey* and any floor below the level of the first floor;
 - (3) *Building* refers to any structure or building as defined in the Ontario Building Code (O Reg 332/12 under the Building Code Act);
 - (4) *Building Code Act* means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, or successor legislation;
 - (5) *building permit* means a permit under the *Building Code Act* for construction at or above the *first storey* of a *building*;

- (6) *capital cost* means costs incurred or proposed to be incurred by the *municipality* or a *local board* thereof directly or by others on behalf of, and as authorized by the *municipality* or local board,
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct or improve buildings and structures;
 - (d) to acquire, lease, construct or improve facilities including
 - (i) rolling stock,
 - (ii) furniture and equipment,
 - (e) to undertake studies in connection with any of the matters referred to in subsections 1(6)(a) to (d);
 - (f) to complete the community benefits charge strategy under section 37(9) of the Act; and,
 - (g) includes interest on money borrowed to pay for costs in subsections 1(6) (a) to (f); required for provision of services designated in this by-law within or outside the *municipality*;
- (7) *community benefits charge* means a charge imposed pursuant to this by-law;
- (8) *Community Benefits Charge Strategy* means the Community Benefits Charge Strategy prepared pursuant to subsection 37(9) of the *Planning Act*;
- (9) *Condominium Act* refers to the Condominium Act, 1998, S.O. 1998, c.19;
- (10) *Council* means the council of the municipality;
- (11) *development* means the construction, erection or placing of one or more *buildings* or structures on land or the making of an addition or alteration to a *building* or structure that has the effect of increasing the size or usability thereof, and includes *redevelopment*;
- (12) *first storey* means the *storey* of a *building*, structure or part thereof, that has its floor closest to *grade* and having its ceiling more than 1.8 metres above *grade*;
- (13) *grade* means the average level of finished ground adjoining a building or structure at all exterior walls;

- (14) *gross floor area* refers to 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;
- (15) *in-kind contribution* means facilities, services or matters identified in a *Community Benefits Charge Strategy* and required because of *development* or *redevelopment* to be provided by an *owner* of land, in lieu of payment of the *community benefits charge* otherwise applicable, in whole or in part;
- (16) *municipality* means The Corporation of the Town of Oakville;
- (17) *official plan* means the Official Plan of the Town of Oakville and any amendments thereto;
- (18) *owner* means the owner of land or a person who has made application for an approval for the *development* or *redevelopment* of land upon which a *community benefits charge* is imposed;
- (19) *redevelopment* means the construction, erection or placing of one or more *buildings* or structures on land where all or part of a *building* or structure has previously been demolished on such land, or changing the use of a *building* or structure from a *residential use* to a non-residential use or from a non-residential use to a *residential use*, or changing a *building* or structure from one form of *residential use* to another form of *residential use* or from one form of non-residential use to another form of non-residential use;
- (20) *regulation* means O. Reg. 509/20 as amended or successor regulation;
- (21) *residential use* means lands, *buildings* or structures, or portions thereof, used, or designed or intended for use as a home or residence of one or more individuals, and the residential portion of a mixed-use *building* or structure;
- (22) *residential unit* means a unit that consists of a self-contained set of rooms located in a *building* used or intended for *residential use* and contains full culinary and sanitary facilities for the use of that unit;
- (23) *storey* means that portion of a building that is:

- (a) situated between the top of any floor and the top of the floor next above it; or,
 - (b) if there is no floor above it, that portion between the top of such floor and the ceiling above it
- (24) *Treasurer* means the Treasurer of the municipality or designate;
- (25) *valuation date*, with respect to land that is the subject of development or redevelopment, refers to:
- (a) The day before the day the *building permit* is issued in respect of the development, or
 - (b) If more than one *building permit* is required for the development, the day before the day the first *building permit* is issued;
- (26) *value of land* for the purposes of determining the *community benefit charge* payable, refers to appraisals of land value, which shall be carried out under the direction of the Manager, Realty Services, and shall be determined with reference to accepted appraisal standards and principles as outlined in the Canadian Uniform Standards of Professional Appraisal Practice.

APPLICATION

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 Town of Oakville, with the exception of land that is owned by and used for the purposes of:
- (a) a *board of education*;
 - (b) a provincial or federal crown agency;
 - (c) a publicly-funded university, community college or a college of applied arts and technology established under the Ontario Colleges of Applied Art and Technology Act, 2002, S.O 2002, c.8, Schedule F, as amended, or
 - (d) any *municipality* or local board thereof.

APPROVAL FOR DEVELOPMENT AND REDEVELOPMENT

- 3.
- (1) Subject to subsection 2, *community benefits charges* shall be calculated and collected in accordance with the provisions of this by-law and be imposed on land to be developed or redeveloped, where the *development* or *redevelopment* requires:
 - (a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (e) a consent under section 53 of the *Planning Act*;
 - (f) the approval of a description under section 9 of the *Condominium Act*, R.S.O.1992, c.19, as amended or successor legislation; or
 - (g) the issuing of a permit under the *Building Code Act*, in relation to a *building* or structure.
 - (2) The *community benefits charge* shall be payable on:
 - (a) development of a proposed building or structure with five or more storeys at or above ground and contain ten or more residential units;
 - (b) redevelopment of existing *buildings* or structures that will be five or more storeys at or above ground after the redevelopment and add ten or more *residential units* after the to an existing *building* or structure;

EXEMPTIONS

- 4.
- (1) Notwithstanding section 3(2), the following types of development and redevelopment are excluded:
- (a) a *building* or structure intended for use as a long-term care home within the meaning of subsection 2(1) of the *Fixing Long-Term Care Act, 2021*;
 - (b) a *building* or structure intended for use as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*;
 - (c) a *building* or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario,
 - (ii) a college or university federated or affiliated with a university described in subparagraph (i)
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
 - (d) a *building* or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
 - (e) a *building* or structure intended for use as a hospice to provide end of life care;
 - (f) a *building* or structure intended for use as residential premises by,
 - (i) a corporation to which the *Not-for-profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*;

TIME OF CALCULATION AND PAYMENT

- 5.
- (1) The amount of the *community benefits charge* payable is 4% of the *value of land* that is subject of the *development* or *redevelopment* on the *valuation date* in respect to the *development* or *redevelopment*.
 - (2) *Community benefits charges* shall be calculated and payable in full on the date that the *building permit* is issued in relation to a *building* or structure on land to which a *community benefit charge* applies, or in accordance with terms of an arrangement for the provision of *in-kind contributions* as described in subsection 5(3).
 - (3) In accordance with subsection 37(6) of the Act, the *municipality* may in its sole discretion permit an *owner* of land to provide an *in-kind contribution* in-lieu of payment of the *community benefits charge* otherwise payable, in whole or in part. The *community benefit charge* otherwise payable for the *development* or *redevelopment* will be reduced by the value that the *municipality* has attributed to the *in-kind contribution*.
 - (4) Where *community benefits charges* apply to land in relation to which a *building permit* is required, the *building permit* shall not be issued until the *community benefits charge* has been paid in full.
 - (5) Where an *owner* of land is of the view that the amount of the *community benefits charge* exceeds 4% of the *value of land* at the *valuation date*, the *owner* shall pay the charge under protest and a dispute resolution process will take place in accordance with the Act;
 - (6) Where *development* or *redevelopment* requires an action described in subsection 3(1) after the issuance of a *building permit* and no *community benefits charges* have been paid, then the *community benefits charges* shall be paid prior to the granting of approval for any action required under subsection 3(1) of this by-law.
 - (7) If a *development* or *redevelopment* does not require a *building permit* but does require one or more of the actions described in subsection 3(1) then, notwithstanding subsection 5(2) above, *community benefits charges* shall nonetheless be payable prior to the approval of the action described in subsection 3(1).
 - (8) 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 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.

- (9) If a *development* or *redevelopment* proposes multiple uses within a *building* or structure and the owner has provided satisfactory evidence that it includes one or more of the excluded types of *development* described in section 4, the *community benefits charge* otherwise payable will be reduced by an amount attributed to the *gross floor area* of the excluded type.

BY-LAW REGISTRATION

6. A certified copy of this by-law may be registered on title to any land to which this by-law applies.

SEVERABILITY

7. If, for any reason, any provision, section, subsection or paragraph of this by-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

BY-LAW ADMINISTRATION

8. Council hereby delegates the administration of this by-law to the Manager of Realty Services; the Director, Planning Services and the *Treasurer*.

DATE BY-LAW EFFECTIVE

9. This by-law shall come into force and effect at 12:01 am on September 7, 2022.
10. *Council* shall review this by-law and pass a resolution as to whether a revision to the by-law is needed within five years of the date it is first passed, and every five years after the previous resolution was passed.

SHORT TITLE

11. This by-law may be cited as the “Town of Oakville Community Benefits Charge By-law, 2022”.

PASSED this 6^h day of September, 2022

MAYOR

CLERK

DRAFT