

# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

## BY-LAW NO. 25-1798

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### Being a By-law to Govern the Collection of Cash-in-Lieu of Parkland Dedication.

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#### WHEREAS

1. Sections 42, 51.1, and 53 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended (the "Act"), permit the Council of a local municipality to pass a by-law governing the conveyance of land or the collection of cash-in-lieu for park or other public recreational purposes as a condition of subdivision or development approval; and
2. The Council of the Municipality of Temagami wishes to establish a clear framework for the collection of cash-in-lieu of parkland dedication; and
3. Section 15 of Temagami's Official Plan, as amended, provides for cash-in-lieu of parkland in accordance with Section 42 of the Act; and
4. The Council of the Municipality of Temagami has, by by-law, delegated authority to grant consents to sever land to the Committee of Adjustment under Section 54 of the Act;

#### NOW THEREFORE

The Council of the Corporation of the Municipality of Temagami enacts as follows:

##### **1. Application**

- 1.1. This By-law applies to all lands within the Municipality of Temagami.
- 1.2. This By-law applies to land divisions approved by the Municipal Council and the Committee of Adjustment.

##### **2. Parkland Dedication Requirement**

Parkland dedication or cash-in-lieu shall be required for all land divisions and new lot creation through consent or subdivision, in accordance with Part VI of the Act.

### 3. Exemptions

3.1. The following divisions of land shall be exempt from the requirement for parkland dedication or cash-in-lieu:

3.1.1. Consents granted to correct title or facilitate lot consolidations ("technical severances");

3.1.2. Easements or rights-of-way;

3.1.3. In respect of the construction of additions to any building if a previous conveyance of land or payment in lieu was made for the land in connection with the existing building unless:

a. There is a change in the proposed development or redevelopment which would increase the density of development; or

b. Land originally proposed for development or redevelopment for commercial or industrial purposes is now proposed for development or redevelopment for other purposes;

3.1.4. Conversion of an existing residential building for commercial or institutional purposes;

3.1.5. In respect of the construction or reconstruction of a building to be used for residential purposes only where there previously existed a building on the same land that was used for residential purposes and that previous building was demolished, provided that the total number of dwelling units to be constructed does not exceed the total number of dwelling units that previously existed on the land;

3.1.6. Development or Redevelopment undertaken by or on behalf of the Municipality;

3.1.7. Temporary uses, buildings or structures;

3.1.8. Non-profit affordable housing development or redevelopment; and

3.1.9. The development of redevelopment of:

- a. A second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b. A third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- c. One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

#### **4. Cash-in-Lieu Valuation**

4.1. Where cash-in-lieu of parkland dedication is required, the valuation shall be determined as follows:

4.1.1. Residential Developments: A fee equivalent to 5% of the Municipal Property Assessment Corporation (MPAC)-assessed land value for the tax year in which consent or subdivision approval is granted.

4.1.2. Commercial and Industrial Developments: A fee equivalent to 2% of the MPAC-assessed land value for the tax year in which consent or subdivision approval is granted.

4.2. The amount of payment in lieu required to be provided is the amount that would be determined on:

- 4.2.1. The day an application for an approval of development in a site plan control area was made in respect of the development or redevelopment;
- 4.2.2. If clause a. does not apply, the day an application for an amendment to a by-law passed under section 34 of the Act was made in respect of the development or redevelopment; or
- 4.2.3. If neither clause (4.2.1) nor clause (4.2.2) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued

## **5. Payment**

- 5.1. For Consents (severances): Payment must be made in full before final consent is granted.
- 5.2. For Subdivisions: Payment must be made in full prior to draft plan approval or as specified in a subdivision agreement.
- 5.3. Construction shall not commence, nor shall a building permit be issued, unless the required cash-in-lieu payment has been made

## **6. Appeal Process**

- 6.1. Any party disputing the cash-in-lieu valuation may submit a formal written appeal to the Municipality within 30 days of receiving notice of the requirement.
- 6.2. The appeal shall be reviewed by the Municipal Council, which may seek an independent land valuation where necessary. All appraisals of land value shall be prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice of the Appraisal Institute of Canada.
- 6.3. The appellant shall be responsible for covering the costs associated with the appeal, including any third-party valuations or assessments required as part of the appeal process.

6.4. The Council will determine the final cash-in-lieu valuation after receiving and reviewing the third-party appraisal or assessment.

## **7. Use of Collected Funds**

7.1 All cash-in-lieu contributions shall be deposited into a dedicated Parkland Reserve Fund.

7.2. Funds shall be utilized exclusively for the following purposes:

- a. Acquiring new parkland;
- b. Constructing or upgrading recreational facilities;
- c. Purchasing park equipment or infrastructure improvements;
- d. Enhancing public recreational spaces.

## **8. Repeal of Previous By-laws**

By-Law 15-1265 and any other by-law inconsistent with this by-law are hereby repealed.

## **9. Clerical Amendments**

The Clerk of the Municipality of Temagami is authorized to make minor corrections to this by-law or its schedules after its passage. These corrections are limited to grammatical or typographical errors and must not alter the intent or substance of the by-law.

## 10. Effective Date

10.1. This by-law shall come into force and take effect immediately upon its final passing.

10.2. Application to Future Approvals:

- a. This By-law applies to any consent, subdivision, development or redevelopment application approved after the effective date.
- b. Applications approved before the effective date are exempt.

## Final Passing

Taken as read a first, second, and third time, and finally passed this 13th day of February, 2025.

Mayor: \_\_\_\_\_

Clerk: \_\_\_\_\_