

# Staff Report



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To	<b>City Council</b>
Service Area	Corporate Services
Date	Monday, September 13, 2021
Subject	<b>Technical Amendment to By-law (2019)-20366 to Address Pre-1989 Conveyances</b>

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## Recommendation

1. That the technical amendment to By-law Number (2019)-20366 to address pre-1989 conveyances, as described in report 2021-269, dated September 13, 2021, to ensure conformity with the Planning Act, be approved.
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## Executive Summary

### Purpose of Report

To approve the completion of a technical amendment to the City's Parkland Dedication By-law Number (2019)-20366 (the "PDBL") to conform with the Planning Act (the "Act") as it impacts land, or cash-in-lieu payments of associated land, for which parkland was conveyed to the City prior to November 7, 1989.

### Key Findings

City staff have determined that section 31 of the PDBL should be repealed to comply with the Act in respect of crediting previous dedications of parkland or cash-in-lieu of parkland, which date back prior to November 1989.

### Financial Implications

The City is required to comply with the Act. There is no direct financial implication to this recommended by-law amendment.

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## Report

The power of a municipality to require parkland to be dedicated as a condition of development or redevelopment is governed by the Act. Under section 42 of the Act, the conveyance of land or cash-in-lieu ("CIL") must occur before a building permit is issued. Subsection 42(9) of the Act further provides that the landowner is to be given credit for any prior parkland or CIL that was previously paid in connection with development of the same property.

Section 30 of the PDBL properly gives landowners credit for prior payment or land dedicated for parks purposes in conformity with the Act. However, section 31 of the PDBL purports to restrict City staff to taking into account CIL or dedications of land in respect of the same property dating only from November 7, 1989 or later.

Section 31 should be repealed to permit compliance with the Act in respect of pre-November 7, 1989 dedications of parkland and/or payments of CIL.

## **Financial Implications**

There are no direct financial implications to this recommended amendment. The City is not entitled to charge more than the Act authorizes.

## **Consultations**

Colleen Clack-Bush, Deputy Chief Administrative Officer, Public Services.

Gene Matthews, General Manager, Parks Operations and Forestry

## **Strategic Plan Alignment**

Building our Future – supporting the development of new assets to support the City’s future growth, while adhering to the City’s core values of integrity and service.

## **Attachments**

Attachment 1 - Draft Amending By-Law Number (2021)-20624

## **Departmental Approval**

Christopher C. Cooper

General Manager, Legal, Realty and Court Services / City Solicitor

## **Report Author**

Allison Thornton, Associate Solicitor, Land Use Planning and Development

## **This report was approved by:**

Christopher C. Cooper

General Manager of Legal, Realty and Court Services / City Solicitor

Corporate Services

519-822-1260, extension 2288

[christopher.cooper@guelph.ca](mailto:christopher.cooper@guelph.ca)

## **This report was recommended by:**

Trevor Lee

Deputy Chief Administrative Officer

Corporate Services

519-822-1260, extension 2281

[trevor.lee@guelph.ca](mailto:trevor.lee@guelph.ca)