

Document 2

Municipal scan results

Staff surveyed other Canadian municipalities regarding their policy frameworks for voluntary donations for community benefits. Information is provided below regarding responses received, focusing largely on the cities of Toronto, Vancouver and Edmonton, which have policies in place regarding voluntary contributions for community benefit. A summary of survey results from other municipalities is at the end of this document.

Overview

The cities of Toronto, Vancouver and Edmonton have policies in place regarding voluntary contributions for community benefit. Toronto's policy requires donations occur at arm's length of decision-making processes such as planning approvals. In contrast, the contributions governed by Vancouver and Edmonton's policies are offered, considered/negotiated and approved as part of specific planning approval processes.

The City of Toronto's Donations to the City of Toronto for Community Benefit Policy is the only of the three that expressly includes in its scope donations solicited and/or facilitated by Councillors.¹ As described in greater detail below, however, in practice, Members do not typically engage in that activity.

Toronto, Vancouver, Edmonton: Summary

Toronto

Policy

[Donations to the City of Toronto for Community Benefits Policy](#)

The Donations to the City of Toronto for Community Benefits Policy enables the City of Toronto to seek or obtain voluntary donations (in-kind or cash) for community benefits. The policy establishes blackout periods to ensure donations occur at arm's length of City decision-making process (e.g., planning approvals, procurement decisions).

¹ The City of Toronto's policy refers to "donations requested or encouraged by Councillors...." City of Toronto: Donations to the City of Toronto for Community Benefits Policy <https://www.toronto.ca/business-economy/partnerships-sponsorships-donations/donate/donations-to-the-city-of-toronto-for-community-benefits-policy/> (Accessed April 30, 2024).

The City of Toronto has also established its Community Benefits Framework that seeks to leverage the City’s investments to create inclusive and equitable economic opportunities. The City of Toronto is in the early stages of extending the framework to private development through “voluntary community benefits plans” that would include thresholds for equity hiring and social procurement.

Role of elected official in soliciting/facilitating the donation

The donations policy applies to Members of Council; however, Members do not typically solicit and/or facilitate donations. In emergency situations, Members have encouraged donations to the City.

Vancouver

Policy

[Community Amenity Contributions Policy for Rezoning](#)

Community Amenity Contributions (CACs) are voluntary contributions toward public benefits that are provided by rezoning applicants when Council grants additional development rights through the enactment of rezonings.

The Community Amenity Contributions Policy for Rezoning sets out how CACs are determined, allocated and spent.²

CACs, along with other development contributions, primarily fund the provision of new, expanded, or upgraded infrastructure and amenities. CACs can be in-kind (when land and/or capital facilities are provided by applicants), or cash.

Currently there is no specific legislation for community amenity contributions.³ In November 2023, the British Columbia government passed legislation (Bill 46) which, among other matters, introduced the amenity cost charge (ACC) tool to fund the amenities that are not development cost charge (DCC) or development cost levy (DCL)-eligible. Local governments have the discretion to update or adopt new DCC/DCL by-laws and/or develop an ACC program and by-law. Similar to DCC/DCLs, the new ACC tool utilizes a pre-set unit/square foot charge allowing for

² City of Vancouver: Community Amenity Contributions Policy for Rezoning, p. 3 <https://guidelines.vancouver.ca/policy-community-amenity-contributions-for-rezonings.pdf> (Accessed April 30, 2024).

³ The authority to use CACs in Vancouver is exercised through the City’s discretionary approval of rezonings as outlined in the *Vancouver Charter* under Sec 565(1)(f1).

charges to be imposed in a more predictable way than through the current CAC negotiation process.

The City of Vancouver has also implemented a Community Benefit Agreement Policy which seeks to ensure that developers promote growth for the communities they are investing in through local hiring and social procurement. Community Benefit Agreements (CBAs) are mandatory for developments over 45,000 square metres, but voluntary CBAs are encouraged for all developments. Under a CBA, a developer must demonstrate best efforts to meet standards related to local, inclusive employment (i.e., 10 per cent of jobs from equity-seeking groups and local residents), social procurement (i.e., source a minimum of 10 per cent of material goods and services from third party certified social impact or diverse or equity-seeking owned businesses), and local procurement (i.e., attain 10 per cent materials, goods, services from Vancouver companies or companies located in Metro Vancouver or British Columbia).⁴

Role of elected official in soliciting/facilitating the donation

The Community Amenity Contributions Policy for Rezoning does not set out a role for elected officials in soliciting and/or facilitating the provision of contributions on individual rezonings. Council instead approves a public benefits strategy for a given area outlining the priorities for new amenities and infrastructure over a period of time. These strategies are used to determine the amenities and infrastructure at the time of rezoning.

CACs are negotiated between the applicant and the City (on behalf of Council) with Council as the approving authority and secured as conditions of zoning by-law enactment.

Edmonton

Policy

[Policy C599 – Community Amenity Contributions in Direct Control Provisions](#) sets out rules for developers' provision of public benefits or amenities through certain forms of redevelopment. Any amenities provided under the policy are to be based on land use considerations and used to mitigate the impacts of increased development.

⁴ City of Vancouver: Community Benefit Agreements Policy: <https://vancouver.ca/people-programs/community-benefit-agreements.aspx> (Accessed May 31, 2014).

The policy allows for cash and in-kind contributions. Public benefits/amenities include park and sidewalk upgrades, new park space, public art, family-oriented housing, and heritage preservation.⁵

The *Municipal Government Act* authorizes the municipality to regulate and control the development of land in any manner it considers necessary. Under this broad authority, the municipality has established Policy C599.

Role of elected official in soliciting/facilitating the donation

The policy does not set out a role for elected officials in soliciting and/or facilitating the provision of contributions.

In the rezoning pre-consultation phase, community members (including community leagues, which are not-for-profits led by a volunteer board) develop a list of amenity priorities. The applicant takes those priorities into consideration when proposing an amenity as part of their rezoning application.

Community consultation on the proposed amenity contributions occurs as part of general consultation on the development application. City staff work with applicants to align the proposed amenities with community and City priorities.

Council ultimately decides whether to approve the rezoning with its proposed amenities.

Other municipalities surveyed

Staff distributed a survey to 15 Canadian municipalities and received responses from nine, including Toronto, Vancouver and Edmonton, as addressed above.

Summary of responses received from other municipalities:

- The City of Winnipeg's Development Agreement Parameters (DAPs) serve as a guideline for the City's Public Service and developers in formulating development agreement conditions for consideration by Council or its delegated authority.⁶

⁵ City of Edmonton: Community Amenity Contributions https://www.edmonton.ca/city_government/urban_planning_and_design/community-amenity-contributions and [Policy C599 Community Amenity Contributions in Direct Control Provisions](#) (Accessed April 29, 2024).

⁶ City of Winnipeg: Development Agreement Parameters <https://clkapps.winnipeg.ca/DMIS/DocExt/ViewDoc.asp?DocumentTypeId=2&DocId=8500> (Accessed June 4 2024). The City of Winnipeg Charter includes the requirement that the City establish by-laws respecting standards, criteria or requirements respecting the subdivision of the city. One such by-law (Subdivision Standards By-law 7500/1999) provides for the Development Agreement Parameters.

The DAPs deal within the limits of the Winnipeg Public Service, and they do not restrict Councillors' duties. Under the DAPs: "Each Councillor's duty, as a decision-maker, is to vote on each development, respecting development cannot be limited by the Development Agreement Parameters."⁷ Public hearing of a development application occurs at the Community Committee stage. At that stage, a Councillor can amend the City's Public Service's proposed conditions on the application to alter, include additional, or remove conditions. Any voluntary contribution from the applicant could be introduced at that stage. The City of Winnipeg also currently has a Council-approved Residential Density Bonus Pilot Program for Affordable Housing, where land use entitlements (i.e. increased density) can be supported in exchange for the provision of affordable housing in new rental projects.

- The City of Montreal's *By-law to improve the supply of social, affordable and family housing* (By-law 20-041)⁸ subjects the issuance of certain building permits to agreements between the City and the developer, wherein the developer contributes to the City's supply of social, affordable, and family housing. Authority over the agreements is delegated to civil servants.
- The City of Regina has a Donations Policy that sets out general principles and guidelines for the acceptance, management and reporting of donations, donation recognition, and issuance of charitable donation receipts, in a manner similar to the City of Ottawa's existing Donations to the City for Community Benefit Policy. The City of Regina's policy applies to employees and does not include detail on how donations may be used (e.g., for community benefit).
- The City of Halifax has a Parks Civic Support Program that provides for the donation of commemorative benches or trees for the City's parks. There is no corporate or financial policy on contributions.
- The cities of Brampton and Mississauga do not have a policy regarding voluntary contributions.

⁷ City of Winnipeg: Development Agreement Parameters, Section 1.2 "Development Agreement Parameters do not restrict Councillor's duties."

<https://clkapps.winnipeg.ca/DMIS/DocExt/ViewDoc.asp?DocumentTypeId=2&DocId=8500>

⁸ Ville de Montréal: Métropole mixte : les grandes lignes du Règlement

(<https://montreal.ca/articles/metropole-mixte-les-grandes-lignes-du-reglement-7816>) (Accessed April 23, 2024).