

September 21, 2020

AMO Policy Update – Provincial Regional Gathering Restrictions and DC/CBC Regulations

Provincial Gathering Restrictions and Increased Enforcement

On Saturday, September 19th, the Ontario government announced the limit reduction on the number of people permitted to attend unmonitored and private social gatherings for the entire province. Last Thursday, the Province put these restrictions on for Toronto, Peel Region, and Ottawa.

This sets a new limit on the number of people allowed to attend an unmonitored social gathering or organized public event provincially to:

- 10 people at an indoor event or gathering (previous limit of 50); or
- 25 people at an outdoor event or gathering (previous limit of 100).

As was the case under the *Emergency Management and Civil Protection Act* (EMCPA), all police officers, First Nations Constables, and special constables may enforce orders that have been continued in effect under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA). In addition, the following enforcement personnel are designated to enforce orders that have been continued in effect under the ROA:

- all provincial offences officers designated by a minister of the Crown;
- all municipal law enforcement officers;
- all by-law enforcement officers of a municipality or local board of a municipality;
- all officers, employees, or agents of a municipality or local board of a municipality whose responsibilities include enforcement of by-laws, Acts, or regulations.

Decision Notices – Regulations for Development Charges and Community Benefit Charges

The Ministry of Municipal Affairs and Housing posted four decision notices on Friday

(links are below). These are linked together for regulations on development charges (DC), community benefit charges (CBCs), and parkland dedication. These regulations were expected to be finalized following the passage of Bill 197 in July which outlined a new regime for development charges in Ontario.

Notable items from the decision notices include:

- The in-force date of September 18, 2020 starts the two-year transition period for municipalities to implement a new framework.
- The percentage of land value that determines the maximum community benefit charge is 4%. This percentage decreased from the previous regime which was expected. The Ministry states that this percentage was determined based on extensive feedback during their consultation; however, additional analysis is required to determine how it works for municipalities.
- Several other key details set out in CBC and parkland regulation within the *Planning Act* include:
 - the percentage of land value that would determine the maximum community benefits charge payable
 - the timelines for land value appraisals where the CBC amount is disputed
 - the types of development that would be exempt from community benefits charges
 - the content requirements for a CBC strategy
 - the notice requirements for passing a CBC by-law and a parkland by-law
 - the interest rate for CBC and parkland refunds upon successful appeals to the Local Planning Appeal Tribunal (LPAT)
 - the reporting requirements related to community benefits and parkland.
- Municipalities are required to annually prepare reports to provide information about the amounts in the community benefits charges and parkland dedication special accounts. This includes opening and closing balances, transactions, capital acquired, and other items outlined within the regulation.

As municipal governments make the shift toward this new regime, AMO will monitor the progress and highlight any issues that arise during the transition period. For full information and access the full decision notices on the Environmental Registry, click below:

- [ERO - 019-0184](#) - proposed changes to O. Reg. 82/98 under the *Development Charges Act* related to Schedule 3 of Bill 108 - *More Homes, More Choice Act, 2019*
- [ERO - 019-0183](#) - proposed new regulation pertaining to the community benefits authority under the *Planning Act*

- [ERO - 019-1406](#) - proposed regulatory matters pertaining to community benefits authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act*
- [ERO - 019-0017](#) - Bill 108 - (Schedule 3) - the proposed *More Homes, More Choice Act*. Amendments to the *Development Charges Act, 1997*.

AMO's [COVID-19 Resources](#) page is being updated continually so you can find critical information in one place. Please send any of your municipally related pandemic questions to covid19@amo.on.ca.