



## CORPORATION OF THE TOWNSHIP OF PRINCE

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### **By-Law 2026 – 22**

**BEING A BY-LAW TO PROVIDE FOR THE CONVEYANCE OF LAND FOR PARKS OR OTHER PUBLIC RECREATIONAL PURPOSES AND/OR CASH IN LIEU OF PARKLAND DEDICATIONS FOR THE CORPORATION OF THE TOWNSHIP OF PRINCE.**

**WHEREAS** Sections 42, 51.1 and 53 of the Planning Act, R.S.O. 1990 c.P.13, as amended, authorizes the Council of Corporation of the Township of Prince to pass a by-law requiring land or cash-in-lieu of the land at the Municipality's approval to be conveyed to the Municipality for park or other public recreational purposes as a condition of subdivision of land or site plan control;

**AND WHEREAS** the Council of the Corporation of the Township of Prince has established an Official Plan that contains specific policies with respect to the provision of lands for park or other public recreational purposes and this by-law is intended to be in conformity with such policies;

**AND WHEREAS** this by-law may be referred to as the Parkland Dedication By-law

**NOW THEREFORE, THIS COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PRINCE ENACTS AS FOLLOWS:**

#### **1.0 Short Title**

This By-law may be referred to as the Parkland Dedication By-law.

#### **2.0 Definitions**

"By-law" means the Parkland Dedication By-law;

"Cash-in-lieu" shall mean the payment of funds equivalent to the value of the amount of land that the Township would otherwise have been entitled to acquire for park or other public recreational purposes as part of a development. The payment of cash-in-lieu is usually required as a condition of draft plan of subdivision, draft plan of condominium approval or consent approval, in accordance with Sections 42(1 ), 51.1 (4) and 53 of the Planning Act;

"Committee of Adjustment" means the quasi-judicial body appointed by municipal councils to make decisions on applications for minor variances and consents under Sections 45 and 53 of the Act, respectively;

"Consent" means a term used in provincial planning legislation to describe the approval required to subdivide land, without the requirement of a plan of subdivision;

"Council" means the Council for the Corporation of the Township of Prince;

"Land" means the whole of a parcel of property or parcels of property associated with the consent;

"Plan of Subdivision" means a legal survey that divides a parcel of land into smaller lots or blocks and secures the developer's obligations through a subdivision agreement;

"Parkland" means land for parks and other public recreational purposes;

"Planning Act" means the Planning Act, R.S.O. 1990 c.P. 13, and includes any amendments thereto, successor legislation, and where the context requires, includes precursor legislation;

"Township" means the Township of Prince;

### **3.0 General Requirements**

3.1 This By-law shall apply to all lands within the Township.

3.2 The purpose of this by-law is to enable the Township to provide lands for parks or other public recreational purposes. The Township is permitted to require the conveyance of parkland as a condition of approval for consent or draft plan of subdivision or condominium as regulated under the Planning Act. Land conveyed to the Township under this by-law shall be used for parks or other public recreational purposes, subject to the policies of the Official Plan and this by-law.

3.3 The Township does not require the conveyance of parkland or cash-in-lieu for development or redevelopment projects.

3.4 The Township may determine, at its discretion, whether it seeks a conveyance of a portion of land for parkland or a cash-in-lieu payment. This determination shall be made in accordance with the relevant policies of the Township's Official Plan, and generally in accordance with any other policies and guidelines established by the Township from time to time for that purpose.

3.5 The Township reserves the right to determine what lands are suitable for parkland.

3.6 Any costs associated with a conveyance of a portion of land for parkland purposes, or a payment of cash-in-lieu, as required under this by-law, including but not limited to costs related to the preparation and registration of document, surveys or reference plans, appraisals and any applicable taxes, shall be borne by the applicant seeking a consent approval or draft plan of subdivision or condominium.

3.7 Any requirement to convey a portion of land to the Township for park and other public recreational purposes is fulfilled only when title of that portion of the land is transferred to the Township.

#### **4.0 Conveyance of Land**

4.1 Where it has been determined through the consent process, that a portion of the land that is subject to consent will be required to be conveyed to the Township as parkland, two per cent (2%) of commercial or industrial purposes lands and five per cent (5%) of all other uses of land shall be conveyed to the Township.

#### **5.0 Payment of Cash-In-Lieu**

5.1 Where it has been determined that the payment of cash-in-lieu will be required as an alternative to the conveyance of land for parkland, the payment required in lieu of the conveyance of a portion of the land that is subject to consent shall be five per cent (5%) of the appraised value of the land and two per cent (2%) for commercial and industrial purpose land.

5.2 The payment so required shall be paid to the Township for consent, prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and therefore the consent for severance has been granted and is in effect.

#### **6.0 Determination of Appraised Value**

6.1 The owner of the land shall obtain and furnish the Township with an appraisal report from a qualified realtor. No limiting conditions will be accepted that restricts distribution of the appraisal report, in part or in whole, to owner(s) of the subject property, any representative of the owner, or representative of the Township.

6.2 Where the Township is satisfied with the Appraisal report, that value shall be used in the determination of the payment required.

6.3 The cost of the appraisal report shall be the responsibility of the owner.

6.4 The appraisal report will be reviewed by staff and the landowner will be notified of the required payment.

6.5 Sections. 51.1 (4) and 53(3) of the Planning Act requires that for the purpose of determining the amount of any payment required, the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision or condominium or provisional consent. The example below shows how the parkland-in-lieu levy is calculated:

Value of Total Land Holding	\$100,000.00
Total Land Area (ha)	100.00 ha
Area of lands Subject to Consent/Subdivision (ha)	2.00 ha
Percentage of Land Proposed for Subdivision	$(2/100)*100 = \$2.00\%$
Value for Percentage of Land Proposed for Consent / Subdivision	$(2/100)*100,000 = \$2,000.00$
5% of Value of Percentage of Land Proposed for Consent/ Subdivision (cash-in-lieu amount)	\$100.00

## **7.0 Special Account**

7.1 All money received by the Township in lieu of the conveyance of a portion of land for parkland, or received on the sale of any property that has been conveyed to the Township pursuant to this By-law shall be paid into a special account established in accordance with section 42(15) of the Planning Act, and only as permitted under the Planning Act.

7.2 The Township's Treasurer shall give Council the financial statement of any special account established pursuant to the By-law in accordance with the requirements of section 42(17) of the Planning Act.

**8.0 Severability**

8.1 If a court of competent jurisdiction declares any provision or part of a provision of the By-law to be invalid, illegal, unenforceable, or of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

**9.0 Effective Date**

9.1 This By-law shall come into force and effect upon the date of enactment.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED ON THIS 12<sup>TH</sup> MAY OF 2026.



Melanie Mageran, Mayor



Megha Trivedi, Clerk - Treasurer

