

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

From: Anna Lisa Barbon, CPA, CGA, Deputy City Manager, Finance Supports

Subject: 2023 Parkland Reserve Fund Annual Financial Statement and Reporting of Former Section 37 Planning Act (Bonusing) Funds

Date: May 27, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports:

- a) the 2023 Parkland Reserve Fund annual financial statement **BE RECEIVED** for information in accordance with section 42 (17) of the Planning Act, 1990.
- b) the 2023 reporting of former Section 37 bonusing funds held by the City of London **BE RECEIVED** for information.
- c) the Deputy City Manager, Finance Supports **BE DIRECTED** to make the 2023 Parkland Reserve Fund annual financial statement and reporting of former Section 37 Planning Act (Bonusing) funds still held available to the public on the City of London website.

Linkage to the Corporate Strategic Plan

Council's 2023 to 2027 Strategic Plan for the City of London identifies "Well-Run City" as one of eight strategic areas of focus. The 2023 Parkland Reserve Fund annual financial statement and reporting of former Section 37 Planning Act (Bonusing) funds supports this strategic area of focus by contributing towards the following strategic outcome: "The City of London is trusted, open, and accountable in service of the community".

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Corporate Services Committee, May 23, 2023, Agenda Item #2.1, 2022 Annual Parkland Reserve Fund and Section 37 Planning Act (Bonusing) Report
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=99326>

Corporate Services Committee, May 9, 2022, Agenda Item #2.2, 2021 Annual Parkland Reserve Fund and Section 37 Planning Act (Bonusing) Report
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=92355>

Planning and Environment Committee, October 29, 2018, Agenda Item #4.2, Section 37 – Planning Act (Bonusing) Revisions and Additional Opportunities for Implementation
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=51742>

1.2 Legislative Requirements

The Planning Act, 1990, outlines various reporting requirements related to funds received for parkland purposes and, formerly, for the bonusing provisions of the Act. These requirements are outlined below.

PARKLAND SPECIAL ACCOUNT – PLANNING ACT, 1990, c.P.13, SECTION 42

Provided below is the language of section 42 of the Planning Act, 1990, as it pertains to the Parkland Reserve Fund.

Park purposes

(14) The council of a municipality may include in its estimates an amount to be used for the acquisition of land to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (15) that amount, and any person may pay any sum into the same fund. 1994, c. 23, s. 25.

Special account

(15) All money received by the municipality under subsections (6), (6.0.1) and (14) and all money received on the sale of land under subsection (5), less any amount spent by the municipality out of its general funds in respect of the land, shall be paid into a special account and spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes. 1994, c. 23, s. 25; 2009, c. 33, Sched. 21, s. 10 (10); 2015, c. 26, s. 28 (10).

Investments

(16) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 1994, c. 23, s. 25; 1996, c. 32, s. 82 (5); 2002, c. 17, Sched. B, s. 15; 2006, c. 32, Sched. C, s. 47 (10).

Requirement to spend or allocate monies in special account

(16.1) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year. 2022, c. 21, Sched. 9, s. 12 (18).

Reports and information

(17) A council of a municipality that passes a by-law under this section shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed. 2019, c. 9, Sched. 12, s. 12 (9).

FORMER PLANNING ACT PROVISIONS – SECTION 37 BONUSING

O. Reg. 509/20: Community Benefits Charges and Parkland, 2020, came into force on September 18, 2020, making significant changes to section 37 of the Planning Act, 1990. Included in those changes were transition conditions that the previous Section 37 provisions regarding height and density bonusing remained in effect until a municipality either passed a Community Benefits Charges by-law, or September 18, 2022.

To date, the City of London has not implemented a Community Benefits Charges by-law, thus the ability to use height and density bonusing has elapsed.

1.3 Annual Financial Statements

PARKLAND SPECIAL ACCOUNT

Appendix A of this report meets the financial statement requirements as prescribed under section 42 (17) of the Planning Act, 1990, and subject to Municipal Council direction will be made available to the public on the City of London website.

Appendix A provides a brief description of the Fund. Table 1 of Appendix A presents a summary of revenues, expenses, and balances for the year ending December 31, 2023.

It also includes a calculation of the spent or allocated portion of the fund balance that pertains to the requirement in section 42 (16.1), noting that the definition of “spent or allocated” remains uncertain and is subject to change for future iterations of this report. Although the percentage of the fund balance spent or allocated remains below the 60% threshold for 2023, there are a number of parkland acquisitions pending for 2024 and 2025. Spending and allocations for 2023 have been low to ensure that sufficient funds are available to pay for these upcoming acquisitions. It is anticipated that this reserve fund will be greater than 60% spent or allocated in the next couple of years depending on the pace of pending parkland acquisitions.

Table 2 of Appendix A provides the following details concerning each capital project financed by the Fund:

- The cumulative approved budget including both total financing from the Fund as well as total financing from all other sources;
- The amount of the 2023 flows to/from the Fund (if any) for each capital project that has a commitment; and
- A description of each of the capital projects financed by the Fund.

SECTION 37 BONUSING SPECIAL ACCOUNT

Appendix B of this report illustrates the previously received balances currently held by the City of London with respect to the repealed height and density provisions of section 37 of the Planning Act, 1990. As of September 18, 2022, no additions will be made to these balances. As the existing balances related to each of the developments is wound down, Civic Administration will continue to provide progress reports until such time that the balances have been fully exhausted.

Subject to Municipal Council direction, this reporting of the historical balances held will be made available to the public on the City of London website.

Conclusion

In accordance with section 42 of the Planning Act, 1990, and with respect to the balances still held regarding former provisions of Section 37 of the Planning Act, 1990, it is recommended that this report be received for information and made available to the public on the City of London website.

Prepared by: Ken Clarke, CPA, CMA, MBA Manager II, Financial Planning and Policy

Reviewed by: Jason Davies, CPA, CMA, Manager III, Financial Planning and Policy

Submitted by: Paul Yeoman, RPP, PLE, Director, Parks and Forestry, Environment and Infrastructure

Submitted by: Kyle Murray, CPA, CA, Director, Financial Planning and Business Support

Recommended by: Anna Lisa Barbon, CPA, CGA, Deputy City Manager, Finance Supports

Cc:

Robin Armistead – Culture Services, Neighbourhood and Community-Wide Services

John Millson – Financial Business Support, Finance Supports

Jeff Millman – Financial Business Support, Finance Supports

Appendix A - Statement of Parkland Reserve Fund Activity for the year ending December 31, 2023

Reserve Fund Purpose:

The Fund shall be expended, pledged or applied only to acquire lands to be used for park or other public recreational purposes or for the development or improvement of lands used or to be used for park or other public recreational purposes.

Table 1: Summary of Reserve Fund Activity

Opening Balance: January 1, 2023	\$4,634,396
Parkland Levies/Revenues	1,759,993
Interest Earned	160,769
Total Contributions	\$1,920,762
Amount Transferred to (from) Capital Fund (Note 1)	126,590
Total Disbursements	\$126,590
Closing Balance: December 31, 2023	\$6,428,568
Future Drawdowns for life-to-date approved capital projects as of December 31, 2023	\$1,217,379
Closing Balance Committed	19%

Notes:

(1) "Amount Transferred to (from) Capital Fund" reflects 2023 progress draws against approved capital budgets. Details of these draws appear on the following page.

Appendix A - Statement of Parkland Reserve Fund Activity for the year ending December 31, 2023

Table 2: Summary of Approved Projects Funded From Parkland Levies/Revenues

Capital Project Number	Capital Project Title	Total Project Life to date Budget	Tax/Rate Supported plus Other Sources of Financing	Parkland Reserve Fund Financing	Parkland Amount Transferred to (from) Capital Fund in 2023	Project Description
PK1070	Victoria Park Upgrades	217,360	133,195	84,165	0	To maintain and upgrade the basic infrastructure of Victoria Park and deal with increasing/changing use of the park.
PK273520	2020 Misc. Parkland Acquisition	1,648,844	0	1,648,844	0	To acquire miscellaneous property to be used for parkland (181 Grey Street, 189 Grey Street, 1985 Gore Road, 21 Gunn Street, 2201 Kains Road, 2 Saunby Street). This project is now closed.
PK273521	2021 Misc. Parkland Acquisition	2,044,179	265,743	1,778,436	31,550	To acquire miscellaneous property to be used for parkland (19 Dingman Drive)
PK273522	2022 Misc. Parkland Acquisition	5,113	0	5,113	0	To acquire miscellaneous property to be used for parkland. This project is now closed.
PK273523	2023 Misc. Parkland Acquisition	1,188,445	0	1,188,445	95,040	To acquire miscellaneous property to be used for parkland (1040 Hamilton Road).
Totals		\$5,103,941	\$398,938	\$4,705,003	\$126,590	

*Amounts Subject to Rounding

Appendix B - Planning Act Section 37 - Financial Statement of Special Account as of December 31, 2023

Table 1: Summary of Section 37 Bonusing Special Account Activity

Project	Developer	Commitment	Funds Received	Description / Purpose of Funds Received	2023 Expenditures	Previous Years Expenditures	Description / Purpose of Funds Spent	Remaining Commitment
131 King Street	131 Kingwest Inc.	\$250,000	\$250,000	Public Art	\$0	\$28,250	London Arts Council - Selection of artist and payment of artist commission	\$221,750
100 Fullerton Street	Old Oak Properties Inc.	\$250,000	\$250,000	Public Art	\$0	\$0		\$250,000
40 York Street	Tricar Properties Limited	\$250,000	\$250,000	Downtown Heritage and Back to the River	\$0	\$0		\$250,000
230 North Centre Road	Tricar Properties Limited	\$250,000	\$250,000	Public Art	\$0	\$0		\$250,000