

## Report to Community and Protective Services Committee

**To:** Chair and Members  
**Community and Protective Services Committee**  
**From:** Kelly Scherr, Deputy City Manager, Environment, and  
Infrastructure  
**Subject:** 2022 Parkland Conveyance & Levy By-law CP-9 Update  
**Date:** November 29, 2022

## Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions **BE TAKEN**, with respect to the Parkland Conveyance & Levy By-law CP-9 Review:

- (a) That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on December 13, 2022 to repeal By-law No. CP-9, being the "Parkland Conveyance & Levy By-law" and to replace it with a new Parkland Conveyance & Levy By-law;
- (b) that the revised Parkland Conveyance & Levy By-law CP-9 **BE BROUGHT** into force and effect on January 1, 2023;
- (c) that staff **BE DIRECTED** to undertake a comprehensive review of the Parkland Conveyance and Levy By-law CP-9 as required by the COVID-19 Economic Recovery Act, 2020 and the More Homes Built Faster Act, 2022; and
- (d) that staff **BE DIRECTED** to undertake the next bi-annual Parkland Conveyance & Levy By-law CP-9 land values update to be completed by January 1, 2025.

## Executive Summary

By-law CP-9 is a method for the collection of residential cash-in-lieu (CIL) payments for parkland dedication. In 2010, Municipal Council approved a revised approach that levies standardized CIL rates for various residential housing forms that are collected at the time of building permit and not at the time of registration of the plan of subdivision. The intent of the unit rates is to represent a value that when calculated in context with the value of the land, the rate is equal to 5% of the value of that land.

As part of the approved By-law, staff are to undertake an independent bi-annual city-wide land appraisal of all residential lands to ensure the by-law reflects true market values and to update the By-law if required to maintain conformity to current legislation. The City retained the services of Metrix Realty Group to prepare a land valuation for low, medium and high-density residential lands. This report provides an update from the previous approved land valuation presented to Council in 2020.

The report recommends an update to the current fee schedule as listed in the table below and administrative updates to the By-law in conformity with the Planning Act. Staff recommend the revised fee schedule be implemented January 1, 2023.

The London Development Institute (LDI) was circulated the report for review and comment. Through their written comments, they are satisfied with the proposed recommendations.

Residential Category	Lot Frontage	Existing 2020 Cash-in-Lieu Rate	Proposed 2023 Cash-in-Lieu Rate
Single Detached Lots	> 18m	2,000	5900.00
	15 to 17.99	1,650	4700.00
	12 to 14.99	1,400	3300.00
	<11.99	1,100	2600.00
Cluster Detached/semi detached/Duplex	n/a	1,100	2600.00
Attached Row house	n/a	1,150	n/a
Attached Apartment	n/a	800	n/a
Multi-Unit Development less than 75 units per hectare	n/a	n/a	2200.00
Multi-Unit Development 75 units to 150 units per hectare	n/a	n/a	1250.00
Multi-Unit Development greater than 150 units per hectare	n/a	n/a	1125.00

## Linkage to the Corporate Strategic Plan

**Strengthening our Community:** Provides for the provision of parkland essential to creating neighbourhood character and promotes the health and well-being of our communities.

**Building a Sustainable City:** Provides for the provision of well-planned sustainable parkland to meet the communities' long-term needs.

**Growing our Economy:** Provides for a consistent administrative process to support the efficient provision of parkland.

**Leading in Public Service:** Provides for an efficient and responsive process for the provision of parkland dedication.

## Analysis

### 1.0 Parkland Dedication

#### 1.1 Current Legislative Authority – Parkland Dedication

The *Planning Act* provides municipalities with the authority to require the dedication of parkland or cash-in-lieu for recreational purposes at the time of development. Under Sections 51, 53 and 42 of the Act, municipalities can require 2% of the land area or cash equivalent for commercial and industrial developments and 5% of the land area or cash equivalent for all other types of developments.

The City can require, as a condition for the approval of plans of subdivision, plans of condominium, consents, and the development of infill or redevelopment of land the conveyance of land for park or recreational purposes, cash-in-lieu of parkland and parkland dedication, or a combination of the two at the building permit stage.

The City of London Parkland Conveyance and Levy By-law CP-9 permits the City to require the provision of land for park or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other public recreational purposes in conformity with the Planning Act.

## **1.2 Alternative Requirements Parkland Dedication**

Subsection 42(1) of the Planning Act allows a municipality, by by-law, to require as a condition of development or redevelopment the conveyance of land not exceeding 2% of land to be developed for commercial or industrial purposes, or 5% of the land to be developed for all other purposes. Alternatively, a municipality may choose to impose an “alternative requirement” to the 2% or 5%. When the City deems that land to be conveyed as unsuitable for park purposes, the Planning Act allows a payment of cash-in-lieu. A series of legislative amendments have resulted in a change to the parkland dedication framework. Most significant of these for the City of London is Bill 197, COVID-19 Economic Recovery Act, 2020, which introduced new procedural matters relating to the passing of a by-law that proposes an “alternative rate,” including a mechanism to appeal to the Ontario Land Tribunal.

Section 42 of the Planning Act permits the City to acquire parkland dedication for all Section 41, Site Plan Approvals applications. The Parkland Conveyance and Levy By-law CP-9 requires that 2% of land to be developed for commercial or industrial purposes, or cash in lieu equivalent and 5% of the lands to be developed for residential uses or the cash in lieu value as required in Table 1 of the By-law be provided.

For the City to consider the use of alternative rates as allowed in Section 42 (3) of the Planning Act, the Municipality must undertake consultation, prepare parks plan and include provisions in the Official Plan. It is recommended that Council directs staff to undertake the process required by the Planning Act to consider the use of alternative rates for parkland dedication in site plan developments as permitted by Section 42 (3).

## **1.3 More Homes Built Faster Act, 2022**

On October 25, 2022, the government of Ontario introduced the More Homes Built Faster Act, 2022. The Act proposes further changes to the ability of municipalities to collect land or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other recreational purposes. A comprehensive review of the By-law is required to permit the use of alternative rates and to ensure conformity with the More Homes Built Faster Act, 2022.

## **2.0 City of London Parkland Conveyance and Levy By-law**

### **2.1 Land – value – per residential dwelling type – Table 1**

As per Council direction and to ensure that the land values used to calculate cash in lieu per unit payment reflect current market value, the City retained the services of Metrix Reality Group to undertake an independent review of the current rates applied to the above residential categories in London’s residential market. The consultant provided their 2022 report to Realty Services with their findings and recommendations. The report was circulated to the London Development Institute for their review and comment.

The report and subsequent review from the Realty Services Division provided the following:

Our analysis as outlined above revealed the existing rates charged by the City for all four major density CIL rate categories are insufficient to meet the 5% maximum CIL goal, and we recommend these rates should be adjusted upward. As specified in the By-law, the low-density category is further subdivided into four

sub-categories based on lot frontage; each sub-category receives a separate rate. Based on the central tendency prices per acre estimated by the appraisal consultant, Realty Services recommends the following rate adjustments:

Detached SFR Lots:  
 >= 60 ft. \$5,900  
 50-59 ft. \$4,700  
 40-49 ft. \$3,300  
 <= 39 ft. \$2,600

The Metrix report divides the medium density category into two sub-categories.

<b>Metrix Density Category</b>	<b>Metrix-minimum</b>	<b>Metrix-maximum</b>	<b>Range Centre</b>	<b>Medium Density Range Centre</b>
Low Density	400,000	500,000	450,000	NA
Medium Density (<30 units/ac)	800,000	950,000	875,000	NA
				1,000,000
Medium-High Density (31-60 units/ac)	1,000,000	1,250,000	1,125,000	NA
High Density (61-100+ units/ac)	2,000,000	2,500,000	2,250,000	NA

Using the Metrix residential land pricing study as an approximate guide, Realty Services recommends that a new base rate of \$1,111,950/hectare be applied to City acquisitions of table lands to be purchased for parkland use.

The proposed Table 1 land values for multi-unit developments has been amended to use unit rate calculation for the density categories as provided above.

**Table 1**

Multi-Unit Development less than 75 units per hectare	\$ 2200.00
Multi-Unit Development 75 units to 150 units per hectare	\$ 1250.00
Multi-Unit Development greater than 150 units per hectare	\$ 1125.00

The proposed amendments to Table 1 implements the recommendations of the Realty Services review of the Metrix Reality Group 2022 study that is consistent with the overall market increase of land values over the last two years. LDI concurs with the analysis and the recommended land values.

## **2.2 Required Administrative Amendments**

The Council directed bi-annual review that permits Staff the opportunity to review the By-law for conformity to the Planning Act. To assist in the implementation of the By-law, staff is recommending minor amendments to existing sections of the By-law. These minor amendments include:

- the clarification and inclusion of the applicable sections of the Planning Act;
- a delegation clause, directing City Staff to implement the By-law on behalf of Council;
- a severability clause to ensure that if any section of the By-law is appealed that the appeal only applies to those sections;
- clarifying the location, configuration and condition of land for acceptance by the City for satisfaction of parkland conveyance; and
- clarification of required parkland dedications for mixed use development.

The proposed administrative amendments are required to ensure that the By-law meets the intent of the Planning Act and provides clarity for the user.

## 3.0 Comments

### 3.1. London Development Institute (LDI)

As part of the review process staff engaged London Development Institute (LDI) for a review of the land valuation prepared by Metrix Realty Group. LDI was supportive of the document and concurred with the recommended values. To assist their members, LDI has requested that a more detailed explanation on how open space and hazard land ratios are used to determine the amount of hazard and open space to be allocated as part of the parkland dedication.

The London Plan contains policies where the City may wish to acquire open space and hazard lands at a reduced rate. To calculate these reduced rates, constrained land values are assigned to natural hazard lands and natural heritage lands. The reduced rates are based on a ratio of their value in comparison with the value of table land. Realty Services has reviewed the Metrix study and have established the fair market value for table lands, open space lands and hazard lands.

Table lands are valued at a rate of \$1,111,950/hectare, open space lands are valued at a rate of \$37,066/hectare and hazard lands are valued at a rate of \$24,710/hectare. This results in a ratio of 30 to 1 for open space and 45 to 1 for hazard lands. These rates would equate to a reduced rate dedication of 0.033ha of required table land for every 1ha of open space land dedicated and 0.022ha of required table land for every 1ha of hazard land dedicated.

## 4.0 Implementation

As per Council direction Staff have undertaken the bi-annual review of the fee schedule for the Parkland Conveyance & Levy By-law. The previous By-law came into full force and effect on January 1, 2021. It is recommended that the proposed fee schedule for the by-law be brought in to force and effect on January 1, 2023, and that the next bi-annual review for the fee schedule be completed for January 1, 2025.

## Conclusion

The Parkland Conveyance & Levy By-law CP-9 was approved by Council in 2010 which provided a revised approach to the calculation and collection of parkland dedication within the City of London. The By-law established the method to calculate the required cash in lieu values for residential unit types where dedication of land is not required.

In 2022, an independent city-wide land appraisal was conducted by Metrix Realty Group for residential lands in the city. The report recommended updates to the fee schedule to better reflect the true current market land values. These proposed changes were circulated to LDI for their review and comment.

The proposed amendments to the Parkland Conveyance & Levy By-law CP-9 provides for cash in lieu dedication that are in keeping with current land values and updates the By-law in conformity with the Planning Act.

**Prepared by:** Craig Smith,  
Senior Planner, Parks Planning and Design

**Submitted by:** Scott Stafford,  
Director, Parks, and Forestry

**Recommended by:** Kelly Scherr,  
Deputy City Manager, Environment and Infrastructure

## Appendix "A"

Bill No. (number to be inserted by Clerk's Office)  
(2022)

By-law No. CP - \_\_\_\_\_

A by-law to require the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the City of London, or the payment of money in lieu of such conveyance (the "Parkland Dedication By-law")

WHEREAS the Municipal Council of The Corporation of the City of London enacts as follows:

WHEREAS section 42 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, authorizes the council of a local municipality to pass by-laws requiring as a condition of development or redevelopment the conveyance of land or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other public recreational purposes;

AND WHEREAS sections 51.1 and 53 of the *Planning Act, RSO 1990, c. P.13*, as amended, authorize the council of a local municipality to require, as a condition to the approval of a plan of subdivision or as a condition of the approval of a Consent, the conveyance of land or the payment in lieu of such conveyance for park or other public recreational purposes;

AND WHEREAS The London Plan, the City of London Official Plan, contains specific policies dealing with the provision of land for park or other public recreational purposes, and the payment in lieu of a conveyance otherwise required under section 42;

AND WHEREAS sections 23.1 to 23.3 of the *Municipal Act* authorize the delegation of powers or duties of the municipality;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

### SHORT TITLE: PARKLAND DEDICATION BY-LAW

#### Part 1 INTERPRETATION

##### 1.1 Definitions

In this by-law:

"**Act**" shall mean the *Planning Act, R.S.O. 1990, c. P.13*, as amended;

"**City**" shall mean The Corporation of the City of London;

"**Council**" shall mean the Council of the City;

"**Dwelling unit**" - means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

"**Development**" – means the construction erection, or placing of one or more buildings or structures on land or making an addition or alteration to a building or structure that

has the effect of substantially increasing the size or usability thereof, or the laying out and establishing a commercial parking lot;

“Gross Floor Area” has the meaning given to it in the City’s Zoning By-law;

“**Redevelopment**” – means the removal of a building or structure from land and the further development of the land or the substantial renovation of a building or structure and a change in the character or density of the use in connection therewith;

“**Building permit**” – means a building permit issued under the *Building Code Act, 1992, S.O. 1992, c.23*;

“**Hazard Lands**” – means those lands that could be unsafe for development due to naturally occurring processes. Generally lands located along rivers and streams, including the land covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits as defined by the *Conservation Authorities Act, R.S.O. 1990, c. C.27*;

“**Other Constrained Lands**” – means lands that are not constrained by flood or erosion hazards, but that contain significant natural heritage features, ecological functions, or ecological buffers that have been identified for protection through an environmental impact study, accepted by the City.

“**Owner**” – means the registered owner of land as listed on the provincial land registry within the Ontario Land Registry Office;

“**Parkland**” means land for parks and other public recreational purposes;

“**Tableland**” – means those lands that do not contain hazard, open space or other constrained features that would prohibit Development.

## **1.2 Application**

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

## **1.3 Administration**

Council hereby delegates to the Deputy City Manager, Environment and Infrastructure, the power and authority to administer and apply this by-law, including but not limited to determining whether a conveyance of a portion of land or the payment of money in lieu of such conveyance shall be required as a condition to the Development or Redevelopment of lands, and if required, the amount of said conveyance or payment, in accordance with this By-law, and further allows the Deputy City Manager, Environment and Infrastructure, to sub-delegate these same powers and authority to the Manager of Park Planning and Design, or his or her designate.

## **Part 2 PARKLAND CONVEYANCE OR PAYMENT IN LIEU**

### **2.1 Land - for park purposes - conveyance - calculation**

Where it has been determined by the City, in its sole discretion, that a conveyance of land is required as a condition of Development or Redevelopment, the amount of land to be conveyed by the Owner to the City will be calculated in accordance with the following provisions:

1. In the case of land proposed for Development or Redevelopment for residential purposes, land in the amount of five (5%) percent of the land;
2. In the case of land proposed for Development or Redevelopment for commercial purposes, land in the amount of two percent (2%) of the land;
3. In the case of land proposed for Development or Redevelopment for Industrial purposes, Parkland dedication requirements will not be required;

4. In the case of land proposed for Development or Redevelopment for uses other than those referred in 2.1 1), 2.1 2), and 2.1 3) land in the amount of five per cent (5%) of the land; and
5. Where land is proposed for Development or Redevelopment for a mix of land uses, the Parkland conveyance will be calculated based upon the proportion of the site devoted to each use at the rates identified above, and when a mix of uses is proposed within a building, the Parkland requirement for each use will be determined proportionally to the Gross Floor Area allocated to each use.

### **2.1.2 Timing of Parkland conveyance**

For Development or Redevelopment, the Parkland conveyance requirements will be determined at the time of development review and the amount of land will be identified as a condition of development.

### **2.1.3 Land - for park purposes - conveyance – Hazard Lands and Other Constrained Land**

1. The City retains the right not to accept the conveyance of land that is considered not suitable or required for park and public recreation purposes including but not limited to:
  - 1) Land that has been or is to be conveyed to the City for stormwater management facilities, or for highways, roadways, walkways, or any other non-Parkland purpose;
  - 2) The size, location, grade and configuration of the parcel;
  - 3) Hazard Lands and Other Constrained Lands;
  - 4) Hydro lands, easements or other encumbrances that would restrict the City's use of the land; or
  - 5) Having unsuitable or unstable soil conditions or are contaminated as determined by an Environmental Site Assessment.
2. The lands conveyed to the City for park purposes shall be in a location, configuration and condition satisfactory to the City and subject to the following conditions:
  - 1) The lands are free and clear of all legal and other encumbrances;
  - 2) Shall be graded, serviced, and seeded, and fenced in accordance with any applicable City Standards and to the City's satisfaction.
3. Where the City determines that it will accept Hazard Lands or Other Constrained Lands representing part or all of the conveyance required, the following ratios will apply to calculate the amount of Hazard Lands or Other Constrained Lands to be conveyed:
  - 1) Hazard Land - 45 hectares of hazard land for every required 1 hectare of Tableland;
  - 2) Other Constrained Lands – 30 hectares of Other Constrained Lands for every required 1 hectare of Tableland.
4. Where a Development or Redevelopment application contains Hazard Lands or Other Constrained Lands, these lands will be excluded from the calculation of Parkland dedication as set out in Section 2.1 provided the said lands, are in some form, dedicated to the City.

### **2.2 Payment in lieu of land conveyance**

Where the payment of money is required in lieu of a conveyance of land for Parkland, the Owner shall pay money to the City in lieu of such conveyance in accordance with section 2.2 of this By-law.



### 2.2.1 Calculation of payment in lieu – residential

To determine the amount of payment in lieu to be required, the following shall apply:

1. In the case of land proposed for Development or Redevelopment for residential purposes, the payment required in lieu of the conveyance of a portion of land for Parkland, shall be five percent of the value of land as determined in 2.2.2 of this By-law;
2. If Hazard Lands or Other Constrained Lands are being conveyed, the value of these lands, as determined in 2.2.2 of this By-law, will be deducted from the value of Tableland required to be conveyed, and the balance of the required conveyance shall be provided as payment in lieu.

### 2.2.2 Land – value – per residential dwelling type – Table 1

The value of land otherwise required to be conveyed under section 2.1 of this by-law shall be determined by multiplying the value per Dwelling unit in Column II of Table 1 for the corresponding type of residential Dwelling unit in Column I by the number of that type of Dwelling unit proposed on the land, and then adding all of the values for each type of Dwelling unit to arrive at the prevailing land value.

**Table 1**

Column I	Column II
<b>Residential Units</b>	
Up to 11.99m lot frontage	\$ 2600.00
12m -14.99m lot frontage	\$ 3300.00
15m -17.99m lot frontage	\$ 4700.00
18m or greater lot frontage	\$ 5900.00
**Where lot frontage is defined under Zoning By-law Z.-1	
Cluster detached / Semi-detached / duplex	\$ 2600.00
Multi-Unit Development less than 75 units per hectare	\$ 2200.00
Multi-Unit Development 75 units to 150 units per hectare	\$ 1250.00
Multi-Unit Development greater than 150 units per hectare	\$ 1125.00
**Where density is defined under Zoning By-law Z.-1	
<b>Value of Constrained Land and Ratio to Tableland for the Purpose of Conveyance in Lieu</b>	
Hazard Land	\$24,710/hectare (\$10,000/acre)
Other Constrained Lands	\$37,066/hectare (\$15,000/acre)
Ratio of hazard land to Tableland	45 to 1
Ratio of open space land to Tableland	30 to 1
Tableland to be purchased by the City for Parkland use	\$1,111,950/hectare (\$450,000/acre)

### **2.2.2.1 Land Values Used to Calculate Values Per Dwelling**

To determine the rates in Table 1, the following land values were used:

- 1) Singles/Semi-detached/Duplex: \$1,111,950/hectare (\$450,000/acre)
- 2) Multi-Unit Development less than 75 units per hectare: \$2,162,125/hectare (\$875,000/acre)
- 3) Multi-Unit Development 75 units to 150 units per hectare: \$2,779,875/hectare (\$1,125,000/acre)
- 4) Multi-Unit Development greater than 150 units per hectare: \$5,559,750/hectare (\$2,250,000/acre)

### **2.2.3 Land – value – Subdivision Conveyance and Consent**

The value of land otherwise required to be conveyed as an approval of a plan of subdivision in accordance with section 51.1 of the Act or as a condition of the approval of a Consent given under section 53 of the Act shall be determined using the calculation described in 2.2.2 of this By-law.

### **2.2.4 Land – value – Commercial and other Non-Residential**

To determine the amount of payment in lieu to be required, the following shall apply:

1. In the case of land proposed for Development or Redevelopment for commercial purposes, the payment required in lieu of the conveyance of a portion of land for Parkland, shall be two percent of the value of land as determined in 2.2.3 of this By-law;
2. In the case of land proposed for Development or Redevelopment for industrial purposes, no payment in lieu will be required.
3. In the case of land proposed for Development or Redevelopment for the purpose of anything other than residential, commercial, or industrial, the payment required in lieu of the conveyance of a portion of land for Parkland, shall be five percent of the value of land as determined in 2.2.3 of this By-law.
4. The value of land otherwise required to be conveyed under section 2.1 of this by-law for commercial and other non-residential purposes shall be determined by a registered property appraiser as of the day before the day the Building permit is issued in respect of the Development or Redevelopment or, if more than one Building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.
5. Where land is proposed for Development or Redevelopment for a mix of land uses, the payment in lieu will be calculated based upon the proportion of the site devoted to each use at the rates identified above, and when a mix of uses is proposed within a building, the payment in lieu for each use will be determined proportionally to the Gross Floor Area allocated to each use. Commercial gross floor area will be required at the rate of one Dwelling unit for each 100.0 square metres (1,076 sq. ft.) of Gross Floor Area devoted to non-residential uses and included in the density calculation for the lands and provided as per the residential unit rates as stated in Table 1.

### **2.2.5 Timing of Payment in Lieu**

No person shall construct a building on the land proposed for Development or Redevelopment unless the payment of money in-lieu has been made or arrangements, that are satisfactory to the City, have been made for the payment.

### **2.2.6 Payment of Parkland - Over Dedication**

Where Parkland in excess of the required dedication under Section 2.1 is included in a development application, the City may choose to purchase this land at the average, City-wide Tableland rate described in Table 1.

### **2.3 Reduction for previous conveyance or payment in lieu**

**2.3.1** If land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment in lieu has been received by the municipality or is owing to it under this section or a condition imposed under section 51.1 or 53, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by a municipality in respect of subsequent development or redevelopment unless,

- (a) there is a change in the proposed Development or Redevelopment which would increase the density of development; or
- (b) land originally proposed for Development or Redevelopment for commercial or industrial purposes is now proposed for Development or Redevelopment for other purposes.

**2.3.2** If there is a change under clause 2.3.1 (a) or (b), the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this section on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made.

### **2.4 Application - to Ontario Land Tribunal - dispute**

In the event of a dispute between the City and an Owner of land on the value of land, either party may apply to the Tribunal to have the value determined and the Tribunal shall, in accordance as nearly as may be with the Expropriations Act, determine the value of the land and, if a payment has been made under protest, the Tribunal may order that a refund be made to the Owner.

## **Part 3 GENERAL**

### **3.1 Severability**

If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole, in part, or in certain circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

### **3.2 Other powers not affected**

Nothing in this By-law is intended to or has the effect of restricting or derogating from the authority of council to require a conveyance for Parkland or payment of money in lieu thereof as a condition of the approval of a plan of subdivision in accordance with section 51.1 of the *Act*, or as a condition of the approval of a consent given under section 53(12) of the *Act*.

## **Part 4 FORCE AND EFFECT**

### **4.1 Previous By-law - repeal**

By-law L.S.P.-2846-323 and all amendments to such by-law are hereby repealed, effective January 1, 2023.

### **4.2 Effective date**

This by-law comes into force on January 1, 2023.

PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022