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UBCM HOUSING SUMMIT

BILL 46

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Bill 46

Highlights

Local Government Act and *Vancouver Charter* both amended.

DCC authority expanded:

- May now impose DCCs for capital cost of fire protection, police, solid waste and recycling facilities, and municipal/provincial highway projects.

Municipal development works agreement authority (LGA s. 570) amended:

- Works provided may now include fire protection, police, solid waste and recycling facilities.

New authority for amenity cost charges:

- May impose ACCs for capital cost of “amenities” that directly or indirectly benefit the development and the increased population of residents or workers that results from the development for which the charge is imposed.



ACCs

“Amenity” defined as a feature or facility that provides social, cultural, heritage, recreational or environmental benefits to a community.

“Amenity” includes but is not limited to community/youth/senior centres, recreational/athletic facilities, libraries, day cares, public square.

Must be imposed by bylaw – no requirement for inspector approval.

Opportunities for consultation required during bylaw development.



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ACCs

ACC bylaw must specify:

- area(s) subject to an ACC
- amenities that will receive ACC funding
- the amount of the charge(s)

Legislation prescribes criteria for specifying areas and amenities, for variations, and for setting ACCs

In setting ACC's, local government must:

- consider whether the charge will deter development, or discourage construction of reasonably priced homes/provision of reasonably priced serviced land
- deduct from the estimated cost of each amenity (a) the portion to be funded by grants and other external sources, (b) the portion to be allocated to the existing population of the area (and funded by the local government), and (c) the portion to be allocated to the development (and funded by the local government)



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ACCs

ACCs are not payable if, among other circumstances:

- no increase in the population of residents or workers is expected to result
- an ACC for the amenity has been paid for the same development (unless further development is expected to result in further increase in the population of residents or workers)
- in respect of a capital cost for which a DCC is imposed

Legislation provides protection for in-stream development.

In addition to consultation during bylaw development, accountability requirements include: (a) annual reporting on charges received, expenditures made, (b) authority of inspector to require information.

ACCs may only be waived or reduced for an “eligible development” (not-for-profit rental housing, for-profit affordable rental housing). Minister may make regulations as to what constitutes an “eligible development”.



ACCs

Local government may by bylaw enter into an agreement under which a person provides an amenity or land for an amenity instead of paying all or part of an ACC.

Lieutenant Governor in Council may make regulations, including prescribing facilities or features that are not amenities.

Other local government powers are not restricted or affected subject to: (a) limitations on waiving/reducing ACCs, (b) the condition that capital cost of an amenity funded by an ACC must be recovered only once.



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Comments

DCCs

ACCs vs. negotiating CAC's/amenities

Density bonus bylaws

SSMUH/TOA considerations

Other infrastructure financing tools

