

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 29-2021

A by-law to delegate approval authority for the Regional Major Office Incentives Program administration, execution of agreements and granting of payments to the local municipalities to support Local Municipal Community Improvement Plans.

WHEREAS Section 28(7.2) of the *Planning Act R.S.O. 1990c. P. 13*, as amended, states the council of an upper-tier municipality may make grants or loans to the council of a lower-tier municipality and the council of a lower-tier municipality may make grants or loans to the council of the upper-tier municipality, for the purpose of carrying out a community improvement plan that has come into effect, on such terms as to security and otherwise as the council considers appropriate, but only if the official plan of the municipality making the grant or loan contains provisions relating to the making of such grants or loans;

AND WHEREAS, Council of the Regional Corporation of has adopted Regional Official Plan policies to adopt community improvement strategies/programs to guide and facilitate the Region of Peel's participation in implementing local municipal community improvement plans and support the Region's participation in a local municipal community improvement plan subject to the Region's community improvement strategies/programs and capital budgets;

AND WHEREAS, Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (hereinafter the "*Municipal Act, 2001*") confer broad authority on municipalities, governing their affairs, and to provide any service or thing that the municipality considers necessary or desirable;

AND WHEREAS, Section 23.1 of the *Municipal Act, 2001*, provides that a municipality may delegate its powers and duties under this or any other Act to a person or body;

AND WHEREAS, Section 23.1(2)(5) of the *Municipal Act, 2001*, provides that a delegation may be subject to conditions and limits as the Council of a municipality considers appropriate;

AND WHEREAS, Council desires to delegate to the Commissioner of Public Works and the Chief Planner, the authority to prepare and execute agreements upon terms satisfactory to the Chief Financial Officer and the Regional Solicitor, in accordance with the Region of Peel Major Office Incentives Program;

AND WHEREAS, Council desires to delegate to the Chief Financial Officer and the Regional Treasurer, the authority to make grant payments from the Major Office Incentives Program Reserve to local municipalities, in accordance with the Region of Peel Major Office Incentives Program;

NOW THEREFORE the Council of the Regional Corporation enacts as follows:

1. In this by-law,
 - (a) "Application" means an application for the granting of incentives under the Region of Peel Major Office Incentives Program, being the Tax Increment Equivalent Grant, and "Applications" has the same meaning as the singular.
 - (b) "Corporation" means The Corporation of the Regional Municipality of Peel.
 - (c) "Local Municipal/Local Municipality" means the three lower-tier municipalities of the Corporation: City of Brampton, Town of Caledon and City of Mississauga.
 - (d) "Local Municipal Community Improvement Plan" means an enacted and approved Community Improvement Plan by a Local Municipality.
 - (e) "Council" means the elected Council of the Corporation.
 - (f) "Commissioner of Public Works " means the Commissioner of Public Works for the Corporation.
 - (g) "Chief Financial Officer " means the Chief Financial Officer for the Corporation.
 - (h) "Regional Treasurer" means the Regional Treasurer for the Corporation.
 - (i) "Chief Planner" means the Chief Planner of the Corporation.
 - (j) "Regional Official Plan" means the in-effect Official Plan of the Corporation.
 - (k) "Region of Peel Major Office Incentives Program" means the program to assist with certain costs, and to establish a granting program using a Tax Increment Equivalent Grant (TIEG) structure.
 - (l) "Grants" means an amount of money that will be transferred to local municipalities structured as a Tax Increment Equivalent Grant, in accordance with the Region of Peel Major Office Incentives Program.

2. Subject to Sections 3 and 4 of this By-law, Council delegates to the Commissioner of Public Works and the Chief Planner, the authority to consider, confirm application eligibility, decisions for making a grant, and execute agreements for approved Applications made pursuant to the Regional Major Office Incentives Program.
3. The Commissioner of Public Works' and the Chief Planner's delegated approval authority shall not exceed any one or more Applications which relate to office development that cumulatively reach a total 1,000,000 square feet of office gross floor area (92,903 square metres of office gross floor area).
4. If the Commissioner of Public Works and the Chief Planner have granted approval to one or more Applications which cumulatively total 1,000,000 square feet of office gross floor area (92,903 square metres of office gross floor area), any further Applications shall only be considered and determined by Council.
5. Council delegates authority to both the Chief Financial Officer and the Regional Treasurer, pursuant to Section 28(7.2) of the *Planning Act*, to make grant payment(s) and transfer funds, cumulatively up to a maximum of \$10,000,000, from the Major Office Incentives Program Reserve to a local municipality for approved Applications.
6. If the Chief Financial Officer and the Regional Treasurer have made grants cumulatively of up to \$10,000,000, any further Applications shall only be considered and determined by Council.
7. Any single Application in excess of the amounts specified in Sections 3 and 5 of this By-law shall be considered and determined by Council.
8. Applications must meet the following criteria to be considered for approval through the Region of Peel Major Office Incentives Program:
 - (a) Be located within a Local Municipal Community Improvement Plan area for major office development, as defined by the Local Municipality;
 - (b) Meet the criteria of the Local Municipal Community Improvement Plan;
 - (c) Meet the criteria of the Regional Major Office Incentive Program;
 - (d) Consist of a standalone major office employment development or include a major office component of 20,000 sq. ft. (1,858 square metres) (or up to 10% less than 20,000sq. ft. (1,858 square metres) or more;
 - (e) Conform to the Regional Official Plan and the subject Local Municipal official plan; and
 - (f) Consist of new major office construction or the adaptive reuse of non-office buildings to major office uses, where the payment of

increased property taxes would apply.

9. Applications will be received for a duration of five (5) years from the date this By-law is enacted and must be received prior to building permit issuance. Applications involving developments that already have a building permit issued shall not be eligible for the program.
10. Applications made pursuant to the Regional Major Office Incentive Program shall be subject to the following conditions:
 - (a) an Application shall be filed with the Chief Planner;
 - (b) the Chief Planner may require a meeting with the applicant to discuss the Application;
 - (c) the Application is complete and falls within the thresholds set by Section 3, 4 and 5 of this By-law, upon the Chief Planner's sole determination;
 - (d) Approved applications will be forwarded to the local municipality for calculation of TIEG amounts;
 - (e) Approved applications will be subject to the Corporation's budget approval of the amount required for the grant; and
 - (f) where the Application exceeds the delegated authority pursuant to Sections 3 and 5 of this By-law, the Application must be approved by Council.
11. Applications that meet the criteria in Section 8 of this By-law and are approved in accordance with Section 10 of this By-law are eligible for a grant that matches the local municipal TIEG by structure, within the following thresholds and policy limitations:
 - The TIEG starting percentage must be no higher than 100%;
 - The TIEG must decline by no less than 7% each year;
 - The TIEG will be in place for up to ten years; and
 - The requirements of the Planning Act Section 28 (7.3) are met.
12. The Chief Planner shall prescribe all forms necessary to submit an Application to the Regional Major Office Incentives Program and may amend such forms as the Chief Planner deems necessary.
13. The Commissioner of Public Works, the Chief Planner, the Regional Treasurer and the Chief Financial Officer are authorized to undertake all acts necessary to carry out the authorities delegated to him/her under this By-law.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 22nd day of April, 2021.

Deputy Regional Clerk

Regional Chair