

The Corporation of the City of Kenora

By-law Number 148 – 2026

Parkland Dedication and Cash-in-Lieu By-law A By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes (including regional park upgrades and trail links) as a Condition of Development or Redevelopment, and to Govern the Collection and Use of Cash-in-lieu of Parkland Dedication Funds

Whereas Sections 42, 51.1, and 53 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “Act”), authorize the Council of a local municipality to require, as a condition of development, redevelopment, subdivision, condominium approval, or consent, the conveyance of land for park or other public recreational purposes, or, where the municipality does not require conveyance of land, the payment of cash-in-lieu of the land otherwise required to be conveyed; and

Whereas money received as cash-in-lieu of parkland is to be deposited into the applicable special account and used only in accordance with the Planning Act and any applicable regulation for the acquisition of land for park or other recreational purposes and for the improvement of land already owned by the municipality and used for such purposes; and

Whereas the City of Kenora does not collect development charges, and relies on parkland dedication and cash-in-lieu funds to support growth-related park improvements, including park upgrades and trail links; and

Whereas Council wishes to establish clear rates, processes, and eligible uses that promote transparency, support annual allocation reporting, align with parks planning priorities, and specify calculation timing; and

Whereas Council considers it desirable to adopt a new Parkland Dedication and Cash-in-Lieu By-law and to repeal By-law No. 162-2023;

Now Therefore the Council of the City of Kenora enacts as follows:-

PART 1: Definitions and Application

1.1 Definitions

“**Act**” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

“**Cash-in-lieu**” means payment of money to the City in lieu of conveyance of land for park or other public recreational purposes otherwise required under Sections 42, 51.1, or 53 of the *Act*.

“**City**” means The Corporation of the City of Kenora.

“Development or Redevelopment” means development or redevelopment for which parkland dedication or cash-in-lieu may be required under the *Act*, this By-law, or any applicable regulation.

“Land Area” means the total gross area of the lands subject to the development or redevelopment, excluding any area conveyed or dedicated for road widening, stormwater management, or other public purposes unrelated to parks.

“Parkland Dedication Reserve” means the special reserve account into which all cash-in-lieu payments are deposited, as required by the *Act*.

“Park or Other Public Recreational Purposes” means land used or intended for parks and public spaces, open space areas, playgrounds, built and natural settings for recreational uses, trails and linkages, or other active recreational amenities servicing the public, including improvements to existing local and regional parks.

1.2 Application and Purpose

This By-law applies to all lands within the City of Kenora and governs parkland dedication or cash-in-lieu requirements as a condition of Development or Redevelopment approvals under the *Act*.

The purpose of this By-law is to enable the City to provide land for parks or other public recreational purposes. The City may require the conveyance of parkland, or the payment of cash-in-lieu, as a condition of approval of development, redevelopment, a draft plan of subdivision or condominium, or consent, as permitted by the *Act*. Land conveyed to the City under this By-law shall be used for parks and other public recreational purposes, subject to the policies of the Official Plan and this By-law.

1.3 Severability

If any section, subsection, clause, or part of this By-law is declared invalid by a court or tribunal of competent jurisdiction, the remainder of this By-law shall continue in full force and effect.

Part 2: Parkland Dedication

2.1 Requirement to Convey Parkland

Where parkland dedication is required under the *Act* and this By-law, the City may require the conveyance of land for park or other public recreational purposes, except where cash-in-lieu is required under Part 3.

Parkland dedication requirements shall be determined at the applicable approval stage, including:

- a) the granting of provisional consent under section 53 of the *Planning Act*;
- b) Draft approval of a plan of subdivision under section 51 of the *Planning Act*; or
- c) site plan approval, zoning by-law amendment, or building permit issuance where no subdivision or consent is required, using the approved number of dwelling units and Land Area as finally determined by Council or the Ontario Land Tribunal.

Title for the land to be conveyed under the *Act* shall be received by the City in accordance with the conditions of approval for the plan of subdivision or consent.

2.2 Dedication Rates

Parkland dedication shall be calculated in accordance with the maximum rates authorized by the Act, as amended, and as set out in the following table, to the extent permitted by law.

Land Use Type	Parkland Dedication Rate
Residential	5% of Land Area
Commercial/Industrial	2% of Land Area
Institutional (schools, places of worship, hospitals, government buildings)	5% of Land Area
Office/Assembly/Entertainment	5% of Land Area
Mixed-Use (pro-rated)	2-5% based on residential/commercial mix

2.3 Lands Suitable for Parkland

Land dedicated to the City for parkland or other public recreational purposes shall be chosen in consultation with the Director of Planning and Building Services or designate.

In determining whether land is suitable for park or recreational use, the City shall consider the Act, O. Reg. 509/20, and any other applicable regulation, and may also consider the following factors:

- Quality of access, including pedestrian access, from a public right of way;
- Adequate size and configuration to accommodate park amenities such as sports fields, playgrounds, and programmable open space as required;
- A centralized location within the proposed development;
- Abutting complementary neighbouring land uses;
- Consistency with the Official Plan policies for the area; and
- Contribution to creating a city-wide multi-use trail network.

The City may accept, at its discretion and subject to the Act and applicable regulations, the conveyance of parkland that is proximate to but outside the boundaries of a development site, provided that the City is satisfied that the value, location, configuration, and utility of the off-site land are appropriate having regard to the parkland dedication requirement for the development.

2.4 Lands Not Suitable for Parkland

Without limiting the City's authority to determine suitability in accordance with applicable law, and subject to any rights of an owner under the Act and applicable regulations, the City may refuse to accept land for parkland conveyance where the land is unsuitable for park and recreational purposes, including:

- Hazardous Lands as designated within the Official Plan;
- Wetlands and woodlots retained for conservation purposes;
- Steep or unstable slopes;
- Any land having unsuitable or unstable soil conditions for intended recreation facilities;
- Lands encumbered by rights-of-way or easements in favour of utility companies;

- f) Lands subject to an easement, encumbrance, or right-of-way that would meaningfully limit or restrict the City's use of the land as a park or for recreational purposes; and,
- g) Land required for stormwater management infrastructure or noise attenuation berms.

Part 3: Cash-In-Lieu of Parkland

3.1 When Cash-in-Lieu May Be Required

Where parkland dedication is required under Part 2, but the City determines that conveyance of land is not appropriate, acceptable, or required in land form, the City may require the payment of money as cash-in-lieu in accordance with the *Act* and this By-law. Cash-in-lieu may be required in any of the following circumstances:

- a) Land does not meet the criteria set out in O. Reg. 509/20;
- b) Land is too small or fragmented to function as parkland;
- c) The area is already adequately serviced by parks or open space; or
- d) Dedication would make the remaining lands impractical or unsuitable for development.

3.2 Timing of Cash-in-Lieu Payment

Where cash-in-lieu of parkland is required under this By-law, the amount shall be paid to the City as a condition of approval and shall be payable as follows:

- a) for a consent under section 53 of the *Planning Act*, prior to final consent clearance or issuance of any certificate required to give effect to the consent;
- b) for a plan of subdivision under section 51 of the *Planning Act*, prior to registration of the plan of subdivision, or at such earlier time as may be required in the subdivision agreement;
- c) for site plan approval, prior to execution or registration of the site plan agreement, or prior to issuance of the first building permit where no agreement is required; and
- d) for a zoning by-law amendment where no subdivision, consent, or site plan approval is required, prior to issuance of the first building permit for the Development or Redevelopment.

No building permit shall be issued, and no final approval, registration, or clearance of conditions shall be granted, until the required cash-in-lieu payment has been received by the City in full, unless otherwise authorized by Council or secured to the satisfaction of the City through an agreement.

3.3 Determination of Value

Where cash-in-lieu is required, the amount payable shall be based on the value of the land otherwise required to be conveyed and shall be determined as follows:

- a) *Consent Applications:*
Rates shall be as set out in the City's Tariff of Fees for Planning Act Applications By-law, as amended. If an owner or applicant disputes the City's applicable rate, the owner or applicant may obtain, at their own cost, an appraisal from an accredited real estate appraiser. The City may accept the alternate appraisal or negotiate a mutually acceptable resolution, subject to the *Act* and applicable law. The rates set out in the City of Kenora Tariff of Fees for Planning Act Applications By-law may be adjusted by the City from time to time and shall be reviewed, and where appropriate updated, at intervals not exceeding five years.

b) *Plans of Subdivision, Plans of Condominiums, Zoning By-law Amendments and Site Plan Control Applications:*

The value of the land shall be determined by appraisal or by another valuation method acceptable to the Director of Planning and Building Services or designate, subject to the *Act* and applicable law.

Where development approvals are issued in phases, payment shall be calculated and required on a phase-by-phase basis.

3.4 Deposit to Parkland Dedication Reserve

All cash-in-lieu payments shall be paid into the Parkland Dedication Reserve.

Part 4: Administration and Delegation

4.1 Eligible Uses of Parkland Dedication and Cash-in-Lieu Funds

Parkland dedication funds, including cash-in-lieu of parkland, shall be used only for purposes authorized under the *Act* and any applicable regulation, and in accordance with the City's annual budget and capital planning process.

Parkland dedication funds shall not be used for ongoing operations, routine maintenance, staffing, or other non-capital costs, unless expressly permitted by the *Act* or applicable regulations.

Without limiting the generality of the foregoing, eligible capital costs may include:

- a) The acquisition of new parkland and land for public parks and recreational purposes;
- b) Park improvements and upgrades, including playgrounds, sports fields, splash pads, accessibility paths, washrooms, picnic areas, lighting, and site furniture;
- c) Trail connections and active transportation improvements, including multi-use paths, surface improvements, signage, and crossings;
- d) Capacity expansions to existing parks, including shelters, fitness stations, and pathways;
- e) Active recreation amenities, including skate parks, fitness equipment, and waterfront enhancements; and
- f) Other capital improvements to City-owned land used for parks or public recreation, where authorized by the *Act* and applicable regulations and approved by Council.

For greater certainty, eligible acquisition costs may include reasonable survey, legal, registration, title, appraisal, environmental review, due diligence, and other directly related transaction costs associated with the acquisition or acceptance of land for park or other public recreational purposes, including land donated or gifted to the City, where authorized by the *Act* and applicable regulations.

4.2 Delegation to Staff

Council delegates to the Director of Planning and Building Services, or designate, the authority to exercise the following administrative functions, subject to the *Act*, applicable regulations, this By-law, the Official Plan, Council-approved policies, and any applicable budget or purchasing authority:

- a) Determine whether parkland dedication, cash-in-lieu, off-site dedication, or a combination thereof is required;

- b) Determine and negotiate the amount, location, configuration, timing, and suitability of land to be conveyed for parkland or other public recreational purposes;
- c) Determine whether cash-in-lieu, off-site dedication, or a combination of land and cash-in-lieu is appropriate in accordance with this By-law, the Act, applicable regulations, the Official Plan, and any Council-approved policies;
- d) Negotiate and settle parkland dedication, cash-in-lieu, off-site dedication, appraisal, and related agreement terms;
- e) Execute, amend, administer, or clear related subdivision, consent, site plan, parkland dedication, cash-in-lieu, or other development agreements where otherwise authorized by by-law, Council, or applicable law;
- f) Accept donated or gifted land for park or other public recreational purposes and authorize the use of monies from the Parkland Dedication Reserve to pay reasonable survey, legal, registration, title, appraisal, environmental review, due diligence, and other directly related transaction costs required to complete the transfer, provided that the Director is satisfied that the land is suitable or potentially suitable for park or other public recreational purposes and that the expenditure complies with any applicable purchasing policy, real property policy, budget authority, or other by-law of the City; and
- g) Maintain Parkland Dedication Reserve records and support annual reporting to Council.

The Director of Planning and Building Services, or designate, may determine that parkland dedication or cash-in-lieu is not required where the Director is satisfied that no Development or Redevelopment giving rise to a requirement under the *Act* is occurring, or where an exemption expressly provided under this By-law or applicable law applies. Any discretionary waiver or reduction not expressly provided for in this By-law shall require Council approval.

4.3 Public Reporting

The City shall administer and allocate monies in the Parkland Dedication Reserve in accordance with the requirements of the *Act* and any applicable regulation, including any requirement to spend or allocate, in each calendar year, the minimum proportion of monies in the special account required by law.

The Director of Finance shall provide an annual statement to Council respecting the Parkland Dedication Reserve, including the opening balance, revenues, expenditures, closing balance, and proposed allocations for approval.

Part 5: Effective Date and Repeal

5.1 Coming into Force

This By-law shall come into force and take effect on the date of final passing.

5.2 Repeal of By-law No. 162-2023

By-law No. 162-2023 is hereby repealed.

5.3 Prior Commitments and Existing Agreements

The repeal of By-law No. 162-2023 shall not affect any prior commitment, condition of approval, agreement, payment, conveyance, or other obligation lawfully imposed or entered into before the coming into force of this By-law. Any such commitment, condition, agreement, payment, conveyance, or obligation shall continue to be administered in accordance with its terms unless amended by agreement or by lawful authority.

By-law read a first and second time this 15th day of September, 2026

By-law read a third and final time this 15th day of September, 2026

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

By signing this bylaw on September 15, 2026, Mayor Andrew Poirier will not exercise the power to veto this bylaw.