

**TOWN OF MARKHAM**  
**ONTARIO**



**CONVEYANCE OF PARKLAND**  
**BY-LAW NO. 195-90**

This By-law is printed under and  
by authority of the Council of  
the Town of Markham

(Consolidated for convenience only  
to 5 August, 2003)

**Amended by:**  
By-law No. 74-94 – 26 April 1994



THE CORPORATION OF THE TOWN OF MARKHAM  
BY-LAW NO. 195-90

A BY-LAW TO REQUIRE THE CONVEYANCE OF LAND FOR A  
PARK OR OTHER PUBLIC RECREATIONAL PURPOSES AS A  
CONDITION OF DEVELOPMENT OR REDEVELOPMENT IN  
ACCORDANCE WITH THE POLICIES OF THE TOWN OF  
MARKHAM OFFICIAL PLAN (REVISED 1987), AS AMENDED  
(Amended by By-law No. 74-94)

WHEREAS Section 42 of the Planning Act, R.S.O. 1990, c.P. 13 authorizes the enactment of by-laws respecting the conveyance to a municipality of land for park or other public recreational purposes as a condition of development or redevelopment of land within the municipality;

(Amended by By-law No. 74-94)

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. In this by-law,
  - (a) "Development" means the construction, erection or placing of one or more buildings or structures on land or the making of 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 establishment of a commercial parking lot;
  - (b) "Redevelopment" means the removal of buildings or structures from land and further development on the land, or the substantial renovation of a building or structure and a change in the character or density of use in connection therewith;
  - (c) "Town" means the Corporation of the Town of Markham.
2. This by-law applies to all land within the corporate limits of the Town of Markham.
3. (1) As a condition of development or redevelopment of land in the Town of Markham, the owner of the land shall convey, or cause to be

conveyed, to the Town, land for park or other public recreational purposes in the following manner:

(a) in the case of land proposed for development or redevelopment for commercial or industrial purposes, two percent (2%) of the said land shall be conveyed to the Town;

(b) (i) in the case of land proposed for development or redevelopment for purposes other than commercial or industrial, five percent (5%) of the said land shall be conveyed to the Town;

(ii) as an alternative to paragraph (i) in the case of land proposed for residential development or redevelopment for residential purposes the Town may require that the land be conveyed to the Town at the rate of one hectare for each 300 dwellings proposed.

4. (1) In lieu of requiring the conveyance of land, the Town may require the payment of money equal to the value of the land otherwise to be conveyed or such combination of land and money as Council may require.

(2) For the purpose of determining the amount of such payment, the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or redevelopment, or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first building permit.

(3) The payments required under this By-law shall be made prior to the issuance of a building permit for the land to be developed or redeveloped.

5. The provisions of this By-law shall not apply in respect of the development or redevelopment of any land for which a building permit has been issued with respect to the proposed development or redevelopment of the land, prior to the date of enactment of this By-law.

READ a first and second time this 30<sup>th</sup> day of August, 1990

READ a third time and passed this 30<sup>th</sup> day of August, 1990

Anthony Roman, Mayor