

Benchmarking of S.37 (Density Bonusing) Implementation Plans

Municipality	Eligible Applications	Applicable Geographical Area	Uplift Contribution Range	Priority Benefits	Provision Process for Community Benefits
Vaughan, ON	Building projects which are larger than 4,000 sq.m in GFA, and where the proposed density will exceed 1,000 sq.m in GFA over what would otherwise be permitted	The application of S.37 is primarily intended for the Intensification Areas of the City, however, a site specific by-law including S.37 benefits, if deemed appropriate, may be enacted by Vaughan Council elsewhere in the City.	20-35%	Based on the policies of the relevant Secondary Plan and supporting studies, as well as input from relevant City departments and the Toronto and Region Conservation Authority	The S.37 agreement will be registered on title and will identify the community benefits, and how any cash benefit will be used. Cash contributions will be paid prior to the issuance of the first above-grade building permit for the respective development.
Toronto, ON	Developments that exceed a threshold of 10,000 square metres of GFA, and where the application increases the permitted density by at least 1,500 square meters and/or significantly increases the permitted height	City-wide	10-20%	<p>Local priorities are set by City Staff, local community, and ward councillors.</p> <p>Large Sites Policy: On sites greater than 5 hectares, first priority community benefit is 20% of additional residential units as affordable housing</p> <p>**See Image 1 and 2 for type and frequency of community benefits in Toronto.</p>	Under a secured agreement required by a Zoning By-law, the developer has a legal obligation to provide the benefits at a future date, usually when making an application for a building permit. A benefit is considered to be "received" at the point where a developer pays their cash-in-lieu contribution to the City, or delivers the negotiated in-kind benefits.

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<p>Missisauga, ON</p>	<p>Any Zoning By-Law amendment in excess of the maximum development limits (where established) may be considered eligible for Bonus Zoning Community Benefit contributions. This policy will be applied mainly, but not exclusively, to:</p> <ul style="list-style-type: none"> • projects where additional height is proposed; • projects which are or will be larger than 5000 m² (54,000 sq. ft.) in size and where the proposed density increase will exceed 1500 m² (16,000 sq. ft.) over what would otherwise be permitted. 	<p>City-wide</p>	<p>20-40%</p>	<p>Site-specific negotiations are informed by studies or plans for particular geographic areas of the City.</p> <p>Ward councillor must always be consulted by City staff.</p>	<p>The Planning and Building Department will monitor Community Benefit contributions to ensure that they reflect S.37 agreements approved by Council.</p> <p>The payment of Community Benefits in the form of cash will occur prior to Council approval of the Zoning By-law. In a large phased development, cash payments may be phased, subject to the consideration of staff recommendation and Council approval.</p>
<p>Kingston, ON</p>	<p>An additional height and/or density than in the ZBL; and when the GFA is greater than 3,000 square metre of residential development</p>	<p>City-wide, for residential developments but may also be applied to commercial and mixed use projects</p>	<p>Minimum 30%</p>	<p>A Community Services and Facilities Study (CSFS) may be required to find local gaps in community facilities. Then Public input is sought.</p>	<p>The agreement will specify the timing of the provision of the related community benefit(s). The benefit may be secured within a defined number of days of the site specific by-law becoming final and binding, prior to the issuance of the first building permit, prior to the issuance of the first above-grade building permit, prior to the first occupancy permit for the development, or on a phase-by-phase basis if the development will be constructed in phases. The</p>

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					timing of the provision of the benefit in-kind or as a cash-in-lieu payment will be assessed on a case-by-case basis and will be dependent on the type of community benefit(s) required.
Ottawa, ON	A proposed building of at least 7,000 sq. m. and where the requested density represents a minimum 25% increase from the permitted as-of-right zoning	City-wide	<p>The City establishes the rate for calculating the uplift value, expressed as \$/m², on an annual basis based on two geographic zones.</p> <p>2019 and 2020 value uplift rate for zone one is \$575 per sq. m. of GFA. Value uplift rate for zone two is \$250 per sq. m. of GFA.</p>	<p>Communities in Ottawa can get involved by identifying local priorities established through collaboration with the Ward Councillor. The establishment of this partnership, along with community collaborations, can lead to the preparation of a localized assessment of S.37 benefits for various neighbourhoods within each ward.</p> <p>Once established, the list of local priorities can be used through the Development Review process to help determine appropriate S.37 benefits to be required as part of a proposed development.</p>	<p>Cash payments will be required no later than at the time of issuance of an above-grade building permit.</p> <p>If the community benefit is being provided on-site as part of the development, such as day care space the timing may be determined on the basis of the development's construction schedule and clearly stated in the S.37 agreement.</p>

Section 37: Type and frequency of community benefits in Toronto (1988-2018)

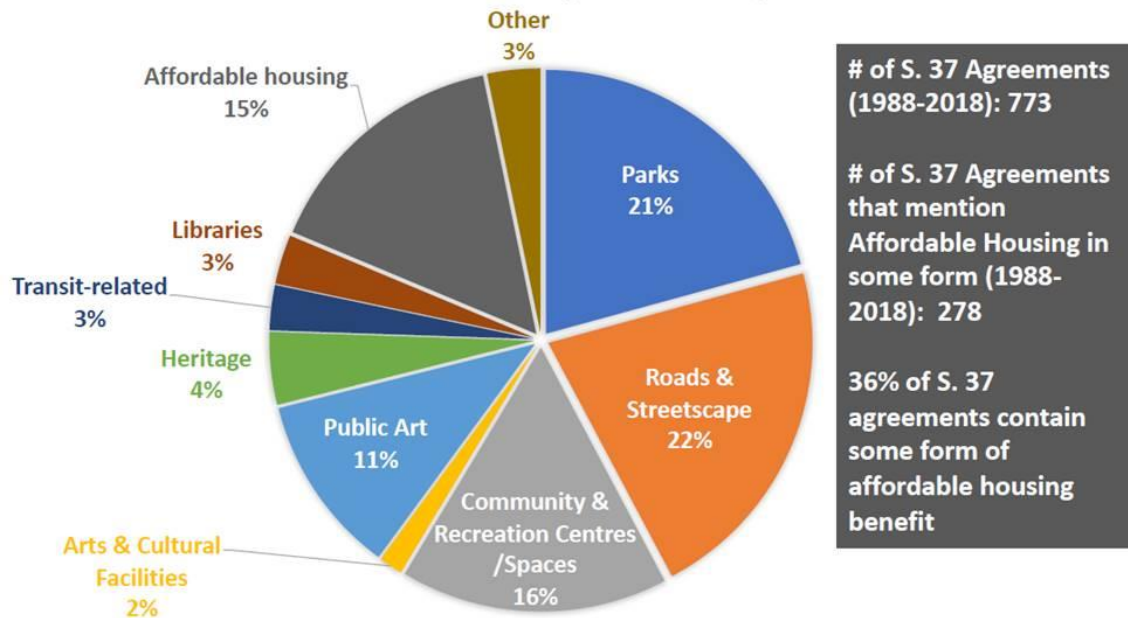
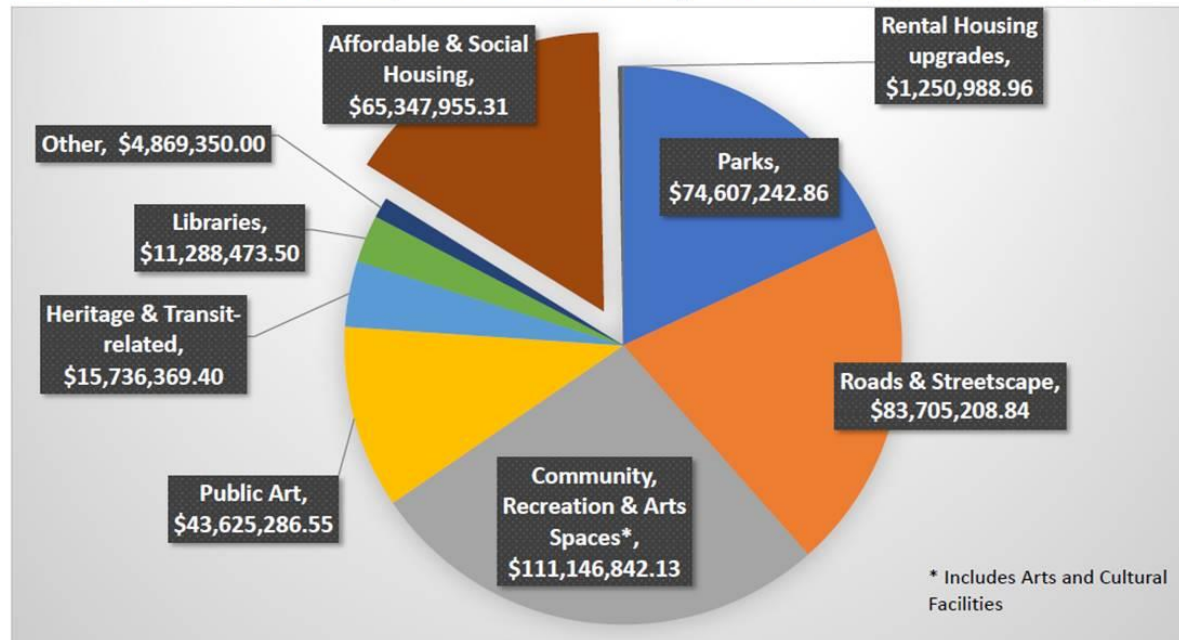


Image 1: Type and frequency of community benefits in Toronto (1988-2018)

Source: Julie Mah, Institute on Municipal Finance & Governance. [A negotiated approach: Evaluating affordable housing outcomes from S.37 agreements \(1988-2018\)](#)

Section 37 Benefits by Secured Money amounts¹ (1988-2018)



Money received for affordable and social housing (1988-2020) = \$57.6M**
 As of Dec. 2020: \$32.9M** has been spent; \$10.5M** committed but not spent

1: These are estimates. Does not include value of in-kind benefits. Multiple benefits were sometimes lumped together under one large sum of money, so these amounts were not included in the secured amounts. So, money amounts, especially for parks, roads and community & recreation spaces, are an underestimate as I didn't include the \$ value when it was split among multiple benefits.

** These are estimates. Difficult in certain cases to discern how much money was actually received or spent specifically for affordable housing because multiple benefits sometimes lumped together. See forthcoming report for more details.

Image 2: S.37 Benefits by Secured Money amounts (1988-2018)

Source: Julie Mah, Institute on Municipal Finance & Governance. [A negotiated approach: Evaluating affordable housing outcomes from S.37 agreements \(1988-2018\)](#)