

## Publisher's Note

**2019 — Release 1**

Previous release was 2018-2

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Mascarin & De Francesca

# Annotated Land Development Agreements

Annotated Land Development Agreements is a two-volume work which stands as a complete resource for the public and private sector professional. This resource guides you through and simplifies the complex, lengthy and highly specialized agreements required to develop land in Ontario. The work features a thorough discussion of the law with respect to land development agreements and provides fully annotated model forms of the most prevalent and commonly utilized types of development and municipal agreements. Each chapter focuses on specific agreements, including subdivision, site plan control, development, bonusing, development charge credit, development charge early and late payment and front-ending, developers' cost sharing and various types of easement agreements.

## What's New in this Update:

This release features commentary and case law updates in Chapter 11 (Zoning Agreements). Words & Phrases Appendix and Legislation have also been updated in this release.

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## Highlights

- **Zoning Agreements — Inclusionary Zoning Agreements — Introduction** — The enactment of the *Promoting Affordable Housing Act, 2016*, S.O. 2016, c. 25, made significant amendments to various statutes with the purpose of increasing the availability of affordable housing for low-income families. The *Planning Act* was one of the existing statutes that was revised to incorporate inclusionary zoning. Schedule 4 of the *Promoting Affordable Housing Act* amended several provisions in the *Planning Act* to grant municipalities new powers to enact by-laws specifically for the purpose of implementing inclusionary zoning.
- **Zoning Agreements — Inclusionary Zoning Agreements — Implementation Process — Official Plan** — Following the completion of the assessment report, the *Planning Act* provides that the official plan of the municipality must be updated with goals and objectives of inclusionary zoning. It is in the official plan that the municipality will establish specific requirements for the scope of its proposed inclusionary zoning, such as having the policy apply to a certain number of units per building, or to only apply to specific areas of the municipality.
- **Zoning Agreements — Inclusionary Zoning Agreements — Parties** — The parties to an inclusionary zoning agreement will be the local municipality that enacts the zoning by-law, and “the owners of any lands, buildings or structures that are to be developed or redeveloped under the by-law enter into agreements with the municipality.” The term “owner” as used in the *Planning Act* has traditionally included more than just the registered owner of the fee simple on title and has included a purchaser under an agreement of purchase and sale, a party with an option to purchase, and a tenant.