

Development Charges in Calgary - A View from the Dark Side

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INTRODUCTION

This paper is intended to compliment that provided by my colleague Dick Haldane, and to supplement the other materials that have been distributed in this seminar. As is often the case in planning matters, the Calgary experience might be different than that of other jurisdictions.

SCOPE OF PAPER

I have been asked to comment upon the experience of the non-municipal side of life in relation to development charges which arise by virtue of Municipal Development Plans (MDP), Area Redevelopment Plans (ARP), Area Structure Plans (ASP) , Concept Plans (CP) and last, Development Permits (DP).

I presume we are all aware that development charges (which I refer to as “levies”) in our context are levies arising under Section 648 of the *Municipal Government Act* (MGA) or possibly Section 647 MGA (the redevelopment levy).

A Redevelopment Levy is not typical in our experience. It can be imposed under a Redevelopment Plan (ARP) and can only be used for “land for a park or land for school buildings designed for the instruction or accommodation of students, or land for new or expanded recreation facilities, or both” (MGA Section 647(2)). Given its rarity, and limited scope, we have not dealt with it in any detail.

In preparing this paper, I noticed something very similar to a redevelopment levy was enacted in 2012 through a Provincial regulation. If you want to look into it, I suggest you review Alberta Reg 204/2012, *Cochrane Community Revitalization Levy Regulation*.

Offsite Levies arise under 648 MGA. As you know from other papers, these are for capital costs of certain specific items. The levies can be imposed through subdivision or DP approvals. As I said earlier, I am focused only on the DP side of life.

The validity of an Offsite Levy Bylaw, as such, is beyond the scope of this paper. Suffice it to say that such a Bylaw needs to meet the equity requirements of the *Principles and Criteria for Offsite Levies Regulation AR 48/2004* (which the Town of Cochrane didn’t do in the case of *Keyland Development Corp. v. Cochrane (Town)* 2007 ABQB 160), and be backed by appropriate policy and facts to justify the levy as being other than a tax. The basic requirements of an Offsite Levy Bylaw are set out in Section 649 MGA.