

THE CORPORATION OF THE TOWN OF MIDLAND

By-law 2026-13

A By-law to require the conveyance of land for park or other public recreation purposes as a condition of the development or redevelopment of land within the Town of Midland or the payment of money in lieu of such conveyance, pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and to repeal By-law-90-64 (Parkland Dedication By-law).

WHEREAS the Subsection 42(1) of the *Planning Act*, RSO 1990, c P. 13, as amended authorizes the Council of the Municipality to require, by By-law, the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the Municipality;

AND WHEREAS Subsection 42(6) of the *Planning Act* further provides that if a rate authorized by Subsection 42(1) applies, the Council of the Municipality may require the payment of money in lieu, to the value of the land otherwise required to be conveyed;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

SHORT TITLE

This By-law shall be known as the “Parkland Conveyance By-law”

1. DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

“Additional Residential Unit” means a dwelling unit that is located within, attached to, or detached from the existing dwelling unit on a lot.

“Agricultural Building or Structure” means a Building or Structure, including a greenhouse, that is used for the purposes of or in conjunction with livestock management, the growing of crops including grains and fruit, cultivation, propagation, harvesting, composting, drying, trimming, milling or storage of cannabis, market gardening, horticulture or another other use that is customarily associated with a farming operation of a Bona Fide Farmer, but does not include a Building, Structure or greenhouse or part thereof solely designed, used or intended to be used for processing, hydroponics, production or sale of cannabis.

“Agricultural or Farm Purposes” means the use of land, Buildings or Structures that are used for the purposes of or in conjunction with animal farming, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a Bona Fide Farmer.

“Appraisal” means a formal opinion of value prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) by an

accredited Professional Appraiser, who is a member in good standing of the Appraisal Institute of Canada (AIC), which identifies the market value of one or more parcels of land as the day before the Building Permit is issued for the development or redevelopment of land and is considered valid for a maximum period of six months.

“Board of Education” means a board as defined in the *Education Act*, R.S.O 1990, c. E.2, as amended, or any successor thereto.

“Bona Fide Farmer” means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number within the geographic limits of the Town of Midland.

“Building” means a building as defined in the Building Code Act.

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, or any successor thereto.

“Building Permit” means the first permit issued under the Building Code Act, for a Building or Structure.

“College” means a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, S.O. 2002, c. 8, Sched. F, as amended, or any successor thereto.

“Cemetery” means land that is set apart or used for the interment of human remains and may include a columbarium or mausoleum but does not include any facilities for public assembly.

“Commercial Purposes” means the use of non-residential Buildings or Structures for offices, sales and services, other than for Industrial Purposes, Institutional Purposes, or for Agricultural or Farm Purposes.

“Council” means the Council of The Corporation of the Town of Midland.

“Develop” means

- i. The construction, erection or placing of one or more Buildings on land;
- ii. The making of an addition or alteration to a Building that has the effect of substantially increasing the size by increasing the Gross Floor Area of the Building by fifty-percent (50%) or more, and/or by substantially increasing the usability thereof;
- iii. The addition of one or more new dwelling unit(s); or
- iv. Change of use; and
- v. “Developed” and “Development” have their corresponding meanings.

“Development Charges Act” means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, or any successor thereto

“Dwelling Unit” means one or more habitable rooms that may be used a single independent housekeeping unit or permanent residence having cooking and sanitary facilities. This definition shall not include a motor home or travel trailer or any commercial accommodation.

“Gross Floor Area” Shall mean the sum of the horizontal areas of the floors of a building, including the basement, measured between the exterior faces of the exterior walls or from the centre line of any common or party wall, with a floor to ceiling height of at least 1.95 metres. Floor Area does not include stairs, landings, cold cellars, attics, private garages, breezeways, porches, verandas, balconies or similar appurtenant structures.

“Industrial Purposes” means the use of land, Buildings, or Structures used for or in connection with:

- i. Manufacturing, producing, fabricating, processing, storing or distributing goods and materials and may include accessory sales and distribution of such products but shall not include waste processing, but does not include any cannabis or industrial hemp use;
- ii. Research or development in connection with manufacturing, producing, fabricating or processing goods;
- iii. Retail sales by a manufacturer, producer, fabrication or processor of goods they manufactured, produced, fabricated or processed, of the retail sales are at the site where the manufacturing, producing, fabricating or processing takes place; or
- iv. Office or administrative purposes, if they are,
 - a. Carried out with respect to manufacturing, producing, fabricating, processing, storing or distributing or goods; and
 - b. In or attached to the Building or Structure used for that manufacturing, producing, fabricating, processing, storing or distributing.

“Institutional Development” means Development of a Building or Structure intended for use:

- i. As a long term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*, S.O. 2007, c. 8, as amended, or any successor thereto;
- ii. As a retirement home within the meaning subsection 2(1) of the *Retirement Homes Act, 2010*, S.O. 2010, c. 11, as amended, or any successor thereto;
- iii. By any of the following post-secondary institutions for the objects of the institution:
 - a. A publicly assisted university within the meaning of section 1 of the *Ministry of Training, Colleges and Universities Act*, R.S.O. 1990, c M19, as amended, or any successor thereto, in Ontario that receives direct, regular and ongoing operation funding from the Government of Ontario;
 - b. A college or university federated or affiliated with a university described in subclause (a);

- c. An Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act*, 2017, S.O. 2017, c. 34, Sched. 20, as amended, or any successor thereto;
- iv. As a memorial home, clubhouse, or athletic grounds by an Ontario Branch of the Royal Canadian Legion; or
- v. As a hospice to provide end of life care.

“Institutional Purposes” means the use of land, Buildings or Structures for a public or non-profit purpose including a religious, charitable, educational, health or welfare purpose, and without limiting the generality of the foregoing, may include such uses as schools, hospital, places of worship, recreation facilities, community centres and government buildings.

“Land” means the whole of the property associated with the Development or Redevelopment

“Market Value” means the value of the land determined in accordance with section 14 of the *Expropriations Act*, as amended, or any successor thereto, as of the day before the day of the issuance of the Building Permit for the Development or Redevelopment

“Non-Residential” means used or designed or intended to be used other than for residential purposes.

“Owner” means the registered owner(s) of any property within the geographical limits of the Town of Midland.

“Parkland” means land for parks and other public recreational purposes.

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

“Place of Worship” means any building or buildings dedicated to religious worship and includes a church, synagogue, mosque, or assembly hall, and may include such accessory uses as a school of religious education, a convent, a monastery or parish hall. **“Professional Appraiser”** means a member of the Appraisal Institute of Canada in good standing.

“Privately-Owned Publicly Accessible Space” means physical space that is privately-owned, but appears and functions as public space. These spaces are secured through an easement in favour of the Town, and remain open and accessible to the public or according to a schedule established by agreement with the Town;

“Record of Site Conditions” means a record of site condition under Part XV.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19 as amended, or any successor thereto.

“Redevelopment” means the construction, erection or placing of one or more Buildings or Structures on land where all or part of a Building or Structure on such lands has been or is to be demolished or changing the use of a Building or Structure from residential to non-residential or from non-residential to residential; and “Redevelop”, and “Redeveloped” have their corresponding meanings.

“Residential Purposes” means lands, Building, or Structures, or portions thereof, used, or designated or intended for use as a home or residence of one or more individuals, and the residential portion of a mixed-use Building or Structure, and in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

“Strata Park” means publicly-owned parkland located on top of Buildings or Structures, including but not limited to parking garages. The strata component of this definition refers to the horizontal delineation of ownership, as it is described in the Ontario Condominium Act.

“Structure” means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by or incorporated within the soil and/or any other structure and, without limiting the generality of the foregoing, a swimming pool either above or below ground is a structure. A structure does not include pavements, curbs, walks, fences less than 2.0 metres in height or open air surfaced areas and for the purposes of this By-law shall not include a vehicle or trailer as defined in the Highway Traffic Act, R.S.O., as amended. **“Town”** means The Corporation of the Town of Midland.

“Zoning By-law” means the Town of Midland Comprehensive Zoning By-law No. 2004-90, as amended, or any successor thereto.

2.0 GENERAL REQUIREMENT

- 2.1 The entirety of the geographic area of the Town of Midland is hereby established as an area for which the conveyance of a portion of land to be Developed or Redeveloped, or the payment of money in lieu of such conveyance, shall be required as a condition of Development or Redevelopment.
- 2.2 No person shall Develop or Redevelop Land within the geographic area of the Town of Midland unless they have first conveyed a portion of the Land to the Town for Parkland, or paid money in lieu of such conveyance, in accordance with this By-law.

Delegation of Authority - Conveyance of a Portion of Land or Money in Lieu:

- 2.3 The determination of whether a conveyance of a portion of the Land associated with Development or Redevelopment for Parkland, or the payment of money in

lieu of such conveyance, or a combination of both, shall be made by the Town at its sole discretion, in accordance with this By-law.

- 2.4 The authority to determine whether a conveyance of a portion of the Land associated with Development or Redevelopment for Parkland, or the payment of money in lieu of such conveyance, is hereby delegated to the Executive Director, Community and Growth, any successor thereto, or an officer or employee of the Town designated by the Manager of Planning Services, or their successor.
- 2.5 Council retains the authority to determine at its discretion:
- a) whether a conveyance of a portion of the Land associated with the Development or Redevelopment for Parkland, or the payment of money in lieu of such conveyance, shall be required; and
 - b) any alternative process, not set out in this By-law to determine the Value of the Land.

Where Conveyance of a Portion of the Land Required:

- 2.6 Where it has been determined that a portion of the Land will be required to be conveyed to the Town as Parkland, the following shall apply:
- a) Where Land in the geographic area of the Town of Midland is to be Developed or Redeveloped for Commercial Purposes or Industrial Purposes or Institutional Purposes, a portion of the Land not exceeding two percent of the total area of the Land shall be conveyed to the Town for Parkland. If land is partially Redeveloped, the parkland dedication will be based on the total area of the site less that area in which existing development is to remain.
 - b) Where Land in the geographic area of the Town of Midland is to be Developed or Redeveloped for Residential Purposes, five percent of the total area of the Land shall be conveyed to the Town for Parkland.
 - c) Where Land in the geographic area of the Town of Midland is to be Developed or Redeveloped for any use other than for Commercial Purposes, Industrial Purposes, Institutional Purposes or Residential Purposes, a portion of the Land not exceeding five percent of the total area of Land shall be conveyed to the Town for Parkland.
- 2.7 Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 2.6 a) - c) of this By-law apply to the Development or Redevelopment, the area of the Land required to be conveyed to the Town for Parkland shall be determined at the combined rate applicable to each proposed use of the land, as follows:
- a. $(\text{GFA for Residential Purposes} / \text{GFA for All Uses}) \times 5\% \times \text{Land}$

plus

- b. (GFA for Commercial, Industrial and Institutional Purposes / GFA for All Uses) x 2% x Land

plus

- c. (GFA for All Uses except for Residential, Commercial, Industrial or Institutional Purposes / GFA for All Uses) x 5% x Land

Acceptance of Land for Park or Other Public Recreational Purposes:

2.8 Any portion of Land required to be conveyed to the Town for Parkland shall be:

- a) Free of encumbrances except as may be satisfactory to the Town Solicitor; and
- b) In a condition satisfactory to the Town and in accordance with the requirements of the Town's Official Plan and other policies respecting the acquisition of real property.

2.9 The Town, in its sole discretion, may accept the following encumbered lands or interest in land other than fee simple, which interest is sufficient to allow the land to be used for a park or other public recreational purposes, at a reduced rate of credit toward satisfying the parkland dedication requirements:

- a) A 50% credit for lands that are subject to Strata Park arrangements, subject to legal agreements being entered into with the Town which address matters including, but not limited to, maintenance, programming, and operations, to the satisfaction of the Town;
- b) A 25 % credit for lands that are lands accepted as Privately-Owned Publicly Accessible Space, designed and secured through a public easement for public uses, subject to legal agreements being entered into with the Town which addresses matters including, but not limited to, access, maintenance, programming, and operations, to the satisfaction of the Town.

2.10 The Town may require an Environmental Site Assessment, and that a Record of Site Condition be filed in respect of the Land prior to accepting the conveyance of a portion of the Land for Parkland required under this By-law.

2.11 The following shall not be accepted by the Town in satisfaction of a requirement to convey a portion of the Land for Parkland under this By-law:

- a) Areas of Land that are identified as part of the Natural Heritage System in the Town' s Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the Town;
 - b) Areas of Land that are susceptible to flooding, have poor drainage, erosion issues, extreme slopes or other environmental or physical conditions that would interfere with their potential use as a public park;
 - c) Areas of Land that are required to accommodate stormwater management ponds;
 - d) Areas of Land that are deemed to be contaminated in any way, subject to acceptance by the Town pursuant to section 2.9 of this By-law;
 - e) Land for trails or active transportation purposes;
 - f) Areas of Land that are used or proposed to be used for utility corridors or other infrastructure incompatible with their use as a public park; and
 - g) Land that is encumbered by easements or other instruments that would unduly restrict or prohibit public use, as determined at the discretion of the Town.
- 2.12 Any costs associated with a conveyance of a portion of Land for Parkland purposes required under this By-law including, but not limited to, costs related to the preparation and registration of documents, surveys or reference plans, and any applicable taxes, shall be borne by the Owner(s) seeking to Develop or Redevelop the Land at no cost to the Town.
- 2.13 Except for Privately-Owned Publicly Accessible Space that may be accepted by the Town, any requirement to convey a portion of Land to the Town for park and other recreational purposes is fulfilled only when title of that portion of the Land is transferred to the Town.

Payment of Money in Lieu of Conveyance:

- 2.14 Where it has been determined that the payment of money will be required in lieu of a conveyance of a portion of the Land for Parkland as defined in **Schedule "A"**, the following shall apply:
- a) Where Land in the geographic area of the Town of Midland is to be Developed or Redeveloped for Commercial Purposes or Industrial Purposes or Institutional Purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be two percent of the Market Value of the Land. If land is partially Redeveloped, the payment required in lieu of the conveyance of parkland dedication will be based on the total area of the site less that area in which existing Development is to remain.

- b) Where Land is to be Developed or Redeveloped for Residential Purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be five percent of the Market Value of the Land;
 - c) Where Land in the geographic area of the Town of Midland is to be Developed or Redeveloped for any use other than Commercial Purposes, Industrial Purposes, Institutional Purposes or Residential Purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be five percent - of the Market Value of the Land.
- 2.15 Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 2.14 a) - c) of this By-law -apply to the Development or Redevelopment, the payment required in lieu of a conveyance of a portion of the Land to the Town for Parkland shall be determined at the combined rate applicable to each proposed use of land, as follows:
- a. Market value of: $(\text{GFA for Residential Purposes} / \text{GFA for All Uses}) \times 5\% \times \text{Land}$

plus
 - b. Market value of: $(\text{GFA for Commercial, Industrial and Institutional Purposes} / \text{GFA for All Uses}) \times 2\% \times \text{Land}$

plus
 - c. Market value of: $(\text{GFA for All Uses except for Residential, Commercial, Industrial or Institutional Purposes} / \text{GFA for All Uses}) \times 5\% \times \text{Land}$

Determination of Market Value:

- 2.16 The owner of the Land shall obtain and furnish the Town with an Appraisal of the Land at no expense to the Town. No limiting conditions will be accepted that restricts distribution of the Appraisal, in part or in whole, to owner(s) of the subject property, any representative of the owner, or representative of the Town.
- 2.17 Where the Town is satisfied with the Market Value determined by the Appraisal submitted in accordance with section 2.16 of this By-law, that value shall be used in the determination of the payment required.
- 2.18 Where the Town is not satisfied with the Market Value determined by the Appraisal submitted in accordance with section 2.16 of this By-law, the Town may obtain at the cost of the land Owner(s), its own Appraisal of the Market Value of the Land, which Appraisal shall be shared with the owner of the Land.

- 2.19 Where the Town has obtained an appraisal under section 2.18 of this By-law, the owner of the Land may agree to fix the Market Value of the Land in accordance with the Appraisal obtained by the Town, or the Town and the owner of the Land may agree to fix the Market Value of the Land at another amount, which shall in no case be less than the lowest estimate of Market Value in either Appraisal or more than the highest estimate of Market Value in either Appraisal.
- 2.20 Where the Town has obtained an Appraisal under section 2.18 above, and the Town and the owner of the Land cannot agree on the Market Value of the Land to be used in determining the required payment, the Market Value shall be fixed in accordance with the Appraisal obtained by the Town.
- 2.21 Appraisals submitted to or obtained by the Town for the purposes of this By-law shall be considered valid for a maximum period of six months from the date the appraisal was completed, or such lesser time as may be specified in the appraisal.
- 2.22 Appraisal Format Requirements:
- a) For industrial, commercial and subdivision properties, a comprehensive narrative appraisal is required.
 - b) For residential properties, a concise narrative appraisal is required.

No Building without Payment:

- 2.23 If a payment of money is required pursuant to section 2.14 or 2.15 of this By-law, no person shall obtain a Building Permit or construct a Building on the Land proposed for Development or Redevelopment unless the payment has been made or arrangements for the payment satisfactory to the Town have been made.

Form of Payment

- 2.24 Any payment of money required under this By-law shall be made in the form of certified cheque, bank draft, electronic funds or wire transfer or another form acceptable to the Town.
- 2.25 Payment of any amount required under this By-law does not include any applicable taxes, which may be added to the payment if required.

Special Account

- 2.26 All money received by the Town in lieu of the conveyance of a portion of Land for Parkland, or received on the sale of any property that has been conveyed to the Town pursuant to this By-law shall be paid into a special account established in

accordance with subsection 42(15) of the *Planning Act*, and only as permitted under the *Planning Act*.

- 2.27 The Town Treasurer shall give Council the financial statement of any special account established pursuant to this By-law in accordance with the requirements of subsection 42(17) of the *Planning Act*.

Other Powers Not Affected:

- 2.28 Nothing in this By-law is intended to or has the effect of restricting, limiting and/or altering the authority of Council to require a conveyance of a portion of Land for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a plan of subdivision in accordance with section 51.1 of the *Planning Act*, or the authority of Council, the Committee of Adjustment or any successor body thereto established under section 44 of the *Planning Act*, to require a conveyance of a portion of Land for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a consent given under subsection 53(12) of the *Planning Act*.

Where Land Conveyed:

- 2.29 If land has been conveyed or is required to be conveyed for park or other public purposes or a payment in lieu has been received or is owing to it under this By-law or a condition imposed under section 51.1 or 53 of the *Planning Act*, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required in respect of subsequent Development or Redevelopment unless:
- a) there is a change in the proposed Development or Redevelopment which would increase the density of Development; or
 - b) land originally proposed for Development or Redevelopment for Commercial Purposes or Industrial Purposes is now proposed for Development or Redevelopment for other purposes.

Reduction for Previous Conveyance or Payment in Lieu

- 2.30 Where section 2.29 of this By-law applies, and a change referred to in (a) or (b) of that section has occurred, any conveyance that has previously been made or is required to be made for Parkland, or any payment of money that has previously been made or is required to be made in lieu of such conveyance, as the case may be, shall be deducted from the portion of the Land required to be conveyed for Parkland or the payment of money in lieu of such conveyance required under this By-law.

Exemptions from General Requirements:

- 2.31 This By-law does not apply to the following classes of Development or Redevelopment:
- a) Development or Redevelopment of Land owned by and/ or used for the purposes of the Town;
 - b) Development or Redevelopment of Land owned by and used by a Board of Education;
 - c) Development or Redevelopment of Land owned by a College or University for non-commercial, Institutional Purposes;
 - d) Development or Redevelopment of a hospital as defined in the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended, or any successor thereto;
 - e) Development or Redevelopment of Land owned by and used for the purposes of the County of Simcoe;
 - f) Development or Redevelopment of Land owned by and used for the purposes of the Ontario Provincial Police;
 - g) Development or Redevelopment on any land for a non-residential Agricultural Building or Structure, used for Agricultural or farm purposes by a Bona Fide Farmer;
 - h) Development or Redevelopment of a place of worship or of a Cemetery exempt from taxation under the Assessment Act, R.S.O. 1990, c. A.31, as amended, or any successor thereto;
 - i) Development or Redevelopment of land owned by and used by non-profit housing as defined in the Development Charges Act, 1997, S. O. 1997, c. 27, as amended, or any successor thereto;
 - j) Development or Redevelopment of land owned by and used for a long-term care home as defined in Fixing Long -Term Care Act, 2021, S. O. 2021, c. 39, Sched. 1, as amended, or any successor thereto;
 - k) Development or Redevelopment of land owned by and used by a registered charity is regulated under the Federal and/or Provincial Income Tax Act, as amended, or any successor thereto;
 - l) affordable residential units (as defined in the Development Charges Act, section 4.1(1)) of a Development or Redevelopment, as provided for in the Planning Act;

- m) attainable residential units (as defined in the Development Charges Act, section 4.1(1)) of a Development or Redevelopment, as provided for in the Planning Act;
- n) The enlargement of an existing Dwelling Unit used for Residential Purposes;
- o) Replacement of an existing Dwelling Unit on an existing lot if the owner can demonstrate that parkland dedication was previously provided for the property;
- p) Additions or interior alteration to existing Buildings used for Residential Purposes, provided that there is no increase in the existing number of Dwelling Units;
- q) Development or Redevelopment of an accessory Building or Structure to support residential use;
- r) Development or Redevelopment that consists solely of the replacement of any Building destroyed due to fire or other accidental cause within four years of the Building Permit application beyond the control of the owner of the Land provided that no intensification or change in use is proposed, including but not limited to increasing the total number of Dwelling Units increasing the size or usability of the Gross Floor Area of the original Building by more than fifty - percent;
- s) A second and third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all Buildings and Structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- t) One residential unit in a Building or Structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other Building or Structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units;
- u) A garden suite;
- v) A bed and breakfast establishment;
- w) Such other land uses, projects or specific Development or Redevelopment as may be exempted by resolution of Council.

3.0 VALIDITY AND SEVERABILITY

- 3.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra

vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

4.0 TRANSITION

4.1 The repeal of By-laws referred to in Section 5.1 shall not affect any offence committed against the provisions of the By-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.

5.0 REPEAL

5.1 That By-law 90-64 and all amendments thereto are hereby repealed and replaced with this By-law.

6.0 EFFECTIVE DATE

This By-law shall come into force and effect on the date of passage.

BY- LAW PASSED AND ENACTED THIS 18TH DAY OF MARCH 2026.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON – MAYOR

SHERRI EDGAR – CLERK

Written approval of this By-law was given by Mayoral Decision MDE-2026-x dated March 18, 2026.

Schedule "A" to By-law 2026-13

Type of Development or Use	Requirement	Calculation
Commercial, Industrial, or Institutional purposes	2% percent of the Market Value of the Land	Value of land to be conveyed = (Market Value of the Land) x (0.02)
Residential Purposes	5% percent of the value of the land	Value of the land to be conveyed = (Market Value of the Land) x (0.05)
Any use other than Commercial, Industrial, Institutional or Residential purposes	5% of the Market Value of the Land	Value of the land to be conveyed = (Market Value of the Land) x (0.05)
Mixed-Use	Combined rate applicable to each proposed use of the land	Value of the land to be conveyed = (GFA for Residential Purposes / GFA for All Uses) x 0.05 x Land + (GFA for Commercial, Industrial and Institutional Purposes / GFA for All Uses) x 0.02 x Land + (GFA for All Uses except for Residential, Commercial, Industrial or Institutional Purposes / GFA for All Uses) x 0.05 x Land