*June Callwood Park, Source: Reddit*

# Section 37

**Public Realm objectives found in Toronto's Official Plan** are implemented through various policy tools. For example, Section 37 of the *Planning Act* allows the city to grant additional density or height allowances to a developer beyond what is permitted in the zoning by-law, in return for community benefits: parks, squares, community centres, and public art.

While Section 37 has generated a significant amount of money, these funds predominantly apply to areas of the city experiencing rapid growth. There is currently no mechanism to transfer this model to areas with no development, many of which are desperately in need community improvements. Thus, Section 37 cannot address the totality of public benefit needs. More priority setting is required regarding how to achieve high-quality public realm and goods outside of the downtown core.

The research suggests that Section 37 should be used more strategically, with a strong consideration of what contribution is being made to the public realm, and a stronger integration of community needs and built form considerations. It was felt that there has been a steady increase in the rise of Section 37 funds, but with little public discussion of their most appropriate use.

The research revealed a lack of oversight with regards to the monitoring and delivery of Section 37 funds. Benefits are typically secured as a condition for building approval, but funds often sit in waiting due to various delays in construction. One of the main complications is identifying who at the City of Toronto is responsible for stewarding and deploying the funds.

Community benefits achieved through Section 37 may not always match community needs and broader planning objectives. To resolve this imbalance, a move away from ad-hoc decision making to a set schedule of priorities is needed to maximize public benefit.

## Recommendations

1. The application of Section 37 should have a strong rationale based on a hierarchy of community needs combined with clear, strategic, and measurable objectives.

2. The City of Toronto should consider creating a public benefit team that comprises multiple city divisions (e.g., culture, transportation, planning, environment, parks) when determining what types of benefits to provide through Section 37