

Implementation Fact Sheet

Municipal Government Act (MGA)

Off-site Levy Amendments 2020

Relevant *MGA* sections

s.616(r.2), s.648(1), s.648.01(3),
s.648.1(1), s.648.2, s.648.3, s.648.4, s.694(4)

Previous *MGA* requirements

The *Municipal Government Act (MGA)* sets out the types of infrastructure and facilities where municipalities may collect levies or fees from developers, in accordance with a municipal off-site levy bylaw. The *MGA* indicates that off-site levies can be used to build or expand sanitary sewer systems, storm sewers, water systems, roads, municipal road connections to provincial highways, community recreation facilities, fire halls, police stations, libraries and land connected to these types of infrastructure and facilities.

Prior to the recent *MGA* amendments, appeals to the Municipal Government Board (MGB) were limited to off-site levy bylaws imposed for new or expanded community recreation facilities, fire halls, police stations and libraries under s.648(2.1). The Off-site Levies Regulation provided further detail in the form of principles and criteria municipalities must follow when developing and imposing an offsite levy bylaw as well as further detail on offsite levy appeals.

What is changing?

- Definitions for “facility”, “infrastructure” and “stakeholder” are added for off-site levies. s.616(r2), s.648(1)
- Subsection s.648.01(3) is repealed.
- The MGB role is expanded for off-site levy appeals. s.648.1(1)
- New sections are added for calculation of off-site levy, consultation with stakeholders, and annual reports. s.648.2, s.648.3, s.648.4
- The word “additional” is added to s.694(4)(i) and (ii).

What do municipalities need to know?

- Section 648.01(3) has been repealed as it is already clear that land that is subject to an off-site levy must be within the participating municipality.
- The role of the MGB is expanded to hear appeals of new or amended off-site levy bylaws for sanitary sewer systems, storm sewers, water systems roads and municipal road connections to provincial highways.
- Certain provisions are elevated with amendments from the Off-site Levies Regulation into the *MGA* to increase off-site levy transparency and predictability.

Calculation of Levies

- Municipalities must make the following information publically available:
 - any information or data the municipality relied upon and any assumptions the municipality made in calculating the levy, including, without limitation, any information, data or assumptions the municipality used in models to complete calculations. s.648.2(6)(a)
 - the calculations that were performed in order to determine the amount of the levy. S.648.2(6)(b)
 - anything else that would be required in order to replicate the determination of the levy. s.648.2(6)(c)
- Requirements in s.648.2(2) for determining the methodology do not apply to Edmonton and Calgary, as both cities have their own rules within their City Charter regulations.

Consultation with Stakeholders

- Consultation must begin at the earliest opportunity and must provide stakeholders with the ability to provide input on an ongoing basis. s.648.3(3)
- during consultation, a municipality must make publicly available any calculations the municipality has made and any information the municipality has relied upon including, without limitation, any assumptions and

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data the municipality has used in models to complete calculations. s.648.3(4)

Annual Report

- The annual report must contain:
 - reporting on all off-site levies received by each contributor for each type of facility and infrastructure within each benefitting area. s.648.4(2)(a)
 - reporting on the levies used for each type of facility and infrastructure within each benefitting area for each capital project. s.648.4(2)(b)
 - reporting on the levy balances retained for each type of facility and infrastructure within each benefitting area. s.648.4(2)(c)

When do the changes take effect?

The amendments come into force June 1, 2021, concurrent with consequential amendments to the Offsite Levies Regulation.

What resources are available to assist?

To learn more, visit:

[Bill 48, the Red Tape Implementation Act, 2020 \(No. 2\)](#)

Questions:

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