



Town of Newmarket Council Information Package

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Date: November 25, 2022

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None.

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Council Resolution

Moved By B. Ostrander

Agenda
Item 10

Resolution Number
2022-11-09- 737

Seconded By B. Sanderson

Council Date: November 9, 2022


"That Council adopt all recommendations from the six Standing Committees, as contained within the Committee Minutes (meetings held October 31, November 1 & 2, 2022), with the exception of the following items (referenced from the Standing Committee Minutes), that will be held for discussion:

Committee Name	Item #	Description	Held By
Community Health	7		Councillor Ostrander

And Further That the items listed above and held for separate discussion each require a separate resolution."

Recorded Vote Requested by _____
Councillor's Name

Deferred _____
Warden's Signature

Carried 
Warden's Signature

Defeated _____
Warden's Signature



Social Services Committee Resolution

Committee Meeting Date: November 2, 2022

Agenda Item: 7.a

Resolution Number: 2022-11-02 719

Moved by: R. Coate

Seconded by: B. Sanderson

Council Meeting Date: November 9, 2022

"That the Social Services Committee, having considered the correspondence from the Municipality of East Ferris regarding 'Child Care Workforce Challenges', recommend that County Council support this correspondence; and

Further That the Committee recommend that that County Council direct staff to send a copy of this resolution to the Honourable Doug Ford (Premier of Ontario), the Honourable Stephen Lecce (Minister of Education), the Honourable Vic Fedeli (Minister of Economic Development, Job Creation and Trade), the Honourable David Piccini (Minister of the Environment, Conservation and Parks and MPP for Northumberland - Peterborough South), the Association of Municipalities of Ontario, and to all municipalities in Ontario."

Carried 
Committee Chair's Signature

Defeated _____
Committee Chair's Signature

Deferred _____
Committee Chair's Signature

**REGULAR COUNCIL MEETING**

HELD

October 11th, 2022

2022-273**Moved by Councillor Champagne
Seconded by Councillor Lougheed**

WHEREAS the province of Ontario is currently experiencing an early years and child care workforce shortage;

AND WHEREAS access to quality licensed child care is an essential component of Ontario's social and economic well-being and enables children to grow up with a sense of community;

AND WHEREAS lack of licensed child care is a barrier for parents to return or enter into the workforce, thus putting a strain on families, hindering economic participation, and forcing parents to remain at home to care for their children;

AND WHEREAS in the District of Nipissing, there is a higher demand for child care spaces than the number of spaces available creating waitlists that have parents waiting for several years prior to getting a space, if they receive a space at all;

AND WHEREAS in recent years the recruitment and retention of qualified Registered Early Childhood Educators (RECEs) and child care staff has been a challenge that has been exasperated by the COVID-19 pandemic;

AND WHEREAS the workforce crisis in the early years and child care sector has been further exasperated by the significant wage disparity between the compensation paid to RECEs employed by school boards and those employed in licensed child care centers due to lack of funding which has created an inequity for workers with equal qualifications;

T: 705-752-2740**E: municipality@eastferris.ca****390 Hwy 94, Corbeil, ON. P0H 1K0**

AND WHEREAS Ontario has signed the Canada-Wide Early Learning and Child Care Agreement putting Ontario on the path to reducing child care fees to an average of \$10/day which will create a demand for more child care spaces when a workforce shortage already exists;

AND WHEREAS the province of Ontario committed to creating an additional 86,000 licensed child care spaces in Ontario without an explicit solution for increasing the number of RECEs and child care staff to fulfill this commitment;

AND WHEREAS the province of Ontario's commitment to a minimum wage of \$18/hour for RECEs with \$1 annual increases until reaching \$25/hour does not provide an immediate response to attracting and retaining child care staff and will take many years to correct the wage disparity;

THEREFORE BE IT HEREBY RESOLVED that Council of the Municipality of East Ferris advocates for the Province of Ontario to address the child care workforce shortage in Ontario by immediately increasing the \$18/hour minimum wage and providing benefits to RECEs in licensed child care centres to an equitable level to that which is paid to RECEs employed by school boards;

AND FURTHER that the Province of Ontario launch and financially support an accelerated Early Childhood Education program, to be completed within 14 to 16 months, similar to the program launched in March 2022 for Personal Support Workers (PSWs), where funding supported the costs of tuition, books, and other mandatory fees, to help address the shortage of RECEs in Ontario;

AND FURTHER that a certified copy of this resolution be forwarded to OMSSA (Ontario Municipal Social Services Association), Ontario Coalition for Better Child Care, Childcare Resource and Research Unit, NOSDA (Northern Ontario Service Deliverers Association), FONOM (Federation of Northern Ontario Municipalities), AMO (Association of Municipalities of Ontario), all 10 District Social Services Administration Boards in Northern Ontario, and all Ontario Municipalities to request their support and advocacy for this resolution;



AND FURTHER that a certified copy of this resolution be forwarded to Minister of Education Stephen Lecce, Minister of Economic Development, Job Creation and Trade and Nipissing MPP Vic Fedeli.

Carried Mayor Rochefort

CERTIFIED to be a true copy of
Resolution No. 2022-273 passed by the
Council of the Municipality of East Ferris
on the 11th day of October 2022.

Monica L. Hawkins
Monica L. Hawkins, AMCT
Clerk



Council Resolution

Moved By B. Ostrander

Agenda
Item 10

Resolution Number
2022-11-09- 737

Seconded By B. Sanderson

Council Date: November 9, 2022

"That Council adopt all recommendations from the six Standing Committees, as contained within the Committee Minutes (meetings held October 31, November 1 & 2, 2022), with the exception of the following items (referenced from the Standing Committee Minutes), that will be held for discussion:

Committee Name	Item #	Description	Held By
Community Health	7		Councillor Ostrander

And Further That the items listed above and held for separate discussion each require a separate resolution."

Recorded Vote Requested by _____
Councillor's Name

Deferred _____
Warden's Signature

Carried 
Warden's Signature

Defeated _____
Warden's Signature



Council Resolution

Moved By B. Ostrander

Agenda
Item 11.a

Resolution Number
2022-11-09- 738

Seconded By B. Sanderson

Council Date: November 9, 2022

Whereas Item 7.b from the October 31, 2022 Community Health Committee was held by Council for separate discussion at this meeting, the item being 'Correspondence, Municipality of Brighton, Municipality of Huron Shores 'Streamlining Governing Legislation for Physicians in Ontario'; and

Be it Resolved That Council adopt the following:

- County Council direct staff to take the necessary actions to advise that Northumberland County support the correspondence from the Municipality of Brighton and the Municipality of Huron Shores regarding Streamlining Governing Legislation for Physicians in Ontario; *and*
- County Council direct staff to send a copy of this resolution to the West Northumberland Physicians Recruitment Committee."

Recorded Vote
Requested by _____
Councillor's Name

Carried 
Warden's Signature

Deferred _____
Warden's Signature

Defeated _____
Warden's Signature

From: [Candice Doiron](#)
To:

Cc:
Subject: Resolution for support regarding streamlining governing legislation for Physicians in Ontario
Date: Wednesday, September 21, 2022 3:58:22 PM

CAUTION: External E-Mail

Good afternoon;

Please find below a resolution requesting support for streamlining governing legislation for Physicians in Ontario.

Resolution No. COU-2022-346

Moved by Councillor Ron Anderson

Seconded by Councillor Emily Rowley

Whereas attracting primary health care providers, including doctors, to Brighton and other small communities has been a difficult task;

And Whereas the Provincial Government announced a tuition program to attract nurses to underserved areas of Ontario;

Now be it resolved that the Municipality of Brighton Council requests that the Government of Ontario provide funding and change legislation to allow the College of Physicians & Surgeons of Ontario (CPSO) to implement the changes proposed in their letter to the Minister of Health on August 18, 2022. Which includes:

- Exempting IEP's from the regulatory requirement to have Canadian experience (re-do residency) where all other requirements are met; and
- Implementing Practice Ready Assessment programs similar to those already used in seven (7) other provinces.

And further that the Government of Ontario develop a similar tuition program to attract family doctors to underserved areas of Ontario;

And further that this motion is circulated to the Premier of Ontario, the Minister of Health, MPP David Piccini, and all municipalities across Ontario and the Association of the Municipalities of Ontario (AMO) for endorsement.

Kind Regards,

Candice Doiron
Municipal Clerk

Municipality of Brighton
35 Alice Street
PO Box 189

Brighton, ON K0K 1H0
cdoiron@brighton.ca

Tel: 613-475-0670
Fax: 613-475-3453

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Municipality of Huron Shores
7 Bridge Street, PO Box 460
Iron Bridge, ON P0R 1H0
Tel: (705) 843-2033 Fax: (705) 843-2035

October 12, 2022

ATTENTION: Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, Ontario
M7A 1A1

Dear Premier:

Re: Res. #22-22-09 – Municipality of Brighton – Request for Support re: ***Streamlining Governing Legislation for Physicians in Ontario***

The Council of the Corporation of the Municipality of Huron Shores passed Resolution #22-22-09 at the Regular Meeting held Wednesday, September 28th, 2022, as follows:

“WHEREAS attracting primary health care providers, including doctors, to the North Shore and other shall communities has been a difficult task

AND WHEREAS the Provincial Government announced a tuition program to attract nurses to underserved areas of Ontario;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Huron Shores requests that the Government of Ontario provide funding and change legislation to allow the College of Physicians & Surgeons of Ontario (CPSO) to implement the following changes:

- Exempting Individualized Education Plan's from the regulatory requirement to have Canadian experience (re-do residency) where all other requirements are met; and
- Implementing Practice Ready Assessment programs similar to those already used in seven (7) other provinces.

AND THAT the Government of Ontario develop a similar tuition program to attract family doctors to underserved areas of Ontario;

AND THAT this motion be circulated to the Premier of Ontario, the Minister of Health, MPP Michael Mantha, and all municipalities across Ontario and the Association of the Municipalities of Ontario (AMO) for endorsement.”

Should you require anything further in order to address the above-noted resolution, please contact the undersigned.

Yours truly,



Natashia Roberts

Chief Administrative Officer (CAO)/Clerk

NR/KN

Cc: Premier of Ontario, the Minister of Health, MPP Michael Mantha, and all municipalities across Ontario and the Association of the Municipalities of Ontario (AMO)



Council Resolution

Moved By B. Ostrander

Agenda
Item 10

Resolution Number
2022-11-09- 737

Seconded By B. Sanderson

Council Date: November 9, 2022


"That Council adopt all recommendations from the six Standing Committees, as contained within the Committee Minutes (meetings held October 31, November 1 & 2, 2022), with the exception of the following items (referenced from the Standing Committee Minutes), that will be held for discussion:

Committee Name	Item #	Description	Held By
Community Health	7		Councillor Ostrander

And Further That the items listed above and held for separate discussion each require a separate resolution."

Recorded Vote Requested by _____
Councillor's Name

Deferred _____
Warden's Signature

Carried 
Warden's Signature

Defeated _____
Warden's Signature



Corporate Support Committee Resolution

Committee Meeting Date: November 1, 2022

Agenda Item: 7.a

Resolution Number: 2022-11-01 688

Moved by: R. Crate

Seconded by: M. Martin

Council Meeting Date: November 9, 2022

"That the Corporate Support Committee, having considered the correspondence from the Municipality of Huron Shores, Municipality of Thames Centre, Municipality of Wawa, Municipality of West Perth, Town of Gravenhurst, Town of Kingsville, Town of Plympton-Wyoming, Town of Wasaga Beach and the Township of Adjala-Tosorontio regarding 'Strong Mayors, Building Homes Act', recommend that County Council support the correspondence; and

Further That the Committee recommend that County Council direct staff to send a copy of this resolution to the Honourable Doug Ford (Premier of Ontario), the Honourable Steve Clark (Minister of Municipal Affairs and Housing), the Honourable David Piccini (Minister of the Environment, Conservation and Parks and MPP for Northumberland - Peterborough South), the Association of Municipalities of Ontario, and to all municipalities in Ontario."

Carried *Quandy Martin*
Committee Chair's Signature

Defeated _____
Committee Chair's Signature

Deferred _____
Committee Chair's Signature



Municipality of Huron Shores
7 Bridge Street, PO Box 460
Iron Bridge, ON P0R 1H0
Tel: (705) 843-2033 Fax: (705) 843-2035

September 15, 2022

Minister of Municipal Affairs and Housing
Attn: The Honourable Steve Clark
777 Bay Street
17th Floor
Toronto, ON M7A 2J3

Re: Res. #22-21-23 – Town of Wasaga Beach – Request for Support re: ***Strong Mayors, Building Homes Act***

The Council of the Corporation of the Municipality of Huron Shores passed Resolution #22-21-23 at the Regular Meeting held Wednesday, September 14th, 2022, as follows:

“BE IT RESOLVED THAT the Council of the Municipality of Huron Shores supports, in principle, the Town of Wasaga Beach's opposition of the Strong Mayors, Building Homes Act;

AND THAT a copy of this resolution be sent to the Minister of Municipal Affairs and Housing, and all Ontario municipalities.”

Should you require anything further in order to address the above-noted resolution, please contact the undersigned.

Yours truly,

Natashia Roberts

Chief Administrative Officer (CAO)/Clerk
NR/KN

Cc: Minister of Municipal Affairs and Housing and all Ontario municipalities

Corporation of the Municipality of Thames Centre

4305 Hamilton Road, Dorchester, Ontario N0L 1G3 – Phone 519-268-7334 – Fax 519-268-3928 – www.thamescentre.on.ca – inquiries@thamescentre.on.ca

October 5th, 2022

Township of Lucan Biddulph
270 Main Street
PO Box 190
Lucan, ON N0M 2J0

BY EMAIL

RE: STRONG MAYORS BUILDING HOMES ACT

Please be advised that at the Regular Council Meeting held on October 3rd, 2022, the Council of the Municipality of Thames Centre passed the following motion, supporting the resolutions from the Councils of the Township of Lucan Biddulph, Town of Kingsville and Town of Wasaga Beach regarding the *Strong Mayors, Building Homes Act*:

Resolution: 253-2022

Moved by: K. Elliott

Seconded by: C. Patterson

THAT Council of the Municipality of Thames Centre support the following resolutions regarding opposition to Bill 3, Strong Mayors, Building Homes Act, 2022:

- Township of Lucan Biddulph, dated September 14, 2022
- Town of Kingsville, dated September 1, 2022
- Towns of Wasaga Beach, dated August 19, 2022

AND THAT a copy of this resolution be forwarded to Steve Clark, Minister of Municipal Affairs and Housing of Ontario, Rob Flack, MPP for Elgin-Middlesex-London, the Association of Municipalities of Ontario (AMO) and all Ontario municipalities.

Carried.

Municipality of Thames Centre
October 5, 2022
Page 2

Should you have any questions regarding the above, please advise.

Sincerely,

A handwritten signature in black ink that reads "Sara Henshaw". The signature is written in a cursive, slightly slanted style.

Sara Henshaw
Deputy Clerk

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Rob Flack, MPP - Elgin–Middlesex–London
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities



Township of Lucan Biddulph

270 Main Street
 P.O Box 190, Lucan, Ontario N0M 2J0
 Phone (519) 227-4491; Fax (519) 227-4998; E-mail (info@lucanbiddulph.on.ca)

September 14, 2022

Town of Wasaga Beach
 30 Lewis Street
 Wasaga Beach, ON
 L9Z 1A1
eamc@wasagabeach.com

AND TO:

Town of Kingsville
 2021 Division Road North
 Kingsville, ON
 N9Y 2Y9
jsettington@kingsville.ca

RE: STRONG MAYORS BUILDING HOMES ACT

Please be advised that at the Regular Council Meeting on September 6, 2022, the Township of Lucan Biddulph Council passed the following motion, supporting the resolutions from the Council of the Town of Wasaga Beach and Town of Kingsville regarding *Strong Mayors, Building Homes Act*.

Resolution No. 2022 - 203

Moved by D. Regan

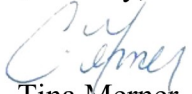
Seconded by D. Manders

That Council of the Township of Lucan Biddulph supports the following resolutions regarding opposition to Bill 3, Strong Mayors, Building Homes Act, 2022:

- *Town of Kingsville dated September 1, 2022*
- *Town of Wasaga Beach dated August 19, 2022*

Should you have any questions regarding the above motion, please do not hesitate to contact our office.

Sincerely,



Tina Merner
Deputy Clerk

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing (Steve.Clark@pc.ola.org)
Monte McNaughton, MPP – Lambton, Kent, Middlesex (Monte.McNaughtonco@pc.ola.org)
Association of Municipalities of Ontario (AMO) (amo@amo.on.ca)
All Ontario Municipalities



2021 Division Road North
 Kingsville, Ontario N9Y 2Y9
 Phone: (519) 733-2305
 www.kingsville.ca
 kingsvilleworks@kingsville.ca

COPY VIA EMAIL (Premier@ontario.ca)

September 1, 2022

The Hon. Doug Ford, Premier of Ontario
 Legislative Building
 1 Queen's Park
 Toronto, ON M7A 1A1

Dear Premier Ford:

**RE: Town of Kingsville Council Resolution #336-08292022 in opposition to
 Bill 3, Strong Mayors, Building Homes Act, 2022**

At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

Resolution #336-08292022

Moved by Councillor Kimberly DeYong
 Seconded by Councillor Laura Lucier

“WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

THEREFORE, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

If you have any questions or comments please contact Paula Parker at pparker@kingsville.ca.

Yours very truly,



Paula Parker
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
(Steve.Clark@pc.ola.org)
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk
Isaiah Thorning (schicp@ola.org)
Anthony Leardi, MPP – Essex (Anthony.Leardi@pc.ola.org)
Association of Municipalities of Ontario (AMO) (amo@amo.on.ca)
All Ontario Municipalities



August 19, 2022

The Honourable Steve Clark
 Minister of Municipal Affairs and Housing
 777 Bay Street
 17th Floor
 Toronto ON
 M7A 2J3

Dear Minister Clark:

Re: Strong Mayors, Building Homes Act

Please be advised that the Council of the Town of Wasaga Beach, during their August 18, 2022 Council meeting adopted the following resolution:

“That Council receive the letter dated August 10, 2022 from the Ministry of Municipal Affairs and Housing pertaining to Strong Mayors, Building Homes Act, for information;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities.”

The Town of Wasaga Beach Council does not support the Strong Mayors, Building Housing Act as the proposed changes will not demonstratively speed up the construction of housing and will erode the democratic process at the local level where members of Council have to work together to achieve priorities. What is needed to speed up construction of housing is greater authority for local municipalities to approve development without final clearances from outside agencies after they have been given reasonable time to provide such clearances.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at mayor@wasagabeach.com or (705) 429-3844 Ext. 2222.

Yours sincerely,

Nina Bifulchi
 Mayor

c. Members of Council
 All Ontario Municipalities

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2022-3540

August 10, 2022

Dear Head of Council:

As Ontarians face the rising cost of living and a shortage of homes, our government was re-elected with a strong mandate to help more Ontarians find a home that meets their needs.

Our government also made an election promise to build 1.5 million new homes for the people of Ontario over the next 10 years to address the housing supply crisis.

I am pleased to inform you that our government introduced the proposed Strong Mayors, Building Homes Act on August 10, 2022, that, if passed, would make changes to the *Municipal Act, 2001*, *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. These amendments would empower mayors in the City of Toronto and City of Ottawa to deliver on shared provincial-municipal priorities and get more homes built faster.

If passed, the proposed changes impacting the City of Toronto and City of Ottawa are intended to take effect on November 15, 2022, which is the start of the new municipal council term. Other growing municipalities could follow at a later date.

If you have any comments or feedback regarding these proposed changes, you may submit them to the Ministry of Municipal Affairs and Housing at: StrongMayors@ontario.ca.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, September 20, 2022

Resolution # RC22159	Meeting Order: 5
Moved by: <i>Cathy Cannon</i>	Seconded by: <i>M Hayfield</i>

WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Wawa does hereby pass this resolution to petition the Government of Ontario that:

p.2...



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

1. These changes to the Municipal Act, 2001, are unnecessary and will negatively affect the Municipality of Wawa;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the Planning Act and funding of more affordable housing.

FURTHER, Council of the Corporation of the Municipality of Wawa directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", MPP for Algoma-Manitoulin – Kapuskasing, Michael Mantha, MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RESOLUTION RESULT		RECORDED VOTE		
		MAYOR AND COUNCIL	YES	NO
<input checked="" type="checkbox"/>	CARRIED	Pat Tait		
<input type="checkbox"/>	DEFEATED	Cathy Cannon		
<input type="checkbox"/>	TABLED	Bill Chiasson		
<input type="checkbox"/>	RECORDED VOTE (SEE RIGHT)	Mitch Hatfield		
<input type="checkbox"/>	PECUNIARY INTEREST DECLARED	Melanie Pilon		
<input type="checkbox"/>	WITHDRAWN			

Disclosure of Pecuniary Interest and the general nature thereof.

Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: _____

MAYOR – PAT TAIT	CLERK – CATHY CYR

October 4, 2022

Minister of Municipal Affairs and Housing
Attn: The Honourable Steve Clark
777 Bay Street
17th Floor
Toronto, ON M7A 2J3
minister.mah@ontario.ca
By E-mail

RE: STRONG MAYORS BUILDING HOMES ACT

Please be advised that at the Regular Council Meeting on October 3, 2022, the Council of the Municipality of West Perth passed the following motion in support of the resolutions opposing changes outlined in the *Strong Mayors Building Homes Act*:

Resolution: 330/22

That a letter be sent to the Minister of Municipal Affairs and Housing outlining that the proposed powers under the Strong Mayors Building Homes Act are not appropriate and the province be urged to consider other ways to institute housing and other matters; and,

That the letter be circulated to all Ontario municipalities.

Should you require anything further to address the above-noted resolution, please contact our office.

Sincerely,



Daniel Hobson
Manager of Legislative Services/Clerk
Municipality of West Perth

cc: All Ontario Municipalities



Sent via Email

September 23, 2022

RE: TOWN OF GRAVENHURST RESOLUTION – STRONG MAYORS

At the Town of Gravenhurst Committee of the Whole meeting held on September 20, 2022, the following resolution was passed:

BE IT RESOLVED THAT the Correspondence from the Town of Wasaga Beach regarding Strong Mayors be received for information.

AND THAT a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and others matters.

AND FINALLY THAT this motion be circulated to all Ontario municipalities.

Sincerely,

J. G.

Jacob Galvao
Administrative Clerk II – Legislative Services
Town of Gravenhurst



2021 Division Road North
 Kingsville, Ontario N9Y 2Y9
 Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

COPY VIA EMAIL (Premier@ontario.ca)

September 1, 2022

The Hon. Doug Ford, Premier of Ontario
 Legislative Building
 1 Queen's Park
 Toronto, ON M7A 1A1

Dear Premier Ford:

**RE: Town of Kingsville Council Resolution #336-08292022 in opposition to
 Bill 3, Strong Mayors, Building Homes Act, 2022**

At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

Resolution #336-08292022

Moved by Councillor Kimberly DeYong
 Seconded by Councillor Laura Lucier

“WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

THEREFORE, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

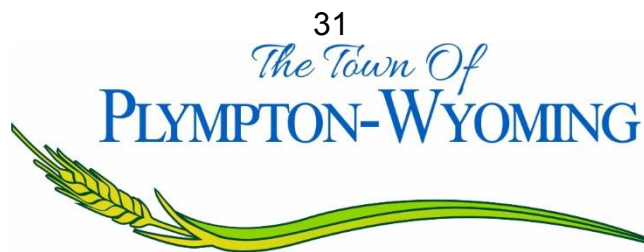
If you have any questions or comments please contact Paula Parker at pparker@kingsville.ca.

Yours very truly,



Paula Parker
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
(Steve.Clark@pc.ola.org)
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk
Isaiah Thorning (schicp@ola.org)
Anthony Leardi, MPP – Essex (Anthony.Leardi@pc.ola.org)
Association of Municipalities of Ontario (AMO) (amo@amo.on.ca)
All Ontario Municipalities



Nina Bifulchi, Mayor
Town of Wasaga Beach
30 Lewis Street
Wasaga Beach, ON
L9Z 1A1
mayor@wasagabeach.com

September 9th 2022

Re: Strong Mayors Building Homes Act

Dear Mayor Bifulchi,

Please be advised that at the Regular Council Meeting on August 31st 2022, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the Council of the Town of Wasaga Beach regarding *Strong Mayors, Building Homes Act*.

Motion 11

Moved by Councillor Netty McEwen

Seconded by Councillor Tim Wilkins

That Council directs staff to send a letter in support of item 'H', Resolution- Town of Wasaga Beach re Strong Mayors, Building Homes Act

Motion Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at dgiles@plympton-wyoming.ca.

Sincerely,

Denny Giles
Deputy Clerk
Town of Plympton-Wyoming

cc: All Ontario Municipalities



Township of Lucan Biddulph

270 Main Street
 P.O Box 190, Lucan, Ontario N0M 2J0
 Phone (519) 227-4491; Fax (519) 227-4998; E-mail (info@lucanbiddulph.on.ca)

September 14, 2022

Town of Wasaga Beach
 30 Lewis Street
 Wasaga Beach, ON
 L9Z 1A1
eamc@wasagabeach.com

AND TO:

Town of Kingsville
 2021 Division Road North
 Kingsville, ON
 N9Y 2Y9
jsettington@kingsville.ca

RE: STRONG MAYORS BUILDING HOMES ACT

Please be advised that at the Regular Council Meeting on September 6, 2022, the Township of Lucan Biddulph Council passed the following motion, supporting the resolutions from the Council of the Town of Wasaga Beach and Town of Kingsville regarding *Strong Mayors, Building Homes Act*.

Resolution No. 2022 - 203

Moved by D. Regan

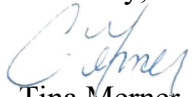
Seconded by D. Manders

That Council of the Township of Lucan Biddulph supports the following resolutions regarding opposition to Bill 3, Strong Mayors, Building Homes Act, 2022:

- *Town of Kingsville dated September 1, 2022*
- *Town of Wasaga Beach dated August 19, 2022*

Should you have any questions regarding the above motion, please do not hesitate to contact our office.

Sincerely,



Tina Merner
Deputy Clerk

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing (Steve.Clark@pc.ola.org)
Monte McNaughton, MPP – Lambton, Kent, Middlesex (Monte.McNaughtonco@pc.ola.org)
Association of Municipalities of Ontario (AMO) (amo@amo.on.ca)
All Ontario Municipalities



August 19, 2022

The Honourable Steve Clark
 Minister of Municipal Affairs and Housing
 777 Bay Street
 17th Floor
 Toronto ON
 M7A 2J3

Dear Minister Clark:

Re: Strong Mayors, Building Homes Act

Please be advised that the Council of the Town of Wasaga Beach, during their August 18, 2022 Council meeting adopted the following resolution:

“That Council receive the letter dated August 10, 2022 from the Ministry of Municipal Affairs and Housing pertaining to Strong Mayors, Building Homes Act, for information;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities.”

The Town of Wasaga Beach Council does not support the Strong Mayors, Building Housing Act as the proposed changes will not demonstratively speed up the construction of housing and will erode the democratic process at the local level where members of Council have to work together to achieve priorities. What is needed to speed up construction of housing is greater authority for local municipalities to approve development without final clearances from outside agencies after they have been given reasonable time to provide such clearances.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at mayor@wasagabeach.com or (705) 429-3844 Ext. 2222.

Yours sincerely,

Nina Bifulchi
 Mayor

c. Members of Council
 All Ontario Municipalities

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2022-3540

August 10, 2022

Dear Head of Council:

As Ontarians face the rising cost of living and a shortage of homes, our government was re-elected with a strong mandate to help more Ontarians find a home that meets their needs.

Our government also made an election promise to build 1.5 million new homes for the people of Ontario over the next 10 years to address the housing supply crisis.

I am pleased to inform you that our government introduced the proposed Strong Mayors, Building Homes Act on August 10, 2022, that, if passed, would make changes to the *Municipal Act, 2001*, *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. These amendments would empower mayors in the City of Toronto and City of Ottawa to deliver on shared provincial-municipal priorities and get more homes built faster.

If passed, the proposed changes impacting the City of Toronto and City of Ottawa are intended to take effect on November 15, 2022, which is the start of the new municipal council term. Other growing municipalities could follow at a later date.

If you have any comments or feedback regarding these proposed changes, you may submit them to the Ministry of Municipal Affairs and Housing at: StrongMayors@ontario.ca.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister



2021 Division Road North
 Kingsville, Ontario N9Y 2Y9
 Phone: (519) 733-2305
 www.kingsville.ca
 kingsvilleworks@kingsville.ca

COPY VIA EMAIL (Premier@ontario.ca)

September 1, 2022

The Hon. Doug Ford, Premier of Ontario
 Legislative Building
 1 Queen's Park
 Toronto, ON M7A 1A1

Dear Premier Ford:

**RE: Town of Kingsville Council Resolution #336-08292022 in opposition to
 Bill 3, Strong Mayors, Building Homes Act, 2022**

At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

Resolution #336-08292022

Moved by Councillor Kimberly DeYong
 Seconded by Councillor Laura Lucier

“WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

THEREFORE, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

If you have any questions or comments please contact Paula Parker at pparker@kingsville.ca.

Yours very truly,



Paula Parker
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
(Steve.Clark@pc.ola.org)
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk
Isaiah Thorning (schicp@ola.org)
Anthony Leardi, MPP – Essex (Anthony.Leardi@pc.ola.org)
Association of Municipalities of Ontario (AMO) (amo@amo.on.ca)
All Ontario Municipalities



7855 Sideroad 30
Alliston, ON L9R 1V1
P.: 705-434-5055
F.: 705-434-5051

September 23, 2022

Sent Via Email: minister.mah@ontario.ca

The Honorable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street
17th Floor
Toronto ON
M7A 2J3

Dear Minister Clark:

RE: Support Resolution re: Strong Mayors, Building Homes Act, Town of Wasaga Beach

Council at its Regular Meeting held on September 14, 2022, passed the following resolution.

RES-403-2022

Resolved That Council support the Town of Wasaga Beach resolution regarding Strong Mayors, Building Homes Act;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities.

I trust you will find this satisfactory.

Best Regards,

Fiona Smith

Fiona Smith
Deputy Clerk

Enc.

Cc: All Ontario Municipalities





August 19, 2022

The Honourable Steve Clark
 Minister of Municipal Affairs and Housing
 777 Bay Street
 17th Floor
 Toronto ON
 M7A 2J3

Dear Minister Clark:

Re: Strong Mayors, Building Homes Act

Please be advised that the Council of the Town of Wasaga Beach, during their August 18, 2022 Council meeting adopted the following resolution:

“That Council receive the letter dated August 10, 2022 from the Ministry of Municipal Affairs and Housing pertaining to Strong Mayors, Building Homes Act, for information;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities.”

The Town of Wasaga Beach Council does not support the Strong Mayors, Building Housing Act as the proposed changes will not demonstratively speed up the construction of housing and will erode the democratic process at the local level where members of Council have to work together to achieve priorities. What is needed to speed up construction of housing is greater authority for local municipalities to approve development without final clearances from outside agencies after they have been given reasonable time to provide such clearances.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at mayor@wasagabeach.com or (705) 429-3844 Ext. 2222.

Yours sincerely,

Nina Bifulchi
 Mayor

c. Members of Council
 All Ontario Municipalities

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
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Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



234-2022-3540

August 10, 2022

Dear Head of Council:

As Ontarians face the rising cost of living and a shortage of homes, our government was re-elected with a strong mandate to help more Ontarians find a home that meets their needs.

Our government also made an election promise to build 1.5 million new homes for the people of Ontario over the next 10 years to address the housing supply crisis.

I am pleased to inform you that our government introduced the proposed Strong Mayors, Building Homes Act on August 10, 2022, that, if passed, would make changes to the *Municipal Act, 2001*, *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. These amendments would empower mayors in the City of Toronto and City of Ottawa to deliver on shared provincial-municipal priorities and get more homes built faster.

If passed, the proposed changes impacting the City of Toronto and City of Ottawa are intended to take effect on November 15, 2022, which is the start of the new municipal council term. Other growing municipalities could follow at a later date.

If you have any comments or feedback regarding these proposed changes, you may submit them to the Ministry of Municipal Affairs and Housing at: StrongMayors@ontario.ca.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister



THE CORPORATION OF THE TOWNSHIP OF KING
Report to Committee of the Whole

Monday, November 7, 2022

Growth Management Services Department - Planning Division
Report Number GMS-PL-2022-39
Bill 23, More Homes Built Faster Act, 2022
Review of Proposed Amendments
Policy Planning File PP-2022-05

RECOMMENDATION(S):

The Director of Growth Management Services respectfully submits the following recommendation(s):

1. Report Number GMS-PL-2022-39 be received; and
2. That Council endorse Planning Division Staff comments as outlined in Report GMS-PL-2022-39 and Appendix B; and
3. That Council direct Staff to submit this Report and any additional comments arising from the November 7, 2022, Committee of the Whole Meeting to the applicable Ministers before the applicable commenting deadlines; and
4. That copies of Council's comments be provided to the Regional Municipality of York, local Conservation Authorities, and to all York Region local Municipalities, for their information; and
5. That Council direct Staff to bring forward a Report on the remaining amendments and proposed amendments to A Place to Grow Plan and the Provincial Policy Statement to a future Committee of the Whole Meeting.

REPORT HIGHLIGHTS:

- The Province of Ontario tabled Bill 23 on October 25, 2022, which proceeded to a second reading on October 26, 2022, and referred to the Standing Committee of Heritage Infrastructure and Cultural Policy with a commenting deadline of November 17, 2022.
- Bill 23 is intended to support Ontario's Housing Supply Action Plan, with the stated objective of increasing housing supply in the Province.
- Bill 23 proposes significant changes for upper- and lower-tier municipalities and conservation authorities, including proposed amendments to third-party appeals to the OLT, and changes to Site Plan Control.
- The postings have a variety of commenting deadlines, ranging from November 24, 2022, to December 30, 2022. This Report focuses on postings with commenting deadlines before December 12, 2022.

PURPOSE:

The purpose of this Report is to provide a summary of the changes proposed through Bill 23, the More Homes Built Faster Act, 2022, and to provide Planning Staff’s comments on the most significant of the proposed changes. Staff note that the Report focuses on the proposed amendments and corresponding Provincial postings with commenting deadlines before December 12, 2022. An additional Report will be brought forward (anticipated to be at the December 12, 2022, Committee of the Whole Meeting) to provide additional comments on postings with a commenting deadline of December 30, 2022.

BACKGROUND:

The Province of Ontario has introduced Bill 23, the More Homes Built Faster Act, 2022, to support More Homes Built Faster: Ontario’s Housing Supply Action Plan: 2022-2023. The development of an annual Housing Supply Action Plan was announced through Bill 109, the More Homes for Everyone Act, 2022, as a tool to implement the recommendations of the Ontario Housing Affordability Task Force Report. The Province plans to issue a Housing Supply Action Plan every year over four years, beginning with 2022-2023. The Task Force Report outlined 55 recommendations that they felt would positively impact housing supply in Ontario. Recommendations 1 and 2 of the Report set a goal of adding 1.5 million homes in Ontario by 2031, which is the primary goal of Bill 23, the More Homes Built Faster Act, 2022.

Bill 109, the More Homes for Everyone Act, received royal assent in April 2022 and amended several Acts, including the City of Toronto Act, the Planning Act, New Home Construction Licensing Act, Development Charges Act and Ontario New Homes Warranties Plan Act. Bill 23 proposes amendments to 10 Acts, including the Planning Act, Development Charges Act, Ontario Heritage Act, Conservation Authorities Act and Ontario Land Tribunal Act, as well as several Ontario Regulations. The Province is also undertaking a review of various housing and land use policies. This includes the Provincial Policy Statement, A Place to Grow Plan and The Ontario Wetland Evaluation System.

Planning Division Staff brought forward [a Report](#) summarizing the amendments through Bill 109 and providing Staff’s comments on April 25, 2022. Staff also provided [a Report](#) to Council on September 12, 2022 outlining Staff’s proposed response to Bill 109 including establishing a new Pre-Consultation Process, and related changes to procedures and requirements as outlined in Report GMS-PL-2022-30. Staff note that these approaches may need to be further revised as a result of the proposed amendments through Bill 23, which will also be detailed in Staff’s next Report.

ANALYSIS:

The Province has made a number of postings on the Environmental Registry of Ontario (ERO) and Ontario Regulatory Registry (ORR) for the consultations on the proposed legislative, regulatory and policy changes as part of More Homes Built Faster: Ontario’s Housing Supply Action Plan: 2022-2023 and Bill 23. A summary of the consultations and the postings can be found in Appendix A of this Report.

The following sections provide a summary of the key Provincial postings with commenting deadlines before December 12, 2022, together with Staff’s comments.

ERO Title:	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0
ERO number:	019-6141
Posted by:	Ministry of Natural Resources and Forestry
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	Schedule 2 (<i>Conservation Authority Act</i>)

Summary

The proposed legislative changes to the *Conservation Authority Act*, if passed as currently drafted would:

- Enable the exemption of development authorized under the *Planning Act* from requiring a permit under the *Conservation Authorities Act* in certain municipalities as proposed to be set out in a future regulation and could be subject to certain conditions also as set out in regulation.
- Remove “conservation of land” and “pollution” as factors that can be considered by a Conservation Authority (CA) when making decisions related to permissions or permitting and add “unstable soils and bedrock” to the matters considered in permit decisions.
- Update the timeframe after which the applicant may appeal the failure of the conservation authority to issue a permit to the OLT from 120 days to 90 days.
- Require CA’s to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order (created through Bill 109 under section 34.1 of the *Planning Act*), and allowing the Minister to review and amend any conditions attached to those permits.
- For permits issued where a Minister’s Zoning Order has been made:
- extend the existing regulation making authority of the Minister to prescribe conditions on a permit issued by a CA where there is a Minister’s Zoning Order, to enable the Minister to also prescribe limits on what conditions may be included; and
- specify that where the Minister has made a regulation allowing development to begin prior to an ecological compensation agreement being signed and has set a date by which it must be signed, the development may not continue if the agreement has not been reached within the time period outlined in regulation.

A regulatory notice has also been proposed in addition to these changes for further changes related to natural hazards. This posting has a commenting deadline of December 30, 2022, and will be reviewed in a subsequent report.

Additional amendments are also proposed to the *Conservation Authorities Act* to review the role of the Conservation Authority when reviewing and commenting on matters related to development and land use conservation. These legislative amendments would scope the Conservation Authorities’ review and commenting role to matters within their core mandate as set out in O. Reg. 686/21. The legislation is also proposed to prescribe Acts under which a Conservation Authority could not perform this review and commenting role as a “municipal” or “other” program or service under Sections 22.1.1 and 21.1.2 of the *Conservation Authorities Act*. The Acts prescribed in the draft legislation are the *Condominium Act*, *Drainage Act*, *Endangered Species Act*, *Environmental Assessment Act*, *Environmental Protection Act*, *Niagara Escarpment Planning and Development Act*, *Ontario Heritage Act*, *Ontario Water Resources Act*, and *Planning Act*.

Further, amendments are proposed to limit Conservation Authority appeals, when acting as a public body, for land use planning decisions under the *Planning Act* to matters related to natural hazard policies in Provincial policies. (Note: This provision would not apply to CA’s where they are the owner of the subject lands) Conservation Authorities can continue as a party to any appeal commenced prior to the proclamation of these provisions.

Amendments are also proposed to both the *Planning Act* and the *Conservation Authority Act* to streamline the severance process for CA’s regardless of whether the severance is provincially funded. Currently, the *Planning Act* only enables expedited severance processes in association with a provincially funded project approved by the Minister under the *Conservation Authorities Act*.

In addition to the legislative amendments proposed above, an amendment is proposed to the *Conservation Authorities Act* to enable the Minister to direct a conservation authority to freeze its fees and charges for programs and services, including the fees charged for review and comment on development related proposals and for permits issued by the Conservation Authorities.

Staff Comments:

The Township relies on the expertise of the Toronto and Region Conservation Authority (TRCA) and Lake Simcoe Region Conservation Authority (LSRCA) to inform review on various development applications and to provide input into key policies documents such as the Township’s Official Plan. The Conservation Authorities undertake science-based research that informs better decision making that helps to protect natural environment and adapt to the impact of climate change.

The Township’s Our King Official Plan outlines Council’s goal to continue to be a leader in environmental conservation and excel as stewards of Ontario’s environmental landscape. One of the key ways of achieving this goal is to work closely with key stakeholders including Conservation Authorities. The Plan also recognizes that we are in the midst of a climate emergency and that we need to work closely with both York Region and Conservation Authorities to understand, mitigate and plan for climate change.

The Township relies on partnerships with Conservation Authorities to support day-to-day work on various *Planning Act* matters. If the mandate of the Conservation Authorities is limited, as proposed in the legislation to natural hazards and flooding, the Township may need to consider alternative approaches to obtain natural heritage review and expert advice for development applications as the Township still has an obligation under Provincial Plans, such as the Oak Ridges Moraine Conservation Plan, to ensure the ecological integrity of the Plan Area is maintained.

As a result of the recent changes proposed to the Conservation Authorities Act, King Township, like many other Municipalities, have entered into discussions with CA Staff to discuss ways in which the organizations can better work together, how the organization can support the other and how development applications can be processed more efficiently. These discussions are on-going and are intended to be supported through a future Memorandum of Understanding (MOU).

Finding efficiencies within the development review process can certainly be done within the current regulatory framework and with keeping all key stakeholders, including Conservation Authorities at the table. Staff request the Province reconsider the components of the Bill 23 that limit the Conservation Authorities from commenting on planning and infrastructure projects under the various prescribed Acts, and allow the discussions leading to MOU’s with municipalities be advanced and concluded. Conservation Authorities are key stakeholders in creating sustainable, healthy and livable communities who’s contributions should not be lost in the development process moving forward.

ERO Title:	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges
ERO number:	019-6172
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	3 (Development Charges Act) and 9 (Planning Act)

Summary:

Amendments are proposed to both the Development Charges Act and Planning Act under Bill 23 for parkland dedication requirements and development charges. The Province has cited that the changes are aimed at reducing the cost of developing housing and to create cost savings for new home buyers and renters.

The parkland dedication amendments propose:

- The following maximum alternative parkland dedication rate, which is the maximum amount of parkland that can be required for higher density developments:
 - For the purposes of land conveyed, the current maximum rate is one hectare for each 300 dwelling units. The proposed amendment would be to limit the maximum to one hectare for each 600 dwelling units (50% reduction).
 - For the purposes of cash-in-lieu of parkland, the current maximum rate is one hectare for each 500 dwelling units. The proposed amendment would be to limit the maximum to one hectare for each 1000 dwelling units (again a 50% reduction).
- In addition to the above, for cash-in-lieu of parkland, that no more than 15% of the amount of developable land, or equivalent value, could be required for parks or other recreational purposes for sites with an area greater than 5 hectares, and no more than 10% for sites with an area of 5 hectares or less.
- That parkland dedication rates be set at the time of submission for a Site Plan Development or Zoning By-law Amendment Applications (if there is no Site Plan requirement) and that they remain frozen at those rates for two years from the date that the relevant application is received. If a Building Permit is issued following the two year period the current rates at that time will be applied.
- To allow for developers to identify land, including encumbered land and privately owned public spaces as counting towards municipal parkland dedication requirements if defined criteria are met. The defined criteria are proposed to be set out in future regulation and are not included within the proposed amendments.
- That the municipality would have the ability to enter into agreements with the owners of the land, which may be registered on title, to enforce parkland requirements.
- The requirement for a Parks Plan to be developed by the municipality before a Parkland Dedication By-law can be passed (however existing By-laws can continue to be implemented).
- That municipalities are proposed to be required to allocate or spend at least 60% of their parkland reserve balance at the start of each year (beginning in 2023).

The amendments are proposed to come into effect immediately should Bill 23 receive Royal Assent as currently presented, and would apply to all developments and development applications that have not yet received a Planning Act approval, and which have not yet received a building permit.

In cases where disputes arise about the suitability of land for parks and recreational purposes, the matter may be appealed to the Ontario Land Tribunal (OLT).

The amendments to the Development Charges Act propose:

- A maximum interest rate for development charge freezes and deferrals.
- Development Charge By-laws are to be required to be updated once every 10 years compared to the current requirement of once every 5 years.
- Municipalities would also be required to phase-in development charge rates set out in new DC By-laws over a 5-year period for any By-law passed as of June 1, 2022.
- A historical service level of 15 years would be required to be used, compared to the current 10 years, to calculate capital costs that are eligible to be recovered through development charges.
- Housing services is proposed to be removed from the list of eligible services, and eligible capital costs are proposed to be limited to ensure greater cost certainty. Limiting eligible capital costs would include:
 - Studies would no longer be an eligible capital cost that could be recovered through development charges.

- A regulation making authority would be provided to prescribe specific services for which the cost of land would not be an eligible capital cost that could be recovered through development charges.
- Further, at least 60% of a municipality's development charge reserve is to be required to be spent or allocated towards water, wastewater and roads at the start of each year (beginning in 2023).

Amendments are also proposed to encourage rental housing, attainable housing, affordable housing and gentle density, as follows:

- A tiered discount rate for development charges is proposed for purpose-built rental housing (i.e., 15% for a 1-bedroom unit, 20% for a 2-bedroom unit, 25% for a 3+ bedroom unit)
- Development subject to inclusionary zoning (a land use planning tool that municipalities may use to require affordable housing units for certain residential developments in Protected Major Transit Station Areas or in Community Planning Permit System Areas), as well as non-profit housing developments, would be exempt from development charges, community benefits charges and parkland dedication requirements.
- The definition for affordable housing unit is also proposed to be amended. For all other developments, an affordable housing unit would be any unit that is no greater than 80% of the average resale purchase price for ownership, or 80% of the average market rent for rental, for a period of 25 years.
- Attainable housing may also be exempt from development charges, community benefit charges and parkland dedication requirements when located in a development designated through regulation. Attainable housing shall be considered if it meets the following criteria:
 - The residential unit is not an affordable residential unit.
 - The residential unit is not intended for use as a rented residential premises.
 - The residential unit was developed as part of a prescribed development or class of developments.
 - The residential unit is sold to a person who is dealing at arm's length with the seller.
 - Such other criteria as may be prescribed.
- A second residential unit in a primary residential building and up to one unit in an ancillary building would be exempt from DCs and parkland dedication requirements.
- A third residential unit in the primary residential building would be exempt from DCs and parkland requirements as long as there are no residential units in an ancillary building.

Staff Comments:

With respect to the development charge amendments to encourage rental housing, attainable housing, affordable housing, the policies of the Our King Official Plan already allow reductions and/or exemptions for development charges for new affordable housing, including secondary residential units, to be considered through the review and updating of the Development Charges Background Study and By-laws. Under Bill 23 these reductions and/or exemptions are mandatory.

The proposed amendments will result in financial impacts due to the loss of revenue from development charges and parkland rates. Any shortfall in funds caused by Bill 23 will need to be addressed through alternative mechanisms, possibly including within the tax levy. Further, the proposed reduction in parkland dedication rates (both land and cash-in-lieu) will have a negative impact on the Township's ability to acquire adequate parkland under the Planning Act, as forecast in the Official Plan and Parks and Forestry Master Plan.

Parkland is an important component of building healthy communities and contributes to a high quality of life in the Township. While the proposed amendments to the parkland dedication rates may be well intentioned to reduce costs for home renters or buyers, it is unknown whether the savings will be passed

onto them. In addition, it may not be creating the parkland amenities that people inhabiting these neighborhoods envisioned.

ERO Title:	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) – the Proposed More Homes Built Faster Act, 2022
ERO Number:	019-6196
Posted by:	Ministry of Citizenship and Multiculturalism
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	6 (Ontario Heritage Act)

Summary:

Regulatory and legislative amendments are proposed to the Ontario Heritage Act to remove barriers to housing development by updating how heritage properties are identified and conserved by municipalities and the Province. The proposed amendments would result in changes to the Standards and Guidelines for Conservation of Provincial Heritage Properties, and introduces new requirements for municipal registers and the inclusion of non-designated properties on the municipal register. The following legislative changes are proposed to municipal registers:

- Requiring municipalities to have an up-to-date version of information on their municipal register available on a publicly-accessible municipal website. Should the amendments be passed, this amendment would come into effect after 6 months to allow municipalities time to make the necessary changes.
- Allow for property owners to use the existing process under the OHA for objecting to the inclusion of their non-designated property on the municipal register (“listed”) regardless of when it was added to the municipal register.
- Increasing the standard for including a non-designated property on a municipal register by requiring that the property meet prescribed criteria. The criteria would be those currently set out in Ontario Regulation 9/06 – Criteria for determining cultural heritage value or interest, and is proposing that the property must meet one or more of the criteria to be included.

Legislative changes are also proposed to the process for removal from the register. The changes are as follows:

- If Council advises of its intention to designate a listed property, but a designation by-law is not passed within 120 days or is repealed on appeal, the property must be removed from the municipal register.
- Non-designated (listed) properties currently included on a municipal register would have to be removed if Council does not issue a notice of intention to designate (NOID) within two years of the Bill 23 amendments coming into force.
- Non-designated properties included on the register after the proposed amendments come into force would have to be removed if Council does not issue a NOID within two years of the property being added to the register.
- If removed from the register under any of the above circumstances, the property cannot be re-listed for five years.

In addition to properties being required to meet a minimum of one criterion to be included on a municipal register, amendments are also proposed to the designation process to require that a property meet two or more criteria as prescribed through O. Reg 9/06 for properties where the NOID is published on or after the date of the proposed regulatory amendment comes into force. Further the amendments made to the Ontario Heritage Act through the More Homes, More Choice Act, 2019, also require that Councils would have to issue a NOID, to initiate the designation process, when a Planning Act Application

("prescribed event") is filed. If the NOID is not issued in this 90 day period the Municipality loses its opportunity to designate the property in the future. This restriction would only apply where the prescribed event occurs on or after the date the legislative amendment comes into force.

Amendments are also proposed to the legislation for Heritage Conservation Districts (HCDs) by requiring HCD plans to explain how the HCD meets the prescribed criteria. Similar to the above amendments, the criteria currently included in O. Reg 9/06 are proposed to apply to HCDs, and the HCD must meet two or more of the criteria in order to be designated, which would be achieved through a regulatory amendment. These changes would only apply where the NOID is published on or after the date the amendments come into force. A regulatory authority is also proposed to be introduced to prescribe processes for municipalities to amend or repeal existing HCD designations and by-laws to allow for opportunities to align existing HCDs with current government priorities. This is identified as including facilitating development, specifically smaller scale development and missing middle housing.

Staff Comments:

Heritage Staff have reviewed the proposed changes to the Ontario Heritage Act and regulations as per Bill 23 (Schedule 6) under the More Homes Built Faster Act, 2022. At this time, Staff are concerned about the requirements for current and new non-designated properties to be designated within a two (2) year timeframe. Currently, the Township Heritage Register contains over 150 "non-designated" properties and 35 Designated properties.

Should the proposed amendments be passed and come into effect, Heritage Staff are currently not adequately resourced to review and potentially consider designation of all "non-designated" properties on the Heritage Register within the mandated two (2) year timeframe. Additional resources would be required in order to attempt to meet the proposed requirements within the proposed two year timeframe.

Failure to designate all current and new "non-designated" properties as proposed within the timeframe would result in the mandatory requirement to remove any remaining non-designated properties from the Heritage Register and the inability to include these same properties again on the Heritage Register for a minimum period of five (5) years. This could enable potential removal of buildings with cultural or heritage potential and/or redevelopment of listed non-designated properties within the Township.

Staff have not had adequate opportunity to review the other proposed amendments in detail, but note that the changes reflect existing practices that have been ongoing and used by the Township prior to these proposed changes including the ability to object to an existing "non-designated property". Other proposed amendments include increasing a higher standard of evaluation of a property or Heritage Conservation District for designation as set out by Ontario Regulation and when a designation of a property can occur if a prescribed event is triggered.

Staff request that the Province reconsider the proposed changes to the Ontario Heritage Act outlined in Bill 23 to promote and enable the continued preservation of vital and irreplaceable cultural heritage resources across the Township and Province.

ORR Title:	Proposed Amendments to the Ontario Land Tribunal Act, 2021
Proposal number:	22-MAG011
Posted by:	Ministry of the Attorney General
Comment period:	October 25, 2022 - November 25, 2022 (31 days)
Bill 23 Schedule(s)	7 (Ontario Land Tribunal Act, 2021)

Summary:

Several amendments are proposed to the Ontario Land Tribunal Act to:

- Eliminate third-party appeals from all appeal processes including Official Plan and/or Zoning By-law Amendment Plans of Condominium, Site Plans and Consents and Minor Variances. This is similar to what is currently in effect for Plans of Subdivision. This would mean that individual citizens, and citizen groups, would no longer have the right to appeal land use decisions to the OLT. Staff interpretation is that this appeal power would be lost for any applications that have been appealed, but have not had a Hearing scheduled, by October 25, 2022.
- Allow the OLT to dismiss appeals due to unreasonable delay caused by the Party's.
- Allow the OLT to order an unsuccessful party to pay the successful party's costs. This amendment is proposed to encourage parties to reach an agreement without going through the Tribunal.
- Enable criteria to be established through regulation to ensure that priority OLT cases are resolved as quickly as possible. This may include housing, but is proposed to be specified through legislation following additional consultation.
- Enable service standards, including timelines, for specific case resolution activities at the OLT to be set out in regulation following additional consultation.

Staff Comments:

The proposed amendments detailed above, in addition to the proposed amendments to the *Planning Act* (discussed below) regarding who can submit an appeal may result in substantial changes to the OLT process. Through the limitation on third party appeals, there will likely be fewer appeals, especially on Township-initiated processes like Official Plans and Zoning By-laws. It is difficult to ascertain if the proposed amendments to establish priority criteria and service standards will have impacts until the regulations are proposed at a later date.

ERO Title:	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 – the proposed More Homes Built Faster Act, 2022)
ERO number:	019-6163
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	1 (City of Toronto Act) and 9 (Planning Act)

Schedule 9 of Bill 23 proposes a number of amendments to the Planning Act. The amendments are focused on the following areas, summarized below:

- Gentle density and missing middle housing
- Higher density near transit
- Changes to planning responsibilities for certain upper-tier municipalities
- Limiting third party appeals on planning matters
- Changes to public meeting requirements – Plans of Subdivision
- Site Plan exemptions
- Facilitating aggregate applications
- Changes to responsibilities for Conservation Authorities

Gentle Density and Missing Middle Housing

Amendments are proposed to the *Planning Act* to allow for up to three residential units per lot, with no minimum unit size. These amendments are proposed to apply to detached, semi-detached or row houses on a parcel of urban residential land, and to detached, semi-detached or row houses where the parcel of land permits a residential use. A parcel of urban land is proposed to be added as a defined

term, and would include all lands within the Villages that are serviced by municipal water and sewage, and that are not within hazard lands. The three residential units can be structured as:

- Three units in the main dwelling and none in an ancillary building;
- Two units in the main dwelling and one in an ancillary building;

The proposed amendments provide for the following:

- Three residential units as-of-right (no land use approval necessary) on parcels of urban residential land.
- Subsection 16(3) of the *Planning Act* is proposed to be repealed and substituted with provisions that would prohibit official plans from containing any policy prohibiting three residential units on a lot.
- The three residential units per lot appears to only apply to lands that are defined as a parcel of urban residential land by the *Planning Act*.

However, other proposed amendments state that the permissions for additional residential units would apply to any parcel of land on which a residential use is permitted. The proposed amendments to the subsections are also inconsistent as the proposed language in (a) and (b) for all subsections state “a parcel of land on which a residential use is permitted” whereas (c) in the subsections refers to a parcel of urban residential land. Due to these inconsistencies, it is difficult to confirm whether the permissions for additional residential units apply only to parcels of urban residential land as defined in the proposed amendments, or on any parcel of land on which a residential use is permitted. If the intent of the amendments is to permit additional residential units on any parcel of land that permits a residential use then Staff would have questions as to how these provisions interface with provincial plans, specifically the Oak Ridges Moraine Conservation Plan as it restricts the number of additional dwelling units.

The subsections above not only include the permission for additional residential units, but remove opportunities to appeal policies that implement these provisions of the *Planning Act*. Further, the proposed amendments also prohibit municipalities from passing a by-law under Section 34 of the *Planning Act* that prohibits additional dwelling units as set out above.

Staff Comments:

Staff have generally no concerns with the permissions for up to three (3) dwelling units on a property as it generally aligns with the Our King Official Plan and the direction in the Township’s Zoning By-law for the Countryside. However, there may be servicing constraints associated with the increase in the number of residential units within a parcel of land. As such it may be beneficial to have a tool or system to track the number of additional residential units in the Township. Further Staff request clarification from the Province as to how these amendments interface with other Provincial Plans, particularly in rural areas within the Oak Ridges Moraine where the Oak Ridges Moraine Conservation Plan currently prohibits additional residential units for the majority of the Plan area, particularly where located within an accessory building or structure.

Higher Density Near Transit

Changes are proposed to require municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit stations, known as “major transit station areas” (MTSAs), and “protected major transit station areas” (PMTSAs) that have been approved by the Minister.

- If passed, the changes would require municipalities to update their zoning by-laws to permit transit-supportive densities as-of-right within 1 year of MTSA or PMTSA approval; if zoning updates are not undertaken within the 1-year period, the usual protection from appeals to the Ontario Land Tribunal for PMTSAs would not apply.

Staff Comments:

While Staff generally do not object to pre-zoning lands surrounding the Township’s Major Transit Station (King City GO Station) to support transit-oriented development, the proposed timeframe to complete the work is very short and does not factor in the limited municipal resources. Planning Staff suggest that the Province consider extending the one-year timeframe to support municipalities and mitigate additional resource requirements.

Changes to planning responsibilities for certain upper-tier municipalities

The proposed amendments to the *Planning Act* would introduce significant changes to the structure of planning authorities and responsibility across upper-tier and lower-tier municipalities.

The amendments propose two different classes of upper-tier municipalities, those which have planning responsibilities and those that do not. To facilitate these changes, the amendments propose definitions for “upper-tier municipality without planning responsibilities” and “upper-tier municipality with planning responsibilities”. Upper-tier municipality without planning responsibilities is defined as meaning 7 Regional Municipalities, including York Region, and any other upper-tier municipality that is prescribed under subsection (6).

The proposed amendments outline that upper-tier municipalities without planning responsibilities (i.e. York Region) would no longer constitute a “public body” and no longer have the rights of appeal regarding Official Plans, Zoning By-laws, Interim Control By-laws, Minor Variances, Draft Plans of Subdivisions, and Consents.

Amendments are proposed to provide lower-tier municipalities with planning functions that currently form part of an upper-tier municipality’s planning responsibilities and functions and approval authority similar to those of single-tier municipalities. The amendments also propose a new subsection, 70.13 which provides for transition policies for upper-tier municipalities without planning responsibilities. These transition provisions state that the portion of any in force official plan of an upper-tier municipality without planning responsibilities would be deemed to be an official plan of the lower-tier municipality to which that part applies. In the event of a conflict with the Municipality’s current Official Plan policies, the upper-tier official plan would prevail.

For upper-tier municipalities with planning functions, the upper-tier municipality, on conditions as agreed upon with the Council of the lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature. Regardless of whether the upper-tier municipality has planning functions, the Council of the upper-tier municipality can agree with the Council of the lower-tier municipality to provide advice and assistance to the lower-tier municipality in respect of planning matters generally.

Future regulations are also proposed which would identify which official plans and amendments would not require approval by the Minister of Municipal Affairs and Housing (i.e., which lower-tier plans and amendments would no longer require further approval).

Staff Comments:

Township Planning Staff works very closely and collaboratively with York Region Staff on processing development applications and the formulation of key policy documents such as the Our King Official Plan. Staff highly value the knowledge, insights, contributions of York Region Planning Staff in assisting the Township to build healthy, sustainable, age-friendly communities.

The York Region Official Plan provides coordinated planning oversight on growth management for population and employment across the Region, policies for the protection of the natural environment and agricultural system, and policies that guide servicing and transportation infrastructure investments.

York Region currently reviews and approves certain development applications and is responsible to ensuring Provincial planning regulations and Regional interest are protected through the implementation of the Regional Official Plan.

The proposed legislation would download the responsibility of implementing the Regional Official Plan onto local municipalities.

As York Region is identified as an upper-tier municipality without planning responsibilities, the Township would experience the following changes:

- York Region would no longer be the approval authority for Township Official Plans and Official Plan Amendments;
- The Township would be tasked with implementing policies of the in-effect York Region Official Plan and need to incorporate additional aspects of planning into the Township's review process to ensure conformity is addressed;
- York Region's planning role on development applications would be as a commenting agency rather than a regulatory approval authority.
- Township Council could consider requesting staff explore the potential for continued planning support by York Region to provide advice and assistance on Planning matters;

Coordinated land use planning across the Region during this anticipated high growth period will be essential. Planning Staff continue to find significant value in York Region implementing its Official Plan and requests the Province reconsider the proposed changes to the Planning Act introduced through Bill 23 reducing the planning role of upper-tier municipalities. If the Province has a concern with respect to the current development review process and the possible delays to secure Regional approvals, the Province could review efficiency concerns while retaining the benefits of a regional approach to planning, infrastructure construction and population allocation.

Limiting third party appeals on planning matters

Several different amendments are proposed to the Planning Act to limit the ability for appeals to the Ontario Land Tribunal (OLT). The proposed amendments are as follows:

- Restrict who can appeal Official Plans, Official Plan Amendments, Zoning By-laws, Zoning By-law Amendments, Committee of Adjustment Applications (Minor Variances and Consents) and to add the requirement that the person submitting the appeal must be a "specified person". This restriction removes the ability of third parties, like individual ratepayers and ratepayer groups, to file an appeal against a land use decision made by Council or the Committee of Adjustment.
- "Specified person" is proposed to mean corporations and companies that operate electric utilities, natural gas utilities or oil or natural gas pipelines within the local municipality or planning area where the relevant planning matter applies, Ontario Power Generation Inc., Hydro One Inc., a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01, companies operating railway line which is located within 300 m of the planning matter and companies operating telecommunication infrastructure in the area.
- The amendments also specify that references to person or public body (including "specified person") does not include a Conservation Authority under the *Conservation Authorities Act* except where an appeal relates to natural hazards, except for hazardous forest types for wildland fire, and for lands that the CA owns.
- The amendments also specify that references to person or public body (including "specified person") does not include an upper-tier municipality without planning responsibilities.

- Where a conservation authority was party to an appeal on the day before the day the Act comes into effect they may continue as a party to the appeal until the final disposition of the appeal in most circumstances.
- Where an upper-tier municipality without planning responsibilities was party to an appeal on the day before the day the Act comes into effect they may continue as a party to the appeal until the final disposition unless the appeal is deemed to be dismissed.
- Appeals will be dismissed unless:
 - A hearing on the merits of the appeal had been scheduled before October 25, 2022; or
 - A notice of appeal was filed by a specified person or public body. As noted above, a person and/or public body does not include Conservation Authorities or upper-tier municipalities without planning responsibilities.

Staff Comments:

The proposed amendments would have the following impacts:

- Active appeals without a scheduled hearing date as of October 25, 2022, that were not filed by a specified person or public body will be dismissed. This would include appeals to the Zoning By-law for the Countryside, and appeals to the Zoning By-law for the Schomberg and King City Urban Areas, that were not scheduled for a Hearing before October 25, 2022.
- Moving forwards, neighbours and residents would not be able to appeal applications, where they do not constitute a specified person.
- York Region and Conservation Authorities would not be able to appeal the above-noted applications, new Official Plans or Zoning By-laws.

Public participation is a critical component of the planning process. Without the ability for third parties to appeal decisions of Council or the Committee of Adjustment, they will need to rely on public engagement opportunities throughout the planning process.

Changes to public meeting requirements – Plans of Subdivision

Subsections 51 (20 to (21.1) and (48.3) of the Planning Act are proposed to be repealed. These subsections apply to the provisions for public meetings for applications for plans of subdivision. Based on the proposed amendments, a public meeting would not be required for Applications for Plans of Subdivision. It appears though that Public Meetings can still be held at the discretion of the Municipality.

Staff Comments:

A public meeting will no longer be required for Applications for approval of a Draft Plan of Subdivision. As such the Applications can proceed directly to Council for a decision regarding the approval of the draft plan. Public participation is a critical component of the planning process and opportunities to secure public input should be encouraged to inform planning decisions through the subdivision process.

Site Plan Exemptions

Bill 23 also proposes a number of amendments to Section 41 of the Planning Act with respect to site plan control areas. New subsections are proposed to be added to amend the definition of “development” to specify the following:

- Development does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units; and
- Development includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1) of the Planning Act, on a parcel of land that will contain any number of residential units.

Section 41 of the Planning Act is further amended to qualify what can be reviewed and considered as part of a site plan application. Specifically, exterior design review has been removed as an item to be considered by the Municipality, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units, or to any part of such a building. Further, the appearance of the elements, facilities and works from the land or from any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety and accessibility or the protection of adjoining lands.

Staff Comments:

Staff have concerns regarding the above-noted amendment as currently the majority of multi-unit residential developments, including developments with less than 10 units are subject to Site Plan Approval. The Township also uses Site Plan Control as a tool to review applications for conformity with the Oak Ridges Moraine Conservation Plan (ORMCP) and Greenbelt Plan, including for residential uses. As such, should the proposed amendments come into effect, Staff will need to look at other tools and methods for ensuring that the ORMCP and Greenbelt Plan policies are complied with for all new development as it is the municipality's responsibility to ensure that the Provincial Plans are complied with. Staff request the Province to confirm whether the proposed amendments were intended to remove a critical tool used to implement the Provincial Plans. If it was not intended, Staff suggest the Province amend the legislation to specify that the exemption of Site Plan Control for less than 10 units be limited to "parcels of urban residential land" as proposed to be defined in the *Planning Act*.

The Township's Site Plan Control By-law currently identifies that the Established Neighbourhoods and Hamlet Residential areas would become subject to Site Plan Control on January 1, 2023. Staff note that should the proposed amendments come into effect the Township's Site Plan Control By-law would not be able to require Site Plan Control in these areas.

Planning Staff have significant concerns with the proposed amendments as site plan approval is a useful tool to review a number of aspects regarding new developments, including the architectural design and sustainability. Based on the proposed amendments, the Township's architectural design guidelines and green development standards would appear not be able to be applied to the review of any site plan development applications. Staff will review possible other options, and the impacts of the proposed legislation on the Urban Design Guideline Review and Green Development Standards and will report back to on these projects specifically in the coming months.

Changes to Responsibilities for Conservation Authorities

As identified above, amendments are proposed to the Conservation Authority Act in addition to amendments to the Planning Act to amend what CA's are allowed to comment on and the extent of their mandate. The amendments include:

- limiting where permits are required from the Conservation Authority where the development is authorized under the Planning Act
- Implementing limits for what Conservation Authorities are allowed to comment on through the planning approval process. Specifically, the amendments limit the mandate of Conservation Authorities to natural hazards and flooding.
- Removing/limiting the ability of Conservation Authorities to appeal by not recognizing the authorities as a specified person or public body.

Staff Comments:

As noted above, the impacts to the Township resulting from the proposed amendments are multi-faceted. The Township generally relies on the CA's to undertake the natural heritage and ecology reviews for planning act applications and contribute to key policy documents in the Township. As the mandate of the Conservation Authorities is proposed to be limited to natural hazards and flooding, the

Township will need to consider alternative approaches to obtain natural heritage review for development applications.

Staff request that the Province reconsider the components of the Bill 23 that limit the Conservation Authorities role on planning and infrastructure projects under the various prescribed Acts. Conservation Authorities are key stakeholders in creating sustainable, healthy and livable communities and Staff encourage continued efforts to drive efficiencies within the development review process that keep all key stakeholders, including Conservation Authorities at the table moving forward.

ERO title:	Supporting Growth and Housing in York and Durham Regions Act, 2022
ERO number:	019-6192
Posted by:	Ministry of the Environment, Conservation and Parks
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	10 (Supporting Growth and Housing in York and Durham Regions Act, 2022)

Summary:

This posting proposes new legislation that, if passed would require the expansion of wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The Act would require York and Durham Regions to work together to enlarge and improve the existing York Durham Sewage System to convey sewage from communities in Upper York service area to the Duffin Creek Water Pollution Control Plant in Durham Region for treatment and discharge. Specifically, the legislation is proposed to apply to servicing of approved growth in Aurora, East Gwillimbury and Newmarket.

The proposed Act would also require prescribed municipalities to work together to implement the Lake Simcoe phosphorus reduction project, and to develop, construct and operate a new treatment facility that will remove phosphorus from drainage water that flows from the Holland Marsh ultimately into Lake Simcoe. The prescribed municipalities are not identified in the ERO posting. The proposed legislation would exempt both projects from the *Environmental Assessment Act* and end the existing environmental assessment process for the Upper York Sewage System Solutions Environmental Assessment application. York, Durham and other proponent municipalities would instead be required to prepare environmental impact reports about the project and consult with the public and Indigenous communities about the projects and those reports. Required consultation with Indigenous communities will commence once the Minister of the Environment, Conservation and Parks provides the regions with a list of potentially impacted Indigenous communities.

The proposed legislation details the requirements of what the reports must contain, including details about the sewage works, and the anticipated cost. The reports would be required to be provided to the Minister and made available to the public and Indigenous communities. The proposed Act would allow for the Regions to move forward to apply for the required Environmental Compliance Approvals for their projects once the Minister is satisfied with the report and consultation, and the Act would also repeal the York Region Wastewater Act, 2021.

Staff Comments:

Servicing infrastructure is a critical component of building more homes. The additional infrastructure to service growth in the Upper York service area will also help to facilitate future growth requirements in the Township, particularly in King City, which is currently connected to the York-Durham Sanitary System. Staff are in support of increasing infrastructure to service approved growth, although at this

point, are still unclear on the proposed time lines or future framework for assigning servicing capacity from newly constructed infrastructure to local municipalities.

FINANCIAL CONSIDERATIONS:

Financial implications are discussed at high levels throughout the report. The proposed amendments through Bill 23 will result in significant financial impacts due to the loss of revenue from development charges, reduced parkland contributions, and the potential transfer of various responsibilities currently delivered by York Region and the Conservation Authorities to local municipalities. Township Staff resources will also be impacted based on the compounding effects of Bill 109, this proposed Bill 23 and future anticipated further Bills. Funding shortfalls will need to be managed and may impact tax levy rate based charges or service level adjustments to ensure sufficient funding and staff resources are available for infrastructure, parkland and service delivery.

ALIGNMENT TO STRATEGIC PLAN:

The 2019-2022 Corporate Strategic Plan was formally adopted by Council on September 21, 2020 which emphasizes all of the ICSP Pillars (Financial, Economic, Socio-Cultural and Environmental) and is also aligned with the long-term vision defined in the Official Plan. The 2019-2022 Corporate Strategic Plan aims to ensure staff initiatives focus on current Term of Council priorities in support of the Township's long-term vision to 2031.

This report is in alignment with the CSP's Priority Area(s), associated Objective(s) and/or Key Action(s):



Service Delivery Excellence and Innovation

- Developing Innovative “King-Centric” Policy Frameworks
- Respond to Emerging Municipal Trends and Pressures

The purpose of this Report is to provide a summary of the changes proposed through Bill 23, the More Homes Built Faster Act, 2022, and to provide Staff's comments on the most significant of the proposed changes. Bill 23 is intended to support Ontario's Housing Supply Action Plan, with the stated objective of increasing housing supply in the Province. Bill 23 proposes significant changes for upper- and lower-tier municipalities and conservation authorities, including proposed amendments to third-party appeals to the OLT, and changes to Site Plan Control.

CONCLUSION:

Bill 23 proposes significant changes with the aim to increase housing supply across Ontario. The Bill, as proposed, will have considerable impacts on local municipalities. It is unclear whether the proposed changes will achieve the intended outcomes of constructing more homes faster or improving affordability. Approvals do not always equate to shovels in the ground, as there are several factors that impact construction timing.

Staff recommend that the comments outlined in this Report and summarized in Appendix B, in addition to any comments of Council be submitted to the Province before the commenting deadlines.

ATTACHMENTS:

[Appendix A to GMS-PL-2022-39 \(002\)](#)

[Appendix B to GMS-PL-2022-39 - Final](#)

[Appendix C for GMS-PL-2022-39 - Bill 23](#)

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Appendix A to GMS-PL-2022-39

Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings
 Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
Postings Summarized in Planning Report GMS-PL-2022-39:				
1	ERO: 019-6141	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0.	30 days November 24, 2022	Legislative and regulation changes under the Conservation Authorities Act to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate. https://ero.ontario.ca/notice/019-6141
2	ERO: 019-6172	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges	30 days November 24, 2022	To reduce the cost of building homes, the government is proposing changes to the <i>Planning Act</i> and the <i>Development Charges Act</i> through Bill XYZ "More Homes Built Faster Act, 2022" introduced in support of Ontario's More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. https://ero.ontario.ca/notice/019-6172
3	ERO: 019-6196	Proposed changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) – the Proposed More Homes Built Faster Act, 2022	30 days November 24, 2022	A proposal to make legislative and regulatory amendments to the <i>Ontario Heritage Act</i> to help remove barriers to housing development by updating how heritage properties are identified and conserved by municipalities and the Province of Ontario. https://ero.ontario.ca/notice/019-6196
4	22-MAG011	Proposed Amendments to the Ontario Land Tribunal Act, 2021	31 days November 25, 2022	https://www.ontariocanada.com/registry/view.do?language=en&postingId=42913
5	ERO: 019-6163	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X – the proposed More Homes Built Faster Act, 2022)	30 days November 24, 2022	The government is proposing changes to the <i>Planning Act</i> and the <i>City of Toronto Act, 2006</i> to make it easier and faster to build new homes for Ontarians as part of its commitment to build 1.5 million homes over the next ten years. https://ero.ontario.ca/notice/019-6163

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Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings
 Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
6	ERO: 019-6192	Supporting Growth and Housing in York and Durham Regions Act, 2022	30 days November 24, 2022	The province is proposing new legislation that, if passed, would require the expansion of crucial wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The ministry is seeking comments on the proposed legislation. https://ero.ontario.ca/notice/019-6192
Additional Postings Summarized in Appendix B to Report Number GMS-PL-2022-39:				
7	ERO: 019-6197	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units	45 days December 9, 2022	Changes are being proposed to Ontario Regulation 299/19: Additional Residential Units. These are consequential amendments resulting from changes to the Planning Act proposed through Bill X to make it easier to build new homes for Ontarians as part of the government's commitment to build 1.5 million homes over the next ten years. https://ero.ontario.ca/notice/019-6197
8	ERO: 019-6173	Proposed Amendment to O. Reg 232/18: Inclusionary Zoning	45 days December 9, 2022	Proposing amendments to O. Reg. 232/18 (Inclusionary Zoning) to provide more certainty/clarity and make inclusionary zoning rules more consistent across the province by setting maximum affordability period at 25-years, limiting the number of affordable units to 5%, and standardizing the approach to determining the price/rent of the affordable units. https://ero.ontario.ca/notice/019-6173
9	ERO: 019-6160	Proposed updates to the Ontario Wetland Evaluation System	30 days November 24, 2022	In support of Ontario's Housing Supply Action Plan 3.0 and the government's commitment to support the construction of 1.5 million new housing units over the next ten years, the province is proposing updates the Ontario Wetland Evaluation System that would remove duplicate requirements and streamline the evaluation process.

Appendix A to GMS-PL-2022-39

Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings
 Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
				https://ero.ontario.ca/notice/019-6160
10	ERO: 019-6211	Proposed Changes to Sewage Systems and Energy for the Next Edition of Ontario's Building Code	45 days December 9, 2022	The Ministry of Municipal Affairs and Housing is entering its third and final phase of consultation on the next edition of Ontario's Building Code. As part of this phase, changes to an energy requirement and sewage system provisions (Part 8 of the Building Code) are proposed. https://ero.ontario.ca/notice/019-6211
11	22-MMAH017	Seeking Feedback on Municipal Rental Replacement By-laws	30 days November 24, 2022	https://www.ontariocanada.com/registry/view.do?postingId=42808&language=en
12	22-MGSC021	Amendments to the New Home Construction Licensing Act, 2017 to protect purchasers of new homes	45 days December 9, 2022	https://www.ontariocanada.com/registry/view.do?postingId=42927&language=en
13	22-MMAH018	Seeking Input on Rent-to-Own Arrangements	45 days December 9, 2022	https://www.ontariocanada.com/registry/view.do?postingId=42827&language=en
Postings with Comment Deadlines After December 12, 2022:				
14	ERO: 019-6177	Review of A Place to Grow and Provincial Policy Statement	66 days December 30, 2022	The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the Provincial Policy Statement. MMAH is seeking input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply. https://ero.ontario.ca/notice/019-6177
15	ERO: 019-6161	Conserving Ontario's Natural Heritage	66 days December 30, 2022	In support of Ontario's Housing Supply Action Plan 3.0 and the government's commitment to support the construction of 1.5 million new housing units over the next ten years, the

Appendix A to GMS-PL-2022-39

Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings
 Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
				province is seeking feedback on the discussion paper entitled Conserving Ontario's Natural Heritage. https://ero.ontario.ca/notice/019-6161
16	ERO: 019-2927	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario	66 days December 30, 2022	The ministry is proposing a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety. https://ero.ontario.ca/notice/019-2927
17	ERO: 019-6167	Proposed Revocation of the Parkway Belt West Plan	66 days December 30, 2022	The Ministry of Municipal Affairs and Housing is seeking feedback on a proposal to revoke the Parkway Belt West Plan, 1978, under the <i>Ontario Planning and Development Act, 1994</i> . https://ero.ontario.ca/notice/019-6167
18	ERO: 019-6162	Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023	Bulletin (no commenting period)	The government is seeking feedback on potential legislative changes, regulatory changes, policy and other matters to help the government achieve its goal of building 1.5 million homes over the next ten years as part of More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. https://ero.ontario.ca/notice/019-6162
19	ERO: 019-6171	2031 Municipal Housing Targets	Bulletin (no commenting period)	The Province has assigned housing targets to 29 selected lower- and single-tier municipalities in Southern Ontario. These selected municipalities will work towards achieving these targets by 2031. https://ero.ontario.ca/notice/019-6171

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

ERO title:	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units
ERO number:	019-6197
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - December 9, 2022 (45 days)
Bill 23 Schedule	N/A – related to Schedule 9 (Planning Act)

Summary:

The proposed legislative changes to the Planning Act for additional residential units are intended to:

- Accelerate the implementation of an updated “additional residential unit” framework to allow “as-of-right” (without the need to apply for a rezoning) 3 units per lot in many existing residential areas (i.e., up to 3 units allowed in the primary building, or up to 2 units in the primary building and 1 in an ancillary building).
- Supersede local official plans and zoning to automatically apply province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands).
- Remove barriers and incent these types of units by prohibiting municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements, applying minimum unit sizes or requiring more than one parking space per unit.

Staff Comments:

The proposed amendments to the Planning Act through Schedule 9 of Bill 23 provide a definition for “parcel of urban residential land” which would apply to all the lands within the Villages that permit residential uses with full municipal water and sewage services, with the exception of lands that permit residential uses within hazard lands.

The Township’s Our King Official Plan currently provides a policy framework to permit additional residential, including policies for two additional residential units, one within the dwelling and one in an accessory, or ancillary building, for a total of three units on a property in both the urban and rural areas of the Township. The proposed amendments to the Planning Act and Regulation 299/19 differ slightly from the policies of Our King by allowing for all three units within the primary dwelling. The Urban Areas Zoning By-laws have not yet been updated to reflect the policies of Our King. At this time, The Nobleton Urban Area By-law (2016-71) (does not include provisions for additional residential units and the King City and Schomberg Urban Areas By-law (2017-66) only includes provisions for a second dwelling unit within the primary dwelling. These Zoning By-laws would be superseded by the proposed legislation. All other provisions of the Zoning By-laws (setbacks, lot coverage, height, etc.) would still continue to apply.

As noted above, the Our King Official Plan also permits for additional residential units within the rural area, subject to the policies of provincial plans, namely the Greenbelt Plan and Oak Ridges Moraine Conservation Plan. The new Zoning By-law for the Countryside, By-law 2022-053, implements the policies of the Our King by permitting additional residential units as-of-right, outside of the Oak Ridges Moraine Conservation Plan ORMCP Area where additional residential units are extremely restricted by the Provincial Regulation.

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

The proposed amendments generally align with current Township policies. If enacted, the amendments will supersede the Our King Official Plan and Urban Areas Zoning By-laws to provide additional flexibility as to the location of the three dwelling units, and eliminate the need for a Zoning By-law Amendment process.

Staff have generally no concerns with the permissions for up to three (3) dwelling units on a property as it generally aligns with the Our King Official Plan and the direction in the Township's Zoning By-law for the Countryside. However, there may be servicing constraints associated with the increase in the number of residential units within a parcel of land. As such it may be beneficial to have a tool or system to track the number of additional residential units in the Township. Further Staff request clarification from the Province as to how these amendments interface with other Provincial Plans as the additional dwelling units may not always be appropriate in a rural context, such as within the Oak Ridges Moraine where the Oak Ridges Moraine Conservation Plan currently prohibits additional residential units for the majority of the Plan area, particularly where located within an accessory building or structure.

Should the amendments come into effect, Staff will incorporate these changes through the next update to Our King Official Plan and Urban Area Zoning By-laws to be reflective of the increased flexibility in the location and number of additional residential units. It is anticipated that the future Zoning Review will examine whether any zone standards are required to be changed (i.e. parking requirements) to conform with the legislation, and whether there are any additional provisions that Township may want to add or modify to support the vision and policies of Our King.

ERO title:	Proposed Amendments to Ontario Regulation 232/18: Inclusionary Zoning
ERO number:	019-6173
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - December 9, 2022 (45 days)
Bill 23 Schedule	N/A – related to Schedule 9 (Planning Act)

Summary:

Inclusionary zoning is a land use planning tool that municipalities may use to require affordable housing units to be included in residential developments of 10 or more units in identified Protected Major Transit Station Areas or in Community Planning Permit System areas. The Minister also has the authority to prescribe municipalities to adopt official plan policies authorizing the use of inclusionary zoning. Inclusionary zoning can be a useful tool to facilitate the supply of affordable housing in areas that generally have characteristics such as growth pressures, high housing demand and availability of higher order transit. Amendments are proposed to Ontario Regulation 232/18 (Inclusionary Zoning) that are intended to:

- Establish an upper limit on the number of units that would be required to be set aside as affordable (5% of the total number of units, or 5% of the total gross floor area of the residential units).
- Establish a maximum period of 25 years that the affordable housing would be required to remain affordable.
- Prescribe the approach to determining what is defined as affordable housing (generally set at 80% of the average resale purchase price or 80% of the average market rent).

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Summary of Additional Postings and Staff Comments

These proposed amendments also tie in to proposed amendments to the *Planning Act* and *Development Charges Act* which intend to:

- Exempt affordable housing units from development charges, community benefits charges and parkland dedication requirements.
- Introduce a category for “attainable housing” which is proposed to be defined through future regulations. Attainable housing units are also proposed to be exempt from development charges, parkland dedication requirements and community benefit charges.

Staff Comments:

The Our King Official Plan provides policies to support affordable housing in King Township and includes direction to explore the use of inclusionary zoning in the Transit Station Area, subject to the required studies and an amendment to the Plan. The proposed changes could have

The Township does not currently have an identified Protected Major Transit Station Area or a Community Planning Permit System area. As such Inclusionary Zoning is not currently a tool that the municipality utilizes. The proposed amendments to the O. Reg would have minimal impacts on the Township, at this time.

ERO title:	Proposed Updates to the Ontario Wetland Evaluation System
ERO number:	019-6160
Posted by:	Ministry of Natural Resources and Forestry
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule	N/A – related to Schedule 2 (Conservation Authorities Act)

Summary:

The province is proposing to update the Ontario Wetland Evaluation System (OWES) on the basis of removing duplicate requirements and to streamline the evaluation process. Under the current policy framework, an evaluated wetland is a wetland that has been assessed according to the OWES system. The OWES is the official procedure to determine significant wetlands and their boundaries. The OWES consists of two manuals, the Southern OWES, used to evaluate wetlands in Ecoregions 6 and 7, and the Northern OWES which is used to evaluate wetlands in Ecoregions 2, 3, 4 and 5. Through the proposed amendments, changes are proposed to the content in the OWES manuals to add new guidance related to the re-evaluation of wetlands and updates to mapping of evaluated wetlands. Changes are also proposed to allow for the recognition of wetland evaluators and to recognize the role of municipalities as local decision makers. Housekeeping edits are also proposed to the manuals to ensure consistency.

Staff Comments:

Wetlands have many benefits including but not limited to slowing floodwaters, replenishing groundwater, supporting biodiversity and sequestering carbon. Wetlands positively contribute the wellbeing of communities and should continue be protected. The Township relies of experts at the Conservation Authorities to assist in the review and protection of wetlands. The proposed changes to the OWES together with the changes to the Conservation Authorities Act and Planning Act will make wetlands vulnerable to development pressures.

The Province is downloading responsibilities in determining wetland features to municipalities through the development review process, without any additional funding or supports to assist.

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

Staff recommend that the Province revise the proposed OWES to continue to include the expert role of Conservation Authorities.

ORR title:	Seeking Feedback on Municipal Rental Replacement By-laws
ORR number:	22-MMAH017
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 – November 24, 2022 (30 days)

Summary:

Under s.99.1 of the Municipal Act, municipalities may enact by-laws to regulate the demolition or conversion of multi-unit residential rental properties of six units or more. Rental replacement by-laws vary among municipalities and may include requirements about number, size, type and cost of rental units, as well as first right of refusal for existing tenants.

The Province is seeking feedback in order to propose to enact a Minister's regulation making authority to enable the Minister to make regulations to standardize and clarify municipal powers to regulate the demolition and conversion of residential rental properties to provide for consistency between municipalities. To inform the future regulation the Province has provided the following questions:

1. What types of requirements should municipalities be able to set around residential rental demolition and conversion?
2. What types of requirements should municipalities not be able to set (e.g., are there requirements that pose a barrier to creating new or renewed housing supply or limit access to housing)?
3. What impact do you think municipal rental replacement bylaws might have on the supply and construction of new housing?
4. What impact do you think municipal rental replacement bylaws might have on renter protections and access to housing?

Staff Comments:

The Township does not currently have a rental replacement by-law. The proposed regulation may afford renters additional protections by introducing additional requirements. The regulations may also provide for additional clarity regarding the replacement of residential rental units and may encourage the construction of new housing.

Due to the limited time available to comment on all the proposed legislation, Planning Staff are not able to provide detailed answers to the questions proposed in this ORR posting. These will be presented as further information is provided.

ORR title:	Amendments to the New Home Construction Licensing Act, 2017 to protect purchasers of new homes
ORR number:	22-MGCS021
Posted by:	Ministry of Public and Business Service
Comment period:	October 25, 2022 – December 9, 2022 (45 days)

Summary:

The proposed amendments to the New Home Construction Licensing Act include the following:

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

- Increasing the maximum allowable amount for an Administrative Monetary Penalty (AMP) from \$25,000 to \$50,000.
- Increasing the maximum fines for a person or entity that has previously been convicted of an offence to \$100,000 for an individual and to \$500,000 for a person or entity that is not an individual.
- Allow for AMPs to be imposed retroactively for contraventions that occurred on or after April 14, 2022.
- Enabling the Home Construction Regulatory Authority (HCRA) to use the proceeds from AMPs and fines to provide funds to adversely impacted consumers and develop a related regulation.
- Clarify the Code of Ethics to prescribe the purpose of AMPs and to allow the funds to be provided to adversely impacted consumers.
- Clarify that the purpose of the AMP is to ensure compliance with legislation and licensing requirements as well as to prevent a person from deriving an economic benefit as a result of violating legislation or conditions of a license.
- Clarify when AMPs can be imposed and the two year limitation period for AMPs.
- Housekeeping amendments to ensure consistent terminology.

Staff Comments:

The proposed amendments to the New Home Construction Licensing Act are not anticipated to affect the Township. The amendments also should not create a burden on the new home construction industry as builders and vendors should already be adhering to the requirements and regulations of the legislation. The proposed amendments are intended to deter misconduct and to provide the HCRA with tools to increase compliance and better protect consumers.

ORR title:	Seeking Input on Rent-to-Own Arrangements
ORR number:	22-MMAH018
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 – December 9, 2022 (45 days)

Summary:

The Province is exploring the “rent-to-own” financing model and the role it may have in supporting housing attainability in the province. Rent-to-own arrangements generally involve an agreement with a housing provider with the intention that the client will rent the home for a period of time and eventually purchase it at the end of the rental term. Rent-to-own agreements generally involve two contracts:

1. Rental agreement (standard lease agreement)
2. Rent-to-Own Agreement (allows parties to determine the details of the purchase of the property at the end of the lease term)

The Province has proposed the following four questions to inform future legislation or regulations regarding Rent-to-Own Agreements. Do you think that rent-to-own arrangements are a viable way to support housing attainability in Ontario?

1. Are there any barriers with rent-to-own arrangements that you think may be discouraging providers from offering this type of housing?
2. Are there any issues with existing rent-to-own arrangements that may it difficult or unfavourable to clients, such as renters, to engage in them?

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Summary of Additional Postings and Staff Comments

3. Are there measures the government could consider to facilitate these agreements, such as making them more viable for housing providers, increasing client protections, raising awareness and public education on this alternate form of home ownership, etc.?

Staff Comments:

The Township does not administer rent-to-own agreements. However, rent-to-own arrangements may provide for additional flexibility and approve housing attainability for residents of the Township.

Due the limited time available to comment on all the proposed legislation, Planning Staff are not able to provide detailed answers to the questions proposed in this ORR posting at this time; however, we will continue to explore the questions with York Region Staff and the Local Municipal Housing Working Group. These will be presented as further information is provided.

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2022

Bill 23

An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading October 25, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

The Schedule amends section 111 of the *City of Toronto Act, 2006* to give the Minister the authority to make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under that section.

The Schedule also makes various amendments to section 114 of the *City of Toronto Act, 2006*. New subsections (1.2) and (1.3) are added to qualify the definition of “development” in subsection 114 (1). Amendments to subsection (6) and new subsection (6.1) provide that exterior design is no longer a matter that is subject to site plan control. Related amendments are also included.

**SCHEDULE 2
CONSERVATION AUTHORITIES ACT**

The Schedule repeals and re-enacts subsections 21 (2) and (3) of the *Conservation Authorities Act* so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister’s approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria. Sections 21.1.1 and 21.1.2 of the Act are also amended to provide that authorities may not provide a program or service related to reviewing and commenting on certain matters under prescribed Acts. A new section 21.3 is added to the Act authorizing the Minister to direct an authority not to change the fees it charges for a specified period of time.

The Act is amended to provide that certain prohibitions on activities in the area of jurisdiction of an authority do not apply if the activities are part of development authorized under the *Planning Act* and if other specified conditions are satisfied.

Sections 28.0.1 and 28.1.2 of the Act, which include provisions to require a conservation authority to issue a permission or permit where an order has been made under section 47 of the *Planning Act*, are amended to also apply to orders made under section 34.1 of the *Planning Act*.

Currently, several factors must be considered when making decisions relating to a permission to carry out a development project or a permit to engage in otherwise prohibited activities. The factors include the possible effects on the control of pollution and the conservation of land. The Act is amended to instead require consideration of the effects on the control of unstable soil or bedrock.

Regulation making powers are amended to provide that the Minister may make regulations limiting the types of conditions that may be attached to a permission or permit.

A new prohibition is added to prohibit a person from continuing to carry out a development project if they have not entered into an agreement by the timeline prescribed in the regulations.

Various other related and consequential amendments and corrections are made, and several regulations made under the Act are revoked.

**SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997**

The Schedule makes various amendments to the *Development Charges Act, 1997*. Here are some highlights:

1. Subsection 2 (4) is amended to remove housing services as a service in respect of which a development charge may be imposed.
2. New sections 4.1, 4.2 and 4.3 provide, respectively, for exemptions from development charges for the creation of affordable residential units and attainable residential units, for non-profit housing developments and for inclusionary zoning residential units.
3. Changes are made to the method for determining development charges in section 5, including to remove the costs of certain studies from the list of capital costs that are considered in determining a development charge that may be imposed and to require development charges to be reduced from what could otherwise be imposed during the first four years a by-law is in force.
4. Currently, subsection 9 (1) provides that, unless it expires or is repealed earlier, a development charge by-law expires five years after it comes into force. The subsection is amended to extend this period to 10 years.
5. Section 26.2 is amended to provide that development charges in the case of rental housing development are reduced by a percentage based on the number of bedrooms.
6. A new section 26.3 is added to provide a maximum interest rate for the purposes of sections 26.1 and 26.2. Complementary amendments are made to sections 26.1 and 26.2.

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7. New subsections 35 (2) and (3) are added, which, for certain services, require a municipality to spend or allocate 60 per cent of the monies in the reserve funds required by section 33 annually.

**SCHEDULE 4
MUNICIPAL ACT, 2001**

The Schedule amends section 99.1 of the *Municipal Act, 2001* to give the Minister the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under that section.

**SCHEDULE 5
NEW HOME CONSTRUCTION LICENSING ACT, 2017**

The Schedule makes various amendments to the *New Home Construction Licensing Act, 2017*, including the following:

1. Sections 10 and 11, which relate to competency criteria and composition of the regulatory authority's board, are amended to provide for the Minister's powers to be exercised by order instead of by regulation.
2. Section 71 is amended to provide for higher maximum fines for subsequent convictions for offences.
3. Section 76 is replaced with a new section 76, with some changes. The purposes for which an administrative penalty may be imposed are extended to include compliance with the Acts, regulations and by-laws referred to in subsection 76 (1) and the conditions of a licence as well to prevent economic benefit from contraventions. The maximum amount of an administrative penalty is increased to \$50,000. New subsections 76 (15) and (16) allow administrative penalties to be imposed for contraventions that occurred between April 14, 2022 and the day section 76 comes into force.
4. Clause 84 (1) (i), which authorizes regulations specifying the purposes for which the regulatory authority may use funds that it collects as administrative penalties, is replaced with a new clause 84 (1) (i) that extends the authority to funds that the regulatory authority collects as fines.
5. New clause 84 (1) (i.1) authorizes regulations requiring the regulatory authority to establish, maintain and comply with a policy governing payments to adversely affected persons from funds the authority collects as fines and administrative penalties. New subsection 84 (7) allows such a regulation to provide for any aspect of the policy to be subject to the approval of the Minister.

**SCHEDULE 6
ONTARIO HERITAGE ACT**

The Schedule amends the *Ontario Heritage Act*. Here are some highlights.

Section 25.2 of the Act currently permits the Minister to prepare heritage standards and guidelines for the identification, protection, maintenance, use and disposal of property that is owned by the Crown or occupied by a ministry or prescribed public body and that has cultural heritage value or interest. New subsection 25.2 (3.1) provides that the process for identifying such properties, as set out in the heritage standards and guidelines, may permit the Minister to review determinations made by a ministry or prescribed public body. New subsection 25.2 (7) authorizes the Lieutenant Governor in Council to, by order, exempt the Crown, a ministry or a prescribed public body from having to comply with the heritage standards and guidelines in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more provincial priorities, as specified.

Section 27 of the Act currently requires the clerk of each municipality to keep a register that lists all property designated under Part IV of the Act and also all property that has not been designated, but that the municipal council believes to be of cultural heritage value or interest. New subsection 27 (1.1) requires the clerk of the municipality to ensure that the information included in the register is accessible to the public on the municipality's website. Subsection 27 (3) is re-enacted to require that non-designated property must meet the criteria for determining whether property is of cultural heritage value or interest, if such criteria are prescribed. Current subsection 27 (13) is re-enacted to provide that, in addition to applying to properties included in the register on and after July 1, 2021, the objection process set out in subsections 27 (7) and (8) apply to non-designated properties that were included in the register as of June 30, 2021. New subsections 27 (14), (15) and (16) specify circumstances that require the removal of non-designated property from the register. New subsection 27 (18) prevents a council from including such non-designated property in the register again for five years.

Currently, subsection 29 (1.2) of the Act provides that, if a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be prescribed. The subsection is re-enacted to also provide that the municipality may give a notice of intention to designate the property only if the property was included in the register under subsection 27 (3) as of the date of the prescribed event.

Subsection 41 (1) of the Act currently permits a council of a municipality to designate, by by-law, the municipality or any defined area of it as a heritage conservation district, if there is in effect in the municipality an official plan that contains provisions relating to the establishment of a heritage conservation district. The subsection is re-enacted to also require the municipality or defined area or areas to meet criteria for determining whether they are of cultural heritage value or interest, if such criteria are prescribed. New subsections 41 (10.2) and (10.3) require a council of a municipality wishing to amend or

repeal a by-law made under the section to do so in accordance with such process as may be prescribed; similar rules are added to section 41.1.

Section 71 of the Act authorizes the Lieutenant Governor in Council to make regulations governing transitional matters to facilitate the implementation of the amendments made in the Schedule.

Other housekeeping amendments are made to the Act.

SCHEDULE 7 ONTARIO LAND TRIBUNAL ACT, 2021

The Schedule amends the *Ontario Land Tribunal Act, 2021*.

Subsection 19 (1) is amended to expand the Tribunal's powers to dismiss a proceeding without a hearing, on the basis that the party who brought the proceeding has contributed to undue delay. Section 19 of the Act is also amended to give the Tribunal the power to dismiss a proceeding entirely, if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. Section 20 is amended to give the Tribunal the power to order an unsuccessful party to pay a successful party's costs.

The regulation-making authority in section 29 is also amended. The Lieutenant Governor in Council is given authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings. The Minister is given authority to make regulations prescribing timelines that would apply to specified steps taken by the Tribunal in specified classes of proceedings. The implications of a failure of the Tribunal to comply with the timelines prescribed by the Minister are addressed, and the Minister is given authority to require the Tribunal to report on its compliance with the timelines.

A consequential amendment is made to subsection 13 (4).

SCHEDULE 8 ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012

The Schedule amends the *Ontario Underground Infrastructure Notification System Act, 2012*. Here are some highlights:

1. New subsection 2 (4.4) authorizes the Minister to appoint a chair of the board of directors.
2. New section 2.3 authorizes the Minister to appoint an administrator of the Corporation. This section sets out details of this appointment such as the term, powers and duties of the administrator and various rules with respect to liability. New section 2.5 sets out the conditions to be satisfied in order for the Minister to exercise this authority.
3. New section 2.4 sets out that the members of the board of directors of the Corporation cease to hold office during an administrator's tenure, unless otherwise specified. This section sets out the status of the board during an administrator's tenure.
4. New section 2.6 sets out that the Act, the regulations and Minister's orders prevail in the event of a conflict with the memorandum of understanding or the Corporation's by-laws and resolutions.

SCHEDULE 9 PLANNING ACT

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. The concept of parcels of urban residential land is added as well as rules respecting development on such parcels.
2. New subsections 16 (20) and (21) are added to require zoning by-laws to be amended to conform with certain official plan policies within one year of the policies coming into effect.
3. Currently, under subsection 17 (24), a person or public body has a right to appeal the adoption of an official plan if the person or public body has, before the municipality adopted the plan, made oral submissions at a public meeting or written submissions to the municipality. Amendments to subsection 17 (24) add the requirement that the person also be a "specified person" listed in a new definition in subsection 1 (1). New subsections 17 (24.0.1) to (24.0.4) are added to provide for transitional rules associated with this change, including its retroactive application. Similar amendments are made to appeal rights under subsections 17 (36), 34 (19), 45 (12) and 53 (19) and (27).
4. Currently, subsections 22 (2.1) and (2.1.1) prohibit requests for official plan amendments to be made within two years of a new official plan or secondary plan coming into effect. A new subsection 22 (2.3) is added to provide an exception to this prohibition for requests related to pits and quarries. A similar change is made in relation to the prohibition on applications to amend zoning by-laws in subsection 34 (10.0.0.1).
5. Currently, section 23 of the Act enables the Minister to amend official plans by order where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to, in particular, eliminate certain procedural steps to which the Minister's power to make orders is subject, as well as to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.

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6. A new subsection 34 (19.9) is added to create an exception to subsection 34 (19.5), which prevents certain appeals of zoning by-laws related to protected major transit station areas if more than a year has passed since related official plan policies or amendments thereto came into effect.
7. Currently, subsection 37 (32) of the Act provides that the amount of a community benefits charge payable in any particular case shall not exceed the prescribed percentage of the value of the land as of the valuation date. The subsection is amended to require the amount to be multiplied by a ratio based on floor area.
8. Various amendments are made to section 41 of the Act with respect to site plan control areas. New subsections (1.2) and (1.3) are added to qualify the definition of “development” in section 41. Amendments to subsections (4) and (4.1) provide that exterior design is no longer a matter that is subject to site plan control. Similar changes are made to section 47.
9. Various amendments are made to section 42 of the Act with respect to parkland requirements, including the following:
 - i. Currently subsection 42 (1) provides that a council may require the dedication of land for park or other public recreational purposes as a condition of development or redevelopment and sets out maximum amounts based on the type of development or redevelopment. A new subsection 42 (1.1) is added to establish a maximum amount for development or redevelopment that will include affordable residential units, attainable residential units or residential units required to be affordable pursuant to an inclusionary zoning by-law. Similar changes are made to section 51.1.
 - ii. New subsections 42 (2.1) to (2.4) are added, which set out rules with respect to the timing of the determination of the amount of land for park or other public recreational purposes or payment in lieu that is required to be provided under a by-law under the section. Similar changes are made to section 51.1.
 - iii. Amendments are made in relation to the alternative requirement for parkland conveyances and payments in lieu, including to change the maximum rates and provide a maximum amount of land or value thereof that may be required to be provided. Similar changes are made to section 51.1.
 - iv. New subsections 42 (4.30) to (4.39) are added, which set out a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the section. The framework permits owners to appeal to the Tribunal if the municipality refuses to accept the conveyance of the identified land.
 - v. A new subsection 42 (16.1) is added, which requires a municipality to spend or allocate 60 per cent of the monies in the special account required by subsection 42 (15) annually.
10. Amendments to the exceptions to subdivision control and part-lot control under subsections 50 (3) and (5) of the Act are made in connection with land lease community homes. The exception doesn’t apply in respect of land if any part of the land is in the Greenbelt Area. A complementary amendment is made to the definition of “parcel of land” in subsection 46 (1).
11. Section 51 is amended by repealing certain provisions respecting public meetings.
12. Section 70.12 is added to give the Minister the power to make regulations governing transitional matters.
13. The Act is amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Various amendments are made to provide lower-tier municipalities with planning functions where, for municipal purposes, they form part of an upper-tier municipality without planning responsibilities. A new section 70.13 addresses various transitional matters which may arise where there is a change in the municipality that has planning responsibilities.

**SCHEDULE 10
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022**

The *Supporting Growth and Housing in York and Durham Regions Act, 2022* is enacted. Its purpose is to expedite the planning, development and construction of the proposed York Region sewage works project to expedite the improvement, enlargement and extension of the York Durham Sewage System to convey sewage to the Duffin Creek Water Pollution Control Plant. The Act also expedites the development, construction and operation of the Lake Simcoe phosphorus reduction project for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River.

Certain orders and approvals under the *Environmental Assessment Act* are terminated, and the projects are exempted from the *Environmental Bill of Rights, 1993*.

Land required for the projects may be designated as project land, in which case certain work cannot be performed without a permit.

The Minister may require removal of obstructions to the projects.

Adjustments to the expropriation process under the *Expropriations Act* are set out, as are rules regarding compensation.

A number of the powers given to the Minister may be delegated to the Regional Municipalities of York or Durham, a lower-tier municipality or the Agency. Rules with regard to utility companies affected by the project are established.

Various provisions of an administrative nature are enacted.

Bill 23

2022

An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

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Schedule 10	Supporting Growth and Housing in York and Durham Regions Act, 2022

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *More Homes Built Faster Act, 2022*.

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**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 Section 111 of the *City of Toronto Act, 2006* is amended by adding the following subsection:

Regulations

(7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section.

2 (1) Section 114 of the Act is amended by adding the following subsections:

Same

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

Land lease community home

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1) of the *Planning Act*, on a parcel of land that will contain any number of residential units.

(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed.

(3) Section 114 (6) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building.

(4) Section 114 of the Act is amended by adding the following subsections:

Same

(6.1) The appearance of the elements, facilities and works on the land or any adjoining highway under the City’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility or the protection of adjoining lands.

Same

(20) In respect of plans and drawings submitted for approval under subsection (5) before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force,

- (a) subparagraph 2 iv of subsection (5) as it read immediately before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force continues to apply;
- (b) paragraph 1.1 of subsection (6) does not apply; and
- (c) subsection (6.1) does not apply.

Commencement

3 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

**SCHEDULE 2
CONSERVATION AUTHORITIES ACT**

1 The definition of “Minister” in section 1 of the *Conservation Authorities Act* is repealed and the following substituted:

“Minister” means the Minister of Natural Resources and Forestry or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

2 (1) Clause 21 (1) (c) of the Act is amended by striking out “subject to subsection (2)” and substituting “subject to subsections (2) and (4)”.

(2) Subsections 21 (2) and (3) of the Act are repealed and the following substituted:

Notice to Minister

(2) Subject to subsection (6), if the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without providing a written notice of the proposed disposition to the Minister at least 90 days before the disposition.

Same

(3) If an authority is required to consult the public and post a notice of proposed disposition under subsection (4), the notice to the Minister required under subsection (2) shall, at a minimum, describe how the comments received during the public consultation, if any, were considered by the authority prior to the disposition.

Public consultation prior to disposition

(4) Subject to subsection (6), an authority shall conduct a public consultation and post a notice of the consultation on its website if the authority proposes, under clause (1) (c), to sell, lease or otherwise dispose of land in respect of which the Minister has made a grant under section 39 and the land includes,

- (a) areas of natural and scientific interest, lands within the Niagara Escarpment Planning Area or wetlands as defined in section 1 of the *Conservation Land Act*;
- (b) the habitat of threatened or endangered species;
- (c) lands in respect of which the authority has entered into an agreement with the Minister in relation to forestry development under section 2 of the *Forestry Act*; or
- (d) land that is impacted by a type of natural hazard listed in subsection 1 (1) of Ontario Regulation 686/21 (Mandatory Programs and Services) made under this Act.

Length of public consultation and content of notice

(5) The public consultation under subsection (4) shall last for a minimum of 45 days and the notice of public consultation to be posted on the authority’s website prior to the proposed disposition shall include,

- (a) a description of the type of land referred to in clauses (4) (a) to (d) that the authority is proposing to dispose of;
- (b) the proposed date of the disposition; and
- (c) the proposed future use of the lands, if known.

Exceptions

(6) With regard to a disposition of land in respect of which the Minister has made a grant to an authority under section 39, the authority is not required to provide a notice to the Minister under subsection (2) or consult the public and post a notice under subsection (4) if,

- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
- (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
- (c) the authority informs the Minister of the disposition.

Minister’s direction on disposition proceeds

(7) If the Minister receives a notice under subsection (2), the Minister may, within 90 days after receiving the notice, direct the authority to apply a specified share of the proceeds of the disposition to support programs and services provided by the authority under section 21.1.

3 (1) Subsection 21.1.1 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.

(2) Section 21.1.1 of the Act is amended by adding the following subsection:

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

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4 (1) Subsection 21.1.2 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.

(2) Section 21.1.2 of the Act is amended by adding the following subsection:

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

5 The Act is amended by adding the following section:

Minister’s direction re fee changes

21.3 (1) The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.

Compliance

(2) An authority that receives a direction under subsection (1) shall comply with the direction within the time specified in the direction.

6 (1) Section 24 of the Act is amended by adding the following subsection:

Terms and conditions

(8) The Minister may impose terms and conditions on an approval given under subsection (1).

(2) Section 24 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsection:

Terms and conditions

(2) The Minister may impose terms and conditions on an approval given under subsection (1).

7 (1) Subsection 28 (1) of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out “Subject to subsections (2), (3) and (4) and section 28.1” at the beginning.

(2) Section 28 of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:

Same, *Planning Act*

(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

- (a) the activity is part of development authorized under the *Planning Act*; and
- (b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

Same

(4.2) If a regulation prescribes activities, areas of municipalities or types of authorizations under the *Planning Act* for the purposes of this subsection, or prescribes any other conditions or restrictions relating to an exception under subsection (4.1), the exception applies only in respect of such activities, areas and authorizations and subject to such conditions and restrictions.

8 (1) Clause 28.0.1 (1) (a) of the Act is repealed and the following substituted:

- (a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

(2) The definition of “development project” in subsection 28.0.1 (2) of the Act is repealed and the following substituted:

“development project” means development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

(3) Clause 28.0.1 (6) (a) of the Act is repealed and the following substituted:

- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(4) Subsection 28.0.1 (9) of the Act is repealed and the following substituted:

Request for Minister’s review

(9) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

(5) Subsection 28.0.1 (16) of the Act is amended by striking out “conditions that the authority proposes to attach to a permission” and substituting “conditions attached by the authority to a permission”.

(6) Clause 28.0.1 (17) (a) of the Act is repealed and the following substituted:

- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(7) Subsection 28.0.1 (19) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Appeal

(19) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Ontario Land Tribunal to review the conditions if,

(8) Subsection 28.0.1 (20) of the Act is amended by striking out “proposed” and substituting “attached”.

(9) Section 28.0.1 of the Act is amended by adding the following subsection:

Same

(26.1) If a regulation made under this section provides that a development project may begin prior to entering into an agreement under subsection (24), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until an agreement is entered into.

(10) Clause 28.0.1 (28) (b) of the Act is repealed and the following substituted:

- (b) subsection (26) or (26.1).

(11) Subsection 28.0.1 (34) of the Act is repealed and the following substituted:

(34) If the conditions attached to a permission granted under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

(12) Clause 28.0.1 (35) (b) of the Act is amended by adding the following subclause:

- (i.1) limiting the types of conditions that an authority may attach to a permission under this section,

(13) Clause 28.0.1 (35) (e) of the Act is repealed and the following substituted:

- (e) specifying lands or development projects to which this section does not apply;
- (e.1) exempting lands or development projects from subsection (5), (24) or (26), subject to such conditions or restrictions as may be specified;

9 (1) Clause 28.1 (1) (a) of the Act is repealed and the following substituted:

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(2) Clauses 28.1 (6) (a) and (b) of the Act are repealed and the following substituted:

- (a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- (b) despite subsection (4), the authority shall not attach conditions to the permit unless the conditions relate to controlling flooding, erosion, dynamic beaches or unstable soil or bedrock.

(3) Subsection 28.1 (22) of the Act is amended by striking out “120” and substituting “90”.

10 (1) Clause 28.1.2 (1) (a) of the Act is revoked and the following substituted:

- (a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

(2) The definition of “development project” in subsection 28.1.2 (2) of the Act is repealed and the following substituted:

“development project” means development activity as defined in subsection 28 (5) or any other act or activity that, without a permit issued under this section or section 28.1, would be prohibited under section 28.

(3) Subsection 28.1.2 (5) of the Act is amended by striking out “permission” and substituting “permit”.

(4) Clause 28.1.2 (6) (a) of the Act is repealed and the following substituted:

- (a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(5) Subsection 28.1.2 (9) of the Act is repealed and the following substituted:

6

Request for Minister's review

(9) A permit holder who objects to any conditions attached to the permit by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

(6) Subsection 28.1.2 (11) of the Act is amended by striking out “conditions that the authority proposes to attach to a permit” and substituting “conditions attached by the authority to a permit”.

(7) Clause 28.1.2 (12) (a) of the Act is repealed and the following substituted:

- (a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(8) Subsection 28.1.2 (14) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Appeal

(14) A permit holder who objects to any conditions attached to the permit by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Local Planning Appeal Tribunal to review the conditions if,

(9) Subsection 28.1.2 (15) of the Act is amended by striking out “proposed” and substituting “attached”.

(10) Section 28.1.2 of the Act is amended by adding the following subsection:

Same

(19.1) If a regulation made under subsection 40 (4) provides that a development project may begin prior to entering into an agreement under subsection (17), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until such time the agreement is entered into.

(11) Subsection 28.1.2 (20) of the Act is revoked and the following substituted:

Conflict

(20) If the conditions attached to a permit issued under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

11 (1) Clause 30.2 (1.1) (a) of the Act is repealed and the following substituted:

- (a) the entry is for the purpose of ensuring compliance with subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1), with a regulation made under section 28.5 or with the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);

(2) Subclause 30.2 (1.1) (b) (i) of the Act is repealed and the following substituted:

- (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

12 (1) Subclause 30.4 (1) (a) (i) of the Act is repealed and the following substituted:

- (i) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or

(2) Subclause 30.4 (1) (b) (i) of the Act is repealed and the following substituted:

- (i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

13 (1) Clause 30.5 (1) (a) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is repealed and the following substituted:

- (a) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1);

(2) Clause 30.5 (1) (b) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is amended by striking out “subsection 28 (3) or (4)” substituting “subsection 28 (3), (4) or (4.1)”.

14 (1) Subsection 40 (1) of the Act is amended by adding the following clause:

- (g) governing exceptions under subsection 28 (4.1) from the prohibitions set out in subsection 28 (1), including,
 - (i) prescribing municipalities to which the exception applies,
 - (ii) respecting any conditions or restrictions that must be satisfied to obtain the exception, or in carrying out the activity, including conditions or restrictions applying to the municipality in which the exception applies,

- (iii) prescribing activities, areas of municipalities, types of authorizations under the *Planning Act* and other conditions or restrictions for the purposes of subsection 28 (4.2),
- (iv) governing transitional matters resulting from an exception under subsection 28 (4.1);
- (2) Clause 40 (3) (c) of the Act is amended by striking out “clause 21.1.1 (4) (b) and subsection 21.1.2 (2)” at the end and substituting “clauses 21.1.1 (4) (b) and 21.1.2 (3) (b)”.**
- (3) Subsection 40 (3) of the Act is amended by adding the following clause:**
 - (c.1) prescribing Acts for the purposes of subsections 21.1.1 (1.1) and 21.1.2 (1.1);
- (4) Clause 40 (4) (b) of the Act is amended by striking out “may be attached” and substituting “may or may not be attached”.**
- (5) Clause 40 (4) (c) of the Act is repealed.**
- (6) Clause 40 (4) (e) of the Act is amended by adding the following subclause:**
 - (i.1) limiting the types of conditions that an authority may attach to a permit under section 28.1.2;
- (7) Clause 40 (4) (h) of the Act is repealed and the following substituted:**
 - (h) specifying lands or development projects to which section 28.1.2 does not apply;
 - (h.1) exempting lands or development projects from subsections 28.1.2 (5), (17) and (19), subject to such conditions or restrictions as may be specified;

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

15 Subsection 16 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.

Revocation of Regulations

16 Ontario Regulations 97/04, 42/06, 146/06, 147/06, 148/06, 150/06, 151/06, 152/06, 153/06, 155/06, 156/06, 157/06, 158/06, 159/06, 160/06, 161/06, 162/06, 163/06, 164/06, 165/06, 166/06, 167/06, 168/06, 169/06, 170/06, 171/06, 172/06, 174/06, 175/06, 176/06, 177/06, 178/06, 179/06, 180/06, 181/06, 182/06 and 319/09 are revoked.

Commencement

- 17 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (2) Sections 2 to 5 and subsections 6 (1) and 14 (3) come into force on the later of January 1, 2023 and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (3) Subsection 6 (2) comes into force on the later of the day section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (4) Sections 9 and 16 come into force on the later of the day section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (5) Section 10 comes into force on the later of the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (6) Section 11 comes into force on the later of the day subsection 19 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (7) Section 12 comes into force on the later of the day subsection 20 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (8) Section 13 comes into force on the later of the day section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (9) Subsections 14 (4) to (7) come into force on the later of the day subsection 25 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.**
- (10) Section 7 and subsection 14 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.**

**SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997**

1 Section 1 of the *Development Charges Act, 1997* is amended by adding the following definition:

“rental housing development” means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises; (“aménagement de logements locatifs”)

2 (1) Subsections 2 (3) and (3.1) of the Act are repealed and the following substituted:

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to permit the enlargement of an existing residential unit.

Exemption for residential units in existing rental residential buildings

(3.1) The creation of the greater of the following in an existing rental residential building, which contains four or more residential units, is exempt from development charges:

1. One residential unit.
2. 1% of the existing residential units.

Exemption for residential units in existing houses

(3.2) The creation of any of the following is exempt from development charges:

1. A second residential unit in an existing 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 existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
2. A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

Exemption for additional residential units in new residential buildings

(3.3) The creation of any of the following is exempt from development charges:

1. A second residential unit in a new 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 new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
2. A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

(2) Paragraph 17 of subsection 2 (4) of the Act is repealed.

(3) Section 2 of the Act is amended by adding the following subsection:

Deemed amendment of by-law

(4.0.1) If a by-law under this section imposes development charges to pay for increased capital costs required because of increased needs for housing services, the by-law is deemed to be amended to be consistent with subsection (4) as it reads on the day subsection 2 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

3 The Act is amended by adding the following section:

Exemption for affordable and attainable residential units

Definitions

4.1 (1) In this section,

“affordable residential unit” means a residential unit that meets the criteria set out in subsection (2) or (3); (“unité d’habitation abordable”)

“attainable residential unit” means a residential unit that meets the criteria set out in subsection (4). (“unité d’habitation à la portée du revenu”)

Affordable residential unit, rented

(2) A residential unit intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The rent is no greater than 80 per cent of the average market rent, as determined in accordance with subsection (5).
2. The tenant is dealing at arm’s length with the landlord.

Affordable residential unit, ownership

(3) A residential unit not intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The price of the residential unit is no greater than 80 per cent of the average purchase price, as determined in accordance with subsection (6).
2. The residential unit is sold to a person who is dealing at arm’s length with the seller.

Attainable residential unit

(4) A residential unit shall be considered to be an attainable residential unit if it meets the following criteria:

1. The residential unit is not an affordable residential unit.
2. The residential unit is not intended for use as a rented residential premises.
3. The residential unit was developed as part of a prescribed development or class of developments.
4. The residential unit is sold to a person who is dealing at arm’s length with the seller.
5. Such other criteria as may be prescribed.

Average market rent

(5) For the purposes of paragraph 1 of subsection (2), the average market rent applicable to a residential unit is the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin”, as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

Average purchase price

(6) For the purposes of paragraph 1 of subsection (3), the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin”, as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

Arm’s length

(7) For the purposes of this section, in the determination of whether two or more persons are dealing at arm’s length, section 251 of the *Income Tax Act* (Canada) applies with necessary modifications.

Affordable residential unit, exemption from development charges

(8) The creation of a residential unit that is intended to be an affordable residential unit for a period of 25 years or more from the time that the unit is first rented or sold is exempt from development charges.

Same, agreement

(9) A person who, but for subsection (8), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (8) applies to be an affordable residential unit for a period of 25 years.

Attainable residential unit, exemption from development charges

(10) The creation of a residential unit that is intended to be an attainable residential unit when the unit is first sold is exempt from development charges.

Same, agreement

(11) A person who, but for subsection (10), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (10) applies to be an attainable residential unit at the time it is sold.

10

Standard form agreement

(12) The Minister of Municipal Affairs and Housing may establish standard forms of agreement that shall be used for the purposes of subsection (9) or (11).

Registration of agreement

(13) An agreement entered into under subsection (9) or (11) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

Transition

(14) Subsection (8) does not apply with respect to a development charge that is payable before the day section 3 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Non-application of *Legislation Act, 2006*

(15) Part III (Regulations) of the *Legislation Act, 2006* does not apply to,

- (a) a bulletin referred to in this section; or
- (b) a standard form of agreement established under subsection (12).

4 The Act is amended by adding the following sections:**Exemption for non-profit housing development****Definition**

4.2 (1) In this section,

“non-profit housing development” means the development of a building or structure intended for use as a residential premises and developed by,

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing, or
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Exemption

(2) A non-profit housing development is exempt from development charges.

Transition

(3) Subsection (2) does not apply with respect to a development charge that is payable before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Same

(4) For greater certainty, subsection (2) applies to future instalments that would have been payable in accordance with section 26.1 after the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Exemption for inclusionary zoning residential units**Exemption**

4.3 (1) The creation of a residential unit described in subsection (2) is exempt from development charges unless a development charge is payable with respect to the residential unit before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Application

(2) Subsection (1) applies in respect of residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of that Act.

5 (1) Paragraph 4 of subsection 5 (1) of the Act is amended by striking out “10-year period” and substituting “15-year period”.

(2) Section 5 of the Act is amended by adding the following subsection:

Transition, par. 4 of subs. (1)

(1.1) For greater certainty, paragraph 4 of subsection (1), as it read immediately before the day subsection 5 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

(3) Paragraph 1 of subsection 5 (3) of the Act is amended by adding “except in relation to such services as are prescribed for the purposes of this paragraph” at the end.

(4) Paragraphs 5 and 6 of subsection 5 (3) of the Act are repealed.

(5) Section 5 of the Act is amended by adding the following subsection:

Transition

(3.1) For greater certainty, subsection (3), as it read immediately before the day subsection 5 (4) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

(6) Subsection 5 (6) of the Act is amended by adding the following paragraph:

4. In the case of a development charge by-law passed on or after the day subsection 5 (6) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, the rules must provide that,
 - i. any development charge imposed during the first year that the by-law is in force is no more than 80 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
 - ii. any development charge imposed during the second year that the by-law is in force is no more than 85 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
 - iii. any development charge imposed during the third year that the by-law is in force is no more than 90 per cent of the maximum development charge that could otherwise be charged in accordance with this section, and
 - iv. any development charge imposed during the fourth year that the by-law is in force is no more than 95 per cent of the maximum development charge that could otherwise be charged in accordance with this section.

(7) Section 5 of the Act is amended by adding the following subsections:

Special rule

(7) Subsection (8) applies to a development charge imposed by a development charge by-law passed on or after June 1, 2022 and before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, unless the development charge was payable before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Same

(8) The amount of a development charge described in subsection (7) shall be reduced in accordance with the following rules:

1. A development charge imposed during the first year that the by-law is in force shall be reduced to 80 per cent of the development charge that would otherwise be imposed by the by-law.
2. A development charge imposed during the second year that the by-law is in force shall be reduced to 85 per cent of the development charge that would otherwise be imposed by the by-law.
3. A development charge imposed during the third year that the by-law is in force shall be reduced to 90 per cent of the development charge that would otherwise be imposed by the by-law.
4. A development charge imposed during the fourth year that the by-law is in force shall be reduced to 95 per cent of the development charge that would otherwise be imposed by the by-law.

Same, interpretation

(9) For the purposes of subsections (7) and (8), a development charge is deemed to be imposed on the day referred to in subsection 26.2 (1) that applies to the development charge.

6 (1) Subsection 9 (1) of the Act is amended by striking out “five years” and substituting “10 years”.

(2) Section 9 of the Act is amended by adding the following subsection:

Transition

(1.1) For greater certainty, subsection (1), as it reads on and after the day subsection 6 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, does not apply with respect to a development charge by-law that, before that day, had expired pursuant to subsection (1) as it read before that day.

7 (1) Paragraphs 1 to 3 of subsection 26.1 (2) of the Act are repealed and the following substituted:

12

1. Rental housing development.
2. Institutional development.

(2) Subsection 26.1 (3) of the Act is repealed and the following substituted:

Annual instalments

(3) A development charge referred to in subsection (1) shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

(3) Subsection 26.1 (7) of the Act is amended by striking out “not exceeding the prescribed maximum interest rate” at the end and substituting “not exceeding the maximum interest rate determined in accordance with section 26.3”.

8 (1) Subsection 26.2 (1) of the Act is amended by striking out “The total amount” at the beginning and substituting “Subject to subsection (1.1), the total amount”.

(2) Section 26.2 of the Act is amended by adding the following subsections:

Discount, rental housing development

(1.1) In the case of rental housing development, the amount determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.

Same, transition

(1.2) Subsection (1.1) does not apply in respect of a development charge for a development in respect of which a building permit was issued before subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

(3) Subsection 26.2 (3) of the Act is amended by striking out “at a rate not exceeding the prescribed maximum interest rate” and substituting “at a rate not exceeding the maximum interest rate determined in accordance with section 26.3”.

9 The Act is amended by adding the following section:

Maximum interest rate

26.3 (1) In this section,

“adjustment date” means January 1, April 1, July 1 or October 1; (“date de rajustement”)

“average prime rate”, on a particular date, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada. (“taux préférentiel moyen”)

Same

(2) For the purposes of subsections 26.1 (7) and 26.2 (3), the maximum interest rate that a municipality may charge shall be determined in accordance with the following rules:

1. A base rate of interest shall be determined for April 1, 2022 and for each adjustment date after April 1, 2022 and shall be equal to the average prime rate on,
 - i. October 15 of the previous year, if the adjustment date is January 1,
 - ii. January 15 of the same year, if the adjustment date is April 1,
 - iii. April 15 of the same year, if the adjustment date is July 1, and
 - iv. July 15 of the same year, if the adjustment date is October 1.
2. The base rate of interest in effect on a particular date shall be,
 - i. the base rate for the particular date, if the particular date is an adjustment date, and
 - ii. the base rate for the last adjustment date before the particular date, otherwise.

3. The maximum rate of interest that may be charged, in respect of a particular day after June 1, 2022, shall be an annual interest rate that is one percentage point higher than the base rate of interest in effect for that day.

Transition

(3) Subsection (2) does not apply in respect of a development charge that was payable before the day section 9 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

10 Section 35 of the Act is amended by adding the following subsections:

Requirement to spend or allocate monies in reserve fund

(2) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the following services at the beginning of the year:

1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.
3. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.

Same

(3) If a service is prescribed for the purposes of this subsection, beginning in the first calendar year that commences after the service is prescribed and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the prescribed service at the beginning of the year.

11 (1) Subsection 44 (4) of the Act is amended by striking out “Subsection 2 (3.1) and section 4” at the beginning and substituting “Subsections 2 (3.3), 4.2 (2) and 4.3 (1) and section 4”.

(2) Subsection 44 (4) of the Act, as amended by subsection (1), is amended by adding “4.1 (8) and (10)” after “Subsections 2 (3.3)” at the beginning.

12 (1) Clauses 60 (1) (b) and (b.1) of the Act are repealed.

(2) Subsection 60 (1) of the Act is amended by adding the following clauses:

- (d.2) prescribing developments and classes of developments for the purposes of paragraph 3 of subsection 4.1 (4);
- (d.3) prescribing criteria for the purposes of paragraph 5 of subsection 4.1 (4);

(3) Subsection 60 (1) of the Act is amended by adding the following clause:

- (l) prescribing services for the purposes of paragraph 1 of subsection 5 (3);

(4) Clause 60 (1) (s.2) of the Act is repealed.

(5) Subsection 60 (1) of the Act is amended by adding the following clause:

- (s.4) prescribing one or more services for the purposes of subsection 35 (3);

(6) Section 60 of the Act is amended by adding the following subsections:

Adoption by reference

(1.1) A regulation under clause (1) (d.3) may adopt by reference, in whole or in part and with such changes as are considered necessary, any document and may require compliance with the document.

Rolling incorporation by reference

(1.2) The power to adopt by reference and require compliance with a document in subsection (1.1) includes the power to adopt a document as it may be amended from time to time.

Revocation

13 Subsections 11.1 (1) and (3) of Ontario Regulation 82/98 are revoked.

Commencement

14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Section 3, subsection 11 (2) and subsections 12 (2) and (6) come into force on a day to be named by proclamation of the Lieutenant Governor.

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SCHEDULE 4
MUNICIPAL ACT, 2001

1 Section 99.1 of the *Municipal Act, 2001* is amended by adding the following subsection:

Regulations

(7) The Minister may make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under this section.

Commencement

2 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

**SCHEDULE 5
NEW HOME CONSTRUCTION LICENSING ACT, 2017**

1 (1) Subsection 10 (1) of the *New Home Construction Licensing Act, 2017* is amended by striking out “regulation” and substituting “order”.

(2) Subsection 10 (3) of the Act is amended by striking out “a regulation” and substituting “an order”.

2 (1) Subsection 11 (1) of the Act is amended by striking out “regulation” wherever it appears and substituting in each case “order”.

(2) Subsection 11 (2) of the Act is amended by striking out “a regulation” and substituting “an order”.

3 Subsection 14 (3) of the Act is amended by striking out “after this section comes into force” wherever it appears and substituting in each case “after February 1, 2021”.

4 Paragraph 6 of section 56.1 of the Act is repealed and the following substituted:

6. Take further action as is appropriate in accordance with this Act, including, for greater certainty, make an order under section 76 imposing an administrative penalty or refer the matter, in whole or in part, to another assessor to consider whether such an order should be made.

5 Subsection 71 (4) of the Act is repealed and the following substituted:

Penalties

(4) A person or entity that is convicted of an offence under this Act is liable to,

- (a) in the case of an individual,
 - (i) on the first conviction, a fine of not more than \$50,000 or imprisonment for a term of not more than two years less a day, or both, and
 - (ii) on each subsequent conviction, a fine of not more than \$100,000 or imprisonment for a term of not more than two years less a day, or both; or
- (b) in the case of a person or entity that is not an individual,
 - (i) on the first conviction, a fine of not more than \$250,000, and
 - (ii) on each subsequent conviction, a fine of not more than \$500,000.

Same, determining subsequent conviction

(4.0.1) For the purpose of subsection (4), a conviction of a person or entity for an offence mentioned in subsection (1), (2) or (3) is a subsequent conviction if the person or entity has a previous conviction for an offence mentioned in any of those subsections.

6 Section 76 of the Act is repealed.

7 The Act is amended by adding the following section:

Order

76 (1) An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

- (a) a prescribed provision of this Act or the regulations;
- (b) a condition of a licence, if the person is the licensee;
- (c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or
- (d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it.

Clarification re code of ethics

(2) For greater certainty, provisions of the code of ethics established under clause 84 (1) (f) may be prescribed for the purpose of subsection (1).

To whom payable

(3) An administrative penalty is payable to the regulatory authority.

Purpose

(4) An administrative penalty may be imposed under this section for one or more of the following purposes:

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1. To ensure compliance with the Acts, regulations and by-laws referred to in subsection (1) and the conditions of a licence.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening the Acts, regulations or by-laws referred to in subsection (1) or the conditions of a licence.

Amount

(5) Subject to subsection (6), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed \$50,000.

Same, monetary benefit

(6) The total amount of the administrative penalty referred to in subsection (5) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

Form of order

(7) An order made under subsection (1) imposing an administrative penalty against a person shall be in the form that the registrar determines.

Service of order

(8) The order shall be served on the person against whom the administrative penalty is imposed in the manner that the registrar determines.

Absolute liability

- (9) An order made under subsection (1) imposing an administrative penalty against a person applies even if,
- (a) the person took all reasonable steps to prevent the contravention on which the order is based; or
 - (b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

No effect on offences

(10) For greater certainty, nothing in subsection (9) affects the prosecution of an offence.

Other measures

(11) Subject to section 78, an administrative penalty may be imposed alone or in conjunction with the exercise of any measure against a person provided by the Acts, regulations or by-laws referred to in subsection (1), including the application of conditions to a licence by the registrar, the suspension, immediate suspension or revocation of a licence or the refusal to renew a licence.

Limitation

(12) An order may not be made under subsection (1) more than two years after the day any assessor became aware of the contravention on which the order is based.

No hearing required

(13) Subject to the regulations made by the Minister, an assessor is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person.

Non-application of other Act

(14) The *Statutory Powers Procedure Act* does not apply to an order of an assessor made under subsection (1).

Transition — pre-commencement transition period

(15) A regulation made under subclause 84 (1) (h) (0.i) and filed with the Registrar of Regulations in accordance with Part III (Regulations) of the *Legislation Act, 2006* on or before the last day of the pre-commencement transition period may prescribe a provision for the purpose of subsection (1) for all or part of the pre-commencement transition period and, for greater certainty, an assessor may impose an administrative penalty under subsection (1) for a contravention that occurred during that period.

Same

(16) In subsection (15),

“pre-commencement transition period” means the period starting on April 14, 2022 and ending on the day before section 7 of Schedule 5 to the *More Homes Built Faster Act, 2022* comes into force.

8 Section 78 of the Act is amended by striking out “this Act” and substituting “an Act referred to in subsection 76 (1)”.

9 (1) Clause 84 (1) (f) of the Act is repealed and the following substituted:

- (f) establishing a code of ethics for licensees;

(2) Clause 84 (1) (i) of the Act is repealed and the following substituted:

- (i) specifying the purposes for which the regulatory authority may use the funds that it collects as fines and administrative penalties;
- (i.1) requiring the regulatory authority to establish, maintain and comply with a policy, in accordance with any requirements in the regulations, to govern payments the regulatory authority makes, if any, from the funds the regulatory authority collects as fines and administrative penalties, to persons who have been adversely affected by contraventions in respect of which fines or administrative penalties can be imposed;

(3) Section 84 of the Act is amended by adding the following subsection:

Regulations may require Minister's approval

(7) A regulation made under clause (1) (i.1) may provide for any aspect of the policy required under that regulation to be subject to the approval of the Minister.

Related repeal

10 Section 5 of Schedule 3 to the *More Homes for Everyone Act, 2022* is repealed.

Commencement

11 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 4, 5, 7 and 8 come into force on the later of the day section 75 of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

**SCHEDULE 6
ONTARIO HERITAGE ACT**

1 Subsection 1 (2) of the *Ontario Heritage Act* is repealed.

2 (1) Section 25.2 of the Act is amended by adding the following subsection:

Minister’s review of determination

(3.1) If the process for the identification of properties referred to in clause (3) (a) permits a ministry or prescribed public body to determine whether a property has cultural heritage value or interest, the process may permit the Minister to review the determination, or any part of the determination, whether made before, on or after the day subsection 2 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, and may permit the Minister to confirm or revise the determination or part of it.

(2) Subsection 25.2 (6) of the Act is amended by adding “Subject to an order made under subsection (7)” at the beginning.

(3) Subsection 25.2 (7) of the Act is repealed and the following substituted:

Exemption re compliance

(7) The Lieutenant Governor in Council may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the heritage standards and guidelines approved under this section in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:

1. Transit.
2. Housing.
3. Health and Long-Term Care.
4. Other infrastructure.
5. Such other priorities as may be prescribed.

Not a regulation

(8) The heritage standards and guidelines approved under this section and orders made under subsection (7) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

3 (1) Section 27 of the Act is amended by adding the following subsection:

(1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality’s website.

(2) Subsection 27 (3) of the Act is repealed and the following substituted:

Non-designated property

(3) Subject to subsection (18), in addition to the property listed in the register under subsection (2), the register may include property that has not been designated under this Part if,

- (a) the council of the municipality believes the property to be of cultural heritage value or interest; and
- (b) where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria.

Same

(3.1) If property is included in the register under subsection (3), the register shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

(3) Subsection 27 (7) of the Act is amended by adding “or a predecessor of that subsection” after “subsection (3)”.

(4) Subsection 27 (13) of the Act is repealed and the following substituted:

Application of subss. (7) and (8)

(13) In addition to applying to properties included in the register under subsection (3) on and after July 1, 2021, subsections (7) and (8) apply in respect of properties that were included in the register as of June 30, 2021 under the predecessor of subsection (3).

Removal of non-designated property

(14) In the case of a property included in the register under subsection (3), or a predecessor of that subsection, before, on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the

municipality shall remove the property from the register if the council of the municipality has given a notice of intention to designate the property under subsection 29 (1) and any of the following circumstances exist:

1. The council of the municipality withdraws the notice of intention under subsection 29 (7).
2. The council of the municipality does not withdraw the notice of intention, but does not pass a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8).
3. The council of the municipality passes a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8), but the by-law is repealed in accordance with subclause 29 (15) (b) (i) or (iii).

Same

(15) In the case of a property included in the register under subsection (3) on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day the property was included in the register.

Same

(16) In the case of a property included in the register under a predecessor of subsection (3), as of the day before subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

Consultation not required

(17) Despite subsection (4), the council of the municipality is not required to consult with its municipal heritage committee, if one has been established, before removing a property from the register under subsection (14), (15) or (16).

Prohibition re including property in register, subss. (14) to (16)

(18) If subsection (14), (15) or (16) requires the removal of a property from the register, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the following date:

1. In the case of subsection (14), the day any of the circumstances described in paragraphs 1, 2 and 3 of that subsection exist.
2. In the case of subsection (15), the second anniversary of the day the property was included in the register.
3. In the case of subsection (16), the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

4 (1) The French version of clause 29 (1) (a) of the Act is repealed and the following substituted:

- (a) dans le cas où des critères permettant d'établir si un bien a une valeur ou un caractère sur le plan du patrimoine culturel ont été prescrits, le bien répond aux critères prescrits;

(2) Subsection 29 (1.2) of the Act is repealed and the following substituted:

Limitation

(1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality:

1. If the prescribed event occurs on or after the day subsection 4 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event.
2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.

5 (1) Subsection 41 (1) of the Act is repealed and the following substituted:

Designation of heritage conservation district

(1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

- (a) there is in effect in the municipality an official plan that contains provisions relating to the establishment of heritage conservation districts; and
- (b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.

(2) Section 41 of the Act is amended by adding the following subsections:

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Amendment of by-law

(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district.

Repeal of by-law

(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.

6 (1) Section 41.1 of the Act is amended by adding the following subsection:**Same**

(5.1) Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria.

(2) Section 41.1 of the Act is amended by adding the following subsections:**Amendment of by-law**

(13) If the council of a municipality wishes to amend a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

Repeal of by-law

(14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

7 (1) Paragraph 4 of subsection 42 (1) of the Act is amended by striking out “whether or not the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1)” at the end.

(2) Subsection 42 (3) of the Act is amended by striking out “under subsection (2)” and substituting “under subsection (2.2)”.

8 Subsection 70 (1) of the Act is amended by adding the following clauses:

(i.1) prescribing criteria for the purposes of clause 27 (3) (b);

(k.1) prescribing criteria for the purposes of clause 41 (1) (b);

9 Section 71 of the Act is amended by striking out “and” at the end of clause (a) and by adding the following clauses:

(c) facilitate the implementation of amendments to this Act made by Schedule 6 to the *More Homes Built Faster Act, 2022*;

(d) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 6 to the *More Homes Built Faster Act, 2022*.

Commencement

10 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Subsection 7 (1) comes into force on the day subsection 19 (1) of Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force.

(3) Sections 2 and 3, subsection 4 (2) and sections 5, 6, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 7
ONTARIO LAND TRIBUNAL ACT, 2021**

1 Subsection 13 (4) of the *Ontario Land Tribunal Act, 2021* is amended by striking out “a ground for setting aside a decision of the Tribunal on an application for judicial review or an appeal” at the end and substituting “a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal”.

2 (1) Subsection 19 (1) of the Act is amended by adding the following clause:

(b.1) if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding;

(2) Section 19 of the Act is amended by adding the following subsection:

Same

(1.1) Subject to subsection (4), the Tribunal may, on the motion of any party or on its own initiative, dismiss a proceeding if the Tribunal is of the opinion that a party has failed to comply with an order of the Tribunal in the proceeding.

(3) Subsection 19 (4) of the Act is amended by adding “or (1.1)” after “subsection (1)”.

3 Section 20 of the Act is amended by adding the following subsection:

Same

(2) Subsection (1) includes the power to order an unsuccessful party to pay a successful party’s costs.

4 (1) Subsection 29 (1) of the Act is amended by adding the following clause:

(c) requiring the Tribunal to prioritize the resolution of specified classes of proceedings.

(2) Clause 29 (2) (a) of the Act is repealed and the following substituted:

(a) governing the practices and procedures of the Tribunal, subject to the regulations made under clause (1) (c) and other than in relation to a consolidated hearing under section 21, which may include prescribing timelines that shall apply with respect to specified steps taken by the Tribunal in specified classes of proceedings, and governing any related transitional matters;

(3) Section 29 of the Act is amended by adding the following subsections:

Timelines applicable to Tribunal

(2.1) The failure of the Tribunal to comply with any timeline prescribed under clause (2) (a) with respect to a specified step in a proceeding does not invalidate the proceeding, and is not a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal.

Same, reporting

(2.2) The Tribunal shall, on the Minister’s request and in the time and manner specified by the Minister, report to the Minister on such matters as may be specified by the Minister respecting the Tribunal’s compliance with any timelines prescribed under clause (2) (a).

(4) Subsection 29 (3) of the Act is amended by striking out “or clause (2) (a)” and substituting “or clause (1) (c) or (2) (a)”.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 8
ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012

1 Section 2 of the *Ontario Underground Infrastructure Notification System Act, 2012* is amended by adding the following subsection:

Chair

(4.4) The Minister may appoint a chair of the board of directors from among the members of the board.

2 The Act is amended by adding the following sections:

Minister's authority to appoint administrator

2.3 (1) Subject to section 2.5, the Minister may, by order, appoint an individual as an administrator of the Corporation for the purposes of assuming control of it and responsibility for its activities.

Notice of appointment

(2) The Minister shall give the Corporation's board of directors the notice that the Minister considers reasonable in the circumstances before appointing the administrator.

Immediate appointment

(3) Subsection (2) does not apply if there are not enough members on the board of directors to form a quorum.

Term of appointment

(4) The appointment of the administrator is valid until the Minister makes an order terminating it.

Powers and duties of administrator

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the directors, officers and members of the Corporation.

Same

(6) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and the conditions governing them.

Right of access

(7) The administrator has the same rights as the board of directors in respect of the Corporation's documents, records and information.

Report to Minister

(8) The administrator shall report to the Minister as the Minister requires.

Minister's directions

(9) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out.

No personal liability

- (10) No action or other proceeding shall be instituted against the administrator or a former administrator for,
- (a) any act done in good faith in the exercise or performance or intended exercise or performance of a duty or power under this Act, the regulations made under this Act, a Minister's order or the appointment under subsection (1); or
 - (b) any neglect or default in the exercise or performance in good faith of a duty or power described in clause (a).

Crown liability

(11) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of Corporation

(12) Subsection (10) does not relieve the Corporation of liability to which it would otherwise be subject.

Status of board during administrator's tenure

2.4 (1) On the appointment of an administrator under section 2.3, the members of the board of directors of the Corporation cease to hold office, unless the order provides otherwise.

Same

(2) During the term of the administrator's appointment, the powers of any member of the board of directors who continues to hold office are suspended, unless the order provides otherwise.

No personal liability

(3) No action or other proceeding shall be instituted against a member or former member of the board of directors of the Corporation for any act, neglect or default done by the administrator or the Corporation after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2).

Crown liability

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of Corporation

(5) Subsection (3) does not relieve the Corporation of liability to which it would otherwise be subject.

Conditions precedent

2.5 The Minister may exercise the power under subsection 2.3 (1) or any other prescribed provision only if the Minister is of the opinion that it is advisable to exercise the power in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to underground infrastructure, public safety or to the interests of the public.
2. An event of force majeure has occurred.
3. The Corporation is facing a risk of insolvency.
4. The number of members of the board of directors of the Corporation is insufficient for a quorum.

Conflict

2.6 The following rules apply respecting conflicts that may arise in applying this Act:

1. This Act and its regulations prevail over the memorandum of understanding and the Corporation's by-laws and resolutions.
2. A Minister's order made under this Act prevails over the memorandum of understanding and the Corporation's by-laws and resolutions.

3 Section 20 of the Act is amended by adding the following clauses:

- (0.a) defining words and expressions used in this Act that are not otherwise defined in this Act;
- (0.b) prescribing provisions for the purpose of section 2.5;

Commencement

4 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

**SCHEDULE 9
PLANNING ACT**

1 (1) Subsection 1 (1) of the *Planning Act* is amended by adding the following definitions:

“parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

- (a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,
 - (i) a municipality,
 - (ii) a municipal service board established under the *Municipal Act, 2001*,
 - (iii) a city board established under the *City of Toronto Act, 2006*,
 - (iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or
 - (v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and
- (b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; (“parcelle de terrain urbain d’habitation”)

“specified person” means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)

(2) Subsection 1 (1) of the Act is amended by adding the following definitions:

“upper-tier municipality without planning responsibilities” means any of the following upper-tier municipalities:

1. The County of Simcoe.
2. The Regional Municipality of Durham.
3. The Regional Municipality of Halton.
4. The Regional Municipality of Niagara.
5. The Regional Municipality of Peel.
6. The Regional Municipality of Waterloo.
7. The Regional Municipality of York.
8. Any other upper-tier municipality that is prescribed under subsection (6); (“municipalité de palier supérieur sans responsabilités en matière d’aménagement”)

“upper-tier municipality with planning responsibilities” means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities; (“municipalité de palier supérieur avec responsabilités en matière d’aménagement”)

(3) Subsection 1 (2) of the Act is amended by striking out “17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4)” and substituting “17 (24), (36) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4.1)”.

(4) Section 1 of the Act is amended by adding the following subsections:**Limitation**

(4.1) A reference to a person or public body in the following provisions does not include a conservation authority under the *Conservation Authorities Act* except where an appeal made under or referred to in one of those provisions relates to natural hazard policies in any policy statements issued under section 3 of the Act, except for those policies that relate to hazardous forest types for wildland fire:

1. Paragraph 1.1 of subsection 17 (24).
2. Paragraph 1.1 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

Transition

(4.2) Despite subsection (4.1), a conservation authority that was a party to an appeal under a provision listed in subsection (4.1) on the day before the day subsection 1 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force may continue as a party to the appeal after that date until the final disposition of the appeal.

(5) Section 1 of the Act is amended by adding the following subsections:**Limitation**

(4.3) A reference to a person or public body in the following provisions does not include an upper-tier municipality without planning responsibilities:

1. Paragraphs 1.1 and 4 of subsection 17 (24).
2. Paragraphs 1.1 and 3 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

Transition

(4.4) Despite subsection (4.3), an upper-tier municipality without planning responsibilities listed in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection (1) that was a party to an appeal under a provision listed in subsection (4.3) on the day before the day subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force or an upper-tier municipality without planning responsibilities prescribed under subsection (6) that

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was a party to an appeal under a provision listed in subsection (4.3) on the day before the day the regulation prescribing the upper-tier municipality without planning responsibilities as such comes into force may continue as a party to the appeal after that date until the final disposition of the appeal, unless the appeal is deemed to be dismissed by application of subsection 17 (24.0.2) or (36.0.2), 34 (19.0.0.2), 45 (12.2) or 53 (19.2) or (27.0.2).

(6) Section 1 of the Act is amended by adding the following subsection:

Regulations, upper-tier municipality without planning responsibilities

(6) The Lieutenant Governor in Council may, by regulation, prescribe additional upper-tier municipalities for the purposes of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1).

2 (1) Subsection 8 (1) of the Act is amended by striking out “upper-tier municipality” and substituting “upper-tier municipality with planning responsibilities”.

(2) Subsection 8 (2) of the Act is amended by striking out “The council of a lower-tier municipality” at the beginning and substituting “The council of a lower-tier municipality, the council of an upper-tier municipality without planning responsibilities”.

3 Section 15 of the Act is repealed and the following substituted:

Upper-tier municipalities, planning functions

15 (1) The council of an upper-tier municipality with planning responsibilities, on such conditions as may be agreed upon with the council of a lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act.

Same

(2) The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may provide advice and assistance to the lower-tier municipality in respect of planning matters generally.

4 (1) Subsection 16 (3) of the Act is repealed and the following substituted:

Restrictions for residential units

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential 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.

Same, parking

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

(2) Subsection 16 (15) of the Act is amended by adding “or a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities” after “single-tier municipality” in the portion before clause (a).

(3) Subsection 16 (16) of the Act is amended by striking out “upper-tier municipality” in the portion before clause (a) and substituting “upper-tier municipality with planning responsibilities”.

(4) Section 16 of the Act is amended by adding the following subsections:

Updating zoning by-laws

(20) No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies.

Same

(21) The official plan policies referred to in subsection (20) are as follows:

1. Policies listed in subsection 17 (36.1.4).
2. Policies set out in the official plan of a local municipality that,
 - i. delineate an area surrounding and including an existing or planned higher order transit station or stop, and identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area, and
 - ii. are required to be included in an official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1).

5 (1) Subsection 17 (2) of the Act is amended by striking out “upper-tier municipality” and substituting “upper-tier municipality with planning responsibilities”.

(2) Subsection 17 (4) of the Act is amended by striking out “an upper-tier municipality” and substituting “an upper-tier municipality with planning responsibilities”.

(3) Subsections 17 (6) and (12) of the Act are amended by striking out “accompanied by a written explanation for it” wherever it appears.

(4) Subsection 17 (13) of the Act is repealed and the following substituted:

Mandatory adoption

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of,

- (a) an upper-tier municipality with planning responsibilities;
- (b) a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; and
- (c) any other local municipality that is prescribed for the purposes of this section.

(5) Subsection 17 (14) of the Act is amended by striking out “municipality not prescribed under subsection (13)” and substituting “local municipality not described in clause 13 (b) or otherwise prescribed for the purposes of subsection (13)”.

(6) Paragraph 1 of subsection 17 (24) of the Act is repealed and the following substituted:

1. A specified person who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
- 1.1 A public body that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.

(7) Section 17 of the Act is amended by adding the following subsections:

Transition

(24.0.1) For greater certainty, subsection (24), as it reads on the day subsection 5 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (23) is completed before that day.

Same, retroactive effect

(24.0.2) An appeal under subsection (24) made before the day subsection 5 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not described in paragraph 1, 1.1, 2, 3 or 4 of subsection (24) of this section as it reads on the day subsection 5 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 5 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body listed in paragraph 1, 1.1, 2, 3 or 4 of subsection (24) of this section in respect of the same plan to which the appeal relates.

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Same, hearing on the merits

(24.0.3) For the purposes of clause (24.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(24.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

(8) Subsection 17 (24.1) of the Act is repealed and the following substituted:**No appeal re additional residential unit policies**

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second 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;
- (b) a 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 no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential 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.

(9) Paragraph 1 of subsection 17 (36) of the Act is repealed and the following substituted:

- 1. A specified person who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
- 1.1 A public body that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.

(10) Section 17 of the Act is amended by adding the following subsections:**Transition**

(36.0.1) For greater certainty, subsection (36), as it reads on the day subsection 5 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (35) is completed before that day.

Same, retroactive effect

(36.0.2) An appeal under subsection (36) made before the day subsection 5 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not described in paragraph 1, 1.1, 2 or 3 of subsection (36) of this section as it reads on the day subsection 5 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 5 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body listed in paragraph 1, 1.1, 2 or 3 of subsection (36) of this section in respect of the same decision to which the appeal relates.

Same, hearing on the merits

(36.0.3) For the purposes of clause (36.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(36.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

(11) Subsection 17 (36.1) of the Act is repealed and the following substituted:**No appeal re additional residential unit policies**

(36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

- (a) a second 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;
- (b) a 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 no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential 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.

6 (1) Section 22 of the Act is amended by adding the following subsection:

Same

(2.3) Subsections (2.1) and (2.1.1) do not apply in respect of a request for an amendment to an official plan that relates to the making, establishment or operation of a pit or quarry.

(2) Clause 22 (7.2) (c) of the Act is repealed and the following substituted:

- (c) amend or revoke policies adopted to authorize the use of,
 - (i) a second 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,
 - (ii) a 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 no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units, or
 - (iii) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential 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; or

7 Section 23 of the Act is repealed and the following substituted:

Matter of provincial interest affected by official plan

23 (1) The Minister may, by order, amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest.

Effect or order

(2) The Minister's order has the same effect as an amendment to the plan adopted by the council and approved by the appropriate approval authority.

Non-application of *Legislation Act, 2006*, Part III

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

8 (1) Section 34 of the Act is amended by adding the following subsection:

Same

(10.0.0.3) Subsection (10.0.0.1) does not apply in respect of an application for an amendment to a zoning by-law to permit the making, establishment or operation of a pit or quarry.

(2) Paragraph 2 of subsection 34 (19) of the Act is repealed and the following substituted:

- 2. A specified person who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
- 2.1 A public body that, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.

(3) Section 34 of the Act is amended by adding the following subsections:

Transition

(19.0.0.1) For greater certainty, subsection (19), as it reads on the day subsection 8 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022*, comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (18) is completed before that day.

30

Same, retroactive effect

(19.0.0.2) An appeal under subsection (19) made before the day subsection 8 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not described in paragraph 1, 2, 2.1 or 3 of subsection (19) of this section as it reads on the day subsection 8 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 8 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body listed in paragraph 1, 2, 2.1 or 3 of subsection (19) of this section in respect of the same by-law to which the appeal relates.

Same, hearing on the merits

(19.0.0.3) For the purposes of clause (19.0.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(19.0.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

(4) Subsection 34 (19.1) of the Act is repealed and the following substituted:**No appeal re additional residential unit by-laws**

(19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,

- (a) a second 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;
- (b) a 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 no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential 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.

(5) Subsection 34 (19.5) of the Act is amended by striking out “subsections (19.6) to (19.8)” in the portion before clause (a) and substituting “subsections (19.6) to (19.9)”.

(6) Subsection 34 (19.6) of the Act is amended by striking out “lower-tier municipality only if the municipality’s official plan” and substituting “lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities only if the lower-tier municipality’s official plan”.

(7) Section 34 of the Act is amended by adding the following subsection:

Exception re non-compliance with s. 16 (20)

(19.9) Subsection (19.5) does not apply to a zoning by-law that is passed more than one year after the later of the following comes into effect:

1. Official plan policies described in subsection 16 (15) or subclauses 16 (16) (b) (i) and (ii) for the protected major transit station area.
2. An amendment to the policies referred to in paragraph 1 of this subsection.

9 Subsections 35.1 (1) and (2) of the Act is repealed and the following substituted:**Restrictions for residential units**

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential 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.

Same, parking

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

Same, minimum area

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

Provisions of no effect

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

Regulations

(2) The Minister may make regulations establishing requirements and standards with respect to,

- (a) a second 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;
- (b) a 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 no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) a residential unit in a building or structure ancillary to 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 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.

10 (1) Subsection 37 (32) of the Act is amended by adding “Subject to subsection (32.1),” at the beginning.

(2) Subsection 37 (32) of the Act is repealed and the following substituted:

Maximum amount of community benefits charge

(32) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the valuation date, multiplied by the ratio of “A” to “B” where,

“A” is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment, and

“B” is the floor area of all buildings and structures that will be on the land after the development or redevelopment.

(3) Section 37 of the Act is amended by adding the following subsection:

Discount

(32.1) With respect to a development or redevelopment that includes affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection (32) multiplied by the ratio of A to B where,

“A” is the floor area of all buildings that are part of the development or redevelopment minus the floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the floor area of all buildings that are part of the development or redevelopment.

11 (1) Section 41 of the Act is amended by adding the following subsections:

Same

(1.2) Subject to subsection (1.3), the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

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Land lease community home

(1.3) The definition of “development” in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units.

(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed.

(3) Subsection 41 (4.1) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building.

(4) Section 41 of the Act is amended by adding the following subsection:

Same

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility or the protection of adjoining lands.

(5) Subsection 41 (9) of the Act is repealed and the following substituted:

Limitations on requirement to widen highway

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

(6) Subsection 41 (9.1) of the Act is repealed and the following substituted:

Limitations on requirement to convey land

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan.

(7) Section 41 of the Act is amended by adding the following subsection:

Same

(15.3) In respect of plans and drawings submitted for approval under subsection (4) before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force,

(a) subparagraph 2 (d) of subsection (4), as it read immediately before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force, continues to apply;

(b) paragraph 1.1 of subsection (4.1) does not apply; and

(c) subsection (4.1.1) does not apply.

12 (1) Subsection 42 (0.1) of the Act is amended by repealing the definition of “dwelling unit”.

(2) Subsection 42 (1) of the Act is amended by adding “Subject to subsection (1.1)” at the beginning.

(3) Section 42 of the Act is amended by adding the following subsection:

Same, affordable residential units

(1.1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment.

(4) Section 42 of the Act is amended by adding the following subsection:

Exception, non-profit housing development

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

(5) Section 42 of the Act is amended by adding the following subsection:

Non-application, residential units

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second 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;
- (b) a 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 no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential 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.

(6) Section 42 of the Act is amended by adding the following subsections:

When requirement determined

(2.1) The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

- (a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development or redevelopment;
- (b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or
- (c) if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.

Same, if by-law not in effect

(2.2) Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.

Same, more than one application

(2.3) If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).

Exception, time elapsed

(2.4) Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.

Transition

(2.5) Subsection (2.1) does not apply in the case of an application made before the day subsection 12 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

(7) Subsection 42 (3) of the Act is amended by striking out “for each 300 dwelling units” and substituting “for each 600 net residential units”.

(8) Section 42 of the Act is amended by adding the following subsections:

Transition

(3.0.1) Subsection (3), as it read immediately before the day subsection 12 (8) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, a building permit has been issued in respect of the development or redevelopment.

Net residential units

(3.0.2) For the purposes of subsections (3) and (6.0.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment.

(9) Section 42 of the Act is amended by adding the following subsection:

Same, affordable residential units

(3.0.3) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.2).

(10) Subsection 42 (3.2) of the Act is repealed.

(11) Section 42 of the Act is amended by adding the following subsection:

Transition

(3.5) Subsections (3.3) and (3.4) do not apply to land proposed for development or redevelopment if, before the day subsection 12 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, a building permit has been issued in respect of the development or redevelopment unless the land proposed for development or redevelopment is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

(12) Subsection 42 (4.1) of the Act is amended by striking out “adopting the official plan policies described in subsection (4)” and substituting “passing a by-law under this section”.

(13) Subsection 42 (4.3) of the Act is repealed.

(14) Subclause 42 (4.27) (b) (i) of the Act is amended by striking out “only” at the end.

(15) Section 42 of the Act is amended by adding the following subsections:

Identification of land re conveyance to municipality

(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section.

Same

(4.31) Land identified in accordance with subsection (4.30) may include,

- (a) land that is,
 - (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,
 - (ii) subject to an easement or other restriction, or
 - (iii) encumbered by below grade infrastructure; or
- (b) an interest in land other than the fee, which interest is sufficient to allow the land to be used for park or other public recreational purposes.

Agreement re interest in land

(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes.

Registration of agreement

(4.33) An agreement entered into under subsection (4.32) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

Municipality refuses to accept identified land

(4.34) If the municipality has decided to refuse to accept the conveyance of land identified in accordance with subsection (4.30) to satisfy a requirement of a by-law passed under this section, the municipality shall provide notice to the owner in accordance with such requirements as may be prescribed.

Appeal

(4.35) An owner of land who has received a notice under subsection (4.34) may, within 20 days of the notice being given, appeal the municipality’s refusal to accept the conveyance to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal.

Record

(4.36) If the clerk of the municipality receives a notice of appeal referred to in subsection (4.35) within the time set out in that subsection, the clerk of the municipality shall ensure that,

- (a) a record is compiled which includes the prescribed information and material;

- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed; and
- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

Hearing

(4.37) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal may determine.

Order by Tribunal

(4.38) The Tribunal shall consider whether the land identified in accordance with subsection (4.30) meets the prescribed criteria and, if it does, the Tribunal shall order that the land,

- (a) be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement set out in the by-law that is applicable to the development or redevelopment.

Same, interest in land

(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications.

(16) Subsection 42 (6.0.1) of the Act is amended by striking out “for each 500 dwelling units” and substituting “for each 1,000 net residential units”.

(17) Section 42 of the Act is amended by adding the following subsection:

Same

(6.0.4) Subsection (6.0.1), as it read immediately before the day subsection 12 (17) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, in circumstances where the alternative requirement set out in subsection (3) applies, a building permit has been issued in respect of the development or redevelopment.

(18) Section 42 of the Act is amended by adding the following subsection:

Requirement to spend or allocate monies in special account

(16.1) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

13 (1) Subsection 45 (12) of the Act is amended by striking out “the Minister or any other person or public body who has an interest in the matter” and substituting “the Minister or a specified person or public body that has an interest in the matter”.

(2) Section 45 of the Act is amended by adding the following subsections:

Transition

(12.1) For greater certainty, subsection (12), as it reads on the day subsection 13 (1) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the decision is made before that day.

Same, retroactive effect

(12.2) An appeal under subsection (12) made before the day subsection 13 (1) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (12) of this section as it reads on the day subsection 13 (1) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 13 (1) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (12) of this section in respect of the same decision to which the appeal relates.

Same, hearing on the merits

(12.3) For the purposes of clause (12.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(12.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

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14 The definition of “parcel of land” in subsection 46 (1) of the Act is amended by striking out “in clause 50 (3) (b) or clause 50 (5) (a)” at the end and substituting “in clause 50 (3) (b) or (d.1) or clause 50 (5) (a) or (c.1)”.

15 (1) Sub-subparagraph 1 ii D of subsection 47 (4.4) of the Act is repealed.

(2) Subsection 47 (4.11) of the Act is amended by adding the following paragraph:

- 1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building.

16 (1) Section 50 of the Act is amended by striking out “under a project approved by the Minister of Natural Resources under section 24 of the Conservation Authorities Act and in respect of which” wherever it appears and substituting in each case “and”.

(2) Clause (a) of the definition of “consent” in subsection 50 (1) of the Act is repealed and the following substituted:

- (a) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality with planning responsibilities, a consent given by the council of the upper-tier municipality,
 (a.1) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, a consent given by the council of the lower-tier municipality,

(3) Subsection 50 (1.1) of the Act is amended by striking out “accompanied by a written explanation for it” in the portion before paragraph 1.

(4) Subsection 50 (3) of the Act is amended by adding the following clause:

- (d.1) the land,
 (i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and
 (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

(5) Subsection 50 (5) of the Act is amended by adding the following clause:

- (c.1) the land,
 (i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and
 (ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

(6) Section 50 of the Act is amended by adding the following subsection:

Exception re Greenbelt Area, subss. (3) (d.1) and (5) (c.1)

(6.1) Clauses (3) (d.1) and (5) (c.1) do not apply in respect of land if any part of the land is in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

17 (1) Section 51 of the Act is amended by striking out “A person listed in subsection (48.3)” wherever it appears and substituting in each case “A specified person”.

(2) Subsections 51 (5) and (5.1) of the Act are repealed and the following substituted:

Upper-tier municipality with planning responsibilities

(5) Subject to subsection (6), if land is in an upper-tier municipality with planning responsibilities, the upper-tier municipality is the approval authority for the purposes of this section and section 51.1.

Upper-tier municipality without planning responsibilities

(5.1) If land is in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, the lower-tier municipality is the approval authority for the purposes of this section and section 51.1.

(3) Subsection 51 (11) of the Act is amended by,

- (a) striking out “accompanied by a written explanation for it”; and
 (b) striking out “subsection (3.1), (4), (5), (6) or (7)” and substituting “subsection (3.1), (4), (5), (5.1), (6) or (7)”.

(4) Subsections 51 (20) to (21.1) and (48.3) of the Act are repealed.

18 (1) Subsection 51.1 (0.1) of the Act is amended by repealing the definition of “dwelling unit”.

(2) Subsection 51.1 (1) of the Act is amended by adding “Subject to subsection (1.1),” at the beginning.

(3) Section 51.1 of the Act is amended by adding the following subsection:

Same, affordable residential units

(1.1) With respect to land proposed for a plan of subdivision that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

“B” is the number of residential units that are part of the development or redevelopment.

(4) Section 51.1 of the Act is amended by adding the following subsection:

Exception, non-profit housing development

(1.2) A condition under subsection (1) may not be imposed in relation to a subdivision proposed for non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

(5) Subsections 51.1 (2) to (2.3) of the Act are repealed and the following substituted:

Other criteria

(2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality in which the land is located has a by-law in effect under section 42 that provides for the alternative requirement authorized by subsection 42 (3), the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 600 net residential units proposed or at such lesser rate as may be determined by the municipality.

(6) Section 51.1 of the Act is amended by adding the following subsection:

Same, net residential units

(3.0.1) For the purposes of subsection (2) and (3.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the draft plan of subdivision is approved from the number of residential units that are proposed to be on the land proposed to be subdivided.

(7) Section 51.1 of the Act is amended by adding the following subsection:

Same, affordable residential units

(3.0.2) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act, shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.1).

(8) Subsection 51.1 (3.1) of the Act is amended by striking out “for each 500 dwelling units” and substituting “for each 1,000 net residential units”.

(9) Section 51.1 of the Act is amended by adding the following subsection:

Transition

(3.2.1) Subsections (2) and (3.1), as they read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continue to apply to a draft plan of subdivision approved on or before that date, if,

- (a) the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality; and
- (b) subsection (2), as it read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies.

(10) Subsection 51.1 (3.3) of the Act is repealed.

(11) Section 51.1 of the Act is amended by adding the following subsection:

Transition

(3.5) Subsection (3.4) does not apply to a draft plan of subdivision approved before the day subsection 18 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless the land included in the plan of subdivision is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

19 (1) Subsection 53 (12.1) of the Act is repealed and the following substituted:

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Same

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. However, the council or the Minister may impose as a condition to the granting of a provisional consent that land be conveyed to the local municipality or dedicated for park or other public recreational purposes only in respect of the part of a parcel of land that is the subject of the application for consent unless the application for consent includes a request in accordance with subsection (42.1).

(2) Subsection 53 (19) of the Act is amended by striking out “Any person or public body” at the beginning and substituting “The applicant, the Minister, a specified person or any public body”.

(3) Section 53 of the Act is amended by adding the following subsections:

Transition

(19.1) For greater certainty, subsection (19), as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (17) of this section is completed before that day.

Same, retroactive effect

(19.2) An appeal under subsection (19) made before the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (19) of this section as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (19) of this section in respect of the same decision to which the appeal relates.

Same, hearing on the merits

(19.3) For the purposes of clause (19.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(19.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

(4) Subsection 53 (27) of the Act is amended by striking out “Any person or public body” at the beginning and substituting “The applicant, the Minister, a specified person or any public body”.

(5) Section 53 of the Act is amended by adding the following subsections:

Transition

(27.0.1) For greater certainty, subsection (27), as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (24) of this section is completed before that day.

Same, retroactive effect

(27.0.2) An appeal under subsection (27) made before the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (27) of this section as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

- (a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or
- (b) a notice of appeal was filed by a person or public body referred to in subsection (27) of this section in respect of the changed condition to which the appeal relates.

Same, hearing on the merits

(27.0.3) For the purposes of clause (27.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(27.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

20 Subsection 54 (2) of the Act is repealed and the following substituted:

Delegation by lower-tier municipality

(2) The council of a lower-tier municipality may, by by-law, delegate the authority for giving consents, or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment if,

- (a) the lower-tier municipality, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; or
- (b) the council of the lower-tier municipality has been delegated the authority under subsection (1).

21 Paragraph 17 of subsection 70.1 (1) of the Act is repealed and the following substituted:

- 17. prescribing local municipalities for the purposes of subsection 17 (13) and municipalities for the purposes of section 69.2;

22 The Act is amended by adding the following section:**Regulations re transitional matters, 2022 amendments**

70.12 (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date.

Same

- (2) Without limiting the generality of subsection (1), a regulation made under that subsection may,
 - (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;
 - (b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Conflict

- (3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Definition

- (4) In this section,

“effective date” means the day section 22 of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

23 The Act is amended by adding the following section:**Transition, upper-tier municipalities without planning responsibilities**

70.13 (1) In this section,

“effective date” means,

- (a) in respect of an upper-tier municipality referred to in paragraphs 1 to 7 of the definition of “upper-tier municipality without planning responsibilities” in subsection 1 (1), the day on which subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, and
- (b) in respect of an upper-tier municipality prescribed under subsection 1 (6) of this Act as an upper-tier municipality without planning responsibilities, the day on which the regulation prescribing the upper-tier municipality as such comes into force.

Upper-tier official plans

(2) The portions of an official plan of an upper-tier municipality without planning responsibilities that are in effect immediately before the effective date and that apply in respect of any area in a lower-tier municipality are deemed to constitute an official plan of the lower-tier municipality, and this official plan remains in effect until the lower-tier municipality revokes it or amends it to provide otherwise.

Official plans or amendments not yet in force

(3) If an upper-tier municipality without planning responsibilities has adopted an official plan or an amendment to its official plan and that official plan or amendment is not yet in force on the effective date, the following rules apply:

1. The plan or amendment shall be dealt with under this Act as it reads on and after the effective date.
2. If any portion of the plan or amendment applies in respect of an area in a lower-tier municipality, the lower-tier municipality is deemed to have adopted that portion of the plan or amendment.
3. Despite paragraphs 1 and 2, the upper-tier municipality remains responsible for doing any of the following, if it hasn't been done before the effective date:

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- i. Giving notice under subsection 17 (23).
 - ii. Compiling and forwarding the record under subsection 17 (31), if the plan or amendment is not exempt from approval.
4. Despite paragraphs 1 and 2, the clerk of the upper-tier municipality remains responsible for compiling and forwarding the record under subsection 17 (29), if the plan or amendment is exempt from approval and a notice of appeal under subsection 17 (24) is filed before the effective date.

Official plans and amendments in process

(4) If an upper-tier municipality without planning responsibilities has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment has not been adopted on the effective date, any lower-tier municipality to which the plan or amendment would apply may continue with the procedures necessary to adopt the official plan or amendment to the extent that it applies to the lower-tier municipality.

Requests for amendments to official plan

(5) If a request to amend the official plan of an upper-tier municipality without planning responsibilities has been made before the effective date and the request has not been finally disposed of by that date, every lower-tier municipality to which the amendment would apply may continue with the procedures necessary to dispose of the request for amendment to the extent that the amendment applies to the lower-tier municipality.

Forwarding of papers and other documents

(6) The upper-tier municipality without planning responsibilities shall forward to the applicable lower-tier municipality all papers, plans, documents and other material that relate to any official plan, amendment or request under subsection (4) or (5).

Conflict

(7) In the event of a conflict, the portions of an official plan of an upper-tier municipality without planning responsibilities that are deemed under subsection (2) to constitute an official plan of the lower-tier municipality and an official plan or an amendment to an official plan that the lower-tier municipality is deemed to have adopted under subsection (3) prevail over an official plan of a lower-tier municipality that existed before the effective date.

Plans of subdivision

(8) If an application for approval of a plan of subdivision has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed plan of subdivision.

Consents

(9) If an application for a consent has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed consent.

Regulations

(10) The Minister may make regulations providing for transitional matters in respect of matters and proceedings that were commenced before, on or after the effective date.

Same

- (11) Without limiting the generality of subsection (10), a regulation made under that subsection may,
- (a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;
 - (b) for the purpose of subsection (10), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

24 Section 26 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.

Commencement

25 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Subsections 1 (2), (5) and (6), sections 2 and 3, subsection 4 (2) and (3) and 5 (1) to (5), section 7, subsections 8 (6), 10 (1) and (3), 11 (5) and (6), 12 (2) and (3), (9) and (15), 16 (2) and (3), 17 (2) and (3) and 18 (2), (3) and (7) and sections 20 to 23 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsections 1 (4) and 16 (1) come into force on January 1, 2023.

**SCHEDULE 10
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022**

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**PART I
INTERPRETATION**

Definitions

1 In this Act,

“2022 York Region Water and Wastewater Master Plan” means the master plan for York Region’s water and wastewater services titled “2022 York Region Water and Wastewater Master Plan” dated August 2022; (“2022 York Region Water and Wastewater Master Plan”)

“aboriginal or treaty rights” means the existing aboriginal or treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*; (“droits ancestraux ou issus de traités”)

“Agency” means the Ontario Clean Water Agency; (“Agence”)

“building” has the same meaning as in the *Building Code Act, 1992*; (“bâtiment”)

“business day” means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*; (“jour ouvrable”)

“construct” has the same meaning as in the *Building Code Act, 1992*; (“construire”)

“delegate” means an entity to which a power or duty has been delegated under section 51; (“délégataire”)

“environment” has the same meaning as in the *Environmental Assessment Act*; (“environnement”)

“Durham Region” means the Regional Municipality of Durham; (“région de Durham”)

“highway” has the same meaning as in the *Municipal Act, 2001*; (“voie publique”)

“immediate danger” means a danger or hazard that,

- (a) poses an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project, or
- (b) if construction is not underway but the start of construction is imminent, would pose an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project; (“danger immédiat”)

“Lake Simcoe phosphorus reduction project” means a sewage works for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River, including or excluding any associated or ancillary equipment, systems and technologies or things that may be prescribed; (“projet de réduction du phosphore dans le lac Simcoe”)

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“Ministry” means the Ministry of the Minister; (“ministère”)

“permit” means a permit issued under section 17; (“permis”)

“person” includes a municipality; (“personne”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“preview inspection” means an inspection under section 34; (“inspection préalable”)

“project land” means land designated as project land under section 52; (“terre ou bien-fonds affecté à un projet”)

“regulations” means the regulations made under this Act; (“règlements”)

“sewage” has the same meaning as in the *Ontario Water Resources Act*; (“eaux d’égout”)

“sewage works” has the same meaning as in the *Ontario Water Resources Act*; (“station d’épuration des eaux d’égout”)

“stop-work order” means an order under section 38; (“arrêté de cessation des travaux”)

“Upper York Sewage Solutions Undertaking” means the undertaking described in York Region’s Upper York Sewage Solutions Environmental Assessment Report dated July 2014; (“entreprise de solutions pour la gestion des eaux d’égout dans Upper York”)

“utility company” means a municipality, municipal service board or other company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat, cooling or power; (“entreprise de services publics”)

“utility infrastructure” means poles, wires, cables, including fibre-optic cables, conduits, towers, transformers, pipes, pipe lines or any other works, buildings, structures or appliances placed over, on or under land or water by a utility company; (“infrastructure de services publics”)

“YDSS Central system” means the sewage works described as “YDSS Central” in the 2022 York Region Water and Wastewater Master Plan; (“portion centrale du réseau d’égout de York-Durham”)

“YDSS North system” means the sewage works described as “YDSS North” in the 2022 York Region Water and Wastewater Master Plan; (“portion nord du réseau d’égout de York-Durham”)

“York Durham Sewage System” means the sewage works described collectively as the “YDSS North, YDSS Central, YDSS South, and YDSS Primary system” in the 2022 York Region Water and Wastewater Master Plan; (“réseau d’égout de York-Durham”)

“York Region” means the Regional Municipality of York; (“région de York”)

“York Region sewage works project” means the improvement, enlargement, extension and any other modifications of the York Durham Sewage System in York and Durham Regions to convey sewage, including sewage from the towns of Aurora, East Gwillimbury and Newmarket, for treatment at the Duffin Creek Water Pollution Control Plant in Durham Region and discharge into Lake Ontario, including or excluding any associated or ancillary equipment, systems and technologies or thing that may be prescribed. (“projet de station d’épuration des eaux d’égout dans la région de York”)

PART II REVOCATIONS

Revocations

2 (1) The following are revoked:

1. The order, dated October 1, 2004, with the file number ENV1283MC-2004-5305, in respect of the York-Durham Sewage System project that was issued by the Minister to the Region under section 16 of the *Environmental Assessment Act*, requiring the Region to comply with Part II of that Act before proceeding with the projects specified in the order.
2. The approval, dated March 11, 2010, with the file number 02-04-03, of the terms of reference that forms part of the application for the Upper York Sewage Solutions Undertaking approved under section 6 of the *Environmental Assessment Act*.
3. Any other prescribed document or instrument issued under the *Environmental Assessment Act* that is related to the York sewage works project or the Lake Simcoe phosphorus reduction project.

Application withdrawn

(2) The application submitted for approval by York Region dated July 25, 2014 under section 6.2 of the *Environmental Assessment Act* shall be deemed to have been withdrawn and, for greater certainty, the Minister is not required to make a decision about that application.

Exception

(3) For greater certainty, subsections (1) and (2) do not apply to any portion of the undertaking described in Order in Council 399/2018 made under the *Environmental Assessment Act*.

PART III REQUIREMENTS TO PROVIDE SEWAGE WORKS

Regions to construct sewage works project

3 (1) York Region and Durham Region shall, in accordance with subsections (2) and (3), work together to do everything in their respective powers to develop, construct and operate the York Region sewage works project.

Specific requirements

(2) The York Region sewage works project must,

- (a) have sufficient capacity to meet the total combined average daily wastewater flows forecasted to flow to the Duffin Creek Water Pollution Control Plant and the Water Reclamation Centre in 2051 in figures 2.1 and 2.2 of Appendix A to the 2022 York Region Water and Wastewater Master Plan;
- (b) include improvements and upgrades to the YDSS North system to accommodate the flows described in clause (a);
- (c) include improvements and upgrades to the YDSS Central system, which, at a minimum, consist of upgrades and improvements to the Yonge Street trunk sewer between Bloomington Road and 19th Avenue to accommodate the flows described in clause (a);
- (d) meet all prescribed timelines for the development, construction and operation of all or part of the project;

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- (e) improve, enlarge and extend the York Durham Sewage System in an efficient and cost-effective manner; and
- (f) be developed, constructed and operated in accordance with the regulations, if any.

Consultation required, etc.

- (3) York Region and Durham Region shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the York Region sewage works project until,
- (a) the report required under section 4 has been completed to the Minister's satisfaction;
 - (b) the consultation required under section 5 has been completed to the Minister's satisfaction; and
 - (c) any other prescribed requirements have been completed.

Report

4 (1) Immediately following the coming into force of this subsection, York Region and Durham Region shall commence the preparation of a report, in accordance with subsection (2) and the regulations.

Details in report

- (2) The report required under subsection (1) must contain details of,
- (a) the work required to meet the requirements of section 3;
 - (b) any associated cost of the work that is required to be detailed under clause (a);
 - (c) the approvals required to meet the requirements of section 3;
 - (d) the impacts to the environment of the project and the mitigation of those impacts; and
 - (e) anything else required by the Minister.

Report to be completed

(3) The report required under this section must be completed before the date specified by the Minister.

Report to be made public

- (4) Promptly after completing the report required under this section, York Region and Durham Region shall,
- (a) provide the report to the Minister;
 - (b) make the report publicly available on their respective websites; and
 - (c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 5 (4) for the purposes of the consultation required under section 5.

Revised report

(5) The Minister may require York Region and Durham Region to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6) Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7) The Minister may require York Region and Durham region to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8) Subsection 3 (3) and section 6 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10) Section 5 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

5 (1) York Region and Durham Region shall, in accordance with this section and any regulations, consult with every Indigenous community that is identified on a list provided by the Minister under subsection (4) and with persons who, in the opinion of York Region and Durham Region, may be interested in the York Region sewage works project.

Commencement of consultation

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3) As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

- (a) the contents of the report required by section 4;
- (b) any aboriginal or treaty rights that may be adversely impacted by the project;
- (c) any potential adverse impacts of the project on aboriginal or treaty rights; and
- (d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4) Before commencing consultation under this section, York Region and Durham Region shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Consultation to be completed

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6) Following the completion of consultation under this section, York Region and Durham Region shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

- (a) a description of the consultations carried out;
- (b) a list of the Indigenous communities or interested persons who participated in the consultations;
- (c) summaries of any comments submitted;
- (d) copies of all written comments submitted by Indigenous communities or other interested persons;
- (e) a summary of discussions that York Region and Durham Region had with Indigenous communities or other interested persons;
- (f) a description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities or other interested persons; and
- (g) any commitments made by York Region and Durham Region to Indigenous communities or other interested persons in respect of the York Region sewage works project.

Further consultation

(7) Following the receipt of the report required under subsection (6), the Minister may require York Region and Durham Region to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modification

(8) The report required under subsection (6) shall be modified by York Region and Durham Region to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Notification by Minister

6 The Minister shall promptly notify York Region and Durham Region and each Indigenous community identified on the list provided by the Minister under subsection 5 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 4.
2. The consultation required under section 5.

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3. Any other requirements prescribed for the purpose of clause 3 (3) (c).

Municipalities to construct Lake Simcoe phosphorus reduction project

7 (1) Every municipality prescribed for the purposes of this subsection shall, in accordance with subsections (3) and (4), work together to do everything in their respective powers to develop, construct and operate the Lake Simcoe phosphorus reduction project.

Municipalities that may be prescribed

(2) The following municipalities may be prescribed for the purposes of subsection (1):

1. York Region.
2. A lower-tier municipality within York Region.
3. A lower-tier municipality within the County of Simcoe.

Specific requirements

(3) The Lake Simcoe phosphorus reduction project must be developed, constructed and operated in accordance with the regulations, if any, including meeting any prescribed timelines for all or part of the project.

Consultation required etc.

(4) A municipality prescribed for the purposes of subsection (1) shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the Lake Simcoe phosphorus reduction project until,

- (a) the report required under section 8 has been completed to the Minister's satisfaction;
- (b) the consultation required under section 9 has been completed to the Minister's satisfaction; and
- (c) any other prescribed requirements have been completed.

Report

8 (1) Immediately following the coming into force of this subsection, every municipality prescribed for the purposes of subsection 7 (1) shall commence the preparation of a report, in accordance with subsection (2) of this section and the regulations.

Details in report

- (2) The report required under subsection (1) must contain details of,
- (a) necessary work required to meet the requirements of section 7;
 - (b) any associated cost of the work that is required to be detailed under clause (a);
 - (c) the approvals required to meet the requirements of section 7;
 - (d) the impacts to the environment of the project and the mitigation of those impacts; and
 - (e) anything else required by the Minister.

Report to be completed

(3) The report required under this section must be completed before the date specified by the Minister.

Report to be made public

(4) Promptly after completing the report required under this section, each municipality prescribed for the purposes of subsection 7 (1) shall,

- (a) provide the report to the Minister;
- (b) make the report publicly available on its website; and
- (c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 9 (4) for the purposes of the consultation required under section 9.

Revised report

(5) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6) Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8) Subsection 7 (4) and section 10 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10) Section 9 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

9 (1) Every municipality prescribed for the purposes of subsection 7 (1) shall, in accordance with this section and any regulations, consult with every Indigenous community identified on the list provided by the Minister under subsection (4) of this section and with persons who, in the opinion of the municipality, may be interested in the Lake Simcoe phosphorus reduction project.

Commencement of consultation

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3) As part of the consultation, the municipality shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

- (a) the contents of the report required by section 8;
- (b) any aboriginal or treaty rights that may be adversely impacted by the project;
- (c) any potential adverse impacts of the project on aboriginal or treaty rights; and
- (d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4) Before commencing consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the phosphorus works project.

Consultation to be completed

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6) Following the completion of consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

- (a) a description of the consultations carried out;
- (b) a list of the Indigenous communities or interested persons who participated in the consultations;
- (c) summaries of any comments submitted;
- (d) copies of all written comments submitted by Indigenous communities or other interested persons;
- (e) a summary of discussions that the municipality had with Indigenous communities or other interested persons;
- (f) a description of what the municipality did to respond to concerns expressed by Indigenous communities or other interested persons; and
- (g) any commitments made by the municipality to Indigenous communities or other interested persons in respect of the Lake Simcoe phosphorus reduction project.

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Further consultation

(7) Following the receipt of the report required under subsection (6), the Minister may require the municipality to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modifications

(8) The report required under subsection (4) shall be modified by the municipality prescribed for the purposes of subsection 7 (1) to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have existing aboriginal or treaty rights that may be adversely impacted by the Lake Simcoe phosphorus reduction project.

Notification by Minister

10 The Minister shall promptly notify a municipality prescribed for the purposes of subsection 7 (1) and each Indigenous community identified on the list provided by the Minister under subsection 9 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 8.
2. The consultation required under section 9.
- 3 Any other requirements prescribed for the purpose of clause 7 (4) (c).

Agency

11 (1) The Lieutenant Governor in Council may make an order requiring the Agency to undertake some or all of the work required under section 3 or 7, and the Agency shall comply with every such order.

Requirements

(2) An order under subsection (1) may be subject to any requirements that the Lieutenant Governor in Council considers necessary or advisable.

Requirements under regulations

(3) Any work the Agency is required to undertake under this section shall be done in accordance with the regulations.

Same

(4) Sections 3, 4, 5 and 6 apply to work the Agency undertakes with respect to the York Region sewage works project, subject to any necessary modification.

Same

(5) Sections 7, 8, 9, and 10 apply to work the Agency undertakes with respect to the Lake Simcoe phosphorus reduction project, subject to any necessary modification.

Agency's powers

(6) For greater certainty, if an order is issued under this section, section 12 of the *Ontario Water Resources Act* applies.

Agency to act for municipality for approval of Tribunal

(7) Where undertaking some or all of a project that a municipality is required to complete under this Part requires a municipality to obtain approval from the Ontario Land Tribunal, the Agency may apply on behalf of the municipality in respect of any part of the project that is subject to an order under subsection (1).

Delegation of authority

(8) Section 50 of the *Capital Investment Plan Act, 1993* applies with necessary modifications to anything the Agency is required to do under this Act.

Prohibition

(9) If an order is issued to the Agency under this section, no person, other than the Agency, shall undertake the work required by the order.

Payment of Agency costs

(10) A municipality shall pay the costs incurred by the Agency in the implementation of an order in accordance with any regulations.

Municipalities may raise money for costs

(11) For the purpose of making payments to the Agency under subsection (10), a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to develop, construct or operate, were developing, constructing or operating or had developed, constructed or operated all or part of a project.

Settlement of disputes re costs

(12) In the event of any dispute arising in respect of an amount required to be paid under subsection (10) to the Agency by a municipality for the development, construction or operation of a project, the dispute shall be referred to a sole arbitrator appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Agency and the municipality.

Costs of arbitrator

(13) The services of the arbitrator appointed under subsection (12) shall be paid in the amount directed by the Lieutenant Governor in Council and the whole costs of the arbitration shall be paid as directed by the arbitrator in the award.

Arbitration procedure

(14) Except as otherwise provided in this section, the *Municipal Arbitrations Act* applies to any arbitration under subsection (12).

Additional requirements**Powers of Minister**

12 (1) The Minister may, for the purposes of this Act and the regulations, require a municipality required to complete a project under this Part to provide plans, specifications, reports or other information related to the project to the Minister by a specified date.

Powers of Agency

(2) Where undertaking some or all of a project that a municipality is required to complete under this Part, the Agency may require the municipality to provide plans, specifications, reports or other information related to the project to the Agency by a specified date.

**PART IV
EXEMPTIONS**

Exemption, York Region sewage works project

13 The following are exempt from the *Environmental Assessment Act*:

1. The York Region sewage works project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

Exemption, Lake Simcoe phosphorus reduction project

14 The following are exempt from the *Environmental Assessment Act*:

1. The Lake Simcoe phosphorus reduction project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

**PART V
PROJECT LAND CONTROL**

PROJECT LAND DEVELOPMENT PERMIT

Permit required

15 (1) No person shall carry out the following work without a permit:

1. Building, altering or placing a building or other structure that is wholly or partially on, under or within 30 metres of project land.
2. Grading, dewatering or excavating conducted wholly or partially on, under or within 30 metres of project land.
3. Building, altering or constructing a highway that is wholly or partially on, under or within 30 metres of project land.

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4. Building, altering or placing utility infrastructure that would require grading, dewatering or excavation wholly or partially on, under or within 10 metres of project land.
5. Prescribed work.
6. Work that is subject to a notice under subsection 19 (2).

Exception

(2) Paragraph 1 of subsection (1) does not apply to utility infrastructure that does not require grading, dewatering or excavation.

Crown

(3) This section does not apply to the Crown.

Exception, emergencies

(4) A municipality, municipal service board or utility company may perform work that would otherwise be prohibited under this section to address an emergency that may impact the health and safety of any person or that would disrupt the provision of a service provided by the municipality, municipal service board or utility company.

Notification

(5) A municipality, municipal service board or utility company that performs work described in subsection (4) shall provide the Minister with a notice in writing providing details about the nature, location and duration of the work being conducted.

Application for permits

16 (1) An application for a permit or an amendment to a permit shall be in writing, prepared in accordance with the regulations, if any, and submitted to the Minister.

Additional requirements

(2) The Minister may require an applicant for a permit or an amendment to a permit to submit any plans, specifications, reports or other information related to the application.

Issuance of permits

17 (1) After considering an application for the issuance of a permit, the Minister may,

- (a) issue a permit with or without conditions; or
- (b) refuse to issue a permit.

Submissions

(2) A person to whom a permit is issued under subsection (1) may make submissions in writing to the Minister about the permit within 15 days of receiving the permit.

Confirmation, etc.

(3) After considering any submissions provided under subsection (2), and the needs and timelines of the project to be constructed within project lands, the Minister may, in writing,

- (a) confirm the permit issued or the refusal to issue the permit;
- (b) re-issue the permit with amended conditions; or
- (c) revoke the permit.

Amendment application

(4) A person to whom a permit is issued may apply, in writing and in accordance with the regulations, if any, to the Minister to have the permit amended.

Amendment decision

(5) After considering a request under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may,

- (a) amend the permit; or
- (b) refuse to amend the permit.

Terms and conditions

(6) A permit is subject to any terms and conditions that may be prescribed.

Revocation, amendment and suspension

18 (1) The Minister may revoke a permit in whole or in part, with or without issuing a new permit, amend a permit or suspend a permit in whole or in part, if,

- (a) a stop-work order has been issued in respect of any work subject to the permit; or
- (b) the Minister is of the opinion that the revocation, amendment or suspension is necessary.

Notice

(2) Before revoking, amending or suspending a permit pursuant to subsection (1), the Minister shall provide notice in writing to the permit holder.

Submissions

(3) The permit holder to whom a notice under subsection (2) is provided may make submissions to the Minister about the notice within 15 days of receiving the notice.

Confirmation, etc.

(4) After considering any submissions made by the permit holder, the Minister may revoke, amend or suspend the permit in accordance with subsection (1).

DEVELOPMENT IN PROCESS

Exception to permit requirement

19 (1) Subject to subsections (2) to (4), a person does not require a permit to carry out work described in subsection 15 (1) if the person has obtained all authorizations required at law to perform the work before the requirement to have a permit under section 15 applies to the person.

Imposition of requirement

(2) Despite subsection (1), the Minister may require, by notice, a person described in that subsection to obtain a permit for any work described in that subsection that is not completed within six months of the issuance of the notice.

Requirement in notice

(3) The notice issued under subsection (2) shall be in writing and shall include the following information:

- 1. A description of the work to be completed.
- 2. The date by which the work must be completed.
- 3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
- 4. Contact information for further information about the notice.

Submissions

(4) A person to whom a notice is issued under subsection (2) may make submissions in writing to the Minister within 15 days of receiving the notice.

Extension

(5) After considering any submissions provided under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may extend the six-month time period set out in the notice issued under subsection (2).

OBSTRUCTION REMOVAL

Notice of obstruction removal

20 (1) Subject to subsection (3), the Minister may issue a notice requiring the owner of any of the following things that are wholly or partially on, under or within 30 metres of project land to remove or alter the thing within the time specified in the notice:

- 1. A building or other structure.
- 2. A tree, shrub, hedge or other vegetation.
- 3. A prescribed thing.

Application

(2) Subsection (1) applies regardless of whether a permit was required in respect of the thing.

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Exception

- (3) A notice under subsection (1) shall not be issued in respect of,
- (a) utility infrastructure; or
 - (b) a highway that belongs to the Crown or other Crown property.

Requirements for notice

- (4) A notice issued under subsection (1) shall be in writing and include the following information:
1. A description of the thing to be altered or removed.
 2. The date by which the removal or alteration must be completed.
 3. An indication that the Minister may carry out the removal or alteration work if the removal or alteration is not completed within the time specified in the notice.
 4. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
 5. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the removal or alteration of the thing.
 6. Contact information for further information about the notice.

Submissions

- (5) A person to whom a notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice.

Minister's decision

- (6) After considering any submissions provided under subsection (5), the Minister may, in writing,
- (a) confirm the issuance of the notice;
 - (b) issue an amended notice; or
 - (c) revoke the notice issued under subsection (1).

Date of amended notice

- (7) If an amended notice is issued under subsection (6), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may remove obstruction

21 (1) Where a notice is issued under section 20 (1) or amended under subsection 20 (6), the Minister may cause any work required by the notice to be done if,

- (a) the person required by the notice to do the work,
 - (i) has not completed the work, or in the Minister's opinion is not likely to complete the work, within the time specified in the notice,
 - (ii) in the Minister's opinion, is not conducting or has not completed the work in a competent manner, or
 - (iii) requests the assistance of the Minister in complying with the notice; or
- (b) a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5).

Notice of intent to cause things to be done

- (2) The Minister shall give notice of an intention to cause work to be done under subsection (1),
- (a) to each person required by a notice issued under section 20 to remove an obstruction; and
 - (b) if a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5), to the receiver or trustee in bankruptcy.

Permission required

- (3) A person who receives a notice under subsection (2) shall not do the work referred to in the notice without the permission of the Minister.

Person liable unknown

22 Where the Minister is authorized by section 20 to issue a notice requiring a person to remove or alter an obstruction, and the identity of the person cannot be ascertained, the Minister may cause the obstruction to be removed or altered without notice.

Advance notice

23 (1) The Minister shall provide notice in advance of any work to be done pursuant to section 21 to the person to whom the notice was issued and anyone occupying the property.

Contents

(2) The notice shall be in writing and include the date and approximate time of the work.

Additional requirement

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

Compensation

24 (1) Except as provided under subsection (2), no compensation is payable by the Minister or the Crown to any person for anything done under section 20, 21 or 22.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 37 to the owner of any thing that was altered or removed under section 20, 21 or 22 for the following:

1. The work required to be done under the notice, if that work was not undertaken by the Minister.
2. The value of any thing that was required to be removed under the notice.
3. The value of the part of the thing that was altered or removed pursuant to the notice.
4. Any damage to the person's property necessary to carry out the work required under the notice.

Exception

(3) Subsection (2) does not apply to anything restored pursuant to section 25.

Restoration

25 (1) If the Minister carried out the work under section 21 or 22, the Minister shall make reasonable efforts to restore any part of the property that was not altered or removed to its condition prior to the work having been completed.

Exception

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Loss of compensation entitlement

26 (1) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, to a person who hinders, obstructs or otherwise interferes with any work done under section 20, 21 or 22.

Where laws not complied with

(2) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

CONSTRUCTION DANGER INSPECTION AND ELIMINATION

Construction danger inspection

27 (1) The Minister may, without notice, cause an inspection of any of the following things that are wholly or partially on, under or within 30 metres of project land if the Minister is of the opinion that the thing may pose an immediate danger:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

Exception

(2) Subsection (1) does not apply in respect of,

- (a) utility infrastructure; or
- (b) a highway that belongs to the Crown or other Crown property.

Additional requirement

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

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Construction danger elimination

28 (1) If, upon inspection, the Minister confirms that a thing described in subsection 27 (1) poses an immediate danger, the Minister may cause work to be undertaken to remove or eliminate the immediate danger posed by the thing.

Advance notice

(2) The Minister shall make reasonable efforts to notify the property owner or occupant before the inspection under section 27 or removal or elimination under subsection (1) of this section takes place.

Additional requirement

(3) Subsection (2) applies in addition to any requirements that apply to entry to the property under section 56.

Informing owner afterwards

29 As soon as practicable after an inspection has taken place under section 27 or the carrying out of work under section 28, the Minister shall make reasonable efforts to notify the owner of,

- (a) the inspection;
- (b) any work undertaken to eliminate an immediate danger;
- (c) the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection or work; and
- (d) the procedure for determining compensation.

Loss of compensation entitlement

30 Section 31 does not apply to a person who hinders, obstructs or interferes with an inspection under section 27 or any work carried out under section 28 or 32.

Compensation

31 (1) Except as provided under subsection (2), no compensation is payable by the Minister to any person for anything done under section 28.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of a property upon which work was carried out by the Minister under section 28 for the following:

- 1. The value of any thing that was eliminated.
- 2. The value of any part of the thing that was eliminated.
- 3. Any other damage to the person's property resulting from the work carried out.

Exception

(3) Subsection (2) does not apply to anything restored pursuant to section 32.

Restoration

32 (1) The Minister shall make reasonable efforts to restore any part of a property damaged in the course of any work carried out under section 28 to its condition prior to the work having been started.

Exception

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Reduced compensation

33 The Minister may reduce the amount of compensation otherwise payable under section 31, or pay no compensation, if the thing eliminated or the person's property that was damaged was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

PREVIEW INSPECTION**Preview inspection**

34 (1) The Minister may carry out an inspection on property that is on or within 30 metres of project land for the purposes of carrying out due diligence in planning, developing and constructing the York Region sewage works project and the Lake Simcoe phosphorus reduction project, including,

- (a) making records of the property and surrounding area; and

- (b) taking samples and conducting tests.

Exception

- (2) Clause (1) (b) does not apply in respect of utility infrastructure.

Same

- (3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

Compensation

35 (1) Except as provided under subsection (2) no compensation is payable by the Minister to any person for anything done under section 34.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of the property for any damage resulting from any test conducted or sample taken under section 34 that is not restored under section 59.

Reduced compensation

36 The Minister may reduce the amount of compensation otherwise payable under section 35, or pay no compensation, if the thing that was damaged in an inspection pursuant to section 34 was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Advance notice

37 (1) The Minister shall provide notice of a preview inspection to the property owner or occupant at least 30 days in advance of the preview inspection.

Additional requirement

- (2) Subsection (1) applies in addition to any requirements that apply to entry to the property under section 56.

Contents

- (3) The notice shall be in writing and include the following information:
 1. The intended date and approximate time of the inspection.
 2. The approximate duration of the inspection.
 3. The purpose of the inspection.
 4. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection.
 5. Contact information for further information.

STOP-WORK ORDERS

Stop-work order

38 (1) The Minister may make an order requiring a person to stop engaging in or to not engage in work described in section 15 if,

- (a) the Minister has reasonable grounds to believe that the person is engaging in the work, or is about to engage in the work, for which a permit is required but has not been obtained; or
- (b) the Minister is of the opinion that the work is being conducted pursuant to a permit but continuing the work would obstruct or delay the construction of the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Information to be included in order

- (2) The stop-work order shall include,
 - (a) a reference to the requirement under this Act to have a permit to undertake the work, if the order is issued under clause (1) (a);
 - (b) a brief description of the work that is required to be stopped and its location; and
 - (c) the consequences of failing to comply with the order, including the associated offence and potential fine.

Exception

- (3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

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Enforcement through court

39 A stop-work order may be filed in the Superior Court of Justice and enforced as if it were an order of that court.

COMPENSATION**Compensation**

40 (1) This section sets out the procedure for determining any compensation payable under this Part.

Particulars

(2) A person applying to the Minister for compensation shall provide proof of the person's interest in the property and the rationale for the claim, including details supporting the amount claimed, to the satisfaction of the Minister.

Determination

(3) After considering the information provided under subsection (2), the Minister shall determine whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Notice

(4) The Minister shall notify the person who applied to the Minister of the Minister's determination under subsection (3).

Compensation dispute

(5) A person who receives a notification under subsection (4) may, within 6 months of the receipt of the notification, apply to the Ontario Land Tribunal for determination by the Tribunal of whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Order by the Tribunal

(6) The Tribunal may order the amount of compensation to be paid to the person, including interest on any compensation payable from when the work began at the prescribed rate, if there is a prescribed rate.

Exception to interest

(7) Despite subsection (6),

- (a) if the Minister determined under subsection (3) compensation greater than the amount determined by the Tribunal, no interest may be ordered after the date that the person received the notice described under subsection (4); and
- (b) if the Tribunal is of the opinion that any delay in determining the compensation is attributable in whole or in part to the person, the Tribunal may refuse to order interest for the whole or any part of the time for which the person might otherwise be entitled to interest, or may order interest at such rate less than the prescribed rate as appears just.

Municipality or local board

41 No compensation is payable under this Part to a municipality or a local board within the meaning of the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.

No expropriation, etc.

42 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

**PART VI
EXPROPRIATION PROCESS****Application**

43 This Part applies to an expropriation by a municipality or the Agency for the purposes of developing, constructing or operating the York Region sewage works project and the phosphorus recovery project, but, for greater certainty, does not apply in respect of anything to which section 42, 50 or 54 applies.

No hearings of necessity

44 (1) Subsections 6 (2) to (5) and sections 7 and 8 of the *Expropriations Act* do not apply to any expropriation of land within the meaning of that Act if,

- (a) all or part of the land is project land; and
- (b) the expropriation is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Approving authority

(2) An approving authority to whom an application for expropriation has been made under subsection 4 (1) of the *Expropriations Act* in relation to the York Region sewage works project or the Lake Simcoe phosphorus reduction project shall approve or not approve the proposed expropriation as submitted, or approve the proposed expropriation with such modifications

as the approving authority considers proper, but an approval with modifications does not affect lands that are not part of the application.

Consideration of comments

(3) Before an approving authority approves a proposed expropriation under subsection (2), the authority shall consider any comments received under the process, if any, established under section 45.

This section prevails

(4) This section applies despite subsection 2 (4) of the *Expropriations Act*.

Alternative process

45 (1) The Minister may establish a process in writing for the receipt and consideration of comments from property owners about an application for an expropriation made under subsection 4 (1) of the *Expropriations Act* that is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Publication

(2) The Minister shall publish the details of the process established under subsection (1) on a website maintained by the Ministry and in any other format the Minister considers advisable.

**PART VII
UTILITY COMPANY CO-OPERATION**

Notice to utility company

46 (1) The Minister may by notice require a utility company to take up, remove or change the location of utility infrastructure if, in the opinion of the Minister, the taking up, removing or changing in location is necessary for the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Requirements for notice

(2) The notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the work to be carried out.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice.
4. Contact information for further information about the notice.

Submissions

(3) The utility company to which the notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice, including submissions in respect of any technical or other difficulties with meeting the date for completion of the work in the notice.

Minister's decision

- (4) After considering any submissions provided under subsection (3), the Minister may, in writing,
- (a) confirm the notice;
 - (b) issue an amended notice; or
 - (c) revoke the notice.

Date in amended notice

(5) If an amended notice is issued under subsection (4), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may take up, remove or change the location

47 (1) Where a notice is issued under section 46 (1) or amended under subsection 46 (4), the Minister may cause any work required by the notice to be done if the utility company required by the notice fails to do the work.

Notice of intent to cause work to be done

(2) The Minister shall provide notice, in advance of any work to be done pursuant to subsection (1), to the utility company to whom the notice was issued and anyone occupying the property.

Contents

(3) A notice under subsection (2) shall be in writing and include the date and approximate time of the work.

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Compensation by Minister

48 If the utility company completes the work required by the notice issued under subsection 46 (1), the Minister shall compensate the utility company for the work, unless otherwise agreed.

Compensation by company

49 (1) If the Minister completes work pursuant to subsection 47 (1), the utility company shall compensate the Minister for the value of any loss or expense incurred by the Minister resulting from the failure of the utility company to comply with the notice.

Includes cost of work

(2) For greater certainty, subsection (1) includes the cost of doing the work required by the notice.

No expropriation, etc.

50 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

**PART VIII
ADMINISTRATION**

DELEGATION

Delegation

51 (1) The Lieutenant Governor in Council may, by order, delegate any of the powers and duties conferred or imposed on the Minister under Parts V and VII of this Act, in whole or in part, to any of the following entities, subject to any limitations, conditions and restrictions set out in the order:

1. York Region.
2. Durham Region.
3. A municipality prescribed for the purposes of subsection 7 (1).
4. The Agency.

Compensation

(2) If an obligation to pay compensation under this Act is delegated to an entity described in subsection (1), the delegate is responsible for the payment of all of the compensation, unless the Minister and the delegate agree otherwise.

DESIGNATIONS

Designating project land

52 The Lieutenant Governor in Council may, by order,

- (a) designate any area of land or water as project land for the development, construction, and operation of the York Region sewage works project or the Lake Simcoe phosphorus reduction project; and
- (b) amend or revoke a designation made under clause (a) at any time.

Notice

53 (1) When land has been designated as project land, or the designation of land has been amended or revoked, the Minister shall make reasonable efforts to provide notice to,

- (a) all owners or occupiers of land, any part of which is on or within 30 metres of project land;
- (b) every utility company having utility infrastructure any part of which is located on, under or within 10 metres of project land; and
- (c) each municipality, local board, municipal planning authority and planning board having jurisdiction in the area which is the subject of the project land.

Registration

(2) The Minister shall either,

- (a) register or cause to be amended or removed from the registry, as appropriate, a notice of designation in the proper land registry office on the title of each property any part of which is project land or any part of which is located within 30 metres of project land; or
- (b) carry out a prescribed public notice process with respect to the property described in clause (a).

No expropriation, etc.

54 The designation of land or water under section 52 does not constitute an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

**PART IX
COMPLIANCE AND ENFORCEMENT**

Inspection

55 (1) An enforcement officer may conduct an inspection of a place for the purpose of determining any person's compliance with this Act or the regulations if the enforcement officer reasonably believes that,

- (a) the place contains documents or data relating to the person's compliance; or
- (b) an activity relating to the person's compliance is occurring or has occurred at the place.

Designation of enforcement officers

(2) The Minister may designate one or more of the following as enforcement officers to exercise the powers under subsection (1):

- 1. Public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry or the members of classes of such public servants.
- 2. Any other persons or the members of any other classes of persons.

Restriction

(3) When making the designation, the Minister may limit the authority of an enforcement officer in the manner that the Minister considers necessary or advisable.

Powers of entry

56 (1) The powers of entry provided under this section apply to a person undertaking the following:

- 1. Work undertaken under section 21 or 22.
- 2. An inspection undertaken under section 27.
- 3. Work undertaken under section 28 or 47.
- 4. A preview inspection under section 34.
- 5. An inspection undertaken pursuant to section 55.

Entry without warrant

(2) A person who has the authority to engage in an activity referred to in subsection (1) may enter a place without a warrant if the entry is made in respect of that activity.

Restriction

(3) Subsection (2) authorizes a person to enter a place only if it is owned or occupied by a person who owns or occupies land any part of which is located within project land or any part of which is located within 30 metres of project land.

Dwellings

(4) A person shall not exercise a power conferred by this section to enter, without the occupier's consent, a room that is actually used as a dwelling, except under the authority of an order issued under section 57.

Time of day

(5) Subject to subsection (6), entry to a place and any related work or inspection referred to in subsection (1) may be carried out at any reasonable time.

Dwellings

(6) Entry to a place and any related work or inspection on property that contains a dwelling shall take place,

- (a) at any time during daylight hours after having given the occupier at least two days notice; or
- (b) at any other time with the occupier's consent.

Powers

(7) A person may do any one or more of the following in the course of entering a place and conducting work or an inspection related to the purpose of the entry,

- (a) undertake work;

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- (b) make reasonable inquiries of any person, orally or in writing;
- (c) take samples for analysis;
- (d) conduct tests or take measurements;
- (e) make a record of anything by any method;
- (f) examine, record or copy any document or data, in any form, by any method;
- (g) require the production of any document or data, in any form, required to be kept under this Act and any form of other document or data related to the purpose of the entry; and
- (h) remove from the place, for the purpose of making copies, documents or data produced under clause (g).

Limitation

(8) A record made under clause (7) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Records in electronic form

(9) If a record is retained in electronic form, a person exercising a power of inspection may require that a copy of it be provided to them on paper or electronically, or both.

Limitation re removal of documents

(10) A person shall not remove documents or data under clause (7) (h) without giving a receipt for them and shall promptly return them to the person who produced them.

Power to exclude persons

(11) A person exercising a power of inspection who exercises the power set out in clause (7) (b) may exclude any person from the questioning, except counsel for the individual being questioned.

Order for entry, work or inspection

57 (1) A justice of the peace may issue an order authorizing a person to do anything referred to in subsection 56 (1) or (7) if the justice is satisfied, on evidence under oath by the person that will be engaging in the activity, that there are reasonable grounds to believe that,

- (a) it is appropriate for the person to do anything set out in subsection 56 (1) or (7) for the purpose of determining a person's compliance with this Act or the regulations; and
- (b) the person may not be able to carry out his or her duties effectively without an order under this section because,
 - (i) no occupier is present to grant access to a place that is locked or otherwise inaccessible,
 - (ii) another person has prevented or may prevent the person from doing anything referred to in subsection 56 (1) or (7),
 - (iii) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for a person to obtain an order under this subsection without delay if access is denied,
 - (iv) an attempt by a person to do anything referred to in subsection 56 (1) or (7) without the order might not achieve its purpose without the order, or
 - (v) it is more reasonable to carry out anything referred to in subsection 56 (1) or (7) at times other than those referred to in subsection 56 (6).

Same

(2) Subsections 56 (7) to (11) apply to an activity engaged in pursuant to an order issued under this section.

Expiry

(3) Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order and the day that is 30 days after the date on which the order is made.

Renewal

(4) An order under this section may be renewed in the circumstances in which an order may be made under subsection (1), before or after expiry, for one or more periods, each of which is not more than 30 days.

When to be executed

(5) Unless the order provides otherwise, everything that an order under this section authorizes must be done between 6 a.m. and 9 p.m.

Application without notice

(6) An order under this section may be issued or renewed on application without notice.

Application for dwelling

(7) An application for an order under this section authorizing entry to a dwelling shall specifically indicate that the application relates to a dwelling.

Other terms and conditions

(8) An order may contain terms and conditions that the justice considers advisable in the circumstances.

Identification

58 On request, a person who exercises a power of entry under this Act shall identify themselves as a person so authorized, either by the production of a copy of the authorizing document or in some other manner, and shall explain the purpose of the exercise of the power.

Restoration

59 (1) If a place is entered under section 34 or 55 for the purposes of an inspection, the person entering the place, in so far as is practicable, shall restore the property to the condition it was in before the entry.

Exception

(2) Subsection (1) does not apply if the thing requiring restoration was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Detention of copies, samples

60 A person who exercises a power under section 56 or 57 may detain copies or samples obtained under those sections for any period and for any purpose relating to enforcing this Act and the regulations.

Calling for assistance of member of police force

61 A person who enters a place to exercise a power of inspection and who is authorized by an order under section 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required, and it is the duty of every member of a police force to render the assistance.

Confidentiality of information

62 (1) In this section,

“law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed; (“procédure d’exécution de la loi”)

“peace officer” means a person or a member of a class of persons set out in the definition of “peace officer” in section 2 of the *Criminal Code* (Canada). (“agent de la paix”)

Secrecy and permissible disclosure

(2) A person entering a place pursuant to section 56 or 57 shall preserve secrecy with respect to any information obtained in respect of all matters that come to their knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

- (a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act and the regulations;
- (b) to the Minister, the Ministry or an employee or agent of the Ministry;
- (c) to a delegate or an employee or agent of the delegate;
- (d) to a peace officer, as required under a warrant, to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (e) with the consent of the person to whom the information relates;
- (f) to the counsel of the person to whom the information relates;
- (g) to the extent that the information is required or permitted to be made available to the public under this Act or any other Act; or
- (h) under further circumstances that are prescribed.

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Testimony in civil suit

(3) Except in a proceeding under this Act or the regulations, no person entering a place pursuant to section 56 or 57 shall be required to give testimony with regard to information obtained by them in the course of any survey, examination, test or inquiry under this Act or the regulations.

Successors and assigns

63 (1) A notice under section 20 or 46 and an order under section 38 is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

Limitation

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, their obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets.

Receivers and trustees

(3) A notice under section 20 or 46 and an order under section 38 that relates to property is binding on a receiver or trustee that holds or administers the property.

Limitation

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets.

Exception

(5) Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,

- (a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the Minister that they have abandoned, disposed of or otherwise released their interest in the property; or
- (b) the order was stayed under Part I of the *Bankruptcy and Insolvency Act* (Canada) and the receiver or trustee in bankruptcy notified the person who made the order, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property.

Extension of period

(6) The Minister may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as the Minister considers appropriate.

Notice under subs. (5)

(7) Notice under clause (5) (a) or (b) must be given in the prescribed manner.

**PART X
OFFENCES**

Obstruction, etc.

64 (1) No person shall hinder or obstruct any one or more of the following persons or entities in the performance of their duties under this Act or the regulations,

- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
- (b) a delegate or an officer, employee or agent of a delegate.

False information

(2) No person shall give or submit false or misleading information, orally, in writing or electronically, in any statement, document or data in respect of any matter related to this Act or the regulations to,

- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
- (b) a delegate or an officer, employee or agent of a delegate.

Same

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act.

Refusal to provide information

- (4) No person shall refuse to provide information required for the purpose of this Act or the regulations to,
- (a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or
 - (b) a delegate or an officer, employee or agent of a delegate.

Offences

65 (1) Every person who contravenes or fails to comply with section 64 is guilty of an offence.

Offence re orders

(2) Every person who contravenes or fails to comply with a stop-work order is guilty of an offence.

Limitation

(3) No proceeding under this section shall be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer within the meaning of the *Provincial Offences Act*.

Penalties

66 A person who is guilty of an offence under section 65 is liable on conviction,

- (a) in the case of an individual,
 - (i) for a first offence, to a fine of not more than \$50,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
 - (ii) for a second or subsequent conviction for that offence, to a fine of not more than \$100,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences; or
- (b) in the case of a corporation,
 - (i) for a first offence, to a fine of not more than \$500,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences, or
 - (ii) for a second or subsequent conviction for that offence, to a fine of not more than \$1,000,000 plus not more than an additional \$10,000 for each day on which the offence continues after the day it commences.

**PART XI
MISCELLANEOUS**

Capital Investment Plan Act, 1993

67 Section 51 of the *Capital Investment Plan Act, 1993* does not apply to work undertaken under this Act by or on behalf of the Minister.

Providing a document

68 (1) Any notice, order or other document that is required to be provided to a person under this Act is sufficiently provided if it is,

- (a) delivered directly to the person;
- (b) left at the person's last known address, in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older;
- (c) sent by regular mail to the person's last known address;
- (d) sent by commercial courier to the person's last known address;
- (e) sent by email to the person's last known email address; or
- (f) given by other means specified by the regulations.

Deemed receipt

(2) Subject to subsection (3),

- (a) a document left under clause (1) (b) is deemed to have been received on the first business day after the day it was left;
- (b) a document sent under clause (1) (c) is deemed to have been received on the fifth business day after the day it was mailed;
- (c) a document sent under clause (1) (d) is deemed to have been received on the second business day after the day the commercial courier received it;

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- (d) a document sent under clause (1) (e) is deemed to have been received on the first business day after the day it was sent; and
- (e) a document given under clause (1) (f) is deemed to have been received on the day specified by the regulations.

Failure to receive document

(3) Subsection (2) does not apply if the person establishes that he or she, acting in good faith, did not receive the document or received it on a later date because of a reason beyond the person's control, including absence, accident, disability or illness.

Non-application of the *Statutory Powers Procedure Act*

69 The *Statutory Powers Procedure Act* does not apply to,

- (a) any decision made,
 - (i) in respect of permits, notices or stop-work orders under Part V,
 - (ii) under a process for receiving and considering comments about a proposed expropriation under section 45,
 - (iii) in respect of a notice under Part VII, or
 - (iv) in respect of compensation under this Act; or
- (b) establishing a process for receiving and considering comments about a proposed expropriation under section 45.

Regulations, contracts and agreements

70 (1) The Lieutenant Governor in Council may, in order to facilitate the development, construction and operation of a sewage works under this Act, make regulations that prescribe any contract or agreement that relates to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

What regulation may contain

- (2) A regulation made under subsection (1) may,
 - (a) terminate the prescribed contract on a date provided for in the regulation;
 - (b) suspend all or part of the prescribed contract on the dates provided for in the regulation; and
 - (c) amend all or part of the prescribed contract as specified in the regulation.

Deemed termination, suspension, amendment

(3) A contract or agreement or part of a contract or agreement prescribed under subsection (1) is deemed to have been terminated on a date or dates provided for in the regulations, or, if the regulations so provide, is deemed to have been amended or suspended, as the case may be, as provided for in the regulations.

No compensation

(4) Unless provided for in the regulations, no compensation shall be paid to any person in connection with a termination, amendment or suspension under this section.

No cause of action, Crown, etc.

71 (1) No cause of action arises against the Crown, the Agency, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown or the Agency as a direct or indirect result of,

- (a) the enactment, amendment or repeal of this Act;
- (b) anything done under Part III;
- (c) the making, amendment or revocation of a regulation under this Act;
- (d) the issuance, amendment or revocation of a permit or notice under Part V;
- (e) the issuance, amendment or revocation of a stop-work order under section 38;
- (f) the making, amendment or revocation of an order designating project land under section 52;
- (g) the enactment or repeal of the *York Region Wastewater Act, 2021*;
- (h) anything done or not done under the authority of or in reliance on the *York Region Wastewater Act, 2021*, whether before or after section 4 of that Act came into force; or
- (i) any representation or other conduct that is related, directly or indirectly, to the application for the Upper York Sewage Solutions Undertaking, whether made or occurring before or after section 4 of the *York Region Wastewater Act, 2021* came into force.

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Retrospective effect

(4) Subsections (2) and (3) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (2) or (3) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day this subsection came into force.

No cause of action, certain delegates

72 (1) No cause of action arises against an entity to whom the Lieutenant Governor in Council delegates a duty or power, in whole or in part, pursuant to paragraphs 1, 2, and 3 of subsection 51 (1), or any current or former employee, director, officer, member of council or agent as a direct or indirect result of anything referred to in clause 71 (1) (d) or (e).

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Delegate not a Crown agent

73 A delegate described in paragraph 1, 2 or 3 of subsection 51 (1) is not a Crown agent for any purpose.

Crown not liable for delegate's acts

74 No action or other proceeding shall be instituted against the Crown or any current or former Member of the Executive Council or employee, officer, agent or advisor of the Crown for any act of a delegate or an employee, director, officer, member of council, agent or advisor of a delegate in the execution or intended execution of a power or duty delegated under this Act or for an alleged neglect or default in the execution or intended execution of a power or duty delegated under this Act.

Protection from personal liability

75 (1) No action or other proceeding may be instituted against the following persons for any act done in good faith in the execution or intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of such a duty or power:

1. Any current or former Member of the Executive Council or employee, officer, agent or advisor to the Crown.
2. Any current or former employee, director, officer, member of council, agent or advisor of a delegate.

Crown not relieved of liability

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in paragraph 1 of subsection (1) to which it would otherwise be subject.

Delegates

(3) Subsection (1) does not relieve a delegate of any liability to which it would otherwise be subject to in respect of an act or omission of a person mentioned in paragraph 2 of subsection (1).

Aboriginal or treaty rights

76 Section 71 does not apply to a cause of action that arises from any aboriginal or treaty right.

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No compensation or damages

77 Except as otherwise provided under sections 24, 31, 35 and 48, no person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of this Act or for anything done or any actions taken under this Act.

Environmental Bill of Rights, 1993

78 Part II of the *Environmental Bill of Rights, 1993* does not apply to the issuance, amendment or revocation of an instrument related to or necessary for the construction of the York Region sewage works project and the Lake Simcoe phosphorus reduction project, despite it having been classified under a regulation made under that Act.

Ontario Water Resources Act, s. 57

79 Section 57 of the *Ontario Water Resources Act* does not apply in respect of the York Region sewage works project and the Lake Simcoe phosphorus reduction project.

Conflict with other legislation

80 In the event of a conflict between any provision of this Act or the regulations and any other Act or regulation in respect of the development, construction or operation of the projects required by Part III of this Act, the provision of this Act or the regulations shall prevail, despite anything in the other Act or regulation.

Regulation making powers re projects

81 (1) The Lieutenant Governor in Council may make regulations governing the development, construction and operation of,

- (a) the York Region sewage works project; and
- (b) the Lake Simcoe phosphorus reduction project.

Matters that may be included

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may include,

- (a) requirements that a municipality and the Agency meet prescribed dates for completing all or part of the development, construction and operation of a project;
- (b) requirements that a municipality and the Agency report to the Ministry on anything related to a project;
- (c) requirements that a municipality and the Agency do anything the municipality has the power to do under this or any other Act for the purposes of developing, constructing and operating a project;
- (d) requirements that the project incorporate any prescribed thing or meet any prescribed criteria;
- (e) requirements that all or part of the project be within a specified area;
- (f) prohibitions preventing a municipality and the Agency from doing anything in respect of the project;
- (g) designations of which parts of the development, construction and operation of a project each municipality is responsible for;
- (h) designations of the share of the costs of developing, constructing and operating a project each municipality is responsible for;
- (i) requirements respecting the payment of costs to the Agency or to any other person or body specified by the regulations, including prescribing the amounts or the method of calculating the amounts to be paid, and governing the procedure for the payment;
- (j) the prescribing of any matter that the Lieutenant Governor in Council considers necessary or advisable to ensure that the Agency can effectively carry out its powers and duties under section 11;
- (k) the governance of the winding up of the Agency's role in a project and the transfer of any assets, liabilities, rights and obligations to a municipality.

Regulations, general

82 The Lieutenant Governor in Council may make regulations,

- (a) respecting anything that under this Act may or must be prescribed, done or provided for by regulation or in accordance with the regulations and for which a specific power is not otherwise provided;
- (b) defining or clarifying the meaning of any words or expressions used in this Act that are not defined in this Act;
- (c) clarifying or modifying the definition of any defined term whose definition is expressed as being subject to the regulations;
- (d) exempting any person or entity from a provision of this Act or the regulations and setting conditions for the exemption;
- (e) respecting and clarifying the application of this Act with respect to a delegate;

- (f) respecting the process of applying for and issuing permits, notices and orders;
- (g) respecting the inclusion of terms and conditions in permits and notices;
- (h) respecting the process for and payment of compensation under this Act, including,
 - (i) rules to be applied in determining the amount of compensation payable,
 - (ii) criteria that must be met or circumstances that must apply in order for compensation to be paid, and
 - (iii) the circumstances in which the Minister is required to make adjustments to the amount of compensation that would otherwise be required to be paid, which may include requiring the Minister to decrease the amount or prohibiting the Minister from paying any amount;
- (i) prescribing documents or data required to be created, stored and submitted by any person and the methods of creating, storing and submitting the documents and data;
- (j) prescribing the location at which documents or data must be created or stored;
- (k) providing for the inspection and examination of documents and data;
- (l) providing for the preparation and signing of documents by electronic means, the filing of documents by direct electronic transmission and the printing of documents filed by direct electronic transmission;
- (m) providing for forms and their use;
- (n) providing for the method of providing any document required to be provided given or served under this Act;
- (o) respecting transitional matters arising from the enactment of this Act;
- (p) providing for any other matters to carry out this Act.

Retroactivity

83 A regulation made under this Act is, if it so provides, effective with reference to a period before it is filed.

Adoption by reference

84 (1) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted.

Rolling incorporation by reference

(2) The power to adopt by reference and require compliance with a document includes the power to adopt a document as it may be amended from time to time.

When adopted

(3) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in The Ontario Gazette or in the registry under the *Environmental Bill of Rights, 1993*.

PART XII AMENDMENTS TO THIS ACT

Amendments to this Act

85 (1) Subsection 44 (1) of this Act is amended by striking out “7 and 8” in the portion before clause (a) and substituting “7, 8 and 8.1”.

(2) Section 61 of this Act is repealed and the following substituted:

Calling for assistance of member of police service

61 A person who enters a place to exercise a power of inspection and who is authorized by an order under 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the police service in the area where the assistance is required, and it is the duty of every member of a police service to render such assistance.

PART XIII REPEAL

Repeal

86 The *York Region Wastewater Act, 2021* is repealed.

70

PART XIV
COMMENCEMENT AND SHORT TITLE

Commencement

87 (1) Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 7 to 10, subsection 11 (5) and section 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsection 85 (1) comes into force on the later of the day subsection 44 (1) of this Act comes into force and the day section 2 of Schedule 5 to the *Accelerating Access to Justice Act, 2021* comes into force.

(4) Subsection 85 (2) comes into force on the later of the day section 61 of this Act comes into force and the day section 42 of Schedule 4 to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

Short title

88 The short title of the Act set out in this Schedule is the *Supporting Growth and Housing in York and Durham Regions Act, 2022*.



King Township
2585 King Road
King City , Ontario
Canada L7B 1A1

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Fax: 905.833.2300
Website: www.king.ca
Email: clerks@king.ca

November 10, 2022

Chris Raynor, Regional Clerk
Regional Municipality of York
17250 Yonge Street
NEWMARKET ON L3Y 6Z1

via email: regional.clerk@york.ca

Dear Mr. Raynor,

**RE: King Township
– Bill 23 – More Homes Built Faster Act**

At its meeting of November 7, 2022, Council received and supported the following recommendations, in Growth Management Services Department – Planning Division Report Number GMS-PL-2022-39 with respect to the Township's response to the Province's Bill 23 proposed *More Home Built Faster Act*:

1. Report Number GMS-PL-2022-39 be received; and
2. That Council endorse Planning Division Staff comments as outlined in Report GMS-PL-2022-39 and Appendix B; and
3. That Council direct Staff to submit this Report and any additional comments arising from the November 7, 2022, Committee of the Whole Meeting to the applicable Ministers before the applicable commenting deadlines; and
4. That copies of Council's comments be provided to the Regional Municipality of York, local Conservation Authorities, and to all York Region local Municipalities, for their information; and
5. That Council direct Staff to bring forward a Report on the remaining amendments and proposed amendments to A Place to Grow Plan and the Provincial Policy Statement to a future Committee of the Whole Meeting.

A copy of Growth Management Services Department Report GMS-PL-2022-39 is attached for your information.

Yours truly,

A handwritten signature in black ink that reads "Denny Timm".

Denny Timm
Township Clerk

- c.c. Town of Whitchurch-Stouffville clerks@townofws.ca
Michael DeRond, Clerk, Town of Aurora MdeRond@aurora.ca
Lisa Lyons, Clerk, Town of Newmarket llyons@newmarket.ca
Town of East Gwillimbury clerks@eastgwillimbury.ca
Todd Coles, City Clerk, City of Vaughan Todd.Coles@vaughan.ca
Kim Kitteringham, Clerk, City of Markham KKitteringham@markham.ca
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Stephen Huycke, Clerk, Town of Richmond Hill Stephen.huycke@richmondill.ca
Lake Simcoe Region Conservation Authority (LSRCA) Lakesimcoe@ontario.ca
Toronto and Region Conservation Authority (TRCA) info@trca.ca
Kristen Harrison, Manager of Policy Planning, King kharrison@king.ca



The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's
Park
Toronto, ON M7A 1A1
VIA EMAIL:
premier@ontario.ca

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0
www.puslinch.ca

November 17, 2022

RE: 9.3.3 Report ADM-2022-065 Bill 23 Proposed Changes

Please be advised that Township of Puslinch Council, at its meeting held on November 9, 2022 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Resolution No. 2022-366: **Moved by Councillor Sepulis and
Seconded by Councillor Bailey**

That Report ADM-2022-065 entitled Bill 23 Proposed Changes and Consent items 6.6 and 6.15 and Correspondence Item 10.4 be received; and

Whereas the Township of Puslinch has received correspondence dated Oct. 25, 2022 from Minister Clark regarding the More Homes Built Faster Act, 2022 (Bill 23); and

Whereas the Township of Puslinch Council recognizes that there is a housing affordability concern in Ontario;

Be it resolved that the Township of Puslinch Council advise the Province that it has significant concerns about the actions contained therein to:

1. Essentially remove meaningful public participation from the land use planning process;
2. Reduce the protection of natural heritage features/natural hazards, and the resulting impact on public health, public safety, and climate change objectives;
3. Reduce the important role of Conservation Authorities in the review of development applications (a loss of technical expertise critical to rural municipalities);



4. Eliminate the long-established regional planning framework in the Province;
5. Streamlining aggregate applications by permitting Ministry staff to make decisions until such time that more information is provided;
6. Financial implications of all of the impacts of Bill 23, by eliminating the long accepted concept of growth paying for growth, and shifting that burden to the tax payer through property taxes;
7. Proposed Heritage Act changes related to timelines to designate properties listed on the Registry with undesignated status undermines the ability of the community to save these structures through community engagement and goodwill; and

Whereas the Township of Puslinch received the presentation from the Mill Creek Stewards;

Be it Resolved, that Puslinch Council request that the Ministry review the presentation by the Mill Creek Stewards; and

Whereas the Township of Puslinch received the Hamilton Conservation Authority Board Resolution and the Halton Conservation Authority correspondence addressed to the Province;

Be it Resolved, that Puslinch Council supports the comments contained therein; and

That the presentation and the Council Resolution be forwarded to Premier Ford, Minister Clark, Speaker Arnott, County of Wellington, AMO, ROMA, Grand River Conservation Authority, Conservation Halton, Hamilton Conservation Authority and all Ontario municipalities.

CARRIED



As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,
Courtenay Hoytfox
Municipal Clerk

CC:

The Honourable Steve Clark, Minister of Municipal Affairs and Housing steve.clark@pc.ola.org

The Honourable Ted Arnott, MPP Wellington-Halton Hills ted.arnottco@pc.ola.org

The County of Wellington donnab@wellington.ca

Association of Municipalities of Ontario (AMO) amo@amo.on.ca

Rural Ontario Municipal Association (ROMA) romachair@roma.on.ca

Grand River Conservation Authority planning@grandriver.ca

Conservation Halton cpriddle@hrca.on.ca

Hamilton Conservation Authority ereimer@conservationhamilton.ca

All Ontario Municipalities

Mill Creek Steward's Comments On

Bill 23

Building Homes Faster Action Plan



Mr Mayor, Councillors

May we begin with our deepest sympathies, no I'm kidding, congratulations to you all on your recent election/acclamation. The Mill Creek Stewards believe you're going to have an especially significant and challenging term in office as municipalities try to define their role in the provincial-municipal relationship.

That relationship brings us to the "More Homes Built Faster Action Plan" proposed by the Ontario government and presented to you as Item 6.6 on today's Agenda.

The provincial government is trying to sell this Plan as a means of building homes faster and cheaper by empowering municipalities.

It does neither. This bill is a wolf in a sheepskin.

If we start with those innocent looking sheepskins. This plan supports:

- 1) Eliminating/reducing regional planning to allow more local input.
- 2) Streamlining and reducing the costs of development applications.
- 3) "As of right" Additional Residential Units ARUs
- 4) Building more homes near transit corridors.
- 5) Housing targets and helping homebuyers
- 6) Improving the Ontario Land Tribunal.

At least some are creditable goals!

We can't argue with those goals but if we look underneath we see wolves.

- 1) Eliminating regional planning. Does allow more local input but at significantly more local costs. At the same time, by stripping input from Conservation Authorities, the result is no cross-jurisdictional planning, a critical aspect of water, land and environment planning recognized and instituted decades ago and applauded internationally. To add insult to injury this plan requires CAs to define CA land suitable for housing development and removes barriers to their sale.
- 2) Streamlining and reducing application costs. Does allow for faster application approvals but is that the problem? The provincial government's own Housing Task Force in the spring of 2022 identified land availability and development applications as non-issues. Their maps showed the lands adjacent to communities, and still available for development, serve the province's needs for the next 30 years with minimal new lands and no greenbelt land. As well, lands proposed for removal from the greenbelt are farther from infrastructure and would cost municipalities significantly more to develop. It should be noted that there is a shortage associated with housing but its not land. The average house and lot size has doubled in the last twenty years, doubling resource consumption and creating a resource not housing shortage, which explains why so much approved-land sits undeveloped. While reducing application and development costs compromises the generation of critical municipal revenue necessary for essential housing infrastructure development, especially extended development. The province offers no offsets to cover municipality's significant losses in revenue, while at the same time downsizing CAs and regional governments, further increasing the administration costs of local municipalities.
- 3) "As of right" ARUs. A true sheep with no wolf but unnecessary as municipalities like Puslinch have already implemented this aspect in everything but name.
- 4) Building near transit corridors. Again a true sheep but very small compared to the wolves.
- 5) Housing targets and assisting homebuyers. Does help homebuyers through attainable housing targets and development fee exemptions but leaves large loopholes in who can buy attainable housing and especially resell, while fee exemptions include no provincial offsets, once again leaving the tax base of local municipalities to bear the costs.
- 6) Improving the OLT. Does sound positive but it's limited to eliminating third party i.e. community groups like ours from appealing any Official Plan or Zoning bylaw amendments while permitting industry to appeal. This is at the same time as the province has removed regional planning and the right of appeal from regional governments and right of input from CAs.

And sadly the province already has specific targets for these wolves:

Pitting its wolves against two Greenland agreements covering the Golden Horseshoe. The province seeks to reverse both agreements. In the case of both agreements, the means for amendments already exist. Its just criteria that protect critical aspects of the broader community need to be met first. The province claims these criteria that protect the environment, natural features and farmland are too slow but slower is not slow and slower is the way that democracy, government by the people, works to balance risk for the broad community.

Pitting wolves against the Greenbelt itself, where the province is seeking to remove large swaths of protected land, while promising to offset it with land elsewhere. No belt can do its job if its chewed in pieces and the Greenbelt is no different, especially when the offset lands are distant, less than presented and being recycled as they were trumpeted months ago. As stated previously, these lands are not even needed and the province was very clear prior to the election that the no land would be removed from the Greenbelt. At the same time the substitute restricted development lands are being passed to distant municipalities like Puslinch at no gain.

Pitting its wolves against two specific higher tier municipalities, Hamilton and Kitchener-Waterloo, whose land planning guided by referendums met provincial targets but ran counter to provincial wishes. In this case the province promises low tier municipalities the power to ignore higher tier planning. One of the most significant problems resulting from this Bill is the elimination of cross-jurisdictional planning associated with regional governments (higher tier) and our unique conservation authorities (watersheds).

Pitting its wolves against wetlands, farmland and natural heritage features is of particular concern to our group. The province has supplied little wolf detail in its Action Plan except in the case of wetlands through its "Proposed Changes to OWES". These changes are a preview of what we can expect with respect to all other areas of planning. The core of this proposal is reducing bureaucracy and its costs by eliminating provincial oversight. I refer you to the paper appendix where original text is in black and removed or added text is blue. Removed text has a line through it, which is most of the text. In essence little has been added and much taken away in the name of streamlining. This reduction doesn't empower municipalities. It is a crass means of cutting provincial costs, downloading research on municipalities and minimizing the effectiveness of land planning oversight: all while appearing to substitute municipal oversight, i.e. empowerment. Municipalities will either face significant additional planning staff costs or face approving by default, all applications for development.

Specifically the province proposes to almost totally eradicate Ministry input into land planning when it comes to evaluating farmland, water courses, natural heritage features, wetlands and endangered species. Unfortunately as a replacement it only offers municipalities one option: subjective evaluations done without the benefit of objective report frameworks (page 1), significantly reduced detail including references (page 2,3), potentially done by unskilled workers supervised at a distance, done without the benefit of experienced Conservation Authority and Ministry personnel and considered complete when presented to the appropriate planner regardless of comprehensiveness (page 4).

This is not municipal empowerment, just a means to chaos, chaos that disempowers municipalities in every case where the municipalities and province disagree.

Finally in finishing our review, we must comment on the cynical use throughout both Bill 23 and the OWES Plan, of the "offsets" concept. This offset concept sounds innocent but in effect it eliminates any protection municipalities may have still hoped to extend to their water sources, farmlands, wetlands, natural heritage

features, species habitats and greenlands. Worst is the offset fund aspect, which allows developers to circumvent substitution and simply pay for destruction. When destruction engenders millions of dollars, a few thousand dollars is a small price for developers to pay.

Bill 23 is not municipal empowerment but nuclear disempowerment. It won't build homes faster or cheaper but will have catastrophic effects on our environment including our Mill Creek.

We have no doubt the Township's staff have prepared a comprehensive review of this Plan but we felt given this Action Plan's massive and immediate impact even as far as the Provincial Policy Statement, required we add our voice in person.

We are especially concerned by its plan to deny community groups like ours the right to participate in planning decisions and further the right to appeal planning decisions if we somehow manage to learn about them.

Please consider a strong response to the province's request for input on this proposed Plan. Thank you for your time and attention.

Note this legislation while eliminating the right of community groups like ours to appeal municipal decisions, doesn't eliminate the right of industry (aggregate, housing etc.)

Note this legislation tries to distract from municipalities that are already resolving housing shortages with densification at much lower cost and speedier resolution.

Note the extremely short timeline for comment on this Bill as well as the shortened timelines on all ERO comment periods, reflects a provincial agenda while significantly stressing our municipal staff.

Note greenbelt lands and wetlands have already been bought cheaply by speculators anticipating government proposed changes, meaning the whole concept of greenbelt, i.e. its permanency, is being destabilized.

Note this legislation not only eliminates the requirement for CA input for development applications but forbids it, i.e. a gag order. "Required to look at watershed protection only without reference to development".

Note this legislation put the existence of the Provincial Policy Statement, the foundation of lower tier government planning, in question, as it over-rides the PPS on farmland, wetlands, natural heritage sites, species protection etc.



**Hamilton
Conservation
Authority**

A Healthy Watershed for Everyone

Via Email: gschwendinger@puslinch.ca

November 7, 2022

Glenn Schwendinger, CAO/Clerk
Office of the CAO/Clerk
Township of Puslinch Office
7404 Wellington Road 34
Puslinch, Ontario
N0B 2J0

Re: Hamilton Conservation Authority Board Resolution re. Ministry of Natural Resources and Forestry proposals in support of Bill 23 More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23

Dear Mr. Schwendinger,

On November 3, 2022, the Hamilton Conservation Authority (HCA) Board of Directors passed the following unanimous resolution:

BD12, 3113

**MOVED BY: Jim Cimba
SECONDED BY: Brad Clark**

THAT the following key points regarding the Ministry of Natural Resources and Forestry proposals in support of Bill 23 More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23 be sent to HCA's member municipalities:

- **Proposed changes should take into account a watershed-based approach to balance growth with the environment and public health and safety.**
- **CAs should continue with the ability to review and comment on natural heritage in permitting and planning applications and retain responsibility for**

Natural Hazard approvals to ensure safe development.

- **We request continued collaboration with the Province in regard to the proposed changes and support Conservation Ontario's call to engage with the established multi-stakeholder Conservation Authorities Working Group (CAWG) that helped guide the Province in its implementation of the last round of changes to the CA Act.**
- **Municipalities should retain the option to enter into MOUs with CAs for municipally requested advisory services.**
- **Permit CAs to work towards cost recovery targets so that development pays for development.**
- **The Province should recognize the importance of CA lands and ensure clear policies to protect them.**

CARRIED

Sincerely,



Lisa Burnside
CAO, Hamilton Conservation Authority



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Protecting the Natural
 Environment from
 Lake to Escarpment

The Honourable Doug Ford
 Premier of Ontario
 Legislative Building, Queen's Park
 Toronto, ON, M7A 1A1
premier@ontario.ca

The Honourable Steve Clark
 Minister of Municipal Affairs and Housing
 College Park 17th Floor, 777 Bay St,
 Toronto, ON M7A 2J3
steve.clark@pc.ola.org

The Honourable Graydon Smith
 Minister of Natural Resources and Forestry
 Whitney Block, 99 Wellesley St W,
 Toronto, ON M7A 1W3
minister.mnrf@ontario.ca

The Honourable David Piccini
 Minister of the Environment, Conservation and Parks
 College Park 5th Floor, 777 Bay St,
 Toronto, ON M7A 2J3
david.piccinico@pc.ola.org

October 31st, 2022

Dear Premier Ford, Minister Clark, Minister Smith and Minister Piccini,

We are writing to you in response to Bill 23, the *More Homes Built Faster Act*, which was announced on Tuesday, October 25th, 2022, specifically regarding Schedule 2.

We agree that there is a housing supply and affordability issue in Ontario that needs to be pragmatically addressed. We support the government's commitment to reducing unnecessary barriers to development and streamlining processes. We share this commitment and publicly report on the standards of service delivery to illustrate our goal of providing the best customer service to the municipalities, communities, residents and developers we serve.

We will do our part to help the Province meet its goal of building 1.5 million homes in Ontario over the next ten years. We think your stated outcomes are important but are concerned that your proposed legislative changes may have unintentional, negative consequences. Rather than creating the conditions for efficient housing development, these changes may jeopardize the Province's stated goals by increasing risks to life and property for Ontario residents.

1. Potential sweeping exemptions to transfer CA regulatory responsibilities to municipalities

Conservation Halton would like to understand the government's intentions with this proposed exemption. It is unclear whether it will be limited to certain types of low-risk development and hazards, or if the purpose is to transfer Conservation Authorities (CA) responsibilities to municipalities on a much broader scale. While the government wants to focus CAs on their core mandate, this proposed sweeping exemption signals the exact opposite. As proposed in the legislation, the CA exclusions will nullify the core functions of CAs and open up significant holes in the delivery of our natural hazard roles, rendering them ineffective. This will negatively

impact our ability to protect people and property from natural hazards, which seem to be more and more prevalent with extreme weather events.

Without limitations or further scoping, these proposed changes signal the likelihood of future delegation of CA permitting roles to municipalities that have neither capacity nor expertise in water resources engineering, environmental planning and regulatory compliance. This will result in longer response times and increased costs and impede the government's goal of making life more affordable.

Municipalities will also assume sole liability for the impact of development on natural hazards within municipal boundaries and on neighbouring upstream and downstream communities, which is a significant and new responsibility that they have never had to manage.

Key Recommendations:

- Address this risk expressly – keep all hazard-related responsibilities with CAs.
- Engage with the existing multi-stakeholder Conservation Authorities Working Group (CAWG) to ensure there is a streamlined, consistent and scoped process for CAs to help the Province achieve its housing goals while ensuring costs are low, the process is fast and Ontario taxpayers are protected.

2. Proposed change that would prohibit CAs from entering into MOUs with municipalities for other services (e.g., natural heritage reviews, select aspects of stormwater management reviews, etc.)

Conservation Halton has demonstrated that we can deliver these services efficiently without lengthening the approvals process. There is no evidence that municipalities can do this faster or cheaper. Bill 23 as currently written, precludes municipalities from entering into agreements with CAs to provide advice on environmental and natural heritage matters. They will have to coordinate with neighbouring municipalities and the Province on a watershed basis, rather than taking advantage of expertise already available within many CAs.

Key Recommendations:

- Municipalities should retain the option to enter into MOUs with CAs, with clearly defined terms, timelines and performance measures, as allowed under Section 21.1.1 (1) of the CA Act.
- Work with the CAWG to develop guidance for commenting and exploring the option of limiting CAs from commenting beyond natural hazards risks except where a CA has entered into an agreement or MOU.

3. Proposed change to freeze CA fees

This proposal has no guidelines on the timing or permanence of the fee freeze. Conservation Halton has already undertaken an extensive cost-based analysis that has been benchmarked against other development review fees to ensure our fees do not exceed the cost to deliver the service. We meet regularly with developer groups and municipalities to ensure our fees, processes and service standards are transparent, consistent and fair. We hope that you will be guided by your already approved fee policy that Conservation Halton supports, otherwise this change will impose additional costs on municipalities.

Key Recommendation:

- Require CAs to demonstrate to the Province that permit and planning fees do not exceed the cost to deliver the program or service and only consider freezing fees if CAs are exceeding 100% cost recovery.

4. Wetland Offsetting

Wetlands play a critical role in mitigating floods. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Wetlands are a cost-effective strategy for protecting downstream properties. The

government must be prudent when considering changes like offsetting, which could negatively affect the ability of wetlands to reduce flooding and confuse roles in wetland management and protection between municipalities and CAs.

Conservation Halton is disciplined and focused on providing mandatory programs and services related to natural hazards. We have a transparent and proven track record of providing regulatory services that are streamlined, accountable and centred on rigorous service delivery standards. Our commitment focuses on stakeholder engagement, from meeting homeowners on-site to engaging with the development community to better understand perceived barriers. This approach helps us find innovative solutions for continued and safe growth in the municipalities we serve.

To ensure the most effective implementation of this Bill, we believe it is critical that the government presses pause on the proposed changes we have highlighted and meet with us to clarify and consider more effective alternatives. It is our hope that we can work with you again to safeguard the best possible outcomes for the people of Ontario.

You had such great success through the multi-stakeholder CA Working Group, which your Progressive Conservative government created and which Hassaan Basit, President and CEO of Conservation Halton, chaired. We strongly suggest continuing this engagement and we stand ready to help.

Sincerely,

Gerry Smallegange



Chair
Conservation Halton Board of Directors

Mayor Gordon Krantz



Town of Milton
Conservation Halton Board member

Mayor Rob Burton, BA, MS



Town of Oakville
Conservation Halton Board member

Mayor Marianne Meed Ward



City of Burlington
Conservation Halton Board member

cc:

MPP Ted Arnott
MPP Parm Gill
MPP Stephen Crawford
MPP Effie Triantafilopoulos
MPP Natalie Pierre
MPP Donna Skelly
MPP Deepak Anand
MPP Peter Tabuns



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Sarah Wilhelm, Manager of Policy Planning
 Jameson Pickard, Senior Policy Planner
Date: Thursday, November 10, 2022
Subject: **Bill 23 – More Homes Built Faster Act, 2022**

1.0 Purpose

The purpose of this report is to provide an overview of proposed changes recently introduced by the Minister of Municipal Affairs and Housing through the “More Homes Built Faster Act, 2022” (Bill 23) aimed at increasing housing supply in Ontario.

This report comments on parts of the amendments related to the land use planning and development approvals process and also highlights other changes under consideration that have impacts across County Departments, Member Municipalities and Conservation Authorities. The Treasury Department will report separately to the Administration, Finance and Human Resources Committee on the potential impacts related to development charges.

2.0 Background

The Provincial Government has proposed sweeping changes to multiple statutes, regulations, policies and other matters to help achieve the goal of building 1.5 million homes in Ontario over the next 10 years. Bill 23 impacts nine statutes, including major changes to the Planning Act, Development Charges Act and Conservation Authorities Act. The Government is moving fast and the changes are far reaching.

3.0 Major Themes

The proposed changes focus on the following major themes:

- building more homes;
- streamlining processes; and
- reducing costs and fees to build houses.

The Government has posted material for comment on the Environment Registry of Ontario and the Ontario Regulatory Registry about the proposed legislative and regulatory changes (see Appendix A for list). Planning staff have reviewed and summarized information to assist the County and Member Municipalities in their review of the material (Appendix B) but encourage those interested to review the proposed changes in their entirety.

Key changes are listed below.

3.1 Building More Homes

In an effort to build more homes, the Province has proposed the following changes:

Additional Residential Units (ARUs)	<ul style="list-style-type: none"> allow landowners to have up to 3 residential units per lot without the need for a zoning by-law amendment in municipally-serviced urban residential areas would permit 3 units in the main dwelling (including 2 ARUs) or a combination of 2 units in the main dwelling (including 1 ARU) and another ARU in an ancillary building zoning by-laws cannot set a minimum unit size or require more than one parking space per unit, but other zoning rules would apply
Housing targets to 2031	<ul style="list-style-type: none"> set housing targets to 2031 for 29 “large and fast-growing” municipalities in Southern Ontario (not applicable to Wellington County)
Major transit stations	<ul style="list-style-type: none"> build more homes near major transit stations (not applicable to Wellington County)
Conservation Authorities	<ul style="list-style-type: none"> identification of Conservation Authority lands suitable for housing

3.2 Streamlining

The Provincial Government is looking to streamline a wide range of policies and procedures to reduce the time it takes for new housing to be built.

Public Involvement	<ul style="list-style-type: none"> remove “third party” appeal rights for all planning applications (this would include appeals by the public) remove the public meeting requirement for draft plan of subdivision approvals
Conservation Authorities (CAs)	<ul style="list-style-type: none"> remove Conservation Authority appeal rights for planning applications, except where the appeal would relate to natural hazards policies limit Conservation Authority responsibilities to review and comment on planning applications (either on behalf of a municipality or on their own) to focus on natural hazards and flooding change the Provincial wetland evaluation system, including shifting responsibility for wetland evaluation to local municipalities establish one regulation for all 36 CAs in Ontario

New Provincial Planning Document	<ul style="list-style-type: none"> eliminate duplication between the Provincial Policy Statement (PPS) and A Place to Grow (Growth Plan), by combining them into one document and providing a more flexible approach to growth management
Planning Responsibilities	<ul style="list-style-type: none"> shift planning responsibilities from some upper-tier municipalities to lower-tier municipalities (not applicable to Wellington County)
Site Plans	<ul style="list-style-type: none"> exclude projects with 10 or fewer residential units from site plan control exclude exterior design of buildings from site plan control
Heritage	<ul style="list-style-type: none"> add more stringent requirements related to municipal heritage registers and timing of designation
Rental Unit Demolition and Conversion	<ul style="list-style-type: none"> impose limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties

3.3 Reducing Costs and Fees

Reductions in costs and fees are mainly focused in the following areas:

Development Charges and Parkland Dedication	<ul style="list-style-type: none"> exempt non-profit housing developments, inclusionary zoning residential units (not applicable to Wellington County), and affordable, additional and attainable housing units from development charges and parkland dedication discount development charges for purpose-built rentals remove costs of certain studies from development charges reduce alternative parkland dedication requirements
Conservation Authorities	<ul style="list-style-type: none"> a temporary freeze on CA fees for development permits and proposals
Other	<ul style="list-style-type: none"> review of other fees charged by Provincial ministries, boards, agencies and commissions

3.4 Additional Matters

Beyond the proposed land use planning changes, other key changes include to:

- enable the Ontario Land Tribunal (OLT) to speed up processing of appeals
- provide the OLT with discretionary power to order the unsuccessful party at a hearing to pay the successful party's costs

- provide a potential rent-to-own financing model
- increase penalties under the New Homes Construction Licensing Act of up to \$50,000

4.0 Conclusion

Ontario is in the midst of a housing crisis. While there are no simple solutions to the problem, action is required. Several of the Government's initiatives support recommendations of the County's Attainable Housing Strategy such as:

- streamlining the land use planning approval process;
- reducing/exempting certain development charges and parkland dedication requirements;
- introducing an attainable housing category; and
- considering a potential rent-to-own financing model.

While the above proposals will likely increase the supply of housing, more information is needed to better understand how related cost reductions will be passed on to potential home buyers.

The County has previously commented to the Province about duplication between the Provincial Policy Statement and the Provincial Growth Plan for the Greater Golden Horseshoe Area and welcome the creation of one streamlined Provincial Planning document and a simplified process for comprehensive growth reviews. Planning staff do, however, have concerns about how this might impact the municipal comprehensive review (MCR) work completed to date.

We have significant concerns about actions to:

- essentially remove meaningful public participation from the land use planning process;
- reduce the protection of natural heritage features/natural hazards, and the resulting impact on public health, public safety, and climate change objectives;
- reduce the important role of Conservation Authorities in the review of development applications (a loss of technical expertise critical to rural municipalities); and
- eliminate the long-established regional planning framework in the Province.

Staff note that there is a substantial amount of material posted for consultation and little time to respond (most comments are due late November or early December). Unfortunately, this timeframe does not allow for many newly elected Councils (including Wellington County) to meet and discuss their comments. We understand that more information is to follow as Bill 23 also introduces the potential for additional policies and regulations. Therefore, the full impact of the proposed amendments is unknown.

5.0 Next Steps

At the time of writing this report, the Bill has passed second reading and is at the Committee stage in the Legislature. Staff will continue to monitor the proposed legislation as it moves through the legislative process. Staff will engage with AMO and other organizations to provide input and will report at a later date when the legislation comes into effect and/or additional policies and regulations are made available.

Recommendations

That the report “Bill 23 – More Homes Built Faster Act, 2022” be received for information.

That this report be forwarded to the Ministry of Municipal Affairs and Housing on behalf of the County of Wellington and circulated to member municipalities for their consideration prior to Environmental and Regulatory Registry Provincial comment deadlines.

Respectfully submitted,



Sarah Wilhelm, BES, MCIP, RPP
Manager of Policy Planning



Jameson Pickard, B. URPL, RPP, MCIP
Senior Policy Planner

From: Switzer, Barbara <Barbara.Switzer@york.ca> **On Behalf Of** Regional Clerk
Sent: November 21, 2022 11:23 AM
Subject: Regional Council Decision - Bill 23, More Homes Built Faster Act 2022

On November 10, 2022 Regional Council made the following decision:

1. York Region requests the Province of Ontario to halt Bill 23 and begin consultation with the Housing Supply Action Plan Implementation Team to ensure municipalities can work in partnership with the Province of Ontario over the next few months to address the housing affordability concerns in our communities.
2. The Minister of Municipal Affairs and Housing be requested to appoint key stakeholders, such as the Association of Municipalities of Ontario (AMO), to the Housing Supply Action Plan Implementation Team.
3. The Regional Clerk circulate this report, including new Attachment 5, presented as Item G.1.1 on the revised agenda, to the Minister of Municipal Affairs and Housing, local municipalities, AMO, Federation of Canadian Municipalities (FCM) and local MPPs.

The original staff report is attached for your information.

Please contact Paul Freeman, at 1-877-464-9675 ext. 71534 or Laura Mirabella at ext. 71600 if you have any questions with respect to this matter.

Regards,

Christopher Raynor (he/him) | Regional Clerk, Regional Clerk's Office, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 71300 | christopher.raynor@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

The Regional Municipality of York

Regional Council
November 10, 2022

Report of the Chief Administrative Officer

Bill 23, More Homes Built Faster Act 2022

1. Recommendation

1. The Regional Clerk forward this report to the Minister of Municipal Affairs and Housing seeking an extension of the comment period to at least December 31, 2022, to allow for a more informed consultation period and constructive feedback.
2. The Regional Clerk circulate this report to the Clerks of the local municipalities.

2. Summary

This report is to inform Council of Bill 23, the *More Homes Built Faster Act*, omnibus legislation that received first reading in the provincial legislature on October 25, 2022.

Key Points:

- Bill 23 proposes to amend nine Acts with varying levels of impact on the Region and introduces a new Act addressing “Upper York” servicing in York Region
- Amendments most impactful to the Region are to the *Development Charges Act* and the *Planning Act*. The new *Supporting Growth and Housing in York and Durham Regions Act, 2022*, deals with Upper York servicing and is also the subject of a separate report. These most impactful elements of Bill 23 are summarized in Attachment 2 to this report
- Attachment 3 summarizes the details of other amendments proposed through Bill 23
- Preliminary review suggests that, at minimum, Bill 23 will significantly impact how the Region and our local municipalities coordinate growth management with infrastructure planning and while challenging the ability to pay for infrastructure. The deadline for comments through an Environmental Registry posting is November 24, 2022 for most of the proposed changes.

3. Background

On October 25, 2022 the Province tabled Bill 23, *More Homes Built Faster Act, 2022*

Bill 23, the *More Homes Built Faster Act* is omnibus legislation that proposes changes to nine Acts and proposes a new Act, the *Support Growth and Housing in York and Durham Region's Act, 2022* as outlined in Minister Clark's letter dated October 25, 2022 (Attachment 1). This Bill is the most substantial proposal to date under the Provincial initiative to increase housing supply in Ontario to build 1.5 million homes in the next 10 years. This target significantly exceeds the Growth Plan forecasts (as communicated to Council's Housing Affordability Task Force on [September 22, 2022](#)) and will most certainly require more predictability in Provincial approvals and funding than what has been in place for the last two decades.

A number of proposed changes are posted on the Environmental Registry of Ontario and impact the Region and Regional areas of interest. Attachments 2 and 3 outline the changes proposed through amendments to the nine existing Acts; the *Support Growth and Housing in York and Durham Region's Act* is addressed through a separate report on this Council agenda.

The deadlines for comments range from November 24, 2022 to December 31, 2022.

4. Analysis

Proposed changes to the *Development Charges Act, 1997* reduce the share of infrastructure funded through development charges and place pressure on the Region's debt capacity, tax levy and/or water rates

Bill 23 proposes several changes to the *Development Charges Act, 1997* beginning with permitting a bylaw to have a maximum term of 10 years, up from the current 5. It also proposes to require phasing in a new bylaw's development charge rates over the first five years – with a suggestion that it will apply retroactively to bylaws passed after June 1, 2022.

The Bill also proposes to exempt or discount development charges on affordable housing, "attainable" housing, not-for-profit housing, inclusionary zoning units and rental units (details are summarized in Attachment 2). Affordable ownership has been defined as 80% of the average purchase price for ownership, while affordable rental has been defined as 80% of average market rent for rental units. A definition of "attainable" will be prescribed through regulation, though it would not include rental. Rental development, which is eligible for development charge discounts, is defined as a building or structure with four or more residential units all of which are intended for use as rented residential premises.

Other proposed changes to the *Development Charges Act* include:

- No longer being able to collect development charges for housing services, growth studies and land costs

- Capping of the interest rate on frozen and installment development charges payments at bank prime rate plus 1%
- Requirement that municipalities spend or allocate at least 60% of the monies in the water, wastewater and roads development charge reserves at the beginning of each year

Any development charge reduction, exemption, discount, or removal of services/costs that limits cost recovery may impact the ability of the Region to deliver vital, growth-related infrastructure or the gap may need to be funded from tax levy or user rates.

The Bill proposes changes to the *Planning Act* which remove planning responsibilities from York Region

The *More Homes Built Faster Act* proposes changes to the *Planning Act* which remove planning responsibilities from York Region as well as Durham, Peel, Halton, Niagara and Waterloo Regions, and Simcoe County. These changes eliminate Council's approval authority for local planning matters, require local municipalities to implement the Regional Official Plan, and remove the Region's right to appeal land use planning decisions.

The Regional Official Plan, once approved by the Minister of Municipal Affairs and Housing, would become the responsibility of local municipalities in conjunction with their own Official Plans. The intent is that local municipal Official Plans incorporate Regional Official Plan policies within their jurisdiction. In the interim, *Planning Act* decisions would be made by local municipalities having regard for both documents with the Regional Official Plan prevailing in the event of conflict.

Other proposed changes to the *Planning Act* include:

- Up to three residential units per urban residential lot as-of-right
- Limiting the role of Conservation Authorities
- Removing all aspects of site plan control for residential development proposals up to 10 units
- Setting maximums for parkland dedication

Coordination to address cross-boundary, public and Regional interests need to be considered

As noted by the Association of Municipalities of Ontario and others (see Attachment 4), many of the proposed changes need to be better understood as they seem to transfer risk from private developers to the public. Regional and Provincial planning has been strengthened over the last 20 years, with changes to the Growth Plan as recently as 2019, recognizing the need for comprehensive planning of matters including but not limited to transportation, transit, water and wastewater services and a financially sustainable means to provide them. The current process of planning and prioritizing Regional infrastructure and service delivery will need to continue.

A move towards local-level decision-making needs to ensure that progress in coordinated, comprehensive planning is not lost and that the public and municipalities are protected from unintended consequences.

York Region and local municipalities already collaborate extensively to coordinate planning matters. Most routine planning matters have already been delegated to local municipalities. Other Regions still have subdivision approval, so in those jurisdictions, the changes are more impactful.

Responses to Environmental Registry of Ontario postings will be provided to Council for consideration and additional comments

Environmental Registry postings regarding changes proposed through Bill 23 are being reviewed and assessed. Comments will be provided to the Province in response to these postings and their comment deadlines. In light of the incoming Council's first business meeting scheduled for December 8, 2022 the Province will be advised that any comments provided by staff to meet the imposed deadlines are preliminary with Council consideration and additional comments to follow.

5. Financial

Changes proposed through Bill 23 could have implications on how the Region funds growth-related infrastructure, potentially conflicting with the principle that growth pays for growth. Bill 23 proposes several exemptions and discounts to support affordable, non-profit, and rental housing. These incentives, which limit cost recovery, may need to be funded from the tax levy or user rates. The Region currently has in place a number of development charges deferral programs supporting the same desired outcomes, but do not need to be funded from the tax levy or user rates.

If passed, Bill 23 would also amend the Development Charges Act to prohibit municipalities from collecting development charges for housing services, growth studies and land costs. To maintain the current capital program, any growth-related capital costs not recovered through development charges may also need to be made up from tax levy and/or user rates.

6. Local Impact

The planning responsibilities of local municipalities will increase if the proposed changes pass. In addition to an increased approval authority role for applications previously approved by Council or delegated to Regional staff, local municipalities will also be taking on a greater role with respect to the Conservation Authority regulation for planning matters. This may, at least in the short term, have the unintended consequence of slowing planning approvals and increasing appeals to the Ontario Land Tribunal. This risk is further compounded by deadlines and the potential application fee refund regime of Bill 109.

Water and wastewater servicing planned, financed, built and operated by the Region is required for homes to be built. Ongoing collaboration and coordination between local

municipalities and the Region to ensure alignment between growth management planning, infrastructure planning and financial planning will be required.

Finally, many of the changes not highlighted in this report have consequences on local municipalities including those related to parkland dedication, urban design, heritage conservation, and more.

7. Conclusion

Bill 23 is sweeping omnibus legislation proposing numerous changes as outlined in Attachments 2 and 3. If approved as currently written, the Bill appears to overlook unintended consequences counter to the objective of increasing the housing supply. Specifically, changes proposed to the *Development Charges Act* complicate how growth-related infrastructure will be paid for. *Planning Act* changes risk uncoupling growth management planning from comprehensive and financially sustainable infrastructure and service planning.

Ongoing consultations, along with indications of the Provincial government's intentions for regulations that are expected to follow, will help form a better understanding. Staff will be responding as required to avoid missing the imposed deadlines but will also report back to Council relaying any resulting updates to the Ministry of Municipal Affairs. Responses will continue to be coordinated with our local and peer municipalities through AMO, AMCTO, MFOA and other municipal associations.

For more information on this report, please contact Paul Freeman, at 1-877-464-9675 ext. 71534 or Laura Mirabella at ext. 71600. Accessible formats or communication supports are available upon request.



Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

November 1, 2022

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Attachments (4)

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

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234-2022-4624

October 25, 2022

Good afternoon,

On October 25, 2022, our government released [More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023](#) that proposes bold and transformative action to get 1.5 million homes built over the next 10 years.

Details about the range of measures in our plan can be found in the [news release here](#).

The More Homes Built Faster Plan proposes policies and tools that reflect recommendations from the [Housing Affordability Task Force Report](#) and builds on [More Homes, More Choice](#) and the [More Homes for Everyone Plan](#). Our plan also draws on many elements from AMO's 2022 A Blueprint for Action: An Integrated Approach to Address the Ontario Housing Crisis and ROMA's 2022 Task Force Report on Attainable Housing and Purpose-Built Rentals. These changes are providing a solid foundation to address Ontario's housing supply crisis over the long term and will be supplemented by continued action in the future.

Our government has also introduced the More Homes Built Faster Act, 2022, and is seeking feedback on the changes proposed under the legislation and associated regulations. Additionally, various housing and land use policy reviews – including a housing-focused policy review of A Place to Grow and the Provincial Policy Statement, with a theme of supporting rural and northern housing – are being undertaken to identify and remove barriers to getting more homes built. These and other related consultations can be found through the [Environmental Registry of Ontario and the Ontario Regulatory Registry](#).

We encourage you share this information with senior staff in the municipality and to inform the newly elected head of council and council members. Our government is building a strong foundation for action that will continue to ensure Ontario is a prosperous and growing province – and the best place in the world to call home. We look forward to continued collaboration with our municipal partners to get more homes built faster.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister

- c. The Honourable Michael Parsa, Associate Minister of Housing
Kate Manson-Smith, Deputy Minister
Ryan Amato, Chief of Staff, Minister's Office
Joshua Paul, Assistant Deputy Minister, Housing Division
Municipal Chief Administrative Officers

**Summary of Bill 23, More Homes Built Faster Act, 2022
Changes to Development Charges Act and Planning Act**

Development Charges Act, 1997

Area (ERO# 019-6172)	Summary of Changes
Duration of Development Charges (DC) by-law	Maximum by-law term is extended from 5 to 10 years.
Mandatory phase-in of new DC by-law rates	New DC by-law rates, resultant from a by-law update/amendment, phased in over first 5 years; no more than 80% in year 1 to 100% by years 5 and onwards. Applies retroactively to by-laws passed on, or after, June 1, 2022 and for subsequent by-laws.
<p>New DC exemptions or partial exemptions/discounts</p> <p>Proposed definitions:</p> <p>*Average market rent - the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin", as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing</p> <p>**Average purchase price - the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin", published by the Minister of Municipal Affairs and Housing</p>	<p>1. Affordable housing (full exemption)</p> <p><i>Rental</i> - rent is no greater than 80% of the average market rent*. Tenant is at arm's length to landlord.</p> <p><i>Ownership</i> - price of the residential unit is no greater than 80% of the average purchase price**; sold to a person who is dealing at arm's length. Requires agreements with the local municipality, which may be registered against the lands.</p> <p>2. Attainable housing (full exemption)</p> <p>Must meet the following criteria:</p> <ul style="list-style-type: none"> • Unit is not an affordable unit • Not intended for use as a rental • Developed as part of a <u>prescribed development or class of developments</u> • Sold to a person who is dealing at arm's length with the seller <p>Requires agreements with the local municipality, which may be registered against the lands.</p> <p>3. Not for profit housing (full exemption)</p> <p>Means a corporation to which the Not-for-Profit Corporations Act, 2010 applies; a corporation without share capital to which the Canada Not-for-profit Corporations Act applies; a non-profit housing co-operative.</p> <p>4. Inclusionary zoning units (full exemption)</p> <p>Residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the Planning Act to give effect to the</p>

	<p>policies described in subsection 16 (4) (Inclusionary zoning policies).</p> <p>5. Rental housing (discount/partial exemption)</p> <p>Rental means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises. Discounts are as follows:</p> <ul style="list-style-type: none"> • 3 bedrooms or more – 25% discount • 2 bedrooms – 20 % discount • Any other – 15% discount
Exemptions for second suites in existing and new buildings (including additional units in rental buildings, limited to the greater of 1 or 1% of existing units)	Moves from regulations to legislation with minor changes.
Removal of service - Housing	Municipalities are no longer able to collect development charges for Housing Services, as at Royal Assent.
Removal of DC-eligible costs – studies and land	<p>Growth studies, including other studies, no longer eligible for subsequent by-laws.</p> <p>Costs to acquire land or an interest in land, including a leasehold interest <u>except in relation to such services as are prescribed for the purposes of this paragraph</u> (underlined is new).</p>
<p>Interest rate changes on frozen DCs/installment payments</p> <p>Proposed Definition:</p> <p>* Average prime rate, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada.</p>	Capped at average Prime plus 1%.
Historic average service level timeframe	Extended from 10 years to 15 years.

Allocation of monies in reserve fund	Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60% of the monies that are in a reserve fund for services at the beginning of the year. Applies to water, wastewater and roads. Additional services to which this change applies may be prescribed.
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Planning Act

Area (ERO# 019-6163)	Summary of Proposed Changes
Additional Residential Units	<p>Allow up to three units per lot (i.e., up to three units in the primary building, or up to two in primary building and one in ancillary building or structure). These changes would apply to any parcel of urban residential land in settlement areas with full municipal water and sewage services.</p> <p>Prohibit municipalities from imposing development charges (regardless of unit size), parkland dedication or cash-in-lieu requirements, applying minimum unit sizes or requiring more than one parking space per unit with regard to new units built under this permission.</p>
Planning Appeals	Limit third-party appeals. Appeals would only be maintained for key participants (e.g., applicants, province, public bodies, First Nations, and utility providers that participated in the process) except where appeals have already been restricted (e.g., Minister's decision on new official plan).
Upper-tier and Lower-tier Municipal Planning Responsibilities	<p>Remove planning responsibilities in the County of Simcoe, and the Regional Municipalities of Halton, Peel, York, Durham, Niagara and Waterloo.</p> <p>Regulation-making authority to prescribe additional upper-tier municipalities as an "upper-tier municipality without planning responsibilities" in the future if needed.</p> <p>Where upper-tier planning responsibilities are removed:</p> <ul style="list-style-type: none"> • Existing upper-tier official plans would be deemed to form part of the applicable lower-tier municipality's official plan, until the lower-tier official plan has been updated • Lower-tier official plans and amendments would be approved by the Minister of Municipal Affairs and Housing (Minister's decision on new official plans and section 26 updates would not be appealable) • The upper-tier municipality would not be able to appeal land use planning decisions

Area (ERO# 019-6163)	Summary of Proposed Changes
	<ul style="list-style-type: none"> • The approval authority for subdivisions and consents would be assigned to lower-tier municipalities, unless the Minister provides otherwise through regulation <p>The proposed changes would also have the effect of removing the following upper-tier municipal roles and requirements for an “upper-tier municipality without planning responsibilities”:</p> <ul style="list-style-type: none"> • Requirement to have planning advisory committees • Ability to have land division committees • Ability to have a local appeal body • Ability to assume any authority, responsibility, duty or function of a lower-tier municipality • Ability to use the protected major transit station area tool. <p>As a result of the proposed changes, the following provisions would no longer be applicable in an “upper-tier municipality without planning responsibilities”:</p> <ul style="list-style-type: none"> • Allowing the Minister to delegate approval authority for official plans/amendments to/from upper-tier municipalities, and provisions for upper-tier municipalities to delegate to/from upper-tier municipal staff/committees or lower-tier municipalities • Requiring lower-tier official plans to conform with upper-tier official plans • Limits on appeals of official plans/amendments that are only relevant to upper-tier municipalities • Requiring lower-tier official plan policies for a community planning permit system (CPPS) to conform with the upper-tier municipality’s CPPS policies.
Role of Conservation Authorities	<p>Streamlined processes to sever and dispose of land. Expedite the existing processes associated with the severance and conveyance of land, regardless of whether provincial grant money was provided under the Conservation Authorities Act, for the purposes of projects related to flood control, erosion control, bank stabilization shoreline management works or the preservation of environmentally sensitive lands.</p> <p>Limit conservation authority appeals, when acting as a public body, other than when acting as an applicant, of land use planning decisions under the Planning Act to matters related to natural hazards policies in provincial policy statements issued under the Planning Act.</p>
Zoning Around Transit	Require municipalities to amend their zoning by-laws to conform with official plan policies that establish minimum densities and heights around transit Major Transit Station Areas (MTSA) and

Area (ERO# 019-6163)	Summary of Proposed Changes
	<p>Protected MTSA's within one year of the official plan policies being approved by the Minister.</p> <p>Restriction on appeals of the implementing zoning by-law amendments regarding permitted heights and densities and permitted uses would expire after one year of the protected major transit station official plan policies coming into effect.</p>
Community Benefit Charges (CBC)	<p>The maximum CBC payable could not exceed the prescribed percentage of the value of the land (maximum CBC of 4% of land value) multiplied by a ratio of the floor area of the new building or structure that is proposed to be erected as part of the development or redevelopment to all buildings and structures on the site.</p> <p>Maximum CBC payable (4% of land value) for a development or redevelopment to be discounted based on the floor area of affordable housing units, attainable housing units and inclusionary zoning affordable housing units as a proportion of the floor area of the total development.</p>
Site Plan Control	<p>Remove all aspects of site plan control for residential development proposals up to 10 units, except for land lease communities. The proposed changes would also limit the scope of site plan control by removing the ability to regulate architectural details and limiting the ability to regulate aesthetic aspects of landscape design.</p>
Parkland Dedication	<p>Affordable and attainable housing units as well as affordable housing units required by inclusionary zoning exempt from parkland dedication requirements. The maximum 5% basic rate for residential development would be discounted based on number of these units relative to total units in the development. These units would also not be included for the purposes of determining the maximum alternative rate. Not-for-profit housing developments would also be exempt from parkland dedication requirements.</p> <p>A second, or second and third residential unit in a detached-house, semi-detached house or rowhouse would be exempt from parkland dedication requirements, as would one residential unit in an ancillary structure.</p> <p>Require parkland dedication rates to be determined at time of zoning/site plan application.</p> <p>The maximum alternative parkland dedication rate for land conveyed of 1 hectare for each 300 dwelling units would be</p>

Area (ERO# 019-6163)	Summary of Proposed Changes
	<p>changed to 1 hectare for each 600 net residential units and for payments in lieu, the current rate of 1 hectare for each 500 dwelling units would be changed to 1 hectare for each 1000 net residential units.</p> <p>No more than 15% of the amount of land subject to the development proposal (or equivalent value) could be required for parks or other recreational purposes for sites greater than 5 hectares and no more than 10% for sites 5 hectares or less.</p> <p>Require municipalities to develop a 'parks plan' before passing a parkland dedication by-law instead of developing such a plan before adopting the official plan policies required to be able to use the alternative parkland requirement.</p> <p>Beginning in 2023, the proposed changes would require municipalities to allocate or spend at least 60% of their parkland dedication reserve balance at the start of each year.</p>

New Act: Supporting Growth and Housing in York and Durham Regions Act, 2022

Area (ERO# 019-6192)	Summary of Proposed Changes
General	Mandate the planning, development and construction of two wastewater projects. Both exempt from the Environmental Assessment Act, however environmental impact reports must be prepared. The Act creates a mandatory consultation process for Indigenous communities.
York Region Sewage Works Project	Expand the existing York Durham Sewage System to accommodate growth to 2051. Revokes instruments for the Upper York Sewage Systems Solution and terminates that Environmental Assessment application.
Lake Simcoe Phosphorus Removal Project	One or more prescribed municipalities to develop, construct and operate a new treatment facility that will remove phosphorus from drainage water that flows from the Holland Marsh to Lake Simcoe.

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**Summary of Bill 23, More Homes Built Faster Act, 2022
New Act and Changes to Other Acts**

Conservation Authorities Act

Area (ERO# 019-2927 and ERO# 019-6141)	Summary of Proposed Changes
Proposed Regulation	Repeal the 36 individual regulations under the Conservation Authorities Act, a single regulation is proposed for all 36 Authorities in the province.
Identify Lands for Housing	Require a land inventory to identify conservation authority-owned or controlled lands that could support housing development. Disposition (sales, easements, leases) of conservation authority owned land will be streamlined to facilitate development of these lands.
Limitation on commenting	Prevents a review or commenting role for a wide array of legislation, which cannot be included under an agreement with a municipality.
Community Infrastructure and Housing Accelerator	Require conservation authorities to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order and allow the Minister to review and amend any conditions attached to those permits to expedite zoning changes.
Minister's Zoning Order conditions	Gives authority to the Minister to prescribe conditions on a permit issued by a conservation authority where there is a Minister's Zoning Order, and to also prescribe limits on what conditions a conservation authority may include.
Permit Exemptions	Exempt development authorized under the Planning Act from requiring a permit under the Conservation Authorities Act in municipalities set out in regulation, where certain conditions are met as set out in regulation.
Permit Decisions	"Pollution" and "conservation of land" no longer considered in development permit decisions.
Appeal Timeframe	Change the timeframe in which a permit applicant can appeal to the Ontario Land Tribunal if a CA does not issue a permit from 120 days to 90 days.
Review of development related proposals and applications	Scope conservation authorities' review and commenting role with respect to development applications and land use planning policies under prescribed Acts to matters within their core mandate (primarily flooding and erosion).
Fee freeze	Conservation Authority fees will be frozen at current levels.

Municipal Act, 2001

Area	Summary of Proposed Changes
Residential Rental Properties	Establishes authority for the Minister of Municipal Affairs and Housing to make regulations imposing limits and conditions on the powers of a municipality to prohibit and regulate the demolition and conversion of residential rental properties.

Ontario Land Tribunal Act

Area (Proposal #22-MAG011)	Summary of Proposed Changes
Dismissal of Proceedings	The Tribunal may dismiss a proceeding without a hearing if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding or if that a party has failed to comply with an order of the Tribunal in the proceeding.
Costs	Gives the Tribunal the power to order an unsuccessful party to pay a successful party's costs, intended to encourage parties to reach an agreement without going through the Tribunal.
Regulation-Making Authority	<p>Provides new authority for the Lieutenant Governor in Council to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings, such as cases that create the most housing, for example.</p> <p>The Minister will have power to make regulations setting service standards with respect to timing of hearings and decisions for specific case resolution activities.</p>

Ontario Heritage Act

Area (ERO# 019-6196)	Summary of Proposed Changes
Heritage property designation	<p>Permits the Minister of Citizenship and Multiculturalism to review, confirm and revise, the determination of a property.</p> <p>Implements higher standards to require a property to meet two or more criteria. Listed properties would need to meet one of the criteria. Municipalities to review existing registers and decide if properties should be designated. Limit non-designated properties from being on the register indefinitely. Certain properties may be exempt from heritage standards and guidelines if it advances provincial priorities of transit, housing, health and long-term care or other priorities.</p> <p>If a non-designated property listed is not designated within 2 years, it is removed from the list. The property cannot be included on the list for another 5 years.</p>
Heritage Conservation Districts	Heritage Conservation District Plans can be amended or repealed, and a regulatory authority would prescribe this process. A statement must be provided explaining the cultural heritage value or interest and how the Heritage Conservation District meets two or more of the criteria.

New Home Construction Licensing Act, 2017

Area (Proposal # 22-MGCS021)	Summary of Proposed Changes
Minister's powers	Minister's powers increased (use of funds, penalties, etc.) and may be exercised by order instead of by regulation.

Administrative Monetary Penalty (AMP) and regulation	<p>Increase the maximum allowable amount for an Administrative Monetary Penalty (AMP) from \$25,000 to \$50,000</p> <p>Increase the maximum fines that a court may impose after a person or entity has previously been convicted of an offence - specifically, a maximum fine of \$100,000 for a subsequent conviction in the case of an individual, and a maximum fine of \$500,000 for a subsequent conviction in the case of a person or entity that is not an individual.</p> <p>Allow for AMPs to be imposed retroactively to contraventions that occurred on or after April 14, 2022;</p> <p>Enable the Home Construction Regulatory Authority (HCRA) to use the proceeds of AMPs and fines to provide funds to adversely impacted consumers and make a related regulation requiring the HCRA to establish, maintain and comply with a policy to this effect.</p>
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Ontario Underground Infrastructure Notification System Act, 2012

Area (Proposal # 22-MGCS022)	Summary of Proposed Changes
Administrative	Minister authority to appoint Chair and Administrator, greater role in conflict resolution, and provide regulation making authority to Lieutenant Governor in Council.

Additional Proposed Changes

Area	Summary of Proposed Changes
Municipal Housing Targets and Housing Pledge (ERO# 019-6171)	<p>Assignment of municipal housing targets to 29 selected lower- and single-tier municipalities over the next 10 years</p> <p>Four municipalities in York Region have housing targets:</p> <ul style="list-style-type: none"> o City of Markham: 44,000 o City of Vaughan: 42,000 o City of Richmond Hill: 27,000 o Town of Newmarket: 12,000 <p>Direct municipalities to create a 'housing pledge' to implement housing targets which outlines actions municipalities will take to meet targets, and a 'vehicle' for identifying policy proposals to increase housing and infrastructure needs. Pledges are due March 1, 2023 with reporting towards the target annually.</p>
Review of A Place to Grow and Provincial Policy Statement (ERO# 019-6177)	Proposal to integrate the PPS and A Place to Grow into a single new province-wide plan

Revocation of the Parkway Belt West Plan (ERO# 019-6167)	Proposal is to revoke the Parkway Belt West Plan created in 1978 to potentially increase housing supply
Proposed Building Code changes (Proposal # 22-MMAH016 , Proposal # 22-MMAH019 , ERO# 019-6211)	A number of changes are proposed including, but not limited to, better alignment with National Building Code, Fire Management, accessibility and providing greater clarity.
Rent-to-Own Arrangements (Proposal # 22-MMAH018)	<p>Explore 'rent-to-own' home financing model in supporting housing attainability in the province. Potential to engage in a rent to own arrangement with two contracts:</p> <ul style="list-style-type: none"> • Rental agreement • Rent to own agreement <p>The province is seeking feedback on the viability, barriers and issues for renters on the rent to own model, as well as the provincial role to facilitate these agreements.</p>
Proposed Updates to the Ontario Wetland Evaluation System (ERO# 019-6160)	Proposed changes to content in the Ontario Wetland Evaluation System (OWES) manuals including new guidance and moving approval to the professional opinion of wetland evaluators and local decision makers including municipalities. Removal of species at risk and wetland grouping criteria in determining a wetland's significance.
Conserving Ontario's Natural Heritage (ERO # 019-6161)	<p>A discussion paper seeks feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat.</p> <p>The Ministry of Natural Resources and Forestry is considering developing an offset policy that would require a net positive impact on these features and help reverse the decades-long trend of natural heritage loss in Ontario.</p>
Inclusionary Zoning (ERO # 019-6173)	<p>Proposed changes to inclusionary zoning rules would standardize the following across the province:</p> <ul style="list-style-type: none"> • Set a maximum affordability period of 25 years • Limit the number of affordable units to 5% of the total number of units or 5% of the total gross floor area of the total residential units, not including common areas • Set affordability at 80% of the average resale price of ownership units or 80% of the average market rent for rental units

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Ontario's New Housing Supply Action Plan: Some Troubling Features



NEWS PROVIDED BY

Association of Municipalities of Ontario

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Oct 25, 2022, 17:51 ET

TORONTO, Oct. 25, 2022 /CNW/ - The Government of Ontario today introduced the next phase of its Housing Supply Action Plan: the proposed *More Homes Built Faster Act, 2022*. The Plan includes a broad array of legislative and regulatory changes related to land use planning, property taxes, building code, heritage, conservation, and the infrastructure financing framework that supports growth.

"Municipalities will welcome some of the proposed changes, and will be very concerned about others, such as changes to the Development Charges Act," said AMO President Colin Best. "We will work with the government on the ideas that have the potential to make housing more affordable, and we will oppose changes that undermine good economic and environmental policy."

Proposed changes include discounting and, in some cases, eliminating development charges and related developer obligations. When communities grow, infrastructure and public services must be scaled up to meet new demands. The new legislation would shift some of those costs from developers to current property taxpayers.

The Ontario government has signaled it may offset some of the financial impacts for municipalities. However, shifting growth costs from developers to taxpayers represents a fundamental change from the principle that growth should pay for growth, and that current homeowners and renters should not be required to subsidize new development. There are no mechanisms to ensure that developers will pass on cost savings to consumers in need of more affordable housing options.

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For years, municipalities have been sounding the alarm about housing affordability and homelessness. Municipal governments deliver many of the front-line services that respond to these complicated and difficult challenges. Municipalities are committed to doing what they can to make housing more affordable, and to support economic growth.

Ontario had 100,000 housing starts in 2021, the highest in 30 years. However, some municipalities have seen a sharp decline in permit applications in 2022, due to factors such as higher interest rates and labour shortages.

AMO is the collective voice of Ontario's municipal sector advocating for good public policy that supports strong, sustainable, and prosperous communities. AMO's member municipal councils govern and provide key services to about one in three Canadians.

Follow AMO on Twitter, @AMOPolicy

SOURCE Association of Municipalities of Ontario

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**Summary of Bill 23, More Homes Built Faster Act, 2022
Changes to Development Charges Act and Planning Act**

The new Supporting Growth and Housing in York and Durham Regions Act, 2022 is the subject of a separate report.

There are a number of proposed legislative changes with no Regional implications and that not summarized below, including:

- Ontario Heritage Act ([ERO# 019-6196](#))
- New Home Construction Licensing Act, 2017 ([Proposal # 22-MGCS021](#))
- Ontario Underground Infrastructure Notification System Act, 2012 ([Proposal # 22-MGCS022](#))
- Proposed Building Code changes ([Proposal # 22-MMAH016](#), [Proposal # 22-MMAH019](#), [ERO# 019-6211](#))

Development Charges Act, 1997

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
Duration of Development Charges (DC) by-law	<ul style="list-style-type: none"> • Maximum by-law term is extended from 5 to 10 years. 	<ul style="list-style-type: none"> • No immediate financial implications as current development charges bylaw has a prescribed expiry of June 16, 2027 	<ul style="list-style-type: none"> • While the change provides municipalities with the potential to have a bylaw for up to 10 years when taken together with proposed new phase-in rules, municipalities will need to assess whether they should update the bylaw prior to the 10-year expiration to maximize cost recovery

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
Mandatory phase-in of new DC by-law rates	<ul style="list-style-type: none"> New DC by-law rates, resultant from a by-law update/amendment, phased in over first 5 years; no more than 80% in year 1 to 100% by years 5 and onwards. Applies retroactively to by-laws passed on, or after, June 1, 2022 and for subsequent by-laws. 	<ul style="list-style-type: none"> No immediate financial implications as York Region's 2022 DC Bylaw was passed on May 26, 2022 	<ul style="list-style-type: none"> Disincentivizes municipalities to update DC Bylaws earlier than the maximum 10-year term because of the phase-in provisions that prohibit full DC rate recovery in the first four years of a new bylaw Subject to section 5(6)3 of the Act, any shortfall from phasing in of DC rates may need to be made up from tax levy or user rates Any reduction in DC cost recovery could limit the Region's ability to deliver on its growth-related capital plan which could potentially slow housing construction
<p>New DC exemptions or partial exemptions/discounts</p> <p>Proposed definitions: *Average market rent - the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin",</p>	<p>1. Affordable housing (full exemption)</p> <p><i>Rental</i> - rent is no greater than 80% of the average market rent*. Tenant is at arm's length to landlord.</p> <p><i>Ownership</i> - price of the residential unit is no greater than 80% of the average purchase price**; sold to a person who is dealing at arm's length. Requires agreements with</p>	<ul style="list-style-type: none"> Immediate financial implications are unknown and subject to future take-up 	<ul style="list-style-type: none"> The Region currently has a number of DC deferral programs that support affordable, rental and non-profit housing, which do not need to be funded from the tax levy or user rates Subject to section 5(6)3 of the Act, any shortfall from DC exemptions or discounts may need to be made up from tax levy or user rates

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
<p>as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing</p> <p>**Average purchase price - the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin", published by the Minister of Municipal Affairs and Housing</p>	<p>the local municipality, which may be registered against the lands.</p> <p>2. Attainable housing (full exemption)</p> <p>Must meet the following criteria:</p> <ul style="list-style-type: none"> ▪ Unit is not an affordable unit ▪ Not intended for use as a rental ▪ Developed as part of a <u>prescribed development or class of developments</u> ▪ Sold to a person who is dealing at arm's length with the seller <p>Requires agreements with the local municipality, which may be registered against the lands.</p> <p>3. Not for profit housing (full exemption)</p> <p>Means a corporation to which the Not-for-Profit Corporations Act, 2010 applies; a corporation without share capital to which the Canada Not-for-profit Corporations Act applies; a non-profit housing co-operative.</p> <p>4. Inclusionary zoning units (full exemption)</p>		<ul style="list-style-type: none"> • Any reduction in DC cost recovery could limit the Region's ability to deliver on its growth-related capital plan which could potentially slow housing construction • 80% of the average purchase price of a home in York Region is ~\$1.03M (2021), which based on the proposed definition, could be deemed as affordable. This is a significantly higher threshold than municipalities are using to define affordability. As reported in the 2021 Measuring and Monitoring Report, households at the 60th percentile (who make 132k) can only afford a home worth 536K • Additional clarification will be needed from the Province to determine what qualifies as 'attainable' housing

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
	<p>Residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) (Inclusionary zoning policies).</p> <p>5. Rental housing (discount/partial exemption) Rental means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises. Discounts are as follows:</p> <ul style="list-style-type: none"> ▪ 3 bedrooms or more – 25% discount ▪ 2 bedrooms – 20 % discount ▪ Any other – 15% discount 		
<p>Exemptions for second suites in existing and new buildings (including additional units in rental buildings, limited to the greater of 1 or 1% of existing units)</p>	<ul style="list-style-type: none"> • Moves from regulations to legislation with minor changes. 	<ul style="list-style-type: none"> • Immediate financial implications are unknown and subject to future take-up 	<ul style="list-style-type: none"> • In 2021, the Region saw 139 registered second suites (which were exempt from DCs). Given the proposed changes, the number of secondary/additional suites could increase • Subject to section 5(6)3 of the Act, any shortfall from DC exemptions may need to be

ATTACHMENT 5

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
			<p>made up from tax levy or user rates</p> <ul style="list-style-type: none"> Any reduction in DC cost recovery could limit the Region's ability to deliver on its growth-related capital plan which could potentially slow housing construction
Removal of service - Housing	<ul style="list-style-type: none"> Municipalities are no longer able to collect development charges for Housing Services, as at Royal Assent. 	<ul style="list-style-type: none"> Immediate financial implications as Housing Services are deemed to be removed from the Region's DC Bylaw 	<ul style="list-style-type: none"> The Region's 2022 DC Background Study and Bylaw helps fund \$181 million in DC-eligible costs for the construction of over 2,700 new community housing units over the next 20 years To maintain the current capital program, any growth-related capital costs not recovered through development charges may need to be made up from the tax levy and water & wastewater user rates
Removal of DC-eligible costs – studies and land	<ul style="list-style-type: none"> Growth studies, including other studies, no longer eligible for subsequent by-laws. Costs to acquire land or an interest in land, including a leasehold interest <u>except in relation to such services as are prescribed for the purposes of</u> 	<ul style="list-style-type: none"> No immediate financial implications as this change would not take effect until the Region's next development charges update 	<ul style="list-style-type: none"> The Region's 2022 DC Background Study and Bylaw helps fund over \$200 million in growth-related plans and studies over the next 20 years Additional clarification will be needed from the Province to determine if Environmental Assessments and Infrastructure

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
	<p><u>this paragraph</u> (underlined is new – services to be prescribed).</p>		<p>Master Plans remain eligible for DC recovery</p> <ul style="list-style-type: none"> • Additional clarification will be needed from the Province to determine the services that will not be eligible for land cost recovery through development charges • Any costs associated with growth studies and the acquisition of land, that are not recovered through DCs, may need to be made up from tax levy or water and wastewater user rates
<p>Interest rate changes on frozen DCs/installment payments</p>	<ul style="list-style-type: none"> • Capped at a maximum, average Prime plus 1% <p>Proposed Definition: * Average prime rate, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada.</p>	<ul style="list-style-type: none"> • No immediate financial implications as the Region's current rate is 5%, which is below the prescribed maximum rate 	<ul style="list-style-type: none"> • The Region will need to update its Interest Policy to reflect the change
<p>Historic average service level timeframe</p>	<ul style="list-style-type: none"> • Extended from 10 years to 15 years 	<ul style="list-style-type: none"> • No immediate financial implications as this change would not take effect until the Region's next DC Bylaw update 	<ul style="list-style-type: none"> • Increasing the timeframe for the historical service level used to calculate DCs, from 10 to 15 years, could potentially result in lower DC rates and delay DC collections

ATTACHMENT 5

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
			<ul style="list-style-type: none"> • Could impact the following services: Public Health, Waste Diversion, Court Services, Public Works, Police Services, Ambulance Services and Long-Term Care
Allocation of monies in reserve fund	<ul style="list-style-type: none"> • Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60% of the monies that are in a reserve fund for services at the beginning of the year. Applies to water, wastewater and roads. Additional services to which this change applies may be prescribed. 	<ul style="list-style-type: none"> • Immediate implications, with respect to reporting under section 43 of the <i>Development Charges Act, 1997</i>, as this requirement takes effect as at Royal Assent and for 2023 • York Region currently complies with this requirement because of the amount of existing debt for services already prescribed in the Bill 	<ul style="list-style-type: none"> • If by the end of 2023, and for every year thereafter, the Region does not spend or allocate 60% of the monies in the Water, Wastewater and Roads reserves, the Region could be in non-conformity with this new section • Additional clarification is needed from the Province to determine what is meant by 'allocate' and the result of non-conformity

Planning Act

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
Additional Residential Units	<ul style="list-style-type: none"> • Allow up to three units per lot (i.e., up to three units in the primary building, or up to two in primary building and one in ancillary building or structure). These changes would apply to any parcel of urban residential land in settlement 	<ul style="list-style-type: none"> • Potential positive increase in rental supply and affordable housing • Potential to help increase transit ridership 	<ul style="list-style-type: none"> • Require monitoring and reporting of units and prior confirmation of water and wastewater servicing capacity

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>areas with full municipal water and sewage services</p> <ul style="list-style-type: none"> Prohibit municipalities from imposing development charges (regardless of unit size), parkland dedication or cash-in-lieu requirements, applying minimum unit sizes or requiring more than one parking space per unit with regard to new units built under this permission 		
Planning Appeals	<ul style="list-style-type: none"> Limit third-party appeals. Appeals would only be maintained for key participants (e.g., applicants, province, public bodies, First Nations, and utility providers that participated in the process) except where appeals have already been restricted (e.g., Minister's decision on new official plan). The "upper-tier municipality without planning responsibilities" would not be able to appeal land use planning decisions Region's rights to appeal have been removed on local plans and amendments, zoning by-laws, subdivisions, consent and minor variance 	<ul style="list-style-type: none"> Reduced public appeal rights and participation in the planning process The Region is losing the right to seek party status on appeals of local plans and amendments and other planning instruments Appeals made by a third-party that the Region is currently involved in will be dismissed unless the third party falls within the list of "specified persons" or public bodies specified or the appeal has been scheduled for a hearing on the merits before Oct. 25, 2022 	<ul style="list-style-type: none"> Provide appeal mechanisms to address matters related to natural systems, Regional roads, human services and infrastructure delivery, including appeals to urban expansion where there is no Regional servicing infrastructure

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
Upper-tier and Lower-tier Municipal Planning Responsibilities	<ul style="list-style-type: none"> • Remove planning responsibilities in the County of Simcoe, and the Regional Municipalities of Halton, Peel, York, Durham, Niagara and Waterloo. • Regulation-making authority to prescribe additional upper-tier municipalities as an “upper-tier municipality without planning responsibilities” in the future if needed • Where upper-tier planning responsibilities are removed: <ul style="list-style-type: none"> ▪ Existing upper-tier official plans would be deemed to form part of the applicable lower-tier municipality’s official plan, until the lower-tier official plan has been updated ▪ Lower-tier official plans and amendments would be approved by the Minister of Municipal Affairs and Housing (Minister’s decision on new official plans and section 26 updates would not be appealable) ▪ The approval authority for subdivisions and consents would be assigned to lower-tier municipalities, unless the Minister provides otherwise through regulation 	<ul style="list-style-type: none"> • Planning for growth and servicing have been coordinated in manner to maintain fiscal sustainability at the Regional level. With the elimination of the upper-tier planning responsibilities, it is unclear how growth management and servicing will be addressed in this new model. The current process of planning and prioritizing Regional infrastructure and service delivery will need to continue. 	<ul style="list-style-type: none"> • Could result in unintended inefficiencies and delays in the planning review/ development approval process and subsequent delay of housing construction • Risk that Regional, cross-border, infrastructure, and comprehensive planning matters including but not limited to transportation, transit, water and wastewater services and financial sustainability may not be addressed. • A transition towards local-level decision-making needs to ensure that progress in coordinated, comprehensive planning and environmental protection is maintained • Planning and development of complete communities is coordinated at the Regional level to support health and quality of life. Collaborations between public health and planning will need to continue at the local municipal level to ensure plans and development

ATTACHMENT 5

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
			<p>applications have the appropriate review to support public health and a healthy built environment</p> <ul style="list-style-type: none"> • Risk that comprehensive policies in the Regional Official Plan will be removed or amended through local official plans resulting in an inconsistent policy approach
Removal of municipal Upper-tier roles	<ul style="list-style-type: none"> • The proposed changes would also have the effect of removing the following upper-tier municipal roles and requirements for an “upper-tier municipality without planning responsibilities”: <ul style="list-style-type: none"> ▪ Requirement to have planning advisory committees ▪ Ability to have land division committees ▪ Ability to have a local appeal body ▪ Ability to assume any authority, responsibility, duty or function of a lower-tier municipality ▪ Ability to use the protected major transit station area tool 	<ul style="list-style-type: none"> • The Region is no longer required to have the Planning Advisory Committee 	<ul style="list-style-type: none"> • Regional governments play an essential role in planning, financing and delivering major infrastructure to support growth management in a coordinated manner • Local municipal Planning Advisory Committees may increase public participation and input into local planning matters • The Region can support local planning advisory committees on growth management, cross-boundary and infrastructure matters
Removal of municipal Upper-tier provisions	<ul style="list-style-type: none"> • As a result of the proposed changes, the following provisions would no longer be applicable in an “upper-tier 	<ul style="list-style-type: none"> • Region’s delegated approval authority from the Province removed for local official plans 	<ul style="list-style-type: none"> • Approximately 80% of local official plan amendments are

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>municipality without planning responsibilities”:</p> <ul style="list-style-type: none"> ▪ Allowing the Minister to delegate approval authority for official plans/amendments to/from upper-tier municipalities, and provisions for upper-tier municipalities to delegate to/from upper-tier municipal staff/committees or lower-tier municipalities ▪ Requiring lower-tier official plans to conform with upper-tier official plans (Existing upper-tier official plans would be deemed to form part of the applicable lower-tier municipality’s official plan, until the lower-tier official plan has been updated) ▪ Limits on appeals of official plans/amendments that are only relevant to upper-tier municipalities ▪ Requiring lower-tier official plan policies for a community planning permit system (CPPS) to conform with the upper-tier municipality’s CPPS policies 	<p>and local official plan amendments (would now be the Minister of Municipal Affairs and Housing)</p> <ul style="list-style-type: none"> • York Region’s delegation authority removed for official plan amendment exemptions to local municipalities. 	<p>already exempt from Regional approval</p> <ul style="list-style-type: none"> • Minister’s approval of lower-tier municipal official plans may result in slower decision timeframes given the increased number of approvals and less familiarity with the upper-tier plans, which may result in the unintended delay of the approvals process and subsequent delay of housing construction
Role of Conservation Authorities	<ul style="list-style-type: none"> • Streamlined processes to sever and dispose of land. Expedite the existing processes associated with the severance and conveyance of land, regardless of whether provincial grant money was provided under the Conservation Authorities Act, for the 	<ul style="list-style-type: none"> • Results in conservation authority land being sold for development, reducing greenspace available to the public and climate mitigation and adaptation implications including flooding due to 	<ul style="list-style-type: none"> • Conservation authority-owned lands should remain in public ownership and remain greenspace. • Any land identified that could support housing development

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>purposes of projects related to flood control, erosion control, bank stabilization shoreline management works or the preservation of environmentally sensitive lands</p> <ul style="list-style-type: none"> • Limit conservation authority appeals, when acting as a public body, other than when acting as an applicant, of land use planning decisions under the Planning Act to matters related to natural hazards policies in provincial policy statements issued under the Planning Act 	<p>increased impervious land use</p> <ul style="list-style-type: none"> • COVID-19 confirmed that urban greenspace is essential in higher density communities, and existing greenspace was inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility. • Sale of lands may result in development in areas outside settlement areas not contemplated within the land use planning context or for servicing under the water and transportation master plans. Increasing servicing needs in these areas is likely to add additional to already constrained infrastructure without the ability to add additional capacity in the near-term • Will likely reduce the Region's ability to meet its forest canopy and woodland cover targets, along with reductions in the Region's Vision goal to 	<p>should be appropriate for such purposes and have servicing, access to amenities and services, and be located outside of hazard lands and environmental features</p> <ul style="list-style-type: none"> • Any new housing should have criteria including affordability and density • Conservation authority sale of lands to unlock housing will also require servicing in areas not contemplated. Meeting servicing needs will require a concerted effort from multiple levels of government. Presently only wastewater conveyance has been streamlined, this will need to be extended to wastewater treatment, drinking water, and roads infrastructure.

ATTACHMENT 5

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
		increase greenspace per 100,000 residents	
Zoning Around Transit	<ul style="list-style-type: none"> • Require municipalities to amend their zoning by-laws to conform with official plan policies that establish minimum densities and heights around transit Major Transit Station Areas (MTSA) and Protected MTSA's within one year of the official plan policies being approved by the Minister • Restriction on appeals of the implementing zoning by-law amendments regarding permitted heights and densities and permitted uses would expire after one year of the protected major transit station official plan policies coming into effect 	<ul style="list-style-type: none"> • Potential impact on ridership, best use of transit infrastructure if PMTSA densities can be appealed following 1 year of protection 	<ul style="list-style-type: none"> • MTSA boundaries and densities should be afforded full in perpetuity protection from appeal
Community Benefit Charges (CBC)	<ul style="list-style-type: none"> • The maximum CBC payable could not exceed the prescribed percentage of the value of the land (maximum CBC of 4% of land value) multiplied by a ratio of the floor area of the new building or structure that is proposed to be erected as part of the development or redevelopment to all buildings and structures on the site • Maximum CBC payable (4% of land value) for development or redevelopment to be discounted based on the floor area of affordable housing 	<ul style="list-style-type: none"> • Not applicable 	<ul style="list-style-type: none"> • Local municipality's responsibility to administer

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	units, attainable housing units and inclusionary zoning affordable housing units as a proportion of the floor area of the total development		
Site Plan Control	<ul style="list-style-type: none"> • Remove all aspects of site plan control for residential development proposals up to 10 units, except for land lease communities • The proposed changes would also limit the scope of site plan control by removing the ability to regulate architectural details and limiting the ability to regulate aesthetic aspects of landscape design 	<ul style="list-style-type: none"> • Limiting scope of site plan control may have implications on the right-of-way, access control, tree planting, drainage, and high-quality urban design. 	<ul style="list-style-type: none"> • Potential for the loss of sustainability measures obtained through site plan approval
Parkland Dedication	<ul style="list-style-type: none"> • Affordable and attainable housing units as well as affordable housing units required by inclusionary zoning exempt from parkland dedication requirements. The maximum 5% basic rate for residential development would be discounted based on number of these units relative to total units in the development. These units would also not be included for the purposes of determining the maximum alternative rate. Not-for-profit housing developments would also be exempt from parkland dedication requirements • A second, or second and third residential unit in a detached-house, 	<ul style="list-style-type: none"> • Reduction of parkland dedication could result in reduced greenspaces and increased pressure on existing greenspaces, including Regional forests. Greenspaces play an important role in quality of life, recreation, and climate mitigation and adaptation, benefits that could be impacted by reduced greenspaces. • COVID-19 confirmed that urban greenspace is essential in higher density communities, 	<ul style="list-style-type: none"> • Reduction of parkland dedication may make it difficult for municipalities to provide enough greenspace to meet resident demands • Recommend ensuring parkland dedication prioritizes accessible and equitable allocation of green spaces for all types of housing units, including affordable and attainable housing units, and in higher density communities.

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>semi-detached house or rowhouse would be exempt from parkland dedication requirements, as would one residential unit in an ancillary structure</p> <ul style="list-style-type: none"> • Require parkland dedication rates to be determined at time of zoning/site plan application • The maximum alternative parkland dedication rate for land conveyed of 1 hectare for each 300 dwelling units would be changed to 1 hectare for each 600 net residential units and for payments in lieu, the current rate of 1 hectare for each 500 dwelling units would be changed to 1 hectare for each 1000 net residential units • No more than 15% of the amount of land subject to the development proposal (or equivalent value) could be required for parks or other recreational purposes for sites greater than 5 hectares and no more than 10% for sites 5 hectares or less • Require municipalities to develop a 'parks plan' before passing a parkland dedication by-law instead of developing such a plan before adopting the official 	<p>and existing greenspace was inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility.</p> <ul style="list-style-type: none"> • May reduce development costs for Regional and non-profit community housing, consistent with Regional Council's resolution requesting local municipalities to exempt Housing York Inc. developments from local parkland fees. 	

(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>plan policies required to be able to use the alternative parkland requirement</p> <ul style="list-style-type: none"> Beginning in 2023, the proposed changes would require municipalities to allocate or spend at least 60% of their parkland dedication reserve balance at the start of each year 		

Conservation Authorities Act

(ERO# 019-2927 and ERO# 019-6141)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
Proposed Regulation	<ul style="list-style-type: none"> Repeal the 36 individual regulations under the Conservation Authorities Act, a single regulation is proposed for all 36 Authorities in the province. 	<ul style="list-style-type: none"> Minimal, additional powers will be provided for Lake Simcoe Region Conservation Authority to support the implementation of the Lake Simcoe Protection Plan 	
Identify Lands for Housing	<ul style="list-style-type: none"> Require a land inventory to identify conservation authority-owned or controlled lands that could support housing development. Disposition (sales, easements, leases) of conservation authority-owned land will be streamlined to facilitate development of these lands 	<ul style="list-style-type: none"> Results in conservation authority land being sold for development, reducing greenspace available to the public and climate mitigation and adaptation implications including flooding due to increased impervious land use COVID-19 confirmed that urban greenspace is essential in higher-density communities, and existing greenspace was 	<ul style="list-style-type: none"> Conservation authority-owned lands should remain in public ownership and remain greenspace Any land identified that could support housing development should be appropriate with servicing, access to amenities and services, and be located outside of hazard lands and environmental features

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(ERO# 019-2927 and ERO# 019-6141)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
		<p>inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility</p> <ul style="list-style-type: none"> • Will likely reduce the Region's ability to meet its forest canopy and woodland cover targets, along with reductions in the Region's Vision goal to increase greenspace per 100,000 residents • Sale of lands may result in development in areas outside settlement areas not contemplated within the land use planning context or for servicing under the water and transportation master plans. Increasing servicing needs in these areas is likely to add additional to already constrained infrastructure without the ability to add additional capacity in the near-term 	<ul style="list-style-type: none"> • Any new housing should have criteria including affordability and density • Conservation authority sale of lands to unlock housing will also require servicing in areas not contemplated. Meeting servicing needs will require a concerted effort from multiple levels of government. Presently only wastewater conveyance has been streamlined, this will need to be extended to wastewater treatment, drinking water, and roads infrastructure
Limitation on commenting and review of development	<ul style="list-style-type: none"> • Prevents a review or commenting role for a wide array of legislation, which cannot be included under an agreement with a municipality 	<ul style="list-style-type: none"> • Prevents conservation authorities from undertaking a commenting role on behalf of the Region for a wide array of legislation, including the 	<ul style="list-style-type: none"> • Conservation authorities perform an important role in the planning process on behalf of municipalities, limiting their ability to provide this support

(ERO# 019-2927 and ERO# 019-6141)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
related proposals and applications		<p>Endangered Species Act, Environmental Assessment Act, Environmental Protection Act, and Planning Act</p> <ul style="list-style-type: none"> • Region relies on conservation authority expertise to execute municipal duties under the legislation listed, including reviewing these applications from a water resource sustainability perspective 	<p>impacts the ability of a municipality to execute its duties. This could result in the unintended delay of approvals and subsequent delay of housing construction</p>
Community Infrastructure and Housing Accelerator	<ul style="list-style-type: none"> • Require conservation authorities to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order and allow the Minister to review and amend any conditions attached to those permits to expedite zoning changes 	<ul style="list-style-type: none"> • Given that conservation authorities' permitting authority is limited strictly to natural hazards, this infers a Community Infrastructure and Housing Accelerator order could occur in hazard lands such as floodplains, resulting in risk and insurance implications, and climate adaptation implications 	<ul style="list-style-type: none"> • Conservation Authorities should not be compelled to approve permits for development within regulated areas unless appropriate to do so
Minister's Zoning Order conditions	<ul style="list-style-type: none"> • Gives authority to the Minister to prescribe conditions on a permit issued by a conservation authority where there is a Minister's Zoning Order, and to also prescribe limits on what conditions a conservation authority may include 	<ul style="list-style-type: none"> • Given that conservation authorities' permitting authority is limited strictly to natural hazards, this infers a development could occur in hazard lands such as floodplains, resulting in risk and 	<ul style="list-style-type: none"> • Conservation Authorities should not be compelled to approve permits for development within regulated areas unless appropriate to do so

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(ERO# 019-2927 and ERO# 019-6141)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
		insurance implications, and climate adaptation implications	
Permit Exemptions	<ul style="list-style-type: none"> Exempt development authorized under the Planning Act from requiring a permit under the Conservation Authorities Act in municipalities set out in regulation, where certain conditions are met as set out in regulation 	<ul style="list-style-type: none"> Limiting conservation authorities' permitting authority strictly to natural hazards reduces their ability to protect Regional watersheds 	<ul style="list-style-type: none"> Conservation Authorities should not be compelled to approve permits for development within regulated areas unless appropriate to do so
Permit Decisions	<ul style="list-style-type: none"> "Pollution" and "conservation of land" no longer considered in development permit decisions 	<ul style="list-style-type: none"> Changes to permitting limiting conservation authorities permitting powers to natural hazard lands reduces their ability to reject development that has pollution or land conservation impacts, presenting additional environmental and source water protection risks 	<ul style="list-style-type: none"> Watershed and natural systems protection, including conservation of land is essential to ensuring healthy complete communities and quality of life to York Region residents by providing access to natural open spaces
Appeal Timeframe	<ul style="list-style-type: none"> Change the timeframe in which a permit applicant can appeal to the Ontario Land Tribunal if a CA does not issue a permit from 120 days to 90 days 	<ul style="list-style-type: none"> No Regional implications 	
Fee freeze	<ul style="list-style-type: none"> Conservation Authority fees will be frozen at current levels 	<ul style="list-style-type: none"> No Regional implications 	<ul style="list-style-type: none"> Freezing fees may impact the ability to self-fund CA services putting additional pressure on municipal tax levy

Municipal Act, 2001

Area	Summary of Proposed Changes	Regional Implications	Initial Comments
Residential Rental Properties	<ul style="list-style-type: none"> Establishes authority for the Minister of Municipal Affairs and Housing to make regulations imposing limits and conditions on the powers of a municipality to prohibit and regulate the demolition and conversion of residential rental properties 	<ul style="list-style-type: none"> This could reduce existing affordable housing stock in the Region due to demolition and conversion 	<ul style="list-style-type: none"> Reducing affordable rental housing stock contradicts the Provincial objective of providing more affordable rental housing

Ontario Land Tribunal Act

Area (Proposal #22-MAG011)	Summary of Proposed Changes	Regional Implications	Initial Comments
Dismissal of Proceedings	<ul style="list-style-type: none"> The Tribunal may dismiss a proceeding without a hearing if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding or if a party has failed to comply with an order of the Tribunal in the proceeding 	<ul style="list-style-type: none"> There may be some implications for appeals which are transitioned, where the Region is already a party 	<ul style="list-style-type: none"> York Region supports these efforts to streamline appeals
Costs	<ul style="list-style-type: none"> Gives the Tribunal the power to order an unsuccessful party to pay a successful party's costs, intended to encourage parties to reach an agreement without going through the Tribunal 	<ul style="list-style-type: none"> There may be some implications for appeals which are transitioned, where the Region is already a party 	
Regulation-Making Authority	<ul style="list-style-type: none"> Provides new authority for the Lieutenant Governor in Council to make regulations requiring the Tribunal to prioritize the resolution of 	<ul style="list-style-type: none"> None 	

	<p>specified classes of proceedings, such as cases that create the most housing, for example</p> <ul style="list-style-type: none"> • The Minister will have power to make regulations setting service standards with respect to timing of hearings and decisions for specific case resolution activities 		
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Additional Proposed Changes

Area	Summary of Proposed Changes	Regional Implications	Initial Comments
<p>Municipal Housing Targets and Housing Pledge (ERO# 019-6171)</p>	<ul style="list-style-type: none"> • Assignment of municipal housing targets to 29 selected lower- and single-tier municipalities over the next 10 years • Four municipalities in York Region have housing targets: <ul style="list-style-type: none"> ▪ City of Markham: 44,000 ▪ City of Vaughan: 42,000 ▪ City of Richmond Hill: 27,000 ▪ Town of Newmarket: 12,000 • Direct municipalities to create a 'housing pledge' to implement housing targets which outlines actions municipalities will take to meet targets, and a 'vehicle' for identifying policy proposals to increase housing and infrastructure 	<ul style="list-style-type: none"> • Uncertainties regarding population forecasts in the Growth Plan and the Regional Official Plan, and achievability and enforceability of proposed targets • Without housing affordability, mix and type requirements, housing may be unaffordable 	<ul style="list-style-type: none"> • Need to ensure alignment of targets with infrastructure capacity and timing • Ensure targets for different housing mix and types, and affordability • Ensure targets align with the ability of the private market and the labour force to deliver • The Region has started the Affordable Private Market Housing Implementation Plan to look at mechanisms for local municipalities to use to implement housing pledges

	needs. Pledges are due March 1, 2023 with reporting towards the target annually		
Review of A Place to Grow and Provincial Policy Statement (ERO# 019-6177)	<ul style="list-style-type: none"> Province seeking feedback on proposal to integrate the PPS and A Place to Grow into a single new province-wide plan, streamlining and providing greater flexibility in core elements including <ul style="list-style-type: none"> Residential Land Supply Attainable Housing Supply and Mix Growth Management Agriculture and Natural Heritage Community Infrastructure 	<ul style="list-style-type: none"> Through the Municipal Comprehensive Review, the Region has integrated Growth Plan policies and targets into the Regional Official Plan to achieve conformity. The York Region Official Plan provides 30 years of housing supply with comprehensive planning that integrates financial, infrastructure, and land use planning, ensuring a consistent approach to growth management for all nine local municipalities 	<ul style="list-style-type: none"> There are uncertainties regarding the relationship between merging the PPS and Growth Plan and increasing housing supply Integration of Growth Plan and PPS may reduce certainty making it more difficult to manage growth and deliver infrastructure Eliminating or watering down the Growth Plan would set comprehensive planning backward
Revocation of the Parkway Belt West Plan (ERO# 019-6167)	<ul style="list-style-type: none"> Proposal to revoke the Parkway Belt West Plan to potentially increase housing supply 	<ul style="list-style-type: none"> No Regional implications 	<ul style="list-style-type: none"> The Region supports the proposal to revoke the Parkway Belt West Plan
Rent-to-Own Arrangements (Proposal # 22-MMAH018)	<ul style="list-style-type: none"> Explore 'rent-to-own' home financing model in supporting housing attainability in the province. Potential to engage in a rent-to-own arrangement with two contracts: <ul style="list-style-type: none"> Rental agreement Rent to own agreement The province is seeking feedback on the viability, barriers and issues for renters on the rent to own model, as 	<ul style="list-style-type: none"> No immediate Regional implications as any rent-to-own agreement would be between the developer and the homebuyer Unclear if the Province is assuming a local role (i.e. for Service Managers) in administering a rent-to-own program 	<ul style="list-style-type: none"> The Province should consider setting a legal framework for rent-to-own agreements which developers must follow when entering into agreements with households, to ensure consumer protections. The Province should ensure alignment with any federal rent-to-own initiatives, as the Federal

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	well as the provincial role to facilitate these agreements		<p>government committed to supporting rent-to-own projects as part of the 2022 Budget.</p> <ul style="list-style-type: none"> • If the Province is assuming a role for municipalities (i.e. Service Managers) in the delivery of this program, administration funding must be provided and eligibility criteria should align with the priorities and needs within the service area.
Proposed Updates to the Ontario Wetland Evaluation System (ERO# 019-6160)	<ul style="list-style-type: none"> • Proposed changes to content in the Ontario Wetland Evaluation System (OWES) manuals including new guidance and moving approval to the professional opinion of wetland evaluators and local decision makers including municipalities. Removal of species at risk and wetland grouping criteria in determining a wetland's significance 	<ul style="list-style-type: none"> • When considered in the context of the broader changes proposed in Bill 23, changes to the evaluation system opens the possibility of development on wetlands and in floodplains. Such a change has the potential to reduce natural functions and groundwater recharge, while also presenting greater flooding risks 	<ul style="list-style-type: none"> • Any changes to the wetland evaluation system should continue to place strong emphasis on maintaining wetland complexes and species at risk habitat and ensuring that development is not permitted in areas where it would present a risk to homeowners
Conserving Ontario's Natural Heritage (ERO # 019-6161)	<ul style="list-style-type: none"> • A discussion paper seeks feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat • The Ministry of Natural Resources and Forestry is considering developing an offset policy that 	<ul style="list-style-type: none"> • This may result in natural heritage loss within the Region since there isn't a principle that requires the offsetting to happen locally 	<ul style="list-style-type: none"> • Any offsetting should result in a net gain in natural heritage features and functions within the local area

	would require a net positive impact on these features		
Inclusionary Zoning (ERO #019-6173)	<ul style="list-style-type: none"> • Proposed changes to inclusionary zoning (IZ) rules would standardize the following across the province: <ul style="list-style-type: none"> ▪ Set a maximum affordability period of 25 years ▪ Limit the number of affordable units to 5% of the total number of units or 5% of the total gross floor area of the total residential units, not including common areas ▪ Set affordability at 80% of the average resale price of ownership units or 80% of the average market rent for rental units 	<ul style="list-style-type: none"> • Under the current IZ framework, local municipalities have the ability to set affordability periods, unit set aside rates and affordable sales prices and rents to address local housing needs • The proposed changes would standardize IZ policies across municipalities that choose to implement it, and limit the ability of municipalities to secure more units with longer affordability periods at deeper levels of affordability 	<ul style="list-style-type: none"> • The Province is encouraged to continue to allow local flexibility to ensure IZ policies address local housing needs • Municipal incentives associated with providing IZ units should correspond to the financial value of the IZ units being provided, in terms of depth and length of affordability, and the number of units secured • Provincial regulations must include transition rules to ensure tenants occupying the unit at the end of the affordability period do not experience significant rent increases

Edocs #14351773



THE MUNICIPALITY OF
LAMBTON SHORES

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November 22, 2022

by email: schicp@ola.org

Standing Committee on Heritage, Infrastructure and Cultural Policy

To Whom It May Concern

Re: Proposed Legislation
 Bill 23 – More Homes Built Faster Act, 2022

Thank-you for the opportunity to comment on the above-noted proposed legislation.

Please be advised that the Council of the Municipality of Lambton Shores passed Resolution 22-1108-11 at its November 8, 2022 regular Council meeting:

THAT staff draft a letter to the province outlining Lambton Shores' concerns with Bill 23 and circulate to AMO and all Ontario municipalities.

Lambton Shores is a thriving, growing community on the shores of Lake Huron. It includes several communities experiencing appreciable growth in residential and commercial developments. Lambton Shores' beaches, lakeshore communities, places like Grand Bend and Pinery Provincial Park, and its provincially and internationally significant natural heritage areas make Lambton Shores a well-known tourist destination and desirable place to live and work. Like much of rural Ontario and perhaps more so, it has experienced housing shortages, increased development activity, and a sharp rise in housing costs in the last several years.

In general, Bill 23 seems to be intended to address approval process problems that exist in larger centers more so than portions of rural Ontario like Lambton Shores. Lambton Shores, on the whole, works well with the development community and issues timely planning and other development approvals. In Lambton Shores' case, Bill 23 will "fix" many things that are not really broken and will have the unintended effect of substituting relatively efficient processes with additional processes, time, and costs to development.

The Province conducted a very narrow, developer and real estate-focused, consultation in developing its strategy to address the housing crisis. It is misleading to lay so much blame on the easy target of municipalities. Delays are often due to a development proponent's reluctance to provide information, meet requirements, and follow processes that are overseen by municipalities, but provincially-established. If the Province wishes to speed up Municipal approvals, it should look at its own approval processes, legislation, and responsiveness with respect to matters related to the *Endangered Species Act*, Records of Site Conditions, archaeological assessments, Environmental Compliance Approvals, and the like.

The limiting factor in addressing the housing crisis is labour and material shortages, caused by government policy and the demographics of aging baby-boomers. The Province would better address the housing crisis by finding ways to increase the capacity of the building industry and direct that capacity towards forms of housing that produce more units (e.g. medium and high rather than low density), rather than placing expectations on municipalities that increase staffing needs and put more pressure to draw labour away from construction and manufacturing.

Conservation Authorities

With respect to Conservation Authorities, the Municipality of Lambton Shores has an excellent working relationship with our two Conservation Authorities (Ausable Bayfield and St Clair Region). They are responsive given the level of resources they have and provide valuable expertise, resources, and services to the Municipality. These would not be practical for a Municipality of our size to provide internally. The Municipality wishes to retain the ability to obtain these services through memorandums of understanding.

- If the CAs are prohibited from commenting on natural heritage matters, the Municipality will need to instead refer development proposals to third party consultants, which will add time and cost to development proponents, contrary to the intent of Bill 23.
- Municipalities will be reluctant to grant planning approvals that would exempt development from Conservation Authority approvals. The Municipality lacks the expertise to assess natural hazards and does not wish to assume the liability. Just as planning approval processes were not designed to address Ontario Building Code matters, planning approval processes and Municipalities lack the unique tools and mechanisms of CAs and the *Conservation Authorities Act* to ensure development can proceed while appropriately addressing hazards.
- Repeal of the Regulations specific to each CA, in favour of a province-wide Regulation, will eliminate the local flavor of each CA and its ability to provide for the needs of its constituent municipalities, which are different in rural Ontario than in larger centers.

Additional Dwelling Units

With respect to allowing three units as-of-right on residentially zoned lands:

- This permission potentially creates additional dwelling units in areas where existing municipal services are at full capacity.
- For a second or third unit to be permitted in a particular form of dwelling, it should be clarified that the applicable zone must permit that form of housing in the first place. The current wording of the legislation would seem to permit, for example, a single detached dwelling with a basement apartment on lands zoned and intended for medium and high density, contrary to the intent to Bill 23 to create more units.
- How will the province ensure that these additional dwelling units are used as primary residences, as intended by Bill 23? In significant tourist areas like the Municipality of Lambton Shores, these provisions will promote additional

conversions of existing primary residences into two or three short term rental accommodations, contrary to the intent of Bill 23.

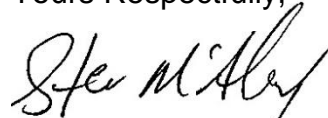
Waiving Fees

With respect to waiving development charges, parkland dedication and other requirements for additional dwelling units, not-for-profit housing, inclusionary housing, etc., the Municipality questions whether these savings to developers will be passed on in lower unit purchase prices. (Consumer demand and willingness to pay remains higher than the building industry's capacity to supply.) Development will however increase municipal service and infrastructure needs, the costs of which will be a burden passed on to the existing tax base, if not collected through development charges.

Site Plan Approval

Waiving site plan approval for residential developments of ten or fewer dwelling units will create adverse impacts to public and municipal interests and developments. The site plan approval process currently provides a single mechanism to address relevant items such as parking, site grading, stormwater management, site servicing, servicing capacity, entrances, work on municipal lands, and sidewalk and road closures. These are important considerations even for smaller developments. In the absence of site plan approval, municipalities will be forced to rely on (or create) a variety of other mechanisms and by-laws to address these interests, which will be less efficient than site plan approval and contrary to the intent of Bill 23 to reduce process.

Yours Respectfully,



Stephen McAuley,
Chief Administrative Officer

- cc. Honourable Doug Ford, Premier of Ontario, premier@ontario.ca
 Honourable Steve Clark, Minister of Municipal Affairs and Housing, minister.mah@ontario.ca
 Honourable Graydon Smith, Minister of Natural Resources and Forestry, minister.mnrf@ontario.ca
 Honourable David Piccini, Minister of Environmental Conservation and Parks, Minister.mecp@ontario.ca
 Honourable Monte McNaughton, MPP Lambton – Kent – Middlesex, Monte.McNaughtonco@pc.ola.org
PlanningConsultations@ontario.ca
 Association of Municipalities of Ontario
 Ontario municipalities



GEORGINA

Legislative Services Department/Clerk's Division

Please be advised that the Town of Georgina Council, at its meeting held on November 22, 2022, considered proposed Bill 23, the More Homes Built Faster Act, 2022 and subsequent to discussion, the following motion was passed:

Moved By Councillor Neeson
Seconded By Councillor Genge
RESOLUTION NO. C-2022-0354

WHEREAS on November 10, 2022, York Region Council adopted a resolution as follows:

"York Region requests the Province of Ontario to halt Bill 23 and begin consultation with the Housing Supply Action Plan Implementation Team to ensure municipalities can work in partnership with the Province of Ontario over the next few months to address the housing affordability concerns in our communities.

The Minister of Municipal Affairs and Housing be requested to appoint key stakeholders, such as the Association of Municipalities of Ontario (AMO), to the Housing Supply Action Plan Implementation Team.

The Regional Clerk circulate this report, including new Attachment 5, presented as Item G.1.1 on the revised agenda, to the Minister of Municipal Affairs and Housing, local municipalities, AMO, Federation of Canadian Municipalities (FCM) and local MPPs."

AND WHEREAS Schedule 10 to Bill 23 Supporting Growth and Housing in York and Durham Regions Act, 2022 proposes to expedite the expansion and extension of the York Durham Sewage System effectively replacing the Upper York Sewage Solution (UYSS) project;

AND WHEREAS The Council of the Corporation of the Town of Georgina supports the halting of the Upper York Sewage Solutions project and the redirection of related drainage Area flows to the York Durham Sewage System;

THEREFORE BE IT RESOLVED THAT The Council of the Corporation of the Town of Georgina supports the November 10, 2022 resolution of York Region Council concerning Bill 23, with the exception that The Council of the Corporation of the Town of Georgina supports Schedule 10 to Bill 23 Supporting Growth and Housing in York and Durham Regions Act, 2022 which proposes to expedite the expansion and extension of the York Durham Sewage System effectively replacing the Upper York Sewage Solution (UYSS) project;

AND FURTHER THAT The Council of the Corporation of the Town of Georgina support the resolution of the Board of the Lake Simcoe Region Conservation Authority dated November 18, 2022 directing Staff to provide a submission to Environmental Registry of Ontario No. 019-6141 based on comments within Staff Report No. 40-22-BOD regarding Provincial Bill 23 - More Homes Built Faster Act, 2022 and that Staff be directed to submit a letter to the Minister of Natural Resources and Forestry and the Minister of Environment, Conservation and Parks requesting that the Conservation Authorities Working Group be re-engaged;

AND FURTHER THAT the Council of the Corporation of the Town of Georgina opposes the proposed removal or re-designation of approximately 7,400 acres of protected lands from the Provincial Greenbelt Area and/or the Oak Ridges Moraine Conservation Plan for residential development as set out in ERO posting number 019-6217 and ERO posting number 019-6218;

AND FURTHER THAT the Council of the Corporation of the Town of Georgina opposes the conversion of Conservation Authority lands, for housing purposes in the absence of a fuller understanding of the criteria that will be used to conduct the assessment and a Municipal Comprehensive Review that demonstrates the need for the conversion to meet population targets;

AND THAT this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable David Piccini, Minister of the Environment, Conservation and Parks, the Honourable Graydon Smith, Minister of Natural Resources and Forestry, Caroline Mulrone, MPP, York-Simcoe, York Region MPP's, York Region municipalities, Lake Simcoe Watershed MPP's, the Honourable Peter Tabuns, Leader of the Opposition and interim leader of the Ontario New Democratic Party, the Honourable John Fraser, Interim Leader of the Ontario Liberal Party, the Honourable Mike Schreiner, Leader of the Green Party of Ontario, Lake Simcoe Region Conservation Authority, Association of Municipalities of Ontario (AMO) and all Ontario municipalities.

The Regional Municipality of York

Regional Council
November 10, 2022

Report of the Chief Administrative Officer

Bill 23, More Homes Built Faster Act 2022

1. Recommendation

1. The Regional Clerk forward this report to the Minister of Municipal Affairs and Housing seeking an extension of the comment period to at least December 31, 2022, to allow for a more informed consultation period and constructive feedback.
2. The Regional Clerk circulate this report to the Clerks of the local municipalities.

2. Summary

This report is to inform Council of Bill 23, the *More Homes Built Faster Act*, omnibus legislation that received first reading in the provincial legislature on October 25, 2022.

Key Points:

- Bill 23 proposes to amend nine Acts with varying levels of impact on the Region and introduces a new Act addressing “Upper York” servicing in York Region
- Amendments most impactful to the Region are to the *Development Charges Act* and the *Planning Act*. The new *Supporting Growth and Housing in York and Durham Regions Act, 2022*, deals with Upper York servicing and is also the subject of a separate report. These most impactful elements of Bill 23 are summarized in Attachment 2 to this report
- Attachment 3 summarizes the details of other amendments proposed through Bill 23
- Preliminary review suggests that, at minimum, Bill 23 will significantly impact how the Region and our local municipalities coordinate growth management with infrastructure planning and while challenging the ability to pay for infrastructure. The deadline for comments through an Environmental Registry posting is November 24, 2022 for most of the proposed changes.

3. Background

On October 25, 2022 the Province tabled Bill 23, *More Homes Built Faster Act, 2022*

Bill 23, the *More Homes Built Faster Act* is omnibus legislation that proposes changes to nine Acts and proposes a new Act, the *Support Growth and Housing in York and Durham Region's Act, 2022* as outlined in Minister Clark's letter dated October 25, 2022 (Attachment 1). This Bill is the most substantial proposal to date under the Provincial initiative to increase housing supply in Ontario to build 1.5 million homes in the next 10 years. This target significantly exceeds the Growth Plan forecasts (as communicated to Council's Housing Affordability Task Force on [September 22, 2022](#)) and will most certainly require more predictability in Provincial approvals and funding than what has been in place for the last two decades.

A number of proposed changes are posted on the Environmental Registry of Ontario and impact the Region and Regional areas of interest. Attachments 2 and 3 outline the changes proposed through amendments to the nine existing Acts; the *Support Growth and Housing in York and Durham Region's Act* is addressed through a separate report on this Council agenda.

The deadlines for comments range from November 24, 2022 to December 31, 2022.

4. Analysis

Proposed changes to the *Development Charges Act, 1997* reduce the share of infrastructure funded through development charges and place pressure on the Region's debt capacity, tax levy and/or water rates

Bill 23 proposes several changes to the *Development Charges Act, 1997* beginning with permitting a bylaw to have a maximum term of 10 years, up from the current 5. It also proposes to require phasing in a new bylaw's development charge rates over the first five years – with a suggestion that it will apply retroactively to bylaws passed after June 1, 2022.

The Bill also proposes to exempt or discount development charges on affordable housing, "attainable" housing, not-for-profit housing, inclusionary zoning units and rental units (details are summarized in Attachment 2). Affordable ownership has been defined as 80% of the average purchase price for ownership, while affordable rental has been defined as 80% of average market rent for rental units. A definition of "attainable" will be prescribed through regulation, though it would not include rental. Rental development, which is eligible for development charge discounts, is defined as a building or structure with four or more residential units all of which are intended for use as rented residential premises.

Other proposed changes to the *Development Charges Act* include:

- No longer being able to collect development charges for housing services, growth studies and land costs

- Capping of the interest rate on frozen and installment development charges payments at bank prime rate plus 1%
- Requirement that municipalities spend or allocate at least 60% of the monies in the water, wastewater and roads development charge reserves at the beginning of each year

Any development charge reduction, exemption, discount, or removal of services/costs that limits cost recovery may impact the ability of the Region to deliver vital, growth-related infrastructure or the gap may need to be funded from tax levy or user rates.

The Bill proposes changes to the *Planning Act* which remove planning responsibilities from York Region

The *More Homes Built Faster Act* proposes changes to the *Planning Act* which remove planning responsibilities from York Region as well as Durham, Peel, Halton, Niagara and Waterloo Regions, and Simcoe County. These changes eliminate Council's approval authority for local planning matters, require local municipalities to implement the Regional Official Plan, and remove the Region's right to appeal land use planning decisions.

The Regional Official Plan, once approved by the Minister of Municipal Affairs and Housing, would become the responsibility of local municipalities in conjunction with their own Official Plans. The intent is that local municipal Official Plans incorporate Regional Official Plan policies within their jurisdiction. In the interim, *Planning Act* decisions would be made by local municipalities having regard for both documents with the Regional Official Plan prevailing in the event of conflict.

Other proposed changes to the *Planning Act* include:

- Up to three residential units per urban residential lot as-of-right
- Limiting the role of Conservation Authorities
- Removing all aspects of site plan control for residential development proposals up to 10 units
- Setting maximums for parkland dedication

Coordination to address cross-boundary, public and Regional interests need to be considered

As noted by the Association of Municipalities of Ontario and others (see Attachment 4), many of the proposed changes need to be better understood as they seem to transfer risk from private developers to the public. Regional and Provincial planning has been strengthened over the last 20 years, with changes to the Growth Plan as recently as 2019, recognizing the need for comprehensive planning of matters including but not limited to transportation, transit, water and wastewater services and a financially sustainable means to provide them. The current process of planning and prioritizing Regional infrastructure and service delivery will need to continue.

A move towards local-level decision-making needs to ensure that progress in coordinated, comprehensive planning is not lost and that the public and municipalities are protected from unintended consequences.

York Region and local municipalities already collaborate extensively to coordinate planning matters. Most routine planning matters have already been delegated to local municipalities. Other Regions still have subdivision approval, so in those jurisdictions, the changes are more impactful.

Responses to Environmental Registry of Ontario postings will be provided to Council for consideration and additional comments

Environmental Registry postings regarding changes proposed through Bill 23 are being reviewed and assessed. Comments will be provided to the Province in response to these postings and their comment deadlines. In light of the incoming Council's first business meeting scheduled for December 8, 2022 the Province will be advised that any comments provided by staff to meet the imposed deadlines are preliminary with Council consideration and additional comments to follow.

5. Financial

Changes proposed through Bill 23 could have implications on how the Region funds growth-related infrastructure, potentially conflicting with the principle that growth pays for growth. Bill 23 proposes several exemptions and discounts to support affordable, non-profit, and rental housing. These incentives, which limit cost recovery, may need to be funded from the tax levy or user rates. The Region currently has in place a number of development charges deferral programs supporting the same desired outcomes, but do not need to be funded from the tax levy or user rates.

If passed, Bill 23 would also amend the Development Charges Act to prohibit municipalities from collecting development charges for housing services, growth studies and land costs. To maintain the current capital program, any growth-related capital costs not recovered through development charges may also need to be made up from tax levy and/or user rates.

6. Local Impact

The planning responsibilities of local municipalities will increase if the proposed changes pass. In addition to an increased approval authority role for applications previously approved by Council or delegated to Regional staff, local municipalities will also be taking on a greater role with respect to the Conservation Authority regulation for planning matters. This may, at least in the short term, have the unintended consequence of slowing planning approvals and increasing appeals to the Ontario Land Tribunal. This risk is further compounded by deadlines and the potential application fee refund regime of Bill 109.

Water and wastewater servicing planned, financed, built and operated by the Region is required for homes to be built. Ongoing collaboration and coordination between local

municipalities and the Region to ensure alignment between growth management planning, infrastructure planning and financial planning will be required.

Finally, many of the changes not highlighted in this report have consequences on local municipalities including those related to parkland dedication, urban design, heritage conservation, and more.

7. Conclusion

Bill 23 is sweeping omnibus legislation proposing numerous changes as outlined in Attachments 2 and 3. If approved as currently written, the Bill appears to overlook unintended consequences counter to the objective of increasing the housing supply. Specifically, changes proposed to the *Development Charges Act* complicate how growth-related infrastructure will be paid for. *Planning Act* changes risk uncoupling growth management planning from comprehensive and financially sustainable infrastructure and service planning.

Ongoing consultations, along with indications of the Provincial government's intentions for regulations that are expected to follow, will help form a better understanding. Staff will be responding as required to avoid missing the imposed deadlines but will also report back to Council relaying any resulting updates to the Ministry of Municipal Affairs. Responses will continue to be coordinated with our local and peer municipalities through AMO, AMCTO, MFOA and other municipal associations.

For more information on this report, please contact Paul Freeman, at 1-877-464-9675 ext. 71534 or Laura Mirabella at ext. 71600. Accessible formats or communication supports are available upon request.



Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

November 1, 2022

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Attachments (4)

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

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Toronto ON M7A 2J3
Tel.: 416 585-7000**Ministère des
Affaires municipales
et du Logement**

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234-2022-4624

October 25, 2022

Good afternoon,

On October 25, 2022, our government released [More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023](#) that proposes bold and transformative action to get 1.5 million homes built over the next 10 years.

Details about the range of measures in our plan can be found in the [news release here](#).

The More Homes Built Faster Plan proposes policies and tools that reflect recommendations from the [Housing Affordability Task Force Report](#) and builds on [More Homes, More Choice](#) and the [More Homes for Everyone Plan](#). Our plan also draws on many elements from AMO's 2022 A Blueprint for Action: An Integrated Approach to Address the Ontario Housing Crisis and ROMA's 2022 Task Force Report on Attainable Housing and Purpose-Built Rentals. These changes are providing a solid foundation to address Ontario's housing supply crisis over the long term and will be supplemented by continued action in the future.

Our government has also introduced the More Homes Built Faster Act, 2022, and is seeking feedback on the changes proposed under the legislation and associated regulations. Additionally, various housing and land use policy reviews – including a housing-focused policy review of A Place to Grow and the Provincial Policy Statement, with a theme of supporting rural and northern housing – are being undertaken to identify and remove barriers to getting more homes built. These and other related consultations can be found through the [Environmental Registry of Ontario and the Ontario Regulatory Registry](#).

We encourage you share this information with senior staff in the municipality and to inform the newly elected head of council and council members. Our government is building a strong foundation for action that will continue to ensure Ontario is a prosperous and growing province – and the best place in the world to call home. We look forward to continued collaboration with our municipal partners to get more homes built faster.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister

- c. The Honourable Michael Parsa, Associate Minister of Housing
Kate Manson-Smith, Deputy Minister
Ryan Amato, Chief of Staff, Minister's Office
Joshua Paul, Assistant Deputy Minister, Housing Division
Municipal Chief Administrative Officers

**Summary of Bill 23, More Homes Built Faster Act, 2022
Changes to Development Charges Act and Planning Act**

Development Charges Act, 1997

Area (ERO# 019-6172)	Summary of Changes
Duration of Development Charges (DC) by-law	Maximum by-law term is extended from 5 to 10 years.
Mandatory phase-in of new DC by-law rates	New DC by-law rates, resultant from a by-law update/amendment, phased in over first 5 years; no more than 80% in year 1 to 100% by years 5 and onwards. Applies retroactively to by-laws passed on, or after, June 1, 2022 and for subsequent by-laws.
<p>New DC exemptions or partial exemptions/discounts</p> <p>Proposed definitions:</p> <p>*Average market rent - the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin", as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing</p> <p>**Average purchase price - the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin", published by the Minister of Municipal Affairs and Housing</p>	<p>1. Affordable housing (full exemption)</p> <p><i>Rental</i> - rent is no greater than 80% of the average market rent*. Tenant is at arm's length to landlord.</p> <p><i>Ownership</i> - price of the residential unit is no greater than 80% of the average purchase price**; sold to a person who is dealing at arm's length. Requires agreements with the local municipality, which may be registered against the lands.</p> <p>2. Attainable housing (full exemption)</p> <p>Must meet the following criteria:</p> <ul style="list-style-type: none"> • Unit is not an affordable unit • Not intended for use as a rental • Developed as part of a <u>prescribed development or class of developments</u> • Sold to a person who is dealing at arm's length with the seller <p>Requires agreements with the local municipality, which may be registered against the lands.</p> <p>3. Not for profit housing (full exemption)</p> <p>Means a corporation to which the Not-for-Profit Corporations Act, 2010 applies; a corporation without share capital to which the Canada Not-for-profit Corporations Act applies; a non-profit housing co-operative.</p> <p>4. Inclusionary zoning units (full exemption)</p> <p>Residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the Planning Act to give effect to the</p>

	<p>policies described in subsection 16 (4) (Inclusionary zoning policies).</p> <p>5. Rental housing (discount/partial exemption)</p> <p>Rental means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises. Discounts are as follows:</p> <ul style="list-style-type: none"> • 3 bedrooms or more – 25% discount • 2 bedrooms – 20 % discount • Any other – 15% discount
Exemptions for second suites in existing and new buildings (including additional units in rental buildings, limited to the greater of 1 or 1% of existing units)	Moves from regulations to legislation with minor changes.
Removal of service - Housing	Municipalities are no longer able to collect development charges for Housing Services, as at Royal Assent.
Removal of DC-eligible costs – studies and land	<p>Growth studies, including other studies, no longer eligible for subsequent by-laws.</p> <p>Costs to acquire land or an interest in land, including a leasehold interest <u>except in relation to such services as are prescribed for the purposes of this paragraph</u> (underlined is new).</p>
<p>Interest rate changes on frozen DCs/installment payments</p> <p>Proposed Definition:</p> <p>* Average prime rate, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada.</p>	Capped at average Prime plus 1%.
Historic average service level timeframe	Extended from 10 years to 15 years.

Allocation of monies in reserve fund	Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60% of the monies that are in a reserve fund for services at the beginning of the year. Applies to water, wastewater and roads. Additional services to which this change applies may be prescribed.
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Planning Act

Area (ERO# 019-6163)	Summary of Proposed Changes
Additional Residential Units	<p>Allow up to three units per lot (i.e., up to three units in the primary building, or up to two in primary building and one in ancillary building or structure). These changes would apply to any parcel of urban residential land in settlement areas with full municipal water and sewage services.</p> <p>Prohibit municipalities from imposing development charges (regardless of unit size), parkland dedication or cash-in-lieu requirements, applying minimum unit sizes or requiring more than one parking space per unit with regard to new units built under this permission.</p>
Planning Appeals	Limit third-party appeals. Appeals would only be maintained for key participants (e.g., applicants, province, public bodies, First Nations, and utility providers that participated in the process) except where appeals have already been restricted (e.g., Minister's decision on new official plan).
Upper-tier and Lower-tier Municipal Planning Responsibilities	<p>Remove planning responsibilities in the County of Simcoe, and the Regional Municipalities of Halton, Peel, York, Durham, Niagara and Waterloo.</p> <p>Regulation-making authority to prescribe additional upper-tier municipalities as an "upper-tier municipality without planning responsibilities" in the future if needed.</p> <p>Where upper-tier planning responsibilities are removed:</p> <ul style="list-style-type: none"> • Existing upper-tier official plans would be deemed to form part of the applicable lower-tier municipality's official plan, until the lower-tier official plan has been updated • Lower-tier official plans and amendments would be approved by the Minister of Municipal Affairs and Housing (Minister's decision on new official plans and section 26 updates would not be appealable) • The upper-tier municipality would not be able to appeal land use planning decisions

Area (ERO# 019-6163)	Summary of Proposed Changes
	<ul style="list-style-type: none"> • The approval authority for subdivisions and consents would be assigned to lower-tier municipalities, unless the Minister provides otherwise through regulation <p>The proposed changes would also have the effect of removing the following upper-tier municipal roles and requirements for an “upper-tier municipality without planning responsibilities”:</p> <ul style="list-style-type: none"> • Requirement to have planning advisory committees • Ability to have land division committees • Ability to have a local appeal body • Ability to assume any authority, responsibility, duty or function of a lower-tier municipality • Ability to use the protected major transit station area tool. <p>As a result of the proposed changes, the following provisions would no longer be applicable in an “upper-tier municipality without planning responsibilities”:</p> <ul style="list-style-type: none"> • Allowing the Minister to delegate approval authority for official plans/amendments to/from upper-tier municipalities, and provisions for upper-tier municipalities to delegate to/from upper-tier municipal staff/committees or lower-tier municipalities • Requiring lower-tier official plans to conform with upper-tier official plans • Limits on appeals of official plans/amendments that are only relevant to upper-tier municipalities • Requiring lower-tier official plan policies for a community planning permit system (CPPS) to conform with the upper-tier municipality’s CPPS policies.
Role of Conservation Authorities	<p>Streamlined processes to sever and dispose of land. Expedite the existing processes associated with the severance and conveyance of land, regardless of whether provincial grant money was provided under the Conservation Authorities Act, for the purposes of projects related to flood control, erosion control, bank stabilization shoreline management works or the preservation of environmentally sensitive lands.</p> <p>Limit conservation authority appeals, when acting as a public body, other than when acting as an applicant, of land use planning decisions under the Planning Act to matters related to natural hazards policies in provincial policy statements issued under the Planning Act.</p>
Zoning Around Transit	Require municipalities to amend their zoning by-laws to conform with official plan policies that establish minimum densities and heights around transit Major Transit Station Areas (MTSA) and

Area (ERO# 019-6163)	Summary of Proposed Changes
	<p>Protected MTSAs within one year of the official plan policies being approved by the Minister.</p> <p>Restriction on appeals of the implementing zoning by-law amendments regarding permitted heights and densities and permitted uses would expire after one year of the protected major transit station official plan policies coming into effect.</p>
Community Benefit Charges (CBC)	<p>The maximum CBC payable could not exceed the prescribed percentage of the value of the land (maximum CBC of 4% of land value) multiplied by a ratio of the floor area of the new building or structure that is proposed to be erected as part of the development or redevelopment to all buildings and structures on the site.</p> <p>Maximum CBC payable (4% of land value) for a development or redevelopment to be discounted based on the floor area of affordable housing units, attainable housing units and inclusionary zoning affordable housing units as a proportion of the floor area of the total development.</p>
Site Plan Control	<p>Remove all aspects of site plan control for residential development proposals up to 10 units, except for land lease communities. The proposed changes would also limit the scope of site plan control by removing the ability to regulate architectural details and limiting the ability to regulate aesthetic aspects of landscape design.</p>
Parkland Dedication	<p>Affordable and attainable housing units as well as affordable housing units required by inclusionary zoning exempt from parkland dedication requirements. The maximum 5% basic rate for residential development would be discounted based on number of these units relative to total units in the development. These units would also not be included for the purposes of determining the maximum alternative rate. Not-for-profit housing developments would also be exempt from parkland dedication requirements.</p> <p>A second, or second and third residential unit in a detached-house, semi-detached house or rowhouse would be exempt from parkland dedication requirements, as would one residential unit in an ancillary structure.</p> <p>Require parkland dedication rates to be determined at time of zoning/site plan application.</p> <p>The maximum alternative parkland dedication rate for land conveyed of 1 hectare for each 300 dwelling units would be</p>

Area (ERO# 019-6163)	Summary of Proposed Changes
	<p>changed to 1 hectare for each 600 net residential units and for payments in lieu, the current rate of 1 hectare for each 500 dwelling units would be changed to 1 hectare for each 1000 net residential units.</p> <p>No more than 15% of the amount of land subject to the development proposal (or equivalent value) could be required for parks or other recreational purposes for sites greater than 5 hectares and no more than 10% for sites 5 hectares or less.</p> <p>Require municipalities to develop a 'parks plan' before passing a parkland dedication by-law instead of developing such a plan before adopting the official plan policies required to be able to use the alternative parkland requirement.</p> <p>Beginning in 2023, the proposed changes would require municipalities to allocate or spend at least 60% of their parkland dedication reserve balance at the start of each year.</p>

New Act: Supporting Growth and Housing in York and Durham Regions Act, 2022

Area (ERO# 019-6192)	Summary of Proposed Changes
General	Mandate the planning, development and construction of two wastewater projects. Both exempt from the Environmental Assessment Act, however environmental impact reports must be prepared. The Act creates a mandatory consultation process for Indigenous communities.
York Region Sewage Works Project	Expand the existing York Durham Sewage System to accommodate growth to 2051. Revokes instruments for the Upper York Sewage Systems Solution and terminates that Environmental Assessment application.
Lake Simcoe Phosphorus Removal Project	One or more prescribed municipalities to develop, construct and operate a new treatment facility that will remove phosphorus from drainage water that flows from the Holland Marsh to Lake Simcoe.

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**Summary of Bill 23, More Homes Built Faster Act, 2022
New Act and Changes to Other Acts**

Conservation Authorities Act

Area (ERO# 019-2927 and ERO# 019-6141)	Summary of Proposed Changes
Proposed Regulation	Repeal the 36 individual regulations under the Conservation Authorities Act, a single regulation is proposed for all 36 Authorities in the province.
Identify Lands for Housing	Require a land inventory to identify conservation authority-owned or controlled lands that could support housing development. Disposition (sales, easements, leases) of conservation authority owned land will be streamlined to facilitate development of these lands.
Limitation on commenting	Prevents a review or commenting role for a wide array of legislation, which cannot be included under an agreement with a municipality.
Community Infrastructure and Housing Accelerator	Require conservation authorities to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order and allow the Minister to review and amend any conditions attached to those permits to expedite zoning changes.
Minister's Zoning Order conditions	Gives authority to the Minister to prescribe conditions on a permit issued by a conservation authority where there is a Minister's Zoning Order, and to also prescribe limits on what conditions a conservation authority may include.
Permit Exemptions	Exempt development authorized under the Planning Act from requiring a permit under the Conservation Authorities Act in municipalities set out in regulation, where certain conditions are met as set out in regulation.
Permit Decisions	"Pollution" and "conservation of land" no longer considered in development permit decisions.
Appeal Timeframe	Change the timeframe in which a permit applicant can appeal to the Ontario Land Tribunal if a CA does not issue a permit from 120 days to 90 days.
Review of development related proposals and applications	Scope conservation authorities' review and commenting role with respect to development applications and land use planning policies under prescribed Acts to matters within their core mandate (primarily flooding and erosion).
Fee freeze	Conservation Authority fees will be frozen at current levels.

Municipal Act, 2001

Area	Summary of Proposed Changes
Residential Rental Properties	Establishes authority for the Minister of Municipal Affairs and Housing to make regulations imposing limits and conditions on the powers of a municipality to prohibit and regulate the demolition and conversion of residential rental properties.

Ontario Land Tribunal Act

Area (Proposal #22-MAG011)	Summary of Proposed Changes
Dismissal of Proceedings	The Tribunal may dismiss a proceeding without a hearing if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding or if that a party has failed to comply with an order of the Tribunal in the proceeding.
Costs	Gives the Tribunal the power to order an unsuccessful party to pay a successful party's costs, intended to encourage parties to reach an agreement without going through the Tribunal.
Regulation-Making Authority	<p>Provides new authority for the Lieutenant Governor in Council to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings, such as cases that create the most housing, for example.</p> <p>The Minister will have power to make regulations setting service standards with respect to timing of hearings and decisions for specific case resolution activities.</p>

Ontario Heritage Act

Area (ERO# 019-6196)	Summary of Proposed Changes
Heritage property designation	<p>Permits the Minister of Citizenship and Multiculturalism to review, confirm and revise, the determination of a property.</p> <p>Implements higher standards to require a property to meet two or more criteria. Listed properties would need to meet one of the criteria. Municipalities to review existing registers and decide if properties should be designated. Limit non-designated properties from being on the register indefinitely. Certain properties may be exempt from heritage standards and guidelines if it advances provincial priorities of transit, housing, health and long-term care or other priorities.</p> <p>If a non-designated property listed is not designated within 2 years, it is removed from the list. The property cannot be included on the list for another 5 years.</p>
Heritage Conservation Districts	Heritage Conservation District Plans can be amended or repealed, and a regulatory authority would prescribe this process. A statement must be provided explaining the cultural heritage value or interest and how the Heritage Conservation District meets two or more of the criteria.

New Home Construction Licensing Act, 2017

Area (Proposal # 22-MGCS021)	Summary of Proposed Changes
Minister's powers	Minister's powers increased (use of funds, penalties, etc.) and may be exercised by order instead of by regulation.

Administrative Monetary Penalty (AMP) and regulation	<p>Increase the maximum allowable amount for an Administrative Monetary Penalty (AMP) from \$25,000 to \$50,000</p> <p>Increase the maximum fines that a court may impose after a person or entity has previously been convicted of an offence - specifically, a maximum fine of \$100,000 for a subsequent conviction in the case of an individual, and a maximum fine of \$500,000 for a subsequent conviction in the case of a person or entity that is not an individual.</p> <p>Allow for AMPs to be imposed retroactively to contraventions that occurred on or after April 14, 2022;</p> <p>Enable the Home Construction Regulatory Authority (HCRA) to use the proceeds of AMPs and fines to provide funds to adversely impacted consumers and make a related regulation requiring the HCRA to establish, maintain and comply with a policy to this effect.</p>
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Ontario Underground Infrastructure Notification System Act, 2012

Area (Proposal # 22-MGCS022)	Summary of Proposed Changes
Administrative	Minister authority to appoint Chair and Administrator, greater role in conflict resolution, and provide regulation making authority to Lieutenant Governor in Council.

Additional Proposed Changes

Area	Summary of Proposed Changes
Municipal Housing Targets and Housing Pledge (ERO# 019-6171)	<p>Assignment of municipal housing targets to 29 selected lower- and single-tier municipalities over the next 10 years</p> <p>Four municipalities in York Region have housing targets:</p> <ul style="list-style-type: none"> o City of Markham: 44,000 o City of Vaughan: 42,000 o City of Richmond Hill: 27,000 o Town of Newmarket: 12,000 <p>Direct municipalities to create a 'housing pledge' to implement housing targets which outlines actions municipalities will take to meet targets, and a 'vehicle' for identifying policy proposals to increase housing and infrastructure needs. Pledges are due March 1, 2023 with reporting towards the target annually.</p>
Review of A Place to Grow and Provincial Policy Statement (ERO# 019-6177)	Proposal to integrate the PPS and A Place to Grow into a single new province-wide plan

Revocation of the Parkway Belt West Plan (ERO# 019-6167)	Proposal is to revoke the Parkway Belt West Plan created in 1978 to potentially increase housing supply
Proposed Building Code changes (Proposal # 22-MMAH016 , Proposal # 22-MMAH019 , ERO# 019-6211)	A number of changes are proposed including, but not limited to, better alignment with National Building Code, Fire Management, accessibility and providing greater clarity.
Rent-to-Own Arrangements (Proposal # 22-MMAH018)	<p>Explore 'rent-to-own' home financing model in supporting housing attainability in the province. Potential to engage in a rent to own arrangement with two contracts:</p> <ul style="list-style-type: none"> • Rental agreement • Rent to own agreement <p>The province is seeking feedback on the viability, barriers and issues for renters on the rent to own model, as well as the provincial role to facilitate these agreements.</p>
Proposed Updates to the Ontario Wetland Evaluation System (ERO# 019-6160)	Proposed changes to content in the Ontario Wetland Evaluation System (OWES) manuals including new guidance and moving approval to the professional opinion of wetland evaluators and local decision makers including municipalities. Removal of species at risk and wetland grouping criteria in determining a wetland's significance.
Conserving Ontario's Natural Heritage (ERO # 019-6161)	<p>A discussion paper seeks feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat.</p> <p>The Ministry of Natural Resources and Forestry is considering developing an offset policy that would require a net positive impact on these features and help reverse the decades-long trend of natural heritage loss in Ontario.</p>
Inclusionary Zoning (ERO #019-6173)	<p>Proposed changes to inclusionary zoning rules would standardize the following across the province:</p> <ul style="list-style-type: none"> • Set a maximum affordability period of 25 years • Limit the number of affordable units to 5% of the total number of units or 5% of the total gross floor area of the total residential units, not including common areas • Set affordability at 80% of the average resale price of ownership units or 80% of the average market rent for rental units

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Ontario's New Housing Supply Action Plan: Some Troubling Features



NEWS PROVIDED BY
Association of Municipalities of Ontario



Oct 25, 2022, 17:51 ET

TORONTO, Oct. 25, 2022 /CNW/ - The Government of Ontario today introduced the next phase of its Housing Supply Action Plan: the proposed *More Homes Built Faster Act, 2022*. The Plan includes a broad array of legislative and regulatory changes related to land use planning, property taxes, building code, heritage, conservation, and the infrastructure financing framework that supports growth.

"Municipalities will welcome some of the proposed changes, and will be very concerned about others, such as changes to the Development Charges Act," said AMO President Colin Best. "We will work with the government on the ideas that have the potential to make housing more affordable, and we will oppose changes that undermine good economic and environmental policy."

Proposed changes include discounting and, in some cases, eliminating development charges and related developer obligations. When communities grow, infrastructure and public services must be scaled up to meet new demands. The new legislation would shift some of those costs from developers to current property taxpayers.

The Ontario government has signaled it may offset some of the financial impacts for municipalities. However, shifting growth costs from developers to taxpayers represents a fundamental change from the principle that growth should pay for growth, and that current homeowners and renters should not be required to subsidize new development. There are no mechanisms to ensure that developers will pass on cost savings to consumers in need of more affordable housing options.

For years, municipalities have been sounding the alarm about housing affordability and homelessness. Municipal governments deliver many of the front-line services that respond to these complicated and difficult challenges. Municipalities are committed to doing what they can to make housing more affordable, and to support economic growth.

Ontario had 100,000 housing starts in 2021, the highest in 30 years. However, some municipalities have seen a sharp decline in permit applications in 2022, due to factors such as higher interest rates and labour shortages.

AMO is the collective voice of Ontario's municipal sector advocating for good public policy that supports strong, sustainable, and prosperous communities. AMO's member municipal councils govern and provide key services to about one in three Canadians.

Follow AMO on Twitter, @AMOPolicy

SOURCE Association of Municipalities of Ontario

For further information: Brian Lambie, AMO Media Contact, 416-729-5425, lambie@redbrick.ca

ATTACHMENT 5

Summary of Bill 23, More Homes Built Faster Act, 2022 Changes to Development Charges Act and Planning Act

The new Supporting Growth and Housing in York and Durham Regions Act, 2022 is the subject of a separate report.

There are a number of proposed legislative changes with no Regional implications and that not summarized below, including:

- Ontario Heritage Act ([ERO# 019-6196](#))
- New Home Construction Licensing Act, 2017 ([Proposal # 22-MGCS021](#))
- Ontario Underground Infrastructure Notification System Act, 2012 ([Proposal # 22-MGCS022](#))
- Proposed Building Code changes ([Proposal # 22-MMAH016](#), [Proposal # 22-MMAH019](#), [ERO# 019-6211](#))

Development Charges Act, 1997

(ERO# 019-6172)	Summary of Changes	Regional Implications	Preliminary Comments
Duration of Development Charges (DC) by-law	<ul style="list-style-type: none"> • Maximum by-law term is extended from 5 to 10 years. 	<ul style="list-style-type: none"> • No immediate financial implications as current development charges bylaw has a prescribed expiry of June 16, 2027 	<ul style="list-style-type: none"> • While the change provides municipalities with the potential to have a bylaw for up to 10 years when taken together with proposed new phase-in rules, municipalities will need to assess whether they should update the bylaw prior to the 10-year expiration to maximize cost recovery

ATTACHMENT 5

<u>(ERO# 019-6172)</u>	Summary of Changes	Regional Implications	Preliminary Comments
<p>Mandatory phase-in of new DC by-law rates</p>	<ul style="list-style-type: none"> New DC by-law rates, resultant from a by-law update/amendment, phased in over first 5 years; no more than 80% in year 1 to 100% by years 5 and onwards. Applies retroactively to by-laws passed on, or after, June 1, 2022 and for subsequent by-laws. 	<ul style="list-style-type: none"> No immediate financial implications as York Region's 2022 DC Bylaw was passed on May 26, 2022 	<ul style="list-style-type: none"> Disincentivizes municipalities to update DC Bylaws earlier than the maximum 10-year term because of the phase-in provisions that prohibit full DC rate recovery in the first four years of a new bylaw Subject to section 5(6)3 of the Act, any shortfall from phasing in of DC rates may need to be made up from tax levy or user rates Any reduction in DC cost recovery could limit the Region's ability to deliver on its growth-related capital plan which could potentially slow housing construction
<p>New DC exemptions or partial exemptions/discounts</p> <p>Proposed definitions: *Average market rent - the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the 'Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin',</p>	<p>1. Affordable housing (full exemption) <i>Rental</i> - rent is no greater than 80% of the average market rent*. <i>Tenant</i> is at arm's length to landlord. <i>Ownership</i> - price of the residential unit is no greater than 80% of the average purchase price**; sold to a person who is dealing at arm's length. Requires agreements with</p>	<ul style="list-style-type: none"> Immediate financial implications are unknown and subject to future take-up 	<ul style="list-style-type: none"> The Region currently has a number of DC deferral programs that support affordable, rental and non-profit housing, which do not need to be funded from the tax levy or user rates Subject to section 5(6)3 of the Act, any shortfall from DC exemptions or discounts may need to be made up from tax levy or user rates

ATTACHMENT 5

Summary of Changes	Regional Implications	Preliminary Comments
<p>(ERO# 019-6172)</p> <p>as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing</p> <p>**Average purchase price - the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin", published by the Minister of Municipal Affairs and Housing</p>	<p>the local municipality, which may be registered against the lands.</p> <p>2. Attainable housing (full exemption) Must meet the following criteria:</p> <ul style="list-style-type: none"> ▪ Unit is not an affordable unit ▪ Not intended for use as a rental ▪ Developed as part of a <u>prescribed development or class of developments</u> ▪ Sold to a person who is dealing at arm's length with the seller <p>Requires agreements with the local municipality, which may be registered against the lands.</p> <p>3. Not for profit housing (full exemption) Means a corporation to which the Not-for-Profit Corporations Act, 2010 applies; a corporation without share capital to which the Canada Not-for-profit Corporations Act applies; a non-profit housing co-operative.</p> <p>4. Inclusionary zoning units (full exemption)</p>	<ul style="list-style-type: none"> • Any reduction in DC cost recovery could limit the Region's ability to deliver on its growth-related capital plan which could potentially slow housing construction • 80% of the average purchase price of a home in York Region is ~\$1.03M (2021), which based on the proposed definition, could be deemed as affordable. This is a significantly higher threshold than municipalities are using to define affordability. As reported in the 2021 Measuring and Monitoring Report, households at the 60th percentile (who make 132k) can only afford a home worth 536K • Additional clarification will be needed from the Province to determine what qualifies as 'attainable' housing

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	Summary of Changes	Regional Implications	Preliminary Comments
<p>(ERO# 019-6172)</p>	<p>Residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the Planning Act to give effect to the policies described in subsection 16 (4) (Inclusionary zoning policies).</p> <p>5. Rental housing (discount/partial exemption)</p> <p>Rental means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises. Discounts are as follows:</p> <ul style="list-style-type: none"> ▪ 3 bedrooms or more – 25% discount ▪ 2 bedrooms – 20 % discount ▪ Any other – 15% discount <ul style="list-style-type: none"> • Moves from regulations to legislation with minor changes. 	<ul style="list-style-type: none"> • Immediate financial implications are unknown and subject to future take-up 	<ul style="list-style-type: none"> • In 2021, the Region saw 139 registered second suites (which were exempt from DCs). Given the proposed changes, the number of secondary/additional suites could increase • Subject to section 5(6)3 of the Act, any shortfall from DC exemptions may need to be
<p>Exemptions for second suites in existing and new buildings (including additional units in rental buildings, limited to the greater of 1 or 1% of existing units)</p>			

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	Summary of Changes	Regional Implications	Preliminary Comments
(ERO# 019-6172)			<p>made up from tax levy or user rates</p> <ul style="list-style-type: none"> Any reduction in DC cost recovery could limit the Region's ability to deliver on its growth-related capital plan which could potentially slow housing construction
Removal of service - Housing	<ul style="list-style-type: none"> Municipalities are no longer able to collect development charges for Housing Services, as at Royal Assent. 	<ul style="list-style-type: none"> Immediate financial implications as Housing Services are deemed to be removed from the Region's DC Bylaw 	<ul style="list-style-type: none"> The Region's 2022 DC Background Study and Bylaw helps fund \$181 million in DC-eligible costs for the construction of over 2,700 new community housing units over the next 20 years To maintain the current capital program, any growth-related capital costs not recovered through development charges may need to be made up from the tax levy and water & wastewater user rates
Removal of DC-eligible costs – studies and land	<ul style="list-style-type: none"> Growth studies, including other studies, no longer eligible for subsequent by-laws. Costs to acquire land or an interest in land, including a leasehold interest <u>except in relation to such services as are prescribed for the purposes of</u> 	<ul style="list-style-type: none"> No immediate financial implications as this change would not take effect until the Region's next development charges update 	<ul style="list-style-type: none"> The Region's 2022 DC Background Study and Bylaw helps fund over \$200 million in growth-related plans and studies over the next 20 years Additional clarification will be needed from the Province to determine if Environmental Assessments and Infrastructure

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	Summary of Changes	Regional Implications	Preliminary Comments
(ERO# 019-6172)	<p><u>this paragraph</u> (underlined is new – services to be prescribed).</p>		<p>Master Plans remain eligible for DC recovery</p> <ul style="list-style-type: none"> • Additional clarification will be needed from the Province to determine the services that will not be eligible for land cost recovery through development charges • Any costs associated with growth studies and the acquisition of land, that are not recovered through DCs, may need to be made up from tax levy or water and wastewater user rates
Interest rate changes on frozen DCs/installment payments	<ul style="list-style-type: none"> • Capped at a maximum, average Prime plus 1% <p>Proposed Definition: * Average prime rate, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada.</p>	<ul style="list-style-type: none"> • No immediate financial implications as the Region's current rate is 5%, which is below the prescribed maximum rate 	<ul style="list-style-type: none"> • The Region will need to update its Interest Policy to reflect the change
Historic average service level timeframe	<ul style="list-style-type: none"> • Extended from 10 years to 15 years 	<ul style="list-style-type: none"> • No immediate financial implications as this change would not take effect until the Region's next DC Bylaw update 	<ul style="list-style-type: none"> • Increasing the timeframe for the historical service level used to calculate DCs, from 10 to 15 years, could potentially result in lower DC rates and delay DC collections

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	Summary of Changes	Regional Implications	Preliminary Comments
(ERO# 019-6172)			<ul style="list-style-type: none"> • Could impact the following services: Public Health, Waste Diversion, Court Services, Public Works, Police Services, Ambulance Services and Long-Term Care
Allocation of monies in reserve fund	<ul style="list-style-type: none"> • Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60% of the monies that are in a reserve fund for services at the beginning of the year. Applies to water, wastewater and roads. Additional services to which this change applies may be prescribed. 	<ul style="list-style-type: none"> • Immediate implications, with respect to reporting under section 43 of the <i>Development Charges Act, 1997</i>, as this requirement takes effect as at Royal Assent and for 2023 • York Region currently complies with this requirement because of the amount of existing debt for services already prescribed in the Bill 	<ul style="list-style-type: none"> • If by the end of 2023, and for every year thereafter, the Region does not spend or allocate 60% of the monies in the Water, Wastewater and Roads reserves, the Region could be in non-conformity with this new section • Additional clarification is needed from the Province to determine what is meant by 'allocate' and the result of non-conformity

Planning Act

	Summary of Proposed Changes	Regional Implications	Preliminary Comments
(ERO# 019-6163) Additional Residential Units	<ul style="list-style-type: none"> • Allow up to three units per lot (i.e., up to three units in the primary building, or up to two in primary building and one in ancillary building or structure). These changes would apply to any parcel of urban residential land in settlement 	<ul style="list-style-type: none"> • Potential positive increase in rental supply and affordable housing • Potential to help increase transit ridership 	<ul style="list-style-type: none"> • Require monitoring and reporting of units and prior confirmation of water and wastewater servicing capacity

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	Summary of Proposed Changes	Regional Implications	Preliminary Comments
(ERO# 019-6163)	<p>areas with full municipal water and sewage services</p> <ul style="list-style-type: none"> Prohibit municipalities from imposing development charges (regardless of unit size), parkland dedication or cash-in-lieu requirements, applying minimum unit sizes or requiring more than one parking space per unit with regard to new units built under this permission 		
<p>Planning Appeals</p>	<ul style="list-style-type: none"> Limit third-party appeals. Appeals would only be maintained for key participants (e.g., applicants, province, public bodies, First Nations, and utility providers that participated in the process) except where appeals have already been restricted (e.g., Minister's decision on new official plan). The "upper-tier municipality without planning responsibilities" would not be able to appeal land use planning decisions Region's rights to appeal have been removed on local plans and amendments, zoning by-laws, subdivisions, consent and minor variance 	<ul style="list-style-type: none"> Reduced public appeal rights and participation in the planning process The Region is losing the right to seek party status on appeals of local plans and amendments and other planning instruments Appeals made by a third-party that the Region is currently involved in will be dismissed unless the third party falls within the list of "specified persons" or public bodies specified or the appeal has been scheduled for a hearing on the merits before Oct. 25, 2022 	<ul style="list-style-type: none"> Provide appeal mechanisms to address matters related to natural systems, Regional roads, human services and infrastructure delivery, including appeals to urban expansion where there is no Regional servicing infrastructure

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(ERO#_019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
<p>Upper-tier and Lower-tier Municipal Planning Responsibilities</p>	<ul style="list-style-type: none"> • Remove planning responsibilities in the County of Simcoe, and the Regional Municipalities of Halton, Peel, York, Durham, Niagara and Waterloo. • Regulation-making authority to prescribe additional upper-tier municipalities as an “upper-tier municipality without planning responsibilities” in the future if needed • Where upper-tier planning responsibilities are removed: <ul style="list-style-type: none"> ▪ Existing upper-tier official plans would be deemed to form part of the applicable lower-tier municipality’s official plan, until the lower-tier official plan has been updated ▪ Lower-tier official plans and amendments would be approved by the Minister of Municipal Affairs and Housing (Minister’s decision on new official plans and section 26 updates would not be appealable) ▪ The approval authority for subdivisions and consents would be assigned to lower-tier municipalities, unless the Minister provides otherwise through regulation 	<ul style="list-style-type: none"> • Planning for growth and servicing have been coordinated in manner to maintain fiscal sustainability at the Regional level. With the elimination of the upper-tier planning responsibilities, it is unclear how growth management and servicing will be addressed in this new model. The current process of planning and prioritizing Regional infrastructure and service delivery will need to continue. 	<ul style="list-style-type: none"> • Could result in unintended inefficiencies and delays in the planning review/ development approval process and subsequent delay of housing construction • Risk that Regional, cross-border, infrastructure, and comprehensive planning matters including but not limited to transportation, transit, water and wastewater services and financial sustainability may not be addressed. • A transition towards local-level decision-making needs to ensure that progress in coordinated, comprehensive planning and environmental protection is maintained • Planning and development of complete communities is coordinated at the Regional level to support health and quality of life. Collaborations between public health and planning will need to continue at the local municipal level to ensure plans and development

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(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
Removal of municipal Upper-tier roles	<ul style="list-style-type: none"> • The proposed changes would also have the effect of removing the following upper-tier municipal roles and requirements for an “upper-tier municipality without planning responsibilities”: <ul style="list-style-type: none"> ▪ Requirement to have planning advisory committees ▪ Ability to have land division committees ▪ Ability to have a local appeal body ▪ Ability to assume any authority, responsibility, duty or function of a lower-tier municipality ▪ Ability to use the protected major transit station area tool 	<ul style="list-style-type: none"> • The Region is no longer required to have the Planning Advisory Committee 	<p>applications have the appropriate review to support public health and a healthy built environment</p> <ul style="list-style-type: none"> • Risk that comprehensive policies in the Regional Official Plan will be removed or amended through local official plans resulting in an inconsistent policy approach • Regional governments play an essential role in planning, financing and delivering major infrastructure to support growth management in a coordinated manner • Local municipal Planning Advisory Committees may increase public participation and input into local planning matters • The Region can support local planning advisory committees on growth management, cross-boundary and infrastructure matters
Removal of municipal Upper-tier provisions	<ul style="list-style-type: none"> • As a result of the proposed changes, the following provisions would no longer be applicable in an “upper-tier 	<ul style="list-style-type: none"> • Region’s delegated approval authority from the Province removed for local official plans 	<ul style="list-style-type: none"> • Approximately 80% of local official plan amendments are

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(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
<p>Role of Conservation Authorities</p>	<p>municipality without planning responsibilities”:</p> <ul style="list-style-type: none"> ▪ Allowing the Minister to delegate approval authority for official plans/amendments to/from upper-tier municipalities, and provisions for upper-tier municipalities to delegate to/from upper-tier municipal staff/committees or lower-tier municipalities ▪ Requiring lower-tier official plans to conform with upper-tier official plans (Existing upper-tier official plans would be deemed to form part of the applicable lower-tier municipality’s official plan, until the lower-tier official plan has been updated) ▪ Limits on appeals of official plans/amendments that are only relevant to upper-tier municipalities ▪ Requiring lower-tier official plan policies for a community planning permit system (CPPS) to conform with the upper-tier municipality’s CPPS policies 	<p>and local official plan amendments (would now be the Minister of Municipal Affairs and Housing)</p> <ul style="list-style-type: none"> • York Region’s delegation authority removed for official plan amendment exemptions to local municipalities. 	<p>already exempt from Regional approval</p> <ul style="list-style-type: none"> • Minister’s approval of lower-tier municipal official plans may result in slower decision timeframes given the increased number of approvals and less familiarity with the upper-tier plans, which may result in the unintended delay of the approvals process and subsequent delay of housing construction
	<ul style="list-style-type: none"> • Streamlined processes to sever and dispose of land. Expedite the existing processes associated with the severance and conveyance of land, regardless of whether provincial grant money was provided under the Conservation Authorities Act, for the 	<ul style="list-style-type: none"> • Results in conservation authority land being sold for development, reducing greenspace available to the public and climate mitigation and adaptation implications including flooding due to 	<ul style="list-style-type: none"> • Conservation authority-owned lands should remain in public ownership and remain greenspace. • Any land identified that could support housing development

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(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>purposes of projects related to flood control, erosion control, bank stabilization shoreline management works or the preservation of environmentally sensitive lands</p> <ul style="list-style-type: none"> • Limit conservation authority appeals, when acting as a public body, other than when acting as an applicant, of land use planning decisions under the Planning Act to matters related to natural hazards policies in provincial policy statements issued under the Planning Act 	<p>increased impervious land use</p> <ul style="list-style-type: none"> • COVID-19 confirmed that urban greenspace is essential in higher density communities, and existing greenspace was inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility. • Sale of lands may result in development in areas outside settlement areas not contemplated within the land use planning context or for servicing under the water and transportation master plans. Increasing servicing needs in these areas is likely to add additional to already constrained infrastructure without the ability to add additional capacity in the near-term • Will likely reduce the Region's ability to meet its forest canopy and woodland cover targets, along with reductions in the Region's Vision goal to 	<p>should be appropriate for such purposes and have servicing, access to amenities and services, and be located outside of hazard lands and environmental features</p> <ul style="list-style-type: none"> • Any new housing should have criteria including affordability and density • Conservation authority sale of lands to unlock housing will also require servicing in areas not contemplated. Meeting servicing needs will require a concerted effort from multiple levels of government. Presently only wastewater conveyance has been streamlined, this will need to be extended to wastewater treatment, drinking water, and roads infrastructure.

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	Summary of Proposed Changes	Regional Implications	Preliminary Comments
(ERO# 019-6163)		increase greenspace per 100,000 residents	
Zoning Around Transit	<ul style="list-style-type: none"> Require municipalities to amend their zoning by-laws to conform with official plan policies that establish minimum densities and heights around transit Major Transit Station Areas (MTSA) and Protected MTSA's within one year of the official plan policies being approved by the Minister Restriction on appeals of the implementing zoning by-law amendments regarding permitted heights and densities and permitted uses would expire after one year of the protected major transit station official plan policies coming into effect 	<ul style="list-style-type: none"> Potential impact on ridership, best use of transit infrastructure if PMTSA densities can be appealed following 1 year of protection 	<ul style="list-style-type: none"> MTSA boundaries and densities should be afforded full in perpetuity protection from appeal
Community Benefit Charges (CBC)	<ul style="list-style-type: none"> The maximum CBC payable could not exceed the prescribed percentage of the value of the land (maximum CBC of 4% of land value) multiplied by a ratio of the floor area of the new building or structure that is proposed to be erected as part of the development or redevelopment to all buildings and structures on the site Maximum CBC payable (4% of land value) for development or redevelopment to be discounted based on the floor area of affordable housing 	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Local municipality's responsibility to administer

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<u>(ERO# 019-6163)</u>	Summary of Proposed Changes	Regional Implications	Preliminary Comments
<p>Site Plan Control</p>	<p>units, attainable housing units and inclusionary zoning affordable housing units as a proportion of the floor area of the total development</p> <ul style="list-style-type: none"> Remove all aspects of site plan control for residential development proposals up to 10 units, except for land lease communities The proposed changes would also limit the scope of site plan control by removing the ability to regulate architectural details and limiting the ability to regulate aesthetic aspects of landscape design 	<ul style="list-style-type: none"> Limiting scope of site plan control may have implications on the right-of-way, access control, tree planting, drainage, and high-quality urban design. 	<ul style="list-style-type: none"> Potential for the loss of sustainability measures obtained through site plan approval
<p>Parkland Dedication</p>	<ul style="list-style-type: none"> Affordable and attainable housing units as well as affordable housing units required by inclusionary zoning exempt from parkland dedication requirements. The maximum 5% basic rate for residential development would be discounted based on number of these units relative to total units in the development. These units would also not be included for the purposes of determining the maximum alternative rate. Not-for-profit housing developments would also be exempt from parkland dedication requirements A second, or second and third residential unit in a detached-house, 	<ul style="list-style-type: none"> Reduction of parkland dedication could result in reduced greenspaces and increased pressure on existing greenspaces, including Regional forests. Greenspaces play an important role in quality of life, recreation, and climate mitigation and adaptation, benefits that could be impacted by reduced greenspaces. COVID-19 confirmed that urban greenspace is essential in higher density communities, 	<ul style="list-style-type: none"> Reduction of parkland dedication may make it difficult for municipalities to provide enough greenspace to meet resident demands Recommend ensuring parkland dedication prioritizes accessible and equitable allocation of green spaces for all types of housing units, including affordable and attainable housing units, and in higher density communities.

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(ERO# 019-6163)	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>semi-detached house or rowhouse would be exempt from parkland dedication requirements, as would one residential unit in an ancillary structure</p> <ul style="list-style-type: none"> Require parkland dedication rates to be determined at time of zoning/site plan application The maximum alternative parkland dedication rate for land conveyed of 1 hectare for each 300 dwelling units would be changed to 1 hectare for each 600 net residential units and for payments in lieu, the current rate of 1 hectare for each 500 dwelling units would be changed to 1 hectare for each 1000 net residential units No more than 15% of the amount of land subject to the development proposal (or equivalent value) could be required for parks or other recreational purposes for sites greater than 5 hectares and no more than 10% for sites 5 hectares or less Require municipalities to develop a 'parks plan' before passing a parkland dedication by-law instead of developing such a plan before adopting the official 	<p>and existing greenspace was inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility.</p> <ul style="list-style-type: none"> May reduce development costs for Regional and non-profit community housing, consistent with Regional Council's resolution requesting local municipalities to exempt Housing York Inc. developments from local parkland fees. 	

<u>(ERO# 019-6163)</u>	Summary of Proposed Changes	Regional Implications	Preliminary Comments
	<p>plan policies required to be able to use the alternative parkland requirement</p> <ul style="list-style-type: none"> Beginning in 2023, the proposed changes would require municipalities to allocate or spend at least 60% of their parkland dedication reserve balance at the start of each year 		

Conservation Authorities Act

<u>(ERO# 019-2927 and ERO# 019-6141)</u>	Summary of Proposed Changes	Regional Implications	Preliminary Comments
Proposed Regulation	<ul style="list-style-type: none"> Repeal the 36 individual regulations under the Conservation Authorities Act, a single regulation is proposed for all 36 Authorities in the province. 	<ul style="list-style-type: none"> Minimal, additional powers will be provided for Lake Simcoe Region Conservation Authority to support the implementation of the Lake Simcoe Protection Plan 	
Identify Lands for Housing	<ul style="list-style-type: none"> Require a land inventory to identify conservation authority-owned or controlled lands that could support housing development. Disposition (sales, easements, leases) of conservation authority-owned land will be streamlined to facilitate development of these lands 	<ul style="list-style-type: none"> Results in conservation authority land being sold for development, reducing greenspace available to the public and climate mitigation and adaptation implications including flooding due to increased impervious land use COVID-19 confirmed that urban greenspace is essential in higher-density communities, and existing greenspace was 	<ul style="list-style-type: none"> Conservation authority-owned lands should remain in public ownership and remain greenspace Any land identified that could support housing development should be appropriate with servicing, access to amenities and services, and be located outside of hazard lands and environmental features

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Summary of Proposed Changes	Regional Implications	Preliminary Comments
<p>(ERO# 019-2927 and ERO# 019-6141)</p>	<p>inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility</p> <ul style="list-style-type: none"> • Will likely reduce the Region's ability to meet its forest canopy and woodland cover targets, along with reductions in the Region's Vision goal to increase greenspace per 100,000 residents • Sale of lands may result in development in areas outside settlement areas not contemplated within the land use planning context or for servicing under the water and transportation master plans. Increasing servicing needs in these areas is likely to add additional to already constrained infrastructure without the ability to add additional capacity in the near-term 	<ul style="list-style-type: none"> • Any new housing should have criteria including affordability and density • Conservation authority sale of lands to unlock housing will also require servicing in areas not contemplated. Meeting servicing needs will require a concerted effort from multiple levels of government. Presently only wastewater conveyance has been streamlined, this will need to be extended to wastewater treatment, drinking water, and roads infrastructure
<p>Limitation on commenting and review of development</p>	<ul style="list-style-type: none"> • Prevents a review or commenting role for a wide array of legislation, which cannot be included under an agreement with a municipality 	<ul style="list-style-type: none"> • Conservation authorities perform an important role in the planning process on behalf of municipalities, limiting their ability to provide this support

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	Summary of Proposed Changes	Regional Implications	Preliminary Comments
<p>(ERO# 019-2927 and ERO# 019-6141) related proposals and applications</p>		<p>Endangered Species Act, Environmental Assessment Act, Environmental Protection Act, and Planning Act</p> <ul style="list-style-type: none"> Region relies on conservation authority expertise to execute municipal duties under the legislation listed, including reviewing these applications from a water resource sustainability perspective 	<p>impacts the ability of a municipality to execute its duties. This could result in the unintended delay of approvals and subsequent delay of housing construction</p>
<p>Community Infrastructure and Housing Accelerator</p>	<ul style="list-style-type: none"> Require conservation authorities to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order and allow the Minister to review and amend any conditions attached to those permits to expedite zoning changes 	<ul style="list-style-type: none"> Given that conservation authorities' permitting authority is limited strictly to natural hazards, this infers a Community Infrastructure and Housing Accelerator order could occur in hazard lands such as floodplains, resulting in risk and insurance implications, and climate adaptation implications 	<ul style="list-style-type: none"> Conservation Authorities should not be compelled to approve permits for development within regulated areas unless appropriate to do so
<p>Minister's Zoning Order conditions</p>	<ul style="list-style-type: none"> Gives authority to the Minister to prescribe conditions on a permit issued by a conservation authority where there is a Minister's Zoning Order, and to also prescribe limits on what conditions a conservation authority may include 	<ul style="list-style-type: none"> Given that conservation authorities' permitting authority is limited strictly to natural hazards, this infers a development could occur in hazard lands such as floodplains, resulting in risk and 	<ul style="list-style-type: none"> Conservation Authorities should not be compelled to approve permits for development within regulated areas unless appropriate to do so

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	Summary of Proposed Changes	Regional Implications	Preliminary Comments
<p>(ERO# 019-2927 and ERO# 019-6141)</p>		<p>insurance implications, and climate adaptation implications</p>	
<p>Permit Exemptions</p>	<ul style="list-style-type: none"> Exempt development authorized under the Planning Act from requiring a permit under the Conservation Authorities Act in municipalities set out in regulation, where certain conditions are met as set out in regulation 	<ul style="list-style-type: none"> Limiting conservation authorities' permitting authority strictly to natural hazards reduces their ability to protect Regional watersheds 	<ul style="list-style-type: none"> Conservation Authorities should not be compelled to approve permits for development within regulated areas unless appropriate to do so
<p>Permit Decisions</p>	<ul style="list-style-type: none"> "Pollution" and "conservation of land" no longer considered in development permit decisions 	<ul style="list-style-type: none"> Changes to permitting limiting conservation authorities permitting powers to natural hazard lands reduces their ability to reject development that has pollution or land conservation impacts, presenting additional environmental and source water protection risks 	<ul style="list-style-type: none"> Watershed and natural systems protection, including conservation of land is essential to ensuring healthy complete communities and quality of life to York Region residents by providing access to natural open spaces
<p>Appeal Timeframe</p>	<ul style="list-style-type: none"> Change the timeframe in which a permit applicant can appeal to the Ontario Land Tribunal if a CA does not issue a permit from 120 days to 90 days Conservation Authority fees will be frozen at current levels 	<ul style="list-style-type: none"> No Regional implications 	
<p>Fee freeze</p>		<ul style="list-style-type: none"> No Regional implications 	<ul style="list-style-type: none"> Freezing fees may impact the ability to self-fund CA services putting additional pressure on municipal tax levy

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Municipal Act, 2001

Area	Summary of Proposed Changes	Regional Implications	Initial Comments
Residential Rental Properties	<ul style="list-style-type: none"> Establishes authority for the Minister of Municipal Affairs and Housing to make regulations imposing limits and conditions on the powers of a municipality to prohibit and regulate the demolition and conversion of residential rental properties 	<ul style="list-style-type: none"> This could reduce existing affordable housing stock in the Region due to demolition and conversion 	<ul style="list-style-type: none"> Reducing affordable rental housing stock contradicts the Provincial objective of providing more affordable rental housing

Ontario Land Tribunal Act

Area (Proposal #22-MAG011)	Summary of Proposed Changes	Regional Implications	Initial Comments
Dismissal of Proceedings	<ul style="list-style-type: none"> The Tribunal may dismiss a proceeding without a hearing if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding or if a party has failed to comply with an order of the Tribunal in the proceeding 	<ul style="list-style-type: none"> There may be some implications for appeals where the Region is already a party 	<ul style="list-style-type: none"> York Region supports these efforts to streamline appeals
Costs	<ul style="list-style-type: none"> Gives the Tribunal the power to order an unsuccessful party to pay a successful party's costs, intended to encourage parties to reach an agreement without going through the Tribunal 	<ul style="list-style-type: none"> There may be some implications for appeals which are transitioned, where the Region is already a party 	
Regulation-Making Authority	<ul style="list-style-type: none"> Provides new authority for the Lieutenant Governor in Council to make regulations requiring the Tribunal to prioritize the resolution of 	<ul style="list-style-type: none"> None 	

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	<p>specified classes of proceedings, such as cases that create the most housing, for example</p> <ul style="list-style-type: none"> The Minister will have power to make regulations setting service standards with respect to timing of hearings and decisions for specific case resolution activities 		
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Additional Proposed Changes

Area	Summary of Proposed Changes	Regional Implications	Initial Comments
<p>Municipal Housing Targets and Housing Pledge (ERO# 019-6171)</p>	<ul style="list-style-type: none"> Assignment of municipal housing targets to 29 selected lower- and single-tier municipalities over the next 10 years Four municipalities in York Region have housing targets: <ul style="list-style-type: none"> City of Markham: 44,000 City of Vaughan: 42,000 City of Richmond Hill: 27,000 Town of Newmarket: 12,000 Direct municipalities to create a 'housing pledge' to implement housing targets which outlines actions municipalities will take to meet targets, and a 'vehicle' for identifying policy proposals to increase housing and infrastructure 	<ul style="list-style-type: none"> Uncertainties regarding population forecasts in the Growth Plan and the Regional Official Plan, and achievability and enforceability of proposed targets Without housing affordability, mix and type requirements, housing may be unaffordable 	<ul style="list-style-type: none"> Need to ensure alignment of targets with infrastructure capacity and timing Ensure targets for different housing mix and types, and affordability Ensure targets align with the ability of the private market and the labour force to deliver The Region has started the Affordable Private Market Housing Implementation Plan to look at mechanisms for local municipalities to use to implement housing pledges

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	<p>needs. Pledges are due March 1, 2023 with reporting towards the target annually</p>		
<p>Review of A Place to Grow and Provincial Policy Statement (ERO# 019-6177)</p>	<ul style="list-style-type: none"> • Province seeking feedback on proposal to integrate the PPS and A Place to Grow into a single new province-wide plan, streamlining and providing greater flexibility in core elements including <ul style="list-style-type: none"> ▪ Residential Land Supply ▪ Attainable Housing Supply and Mix ▪ Growth Management ▪ Agriculture and Natural Heritage ▪ Community Infrastructure 	<ul style="list-style-type: none"> • Through the Municipal Comprehensive Review, the Region has integrated Growth Plan policies and targets into the Regional Official Plan to achieve conformity. • The York Region Official Plan provides 30 years of housing supply with comprehensive planning that integrates financial, infrastructure, and land use planning, ensuring a consistent approach to growth management for all nine local municipalities • No Regional implications 	<ul style="list-style-type: none"> • There are uncertainties regarding the relationship between merging the PPS and Growth Plan and increasing housing supply • Integration of Growth Plan and PPS may reduce certainty making it more difficult to manage growth and deliver infrastructure • Eliminating or watering down the Growth Plan would set comprehensive planning backward • The Region supports the proposal to revoke the Parkway Belt West Plan
<p>Revocation of the Parkway Belt West Plan (ERO# 019-6167) Rent-to-Own Arrangements (Proposal # 22-MMAH018)</p>	<ul style="list-style-type: none"> • Proposal to revoke the Parkway Belt West Plan to potentially increase housing supply • Explore 'rent-to-own' home financing model in supporting housing attainability in the province. Potential to engage in a rent-to-own arrangement with two contracts: <ul style="list-style-type: none"> ▪ Rental agreement ▪ Rent to own agreement • The province is seeking feedback on the viability, barriers and issues for renters on the rent to own model, as 	<ul style="list-style-type: none"> • No immediate Regional implications as any rent-to-own agreement would be between the developer and the homebuyer • Unclear if the Province is assuming a local role (i.e. for Service Managers) in administering a rent-to-own program 	<ul style="list-style-type: none"> • The Province should consider setting a legal framework for rent-to-own agreements which developers must follow when entering into agreements with households, to ensure consumer protections. • The Province should ensure alignment with any federal rent-to-own initiatives, as the Federal

ATTACHMENT 5

	<p>well as the provincial role to facilitate these agreements</p>		<p>government committed to supporting rent-to-own projects as part of the 2022 Budget.</p> <ul style="list-style-type: none"> • If the Province is assuming a role for municipalities (i.e. Service Managers) in the delivery of this program, administration funding must be provided and eligibility criteria should align with the priorities and needs within the service area.
<p>Proposed Updates to the Ontario Wetland Evaluation System (ERO# 019-6160)</p>	<ul style="list-style-type: none"> • Proposed changes to content in the Ontario Wetland Evaluation System (OWES) manuals including new guidance and moving approval to the professional opinion of wetland evaluators and local decision makers including municipalities. Removal of species at risk and wetland grouping criteria in determining a wetland's significance 	<ul style="list-style-type: none"> • When considered in the context of the broader changes proposed in Bill 23, changes to the evaluation system opens the possibility of development on wetlands and in floodplains. Such a change has the potential to reduce natural functions and groundwater recharge, while also presenting greater flooding risks 	<ul style="list-style-type: none"> • Any changes to the wetland evaluation system should continue to place strong emphasis on maintaining wetland complexes and species at risk habitat and ensuring that development is not permitted in areas where it would present a risk to homeowners
<p>Conserving Ontario's Natural Heritage (ERO # 019-6161)</p>	<ul style="list-style-type: none"> • A discussion paper seeks feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat • The Ministry of Natural Resources and Forestry is considering developing an offset policy that 	<ul style="list-style-type: none"> • This may result in natural heritage loss within the Region since there isn't a principle that requires the offsetting to happen locally 	<ul style="list-style-type: none"> • Any offsetting should result in a net gain in natural heritage features and functions within the local area

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<p>Inclusionary Zoning (ERO #019-6173)</p>	<p>would require a net positive impact on these features</p> <ul style="list-style-type: none"> • Proposed changes to inclusionary zoning (IZ) rules would standardize the following across the province: <ul style="list-style-type: none"> ▪ Set a maximum affordability period of 25 years ▪ Limit the number of affordable units to 5% of the total number of units or 5% of the total gross floor area of the total residential units, not including common areas ▪ Set affordability at 80% of the average resale price of ownership units or 80% of the average market rent for rental units 	<ul style="list-style-type: none"> • Under the current IZ framework, local municipalities have the ability to set affordability periods, unit set aside rates and affordable sales prices and rents to address local housing needs • The proposed changes would standardize IZ policies across municipalities that choose to implement it, and limit the ability of municipalities to secure more units with longer affordability periods at deeper levels of affordability 	<ul style="list-style-type: none"> • The Province is encouraged to continue to allow local flexibility to ensure IZ policies address local housing needs • Municipal incentives associated with providing IZ units should correspond to the financial value of the IZ units being provided, in terms of depth and length of affordability, and the number of units secured • Provincial regulations must include transition rules to ensure tenants occupying the unit at the end of the affordability period do not experience significant rent increases
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Edocs #14351773



GEORGINA

OFFICE OF THE MAYOR

November 24, 2022

Margaret Quirk, BAsC
MAYOR

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON, M7A 1A1
premier@ontario.ca

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
College Park 17th Floor, 777 Bay St,
Toronto, ON M7A 2J3
steve.clark@pc.ola.org

The Honourable Graydon Smith
Minister of Natural Resources and Forestry
Whitney Block, 99 Wellesley St W,
Toronto, ON M7A 1W3
minister.mnrf@ontario.ca

The Honourable David Piccini
Minister of Environment, Conservation and
Parks
College Park 5th Floor, 777 Bay Street
Toronto, ON M7A 2J3
david.piccinico@pc.ola.org

Dear Premier Ford, Minister Clark, Minister Smith and Minister Piccini:

Re: Corporation of the Town of Georgina Response – Proposed Bill 23, the More Homes Faster Act, 2022

On November 22, 2022, Georgina Council held a Special Council meeting to consider Bill 23 and related legislation under the Province of Ontario's Housing Supply Action Plan and passed Resolution No. C-2022-0354, a copy of which is attached hereto.

On behalf of the Council of the Town of Georgina I want to firstly express that we understand and appreciate the severity of the housing crisis and the desire to take bold steps to create more housing that is affordable and attainable for all Ontarians. In this regard, we commend the Province for the comprehensive review and assessment undertaken by the York Region Wastewater Advisory Panel leading to Schedule 10 to Bill 23 *Supporting Growth and Housing in York and Durham Regions Act, 2022* to expedite the expansion and extension of the York Durham Sewage System effectively replacing the Upper York Sewage Solution project. Council views this as a strong and positive commitment to ensuring the health and viability of Lake Simcoe and its watershed, while at the same time advancing much needed housing within our neighboring municipalities in northern York Region.

However, Council at the same time is very concerned about many aspects of Bill 23, and particularly the potentially significant financial impact to local municipalities in terms of lost development charge revenue and parkland which is vital to support new growth. Clearly, growth will not be paying for growth, and it is unacceptable that our existing residents would have to pay more taxes to make up for this lost revenue. As a result, I respectfully submit that the ability



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OFFICE OF THE MAYOR

Margaret Quirk, BAsC
MAYOR

of local and regional municipalities to provide the critical infrastructure and services required for new housing construction in a timely manner will be severely compromised, and thus meeting the housing targets will not be possible.

Council is also very concerned that proposed changes to the Conservation Authorities Act and related legislation removes conservations authorities from an active role in supporting efforts to sustain the health of watersheds and in the case of Lake Simcoe, is counterproductive to efforts in the *Supporting Growth and Housing in York and Durham Regions Act, 2022* replacing the Upper York Sewage Solution Project with a servicing solution directed to the York Durham Sewage System.

In closing, Council concurs with York Region Council and many others that the legislative program under the umbrella of the Ontario Housing Supply Action Plan must be paused in order to have a more in-depth consultation with municipalities and other stakeholders. This will ensure that the proposed changes do not result in unintended consequences that will slow down the delivery of housing, but instead will be effective in giving municipalities the decision making authority, tools and financial resources needed to deliver new housing as quickly as possible.

Sincerely,

Margaret Quirk,
Mayor, Town of Georgina

Attachments - November 22, 2022- Town of Georgina Council Resolution
- Region of York Report

cc.

MPP's – York Region Municipalities
Interim Leader, New Democratic Party of Ontario
Interim Leader, Liberal Party of Ontario
Leader, Green Party of Ontario
Clerk, All Ontario Municipalities
Lake Simcoe Watershed MPPs
Lake Simcoe Region Conservation Authority
Association of Municipalities of Ontario



Legislative Services
 Michael de Rond
 905-726-4771
 clerks@aurora.ca

Town of Aurora
 100 John West Way, Box 1000
 Aurora, ON L4G 6J1

November 23, 2022

The Honourable Doug Ford, Premier of Ontario
 Premier's Office, Room 281
 Legislative Building, Queen's Park
 Toronto, ON M7A 1A1

Delivered by email
premier@ontario.ca

Dear Premier:

Re: Town of Aurora Council Resolution of November 22, 2022; Re: Motion 7.1 – Mayor Mrakas – Modifications to York Region Official Plan

Please be advised that this matter was considered by Council at its meeting held on November 22, 2022, and in this regard, Council adopted the following resolution:

Whereas the Province on November 4, 2022, approved the York Region Official Plan with 80 modifications; and

Whereas these modifications to the Regional Official Plan have been made by the Minister including two in the Town of Aurora; and

Whereas these modifications have been made without consultation or support by the Town of Aurora; and

Whereas Section 4.2 is modified by adding a new policy subsection after policy 4.2.29, titled "Special Provisions", followed by new policies: "4.2.30 Special provisions for the lands known municipally as 1289 Wellington Street East in the City of Aurora (PIN 036425499). Notwithstanding any other policies in this Plan to the contrary, the minimum density target to be achieved is 330 units per hectare and minimum building height of 12 storeys.";

- 1. Now Therefore Be It Hereby Resolved That the Town of Aurora opposes the modification by the Minister of Municipal Affairs and Housing for the lands known municipally as 1289 Wellington Street East in the Town of Aurora (PIN 036425499); and**
- 2. Be It Further Resolved That the Town of Aurora requests the Minister to revoke special provision 4.2.30 to allow for the normal planning process to occur, as the Modification to the Regional Official Plan is contrary to the**

Town of Aurora Council Resolution of November 22, 2022
Modifications to York Region Official Plan
November 23, 2022

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planning applications (OPA and ZBA) currently before the OLT (case files: OLT-22-004187 and OLT-22-004188); and

- 3. Be It Further Resolved That a copy of this Motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honorable Sylvia Jones, Deputy Premier of Ontario, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, Peter Tabuns, Interim Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and**
- 4. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration; and**
- 5. Be It Further Resolved That a letter be submitted to The Honourable Doug Ford, Premier of Ontario, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, The Honourable Michael Parsa, Associate Minister of Housing and MPP Aurora—Oak Ridges—Richmond Hill, and Dawn Gallagher Murphy, MPP Newmarket—Aurora, expressing our disappointment with the lack of consultation and communication with the Town of Aurora and requesting that an explanation as to why this significant change was warranted be provided.**

The above is for your consideration and any attention deemed necessary.

Yours sincerely,



Michael de Rond

Town Clerk

The Corporation of the Town of Aurora

MdR/lb

Copy: Hon. Sylvia Jones, Deputy Premier of Ontario
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Peter Tabuns, Interim Leader, New Democratic Party
All Ontario Members of Provincial Parliament
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities



Legislative Services
 Michael de Rond
 905-726-4771
 clerks@aurora.ca

Town of Aurora
 100 John West Way, Box 1000
 Aurora, ON L4G 6J1

November 23, 2022

The Honourable Doug Ford, Premier of Ontario
 Premier's Office, Room 281
 Legislative Building, Queen's Park
 Toronto, ON M7A 1A1

Delivered by email
premier@ontario.ca

Dear Premier:

Re: Town of Aurora Council Resolution of November 22, 2022; Re: Motion 7.2 – Mayor Mrakas – Opposition to Bill 23, More Homes Built Faster Act, 2022

Please be advised that this matter was considered by Council at its meeting held on November 22, 2022, and in this regard, Council adopted the following resolution:

Whereas Bill 23, the More Homes Built Faster Act, omnibus legislation that received first reading in the provincial legislature on October 25, 2022, proposes changes to nine Acts. Many of these proposed changes are significant and will restrict how municipalities manage growth through implementation of the official plan and the ability to provide essential infrastructure and community services; and

Whereas the effect of Bill 23 is that the Conservation Authority will no longer be able to review and comment on development applications and supporting environmental studies on behalf of a municipality; and

Whereas Bill 23 proposes to freeze, remove, and reduce development charges, community benefits charges, and parkland dedication requirements; and

Whereas Bill 23 will remove all aspects of Site Plan Control of some residential development proposals up to 10 units. Changes would also remove the ability to regulate architectural details and aspects of landscape design;

- 1. Now Therefore Be It Hereby Resolved That the Town of Aurora oppose Bill 23, More Homes Built Faster Act, 2022, which in its current state will severely impact environmental protection, heritage preservation, public participation, loss of farmland, and a municipality's ability to provide future services, amenities, and infrastructure, and negatively impact residential tax rates; and**

Town of Aurora Council Resolution of November 22, 2022
 Opposition to Bill 23, More Homes Built Faster Act, 2022
 November 23, 2022

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2. **Be It Further Resolved That the Town of Aurora call upon the Government of Ontario to halt the legislative advancement of Bill 23, More Homes Built Faster Act, 2022 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision-making for housing growth that meets local needs will be reasonably achieved; and**
3. **Be It Further Resolved That a copy of this Motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Michael Parsa, Associate Minister of Housing, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, Peter Tabuns, Interim Leader of the New Democratic Party, local Members of Parliament Tony Van Bynen for Newmarket–Aurora and Leah Taylor Roy for Aurora–Oak Ridges–Richmond Hill, and all MPPs in the Province of Ontario; and**
4. **Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.**

The above is for your consideration and any attention deemed necessary.

Yours sincerely,



Michael de Rond
 Town Clerk
 The Corporation of the Town of Aurora

MdR/lb

Copy: Hon. Michael Parsa, Associate Minister of Housing
 Hon. Steve Clark, Minister of Municipal Affairs and Housing
 Peter Tabuns, Interim Leader, New Democratic Party
 Tony Van Bynen, MP Newmarket–Aurora
 Leah Taylor Roy, MP Aurora–Oak Ridges–Richmond Hill
 All Ontario Members of Provincial Parliament
 Association of Municipalities of Ontario (AMO)
 All Ontario Municipalities

City of Mississauga
Corporate Report



<p>Date: November 17, 2022</p> <p>To: Mayor and Members of Council</p>	<p>Originator's files: LA.07.BIL</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: November 23, 2022</p>

Subject

Bill 23 "More Homes Built Faster Act" and Implications for City of Mississauga

Recommendation

1. That Council endorse positions and recommendations contained and appended to the report titled "*Bill 23 'More Homes Built Faster' and Implications for City of Mississauga,*" and authorize staff to prepare additional detailed comments on Bill 23 and any associated regulations, as needed. In particular, the City be made whole for any revenue losses from changes to the imposition of development charges and parkland dedication.
2. That the Mayor or designate be authorized to make submissions to the Standing Committee with respect to issues raised in this report, or to otherwise provide written or verbal comments as part of the Ministry's public consultation process.
3. That the City Clerk forward this report to the Ministry of Municipal Affairs and Housing; Mississauga's Members' of Provincial Parliament, the Association for Municipalities Ontario, and the Region of Peel.

Executive Summary

- Recent amendments have been proposed to several pieces of legislation that form Bill 23 "*More Homes Built Faster Act, 2022*" (the Bill) that impact the imposition of development charges (DCs), parkland dedication, planning and appeals processes and the environment.
- Staff support the need to improve the diversity and affordability of housing. However, staff's assessment is that Bill 23 is overly focused on blanket fee reductions that would apply for market rate developments with no guarantee that savings will be passed on to renters and homebuyers.

- It is estimated that the Bill could cost the City up to \$815 to \$885M over the next ten years.¹ Without corresponding provincial grants, Mississauga would need to recover that revenue through the tax base or by reducing service levels.
- A key part of this shortfall is generated by DC reductions, changes to what is DC eligible and DC exemptions. Staff estimate that the shortfall could be up to \$325M over a ten-year period¹.
 - The Province has proposed arbitrary retroactive phase-ins to all of the City's DCs (including non-residential DCs). The way the Province has structured these reductions are punitive, apply to each municipality differently and will be challenging to administer.
 - What is eligible for DC collection would also change with the removal of "affordable housing" and "studies," and the potential to limit the service for which land acquisitions can be recovered through development charges.
 - City staff support some of the proposed DC exemptions (e.g. non-profits and second units), but the other contemplated exemptions could incent small, private condominium units, at the expense of more affordable units.
- The financial impacts are even more staggering when examining the proposed changes to parkland dedication. Staff estimate the City could lose \$490 to \$560M in ten years, making up more than 70% of this revenue stream.
 - For a standard development in the City (e.g. 500 unit tower on an acre), the City could go from collecting \$10M to \$1.7M in cash-in-lieu. It's noted land prices in Mississauga are close to \$20M per acre in many of its growth areas.
 - Moreover, the Bill would allow developers to choose where parkland is located on a site (e.g. they prefer to offer slivers of undevelopable land) and they would receive full parkland credits for Privately Owned Publicly Accessible Space (POPS). It is in condominium developers' financial interest to provide a privately owned park since it can allow for higher densities on the site (e.g. parking under the park). Condominium residents will be forced to maintain the asset indefinitely while the quality, access, and programming is typically inferior to a city-owned park.
- Some of the proposed changes could speed up the approvals process (e.g. gentle intensification and pre-zoning major transit station areas), and staff are supportive of these changes. However, others could undermine important planning considerations (e.g. not allowing architectural and landscape details to be considered at site plan could undermine quality of place. Furthermore, removing the City's ability to implement Green Development Standards could impact the creation of units that are more efficient and affordable to heat and operate).

¹ This assumes that the DC By-law would need to be updated upon its expiry in 2027 and that land is removed as a DC eligible cost for each City service, as part of that exercise.

- Given the provincial importance of creating more affordable housing, it is difficult to understand the policy rationale for reducing municipal tools to create new units.
 - According to the Region of Peel the proposed elimination of Housing from Regional DCs puts at risk over 930 affordable housing units in various stages of planning and development in Mississauga for low and moderate income households e.g. East Avenue, Brightwater – with a possible shortfall of \$200M.
 - Proposed revisions to inclusionary zoning (IZ) affordability thresholds will result in virtually no inclusionary zoning ownership units being affordable for low and middle income households.
 - It is estimated that the 5% of development IZ cap will result in a minimum of 40% less affordable units than was anticipated with current IZ provisions.
 - Moreover, the Province is consulting on potentially removing or scaling back rental protection-laws.
- The potential impacts on the environment are also significant, with proposed changes to the Conservation Authorities and the boundaries of the Greenbelt. These natural features are needed to help us adapt to a changing climate. The possibility of building on flood and hazard lands is concerning given increased storm events and potential liabilities.
- Given the broad potential impacts on the natural environment, community infrastructure, parks, transit, affordable housing and the quality of our urban environments; it is suggested the Province take the time to consult with a broader range of stakeholders to help refine this Bill and achieve a more balanced and strategic plan to create more housing.
- A summary of City staff's top requests to the Province are listed below:
 1. **It is estimated that the Bill could cost the City up to \$815 to \$885M over the next ten years.² It is requested that the Province make the City whole (e.g. provide offsetting grants) to cover any loss in revenue resulting from the legislative changes to DCs and CIL.**
 2. Remove non-residential DC discounts and restore City's ability to set its own DC rates.
 3. Not remove or limit eligibility of "costs to acquire land" for DC collection.
 4. Restore "affordable housing" and ability to fund "studies" as eligible for DC collection.
 5. Remove "attainable" housing from the proposed exemptions to DCs, CBCs and Parkland.

² This assumes that the DC By-law would need to be updated upon its expiry in 2027 and that land is removed as a DC eligible cost for each City service, as part of that exercise.

6. Develop mechanisms to ensure any publically funded discounts go directly to homebuyer.
7. Maintain the income-based definition of affordable housing as per the Provincial Policy Statement (PPS). If not, it is requested that the Province adapt the CMHC average existing market rent by bedroom for rental units and a 70% rate of average new unit price with separate values for unit size/bedrooms for ownership units.
8. Restore parkland rates, or at least remove the land value caps placed on rates.
9. Roll back ability for developers to determine park locations, or at least ensure parkland dedications are contiguous, link into the existing parkland network and have public street frontage and visibility.
10. Remove 100% credit for POPS, or at least roll it back to some lesser amount to disincentivize developers providing a POPS over a public park.
11. Increase Inclusionary Zoning set-aside rate cap to 10%.
12. Extend the affordability for “ownership” units to 99 years; this will have no impact on developers but will allow for more sustainable affordable housing supply.
13. Consider some type of incentive program to help capitalize infill projects in established neighbourhoods (e.g. a loan program that could help homeowners fund renovations to their homes to add second or third units).
14. Update Ontario Building Code to ensure singles and towns are built in a way that would support retrofitting for second units.
15. Restore urban design and landscape details at site plan stage.
16. Restore ability to consider sustainable design (e.g. use of Green Development Standards) at the site plan stage.
Maintain existing Ontario Land Tribunal (OLT) process where costs are rarely awarded.
17. Maintain the City’s ability to protect rental housing stock through its Rental Protection By-law.
18. Province could reconsider the benefits of the proposed heritage review process, as most likely it will slow down development.
19. Reconsider the benefits of limiting Conservation Authorities (CA) powers to comment on natural heritage, as the City will need to establish expertise and development process could be slowed down.
20. Maintain existing wetland protections, the benefits of developing on wetlands do not outweigh the potential environmental outcomes.
21. Not adopt a Provincial ecological off-setting policy. Technical ecological advice on offsetting should be provided in local context by the Conservation Authorities and the City, as appropriate.

Background

Bill 23 works to implement some actions contained in *Ontario's Housing Supply Action Plan*, with the goal of increasing housing supply in Ontario by building 1.5 million new homes by 2032.

On October 25, 2022, the Honourable Steve Clark, Minister of Municipal Affairs and Housing (the Minister) introduced the Bill to the legislature with sweeping changes to 10 Acts (including the *Planning Act*, *Municipal Act*, *Development Charges (DCs) Act*, *Ontario Heritage Act*, *Conservation Authorities Act*, *Ontario Land Tribunal (OLT) Act*) and the Ontario Building Code.

The Province has also proposed further consultation on a range of provincial plans, policies and regulations. This includes revoking the Parkway Belt West Plan, merging the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) with the PPS and changing the boundaries of the Greenbelt Plan. The Province has also committed to create working groups with municipalities to limit land speculation and examine rental protection by-laws.

Comment periods on the proposed changes (via 19 Environmental Registry of Ontario postings and 7 Ontario Regulatory Registry postings) close between November 24 and December 30, with the majority closing on November 24, 2022. City staff will continue to update and advise Council on the impacts of Bill 23 as it advances and when implementation details become available.

The purpose of this report is to: highlight to Council the major changes proposed in Bill 23; the potential impacts on the City; identify areas of support and areas that should be reconsidered by the Province and have Council endorse all comments contained and appended to this report. In anticipation of the Bill advancing, staff also seek authority to submit comments to the Province as needed, where timelines do not permit reporting to Council in advance (e.g. over the Christmas/New Year break).

Comments

The Province is setting a goal of Ontario building 1.5 million new homes by 2032. Of this total, Mississauga must *pledge* to build 120,000 homes in the next ten years (in other words 12,000 units a year). Staff question whether the development industry even has the capacity to construct that amount of units given persistent labour and material challenges.

In 2021, Mississauga issued building permits for 5,500 new units. So far, 2022 is a record year, but the City has still only issued building permits for 6,100 new units. In other words, if Mississauga is to meet this Provincial target it must double its current levels of development. Fortunately, the City has been planning for growth well beyond its Regional allocation of 100,000 units so no City planning policy changes are needed to reach the provincial pledge.³

³ *Technical Memo: Mississauga's City Structure and Residential Growth Accommodation*. File: CD.02-MIS can be accessed [here](#) (see April 19, 2022, PDC Agenda, Item 5.2)

However, the Bill has the potential to significantly reduce the amount of money available to the City to provide the infrastructure required to create complete communities in these planned growth areas. Many of the measures appear designed to create short-term benefits for developers of market units while saddling municipalities and future unit owners with costs and reduced amenities for decades to come. While the Bill does have some positive provisions that are specifically intended to help build more affordable and purpose built rental housing, other provisions of the Bill would have the opposite effect by reducing the amount of this badly needed housing.

Staff have summarized key changes proposed into 7 themes:

- Mandatory and retroactive phase-in of DCs would lead to significant funding shortfalls;
- Delivery of the City's infrastructure program could be jeopardized by what is classified as "DC eligible" and fee exemptions;
- City's parkland revenue could be reduced by 70% and the quality of parkland could be diminished;
- Support proposals to streamline neighbourhood infill and intensification around transit station areas;
- Range of impacts stemming from major changes to planning and appeals processes, including planning powers removed from Region of Peel and uploaded to the Province;
- Elimination and reduction of municipal tools could further threaten affordable housing;
- Significant impacts on Ontario's heritage and natural environment and its ability to mitigate and adapt to a climate changing.

Please note that not all changes proposed are captured in the body of this Corporate Report. **Please see Appendix 1 for a detailed list of changes**, potential implications for the City and comments to be shared with the Province.

1) MANDATORY AND RETROACTIVE PHASE-IN OF DCs WOULD LEAD TO SIGNIFICANT FUNDING SHORTFALLS

City Council passed its current DC By-law on June 22, 2022. The proposed changes to the *DC Act* direct that for any DC By-law passed after June 1, 2022, a 20% reduction must be applied to the DC rates in Year 1 of the By-law, with the reduction decreasing by 5% in subsequent years.

General estimates of the potential DC revenue lost, focusing solely on this proposal alone, are included below:

- Year 1: By applying a 20% discount, City will collect \$22.2 M less in DC revenues
- Total 4-Year DC revenue loss, estimated at \$56.1 M.

As part of the 2022 DC By-law review, the City's DC rates increased by 12%. Therefore if this proposal is implemented and a 20% discount is applied, the City would be collecting less revenue than prior to its 2022 DC by-law passage.

The mandatory discounts are punitive, arbitrary and the logic is unclear, given they affect each municipality so differently. For example, there are several municipalities that updated their DC rates prior to June 1, 2022 that are not having to apply the discounts, and those municipalities that didn't update their by-law recently are also not having to apply the discounts. The mandatory discounts undermine Council's discretion to impose a discount or phase-in of the DC rates; many of such policies are developed with consultation with the development industry.

City staff request that the Province continue to allow municipal Council the sole discretion to set their own policies and DC rates and remove the mandatory retroactive phase-in. If not, staff recommend that the phase-in only apply to by-laws passed after Royal Assent of the Bill and/or only apply where the proposed DC rate increase is greater than 20%.

These discounts also apply to non-residential development. City staff question how housing affordability and stock is improved by collecting less DC revenue from commercial and industrial developers. It is suggested to the Province that discounts be limited to the residential sector.

- ***Request that Province remove non-residential DC discounts and restore City's ability to set its own DC rates. Otherwise, a municipality should be made whole for these DC discounts***

2) DELIVERY OF THE CITY'S INFRASTRUCTURE PROGRAM COULD BE JEOPARDIZED BY DC ELIGIBILITY AND FEE EXEMPTIONS

DC Eligibility

The proposed changes impact what is eligible for DC collection. It is proposed that studies and affordable housing can no longer be funded by DCs, and the ability to fund land acquisition for prescribed services will be limited by a future Regulation.

City staff's biggest concern is that a future regulation could limit land acquisition being an eligible cost recoverable through DCs for prescribed services. Land plays an integral part in the delivery of City services to its residents – whether it be the land for a library, community centre or arena, fire station, transit facility or land for the road network. Without land, or the funding to purchase land, the project itself would become unviable or unfunded. Without information about the scope of a future regulation, the financial impact is difficult to assess. However, if land were removed as an eligible cost for all services, the potential revenue loss would be approximately \$34 Million on an annual basis, upon the passage of the next DC by-law. City staff would ask the Province not to remove or limit land as an eligible DC cost.

Another concerning change is the removal of a municipality's' ability to fund affordable housing through DCs. In the past this funding has supported Regional capital projects as well as partnerships with the private sector to increase affordable housing supply.

Likewise, staff have concerns about not allowing for DC funded studies. These studies include, but are not limited to, the City's Future Directions Plans, Transit Infrastructure Plans and Growth Management Plans. It is suggested that the services be reinstated as collectively these measures help to build affordable and complete communities.

- ***As a priority, request that Province not remove or limit eligibility of "costs to acquire land" for DC collection. Also request that Province restore "affordable housing" and ability to fund "studies" as eligible for DC collection***

DC, Parkland and CBC Exemptions

Affordable and Attainable Housing

The proposed changes exempt DCs, parkland dedication and Community Benefit Charge (CBCs) for "affordable" and "attainable" housing, Inclusionary Zoning (IZ) units, non-profit housing and second and third units.

The City already uses DCs as a tool to incentivize "missing middle" housing and exempts charges for second units, Accessory Dwelling Units and has approved DC grant based exemptions for non-profit affordable rental housing.

However, staff are concerned that broadly exempting all units that are 80% of market value could incentivize the creation of very small units (e.g. most bachelors and many one bedroom units in the city would likely meet this proposed definition) and not help achieve the types of "missing middle" housing that Ontarian households so desperately need.

At minimum, the "average" market price should be delineated for each unit size or bedroom count. Additionally, the Province should consider lowering the threshold to 70% to ensure exemptions are targeted to units affordable to low- and moderate- income households. For rental units, City staff suggest that a CMHC definition 100% AMR for rental units be adopted which is a common definition used for new rental unit incentives.

It is noted that City staff will be challenged to administer exemptions based on an 80% of the resale purchase price for ownership and 80% average market for rental for affordable units. DCs are often levied ahead of all units being sold and the price of units is in constant flux. It will be hard to determine which units may be eligible. It is also unclear how the 80% of average market rate will be determined and there could be opportunities for abuse.

The impact of exempting “attainable housing” from these growth charges is unknown. However, if the Province’s definition is so broad that it applies to any unit that is not owned by an investor it could be financially catastrophic for the City. It is suggested the Province remove “attainable” housing from exemptions as the Bill already has polices exempting non-profit and gentle infill units from DCs and other charges.

As mentioned above, it is considered that the Province should make municipalities whole for any discounts offered. It is suggested that the Province could use Federal Housing Accelerator funding to address some of this municipal shortfall and staff would welcome that approach.

Rental Housing

The proposed changes also result in the DC payable for a purpose built rental housing development being discounted based on the number of bedrooms in each units, the proposal as follows:

- Bachelor and 1 bedroom units – 15% reduction in DCs
- Two bedroom units – 20% reduction in DCs
- Three+ bedroom units – 25% reduction in DCs

The potential revenue loss stemming from this change alone would be roughly \$8.5 Million over a ten-year period. Despite this shortfall staff are supportive of these changes as it could provide an incentive to build purpose built rental units, particularly larger units. Albeit the effectiveness of this measure is muted by DC discounts and exemptions being so widely applied across the board. Staff suggest senior grants such as the Federal Housing Accelerator be used to offset the lost revenue.

Passing on Discounts to Buyers

It is suggested that the Province carefully examine safeguards to ensure any publically funded discounts are passed onto new homeowners. As noted in the recent report⁴ prepared by N. Barry Lyon Consultants, developers will price housing at the maximum level the market will support and increases/decreases in fees do not affect the sale price of units. Lost revenue leads to increased property taxes that reduce affordability overall.

City staff support requirement to enter into an agreement registered on title, to secure the exemptions, but would prefer to see an arrangement where the DCs are paid in full by the developer, then refunded to the purchaser, much like existing programs for first-time homebuyer tax rebates. This approach would help ensure that the cost savings are passed on to the homebuyer and would also expedite DC administration.

⁴ 2019 Development Costs Review – The Effect of Development-Related Costs on Housing Affordability can be accessed [here](#) (see May 1, 2019, General Committee Agenda, Item 8.2.)

- **Request that Province:**
 - **Remove “attainable” housing from the proposed exemptions**
 - **Develop mechanisms to ensure that those people looking to buy a home to live in benefit from these municipally funded discounts. DCs could be paid in full by the developer and then refunded to eligible purchasers**
 - **Maintain the income-based definition of affordable housing as per the PPS. If not, it is requested that the Province adopt the 100% CMHC average market rent by bedroom type for rental units and a 70% rate of average resale price with separate values for unit size/bedrooms for ownership units**

3) CITY’S PARKLAND REVENUE COULD BE REDUCED BY 70% AND THE QUALITY OF PARKLAND COULD BE DIMINISHED

Reduced Parkland Rates

The proposed changes include significant reduction to the current parkland dedication and Cash-in-Lieu (CIL) rates.

Specifically, maximum alternative dedication rates are lowered to 1 hectare per 600 units, from 1 hectare per 300 units for land. And 1 hectare for 1000 units for CIL, down from 1 hectare per 500 units. For high-density development, it is proposed that parkland is capped at 10% of land for smaller sites (up to 5 hectares) and 15% of land for large sites (over 5 hectares). These rates will be kept lower by being frozen at the date a zoning by-law or site plan is filed.

Mississauga has built out almost all of its greenfields and its development is changing to be more intensive. As a result, the City collects much of its CIL from medium and high density developments and uses these funds to acquire parkland (e.g. rather than through conveyance, which is more common in a greenfield context). The City is at a point in its development where significant future parkland will need to be acquired. However, the CIL rates proposed by the Bill are so low they will not allow the City to remain competitive buyers of land.

The full costs associated with this change are difficult to quantify. However on a site by site basis it is significant. For a routine application in Mississauga e.g. a tower of approximately 500 units on a site that is 1 acre, it is expected that subject to Bill 23 the City would collect \$1.74M in CIL. This compares to \$10.7M in CIL under the City’s existing By-law (adopted June 2022).

This proposed Bill 23 rate is also well below the City’s former by-law, that is 15 years old and was already unable to keep pace with rising land costs in Mississauga. Under the City’s former By-law, it could have collected \$5.0M in CIL payments.

Case Study: Typical Development in Mississauga and CIL Rates

Development	Under Past by-law	Under New By-law	Under Proposed Bill 23
18 storey mixed use building containing 427 residential units (no parkland dedication)	427*\$11,710/unit = \$5,000,200	@ 25,112 Full August 2023 CIL Capped Rate 427*\$25,112 = \$10,722,800	\$1,734,300 CIL capped at 10% of land value.

A high-level estimate citywide suggested that under the recently approved by-law CIL revenues were anticipated to be in the order of \$1.398B between 2022 and 2041, which was the amount of revenue needed to address parkland needs. With Bill 23, that is expected to be reduced to an approximate range of \$284M - \$419M falling significantly short of projected needs.

Overall, these impacts are substantial and it is requested that the Province restore former parkland rates. However, if the Province wishes to maintain these lower rates it is requested that the 10% cap on parkland be removed as an urgent priority.

- ***Request that Province restore parkland rates, or at least remove the land value caps placed on rates***

Land Owners to Determine Park Locations

A major concern for City staff is that the proposed changes allow developers to choose where to locate parkland. This will likely result in small sections of undevelopable land being dedicated. City staff strongly urge the Province to roll back this change, but at the very least add requirements that ensure parkland dedications are contiguous, link into the existing parkland network (where applicable) and have public street frontage and visibility.

The proposed change does allow the City to appeal a developer's parkland proposal to the OLT. However, if a developer is already going to the OLT over other issues related to their application, then any leverage the City may have had is lost. Under the proposed Bill, a municipality can also be required to take on parkland it does not want. Currently, the OLT rarely order a municipality take on parkland. It is suggested that this practice be maintained and a municipality should not be forced to manage undesirable lands.

- ***Request that Province roll back ability for land owners to determine park locations, or at least ensure dedications are contiguous, link into the existing parkland network and have public street frontage and visibility***

Privately Owned Publicly Accessible Spaces (POPS)

The proposed changes would allow POPS and encumbered parkland to receive the same credits as a publicly owned unencumbered park. This will make it difficult for the City to secure unencumbered parkland, particularly in its growth areas.

A POPS does not provide the same level of service as a public park. Hours of operation and maintenance of POPS are subject to an easement agreement with the owner, which may be limiting. POPS have limited programming ability and would rarely, if ever, include playground equipment and other needed park amenities. Also, because POPS are encumbered (e.g. have infrastructure underground) they will not support mature trees and are more routinely closed for maintenance.

Moreover, the creation of a POPS places a significant burden on new unit owners/condominium boards. Many new unit owners may not realize the full extent of the financial commitment they are making to manage a POPS. For large developments often more than one condominium board is responsible for managing a POPS, creating frictions and administrative challenges.

Overall, POPS arrangements generate one off value for developers. Both the City and the future residents will be forced to deal with challenges stemming from this arrangement indefinitely. City staff strongly urge the Province to remove this clause, or at least roll it back to some lesser amount to disincentivize a POPS arrangement over a public park.

- ***Request that Province remove 100% credit for POPS, or at least roll it back to a lesser amount to disincentivize developers providing a POPS over a public park***

4) SUPPORT PROPOSALS TO STREAMLINE NEIGHBOURHOOD INFILL AND INTENSIFICATION AROUND STATION AREAS

Neighbourhood Infill

The Province has proposed that three units be allowed on a lot as-of-right and parking rates are set at a maximum of one per dwellings. City staff are already working on permitting increased infill opportunities (e.g. up to 3 units) through the City's *"Increasing Housing Choices in Neighbourhoods"* study and parking rates for infill developments were reduced in line with these recommendations earlier this year. Moreover, Mississauga had already waived development charges for up to three units in its latest DC By-law.

City staff would suggest that the Province carefully consider the many barriers to residential infill in existing neighbourhoods. Specifically, construction costs for even modest residential infill units are expensive and mortgages are difficult to secure. From the City's work, it is estimated that a one bedroom/ one storey garden suite is \$250K, a two storey / two bedroom suite is \$425K and a garage conversion to a one bedroom unit is in the order of \$92K. A loan program, or way of making capital available to homeowners, could go a long way to more of these opportunities being realized.

The Province could also consider updating the Ontario Building Code (OBC) to require that all single and semi-detached units be constructed in a way that would allow for easy conversion into second suites.

- ***Province could consider some type of incentive program to help capitalize infill projects (e.g. grants or loans) in established neighbourhoods***
- ***Province could update OBC to ensure singles and towns are built in a way that would support retrofitting for second units***

Intensification around Stations

The Province has proposed "as-of-right" zoning in all MTSAs and is requiring zoning by-laws be updated within a year (reduced from three years). City staff will work to ensure these provincial deadlines are met, although would suggest to the Province that 18 months is a more realistic timeline. While updated zoning is important, staff do not expect that updating our zoning by-law will lead to a major increase in development. For twenty years, the City has pre-zoned its Downtown Core for unlimited heights and densities and while development remains steady, it is moderated by constraints around labour, materials, development phasing and other financial considerations.

Site Plan Exemptions and No Architectural and Landscape Details

The Province has proposed that residential development of up to 10 units be exempt from site plan control, except for land lease communities. Staff can work with the exemption however, this change could shift more of the review effort to the building permit stage. Staff are seeking clarification from the Province on whether or not city standards (e.g. storm water management, road requirements and design etc.) can be applied where a new development may be exempt.

Staff are extremely concerned by the removal of architectural and landscape details at site plan. Elimination of this takes away the City's ability to shape the public realm and would undermine the quality of places in our city. It is also proposed to remove consideration of sustainable designs. This will limit the ability for the City to implement the Green Development Standards that contribute to more efficient homes being built in Mississauga that will reduce utility bills and GHG emissions.

- *Request that Province restore urban design, sustainable design and landscape details at site plan stage*

5) RANGE OF IMPACTS STEMMING FROM MAJOR CHANGES TO PLANNING AND APPEALS PROCESSES, INCLUDING MANY PLANNING POWERS BEING UPLOADED TO PROVINCE

Regional Planning Powers

The Province has proposed to take on many new planning powers, with regional municipalities proposed to be completely removed from the planning process. A key outcome of these changes and this centralization of powers is that the Province could soon be the City's approval authority. Meaning it would be the Province that would sign off on the City's Official Plan and associated amendments rather than the Region of Peel and that the Province could redline and change the plans as they saw fit without consultation.

It is hard to gauge the impact this will have on the process. However, if it does aim to speed things up, the Province will need to build up significant expertise in municipal land use planning otherwise it is likely a bottleneck will occur.

Given the Bill downloads many responsibilities onto the City of Mississauga from the Region of Peel (and later in the report the Conservation Authorities), there could be significant staffing impacts and the need for the City to establish new areas of expertise.

Limiting Third Party Appeals

The Province has proposed to limit third party appeals. City staff consider that limiting third party appeals for developers will significantly speed up the planning processes. Currently, the City's entire Official Plan (OP) can be appealed. In the past these broad OP appeals have taken near a decade to resolve. A similar appeals process can then unfold around site specific appeals. The collective outcome of this is a lack of certainty around the City's planning framework and increased speculation on land. However, this limit on appeals also extends to the community, who may wish to have the opportunity to participate more fully in the planning process.

Awarding Costs

Staff are however, concerned about the proposal for the OLT to more routinely award costs against a losing party. When coupled Bill 109 that requires a municipality to provide a decision in a very short space of time (or otherwise have to refund fees), a municipality could get caught in a position where it has to refuse an application because some major issue has not been resolved on the site and could later be punished by having costs awarded against them. City staff consider that the OLT's current process where costs are only awarded where there is a genuine attempt to obstruct a matter should continue, and costs should be rarely awarded.

- ***Request that Province maintain existing OLT process where costs are rarely awarded***

Changes to Provincial Plans

The merging of the PPS and Growth Plan has also been proposed, yet limited details have been provided. The Growth Plan sets out the Greater Golden Horseshoe's urban structure (e.g. Urban Growth Centres served by transit etc.), and its growth forecasts are fundamental to good infrastructure planning. While no details are released, it is suggested that at the very least these aspects be maintained. Any changes to this document should occur in consultation with municipalities.

City staff are supportive of adding urban river valleys to the Greenbelt and already protect these lands. It is submitted that only lands be added to the Greenbelt and not subtracted.

- ***Request that Province:***
 - ***Consult municipalities as provincial plans are updated***
 - ***GGH urban structure of Urban Growth Centres and Major Transit Station Areas is maintained***
 - ***Growth forecasts are maintained for infrastructure planning***
 - ***Not change Greenbelt boundaries, aside from adding lands***

6) ELIMINATION AND REDUCTION OF MUNICIPAL TOOLS THAT FURTHER THREATEN AFFORDABLE HOUSING

Inclusionary Zoning (IZ)

Definition, Set-aside Rate Cap, and Affordability Term Cap

Currently housing affordability is defined in terms of annual income spent on housing costs e.g. no more than 30%. The Province is proposing a shift to a market-based definition of affordability that can be set at no lower than 80% of resale prices for IZ ownership units and no more than 80% of average market rent for IZ rental units. While it is unclear which data sources the Province will use to set these "average" rates, it appears that the only segment of the population that could afford an IZ ownership unit are those at the top end of the moderate-income band – that is, households earning \$95,000 per year or more⁵ - pricing out the vast majority of Mississauga's essential workforce.

The Province has also proposed an IZ set-aside rate cap of 5% of units / residential gross floor area. Mississauga's adopted IZ provisions require a rate ranging from 5% to 10% after an initial phase-in period. The rates are consistent with the results of the provincially mandated market

⁵ Based on Toronto Region Real Estate Board (TRREB) data from Q3, 2022.

feasibility analysis. City staff do not support the 5% maximum as it will result in a minimum of 40% less affordable units than anticipated by the City's current IZ provisions. City staff request that the 5% cap be revised to 10% to help increase the supply of affordable units. In addition, with the DC, parkland, and CBC exemptions proposed for all IZ units, the feasibility of development is increased and therefore developments can absorb higher set-aside rates.

The Province is proposing a maximum affordability period of 25 years for IZ units. The City's current IZ provisions require that in condominium projects and IZ rental units are to remain affordable for a minimum of 25 years (plus a 5-year phase out) and IZ ownership units are to remain affordable for a minimum of 99 years. The City is exempting purpose-built rental projects from IZ. The rental affordability term was intentionally set shorter than the ownership affordability term to encourage / incentivize delivery of IZ rental units in condominium projects. Since the developer does not retain ownership of affordable ownership units, development feasibility is not impacted by the affordability term for IZ ownership units. Staff do not support the proposed maximum affordability period because it will cause ownership units to be lost from the IZ inventory sooner than necessary, and the proposed maximum term will have no impact on development feasibility / housing supply.

Overall, the collective impact of these proposed changes undermine the ability of this policy tool to work as intended and deliver affordable housing. The changes also reduce the efficiency of administering the IZ program. Staff urge the Province to reconsider the proposed changes to the IZ regulations, to ensure that IZ can have a meaningful impact in communities.

- ***Request that Province increase IZ set-aside rate cap to 10%***
- ***Request that Province extend the affordability for "ownership" units to 99 years; this will have no impact on developers but will allow for more sustainable affordable housing supply***
- ***Request Province maintain the income-based definition of affordable housing as per the Provincial Policy Statement***

Rental Protection By-law

Rental protection by-laws help to ensure that affordable rental supply continues to remain in areas designated for intensification and to mitigate unintended consequences of growth. Retaining affordable rental housing is critical to supporting our workforce needs and businesses. It is suggested to the Province that the power for municipalities to develop rental protection by-laws be maintained. Additional considerations could be made to tailor rental protection to local markets.

The City of Mississauga has taken a flexible approach to implementing this tool recognizing the need to enable property owners to upgrade and make more efficient use of existing rental properties. For example, the by-law requires that affordable rental units be replaced by same unit types by bedroom, rather than floor areas, at similar, not the same rents. A recent proposal

was approved in Mississauga wherein the property owner was able to increase the number of rental units from 8 to 15 units. The approval process is short and typically delegated to staff.

- ***Request that Province maintain the City's ability to protect rental housing stock***

7) SIGNIFICANT IMPACTS ON ONTARIO'S HERITAGE, NATURAL ENVIRONMENT AND ABILITY TO MITIGATE AND ADAPT TO A CHANGING CLIMATE

Heritage

The proposed changes to the *Heritage Act* create a two-year limit to review all properties on the heritage register and designate properties. Only properties currently on heritage registers can be designated. All designated properties and heritage conservation districts are to meet two out of three criteria for designation and there is a new process for repealing designations. Some of these proposed processes are to be established in forthcoming regulations.

These proposed changes to the *Heritage Act* will create a large amount of work for the City's heritage community, including the Heritage Advisory Committee and Heritage Planning staff, with potentially little reward. Rather than the City carefully considering heritage attributes through a development application processes as they arise, the City will be required to go through a process of reviewing and potentially designating 1,000 listed properties (not designated properties) on the City's register.

These efforts will take time, have staffing implications, and potentially create a substantial number of appeals at the OLT. Staff are concerned they could hold up development rather than allow it to move forward more quickly.

- ***Province could reconsider the benefits of heritage review process, as most likely it will slow down development***

Conservation Authorities

Proposed changes to the *Conservation Authority Act* aim to streamline approvals by only permitting the Conservation Authorities (CAs) to focus on natural hazards impacts on people and their property, as opposed to protecting the Natural Heritage System as a whole. This could allow new developments to be built on lands that should be or were once protected.

Additionally, it is proposed that municipalities would exercise sole approval when a development application is filed, which may include decision making over hazard lands. The City relies heavily on the CAs for their technical review and analysis for both natural hazards as well as natural heritage. The City has excellent working relationships with Credit Valley Conservation (CVC), Toronto Region Conservation Authority and Conservation Halton. All have an excellent track record of delivering their expert technical advice in a timely manner.

Presently, the City does not have the expertise to take on these expanded responsibilities. The City will need to hire new staff in order to fill the current role of CAs and build up this knowledge base. Again, this will take time and will more likely slow down the process than speed it up.

Request that Province reconsider the benefits of limiting CA's powers to comment on natural heritage, as the City will be solely responsible to review such matters, and in the short term processes will be slowed down as new staff are hired and expertise is established

Natural Heritage System

The proposed changes to the *Conservation Authority Act* move Ontario from a holistic approach to protection of the environmental and social ecological values of a watershed to one focused on the protection of people and property against natural hazards. By framing the issue this way, Ontario could stand to lose the natural functions provided by its natural heritage system (e.g.: filtering air and water, mitigating flooding and erosion, storing carbon, providing habitat for fish and wildlife, and providing a wide range of recreation and tourism opportunities) in exchange for conventional infrastructure.

This change in approach creates a one-off financial benefit for developers. All of whom would have probably purchased newly approved land cheaply, because it would have likely been considered a flood plain with high erosion potential. Yet if this land is developed, these natural hazard burdens will be transferred to unit owners and municipalities.

Negative outcomes could be more pronounced if other measures proposed in this Bill result in the City's natural heritage system being reduced in size and as society at large works to adapt to a changing climate.

Wetlands

Proposed changes to the Ontario Wetland Evaluation System (OWES) alter the way that wetlands are identified and evaluated. The proposed changes would remove the concept of wetland complexes, which will make it more difficult for small wetlands (<2ha in size) to be included and evaluated under the system. Given that wetlands comprise only about 0.9% of the city's land base and many are small and exist in a mosaic of smaller habitats, the identification

and protection of small wetlands is essential to maintaining biodiversity and ecosystem function at a local and landscape scale.

The proposed changes to the OWES will also allow for wetland boundaries to be re-defined *after* they have been evaluated and accepted; which could lead to a situation where unauthorized/unpermitted changes to wetlands have led to a reduction in their size or loss over time to facilitate more growth in areas that would have been otherwise protected.

Ecological Offsetting Policy

Furthermore, the Province is consulting on a newly proposed "Ecological Offsetting" policy. Staff are concerned such a policy could result in Mississauga's natural heritage features and functions, that would otherwise be protected in-situ, being proposed for removal and replaced elsewhere, including outside of the city, region and/or watershed.

Staff are concerned that this proposal could lead to a steady reduction in the amount of natural space covered by the City's Natural Heritage System, weakening the entire system, with no mechanism to require that suitable compensation be provided within the city and/or assurances that an equal asset is provided elsewhere.

- ***Request that Province maintain existing wetland protections, the benefits of developing on wetlands do not outweigh the potential environmental outcomes.***
- ***Not adopt a Provincial ecological off-setting policy. Technical ecological advice on offsetting should be provided in local context by the Conservation Authorities and the City, as appropriate.***

Financial Impact

The changes identified in the proposed Bill 23 will have significant financial impact for the City. The full cost and administrative burden cannot be determined without additional details that will be found in the regulations, when these are released. The following analysis is based on currently available details.

Impact on Development Charges

It is estimated that the Bill could cost the City up to \$325M over a ten-year period. The potential ten-year DC revenue loss is shown as follows.

	2023 - 2032
Forecasted DC Revenue ¹	\$1,135,000,000
Less: Lost DC Revenue²	(\$325,000,000)
Net Forecasted DC Revenue	\$810,000,000

Special Council	2022/11/23	20
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1. *Forecasted DC Revenue is based on the development forecast contained in the 2022 Development Charges Background Study.*
2. *Lost DC Revenue based on: Mandatory retroactive phase-in, removing land and studies as DC eligible cost, 15-year service level calculation, estimated DC discount on for-profit rental units, and the requirement to update the DC by-law upon its expiry in 2027.*

It should be noted that there will be future financial losses stemming from Bill 23 that cannot be quantified at the time of writing of this report. The City requires full details, including Regulations and Bulletins, to be released by the Province to completely understand the financial impact. Of particular concern is the DC exemption for “Attainable Housing” which is currently only defined as not affordable nor rental units.

Impact on Cash-in-Lieu of Parkland

Based on the proposals that are currently defined by the Province through Bill 23, the potential CIL Parkland revenue loss is shown as follows.

2023 - 2032	
Forecasted CIL Parkland Revenue ¹	\$700,000,000
Less: Lost CIL Parkland Revenue²	\$490,000,000 to \$560,000,000
Net Forecasted CIL Parkland Revenue	\$140,000,000 to \$210,000,000

1. *Forecasted CIL Parkland Revenue is based on the 2022 Parkland Conveyance By-law Update Report.*
2. *Lost CIL Parkland Revenue is based on preliminary estimates prepared by Hemson Consulting Ltd. based on available data.*

Some changes to parkland dedication cannot be quantified in dollar values. For example, developers would be able to choose the location of their parkland dedication. This is of particular concern as the City may end up with remnant parcels of land or “slivers” of land that would be unsuitable for park amenities. As well, the City must accept encumbered and privately owned public space (POPS) as parkland dedication.

All of these proposed changes will create significant budget pressures. These discounts will either need to be made up by reducing service levels or increasing property taxes and charges. Transferring the burden from developers to new unit owners and taxpayers, all of which will undermine affordability in Mississauga on the whole.

Conclusion

Mississauga has demonstrated a strong commitment to support provincial aims to create more housing, a greater mix of housing and efforts to make home ownership and renting more affordable. The City further supports the government’s commitment to reduce red tape and make it easier to live and do business in Ontario. However, staff’s assessment is that Bill 23 is overly focused on blanket fee reductions that would apply for market rate developments with no guarantee that savings will be passed on to renters and homebuyers.

A fundamental concern that staff have with the proposed Bill is that it fails to recognize the complexity of getting a development off the ground. Staff are supportive of provincial efforts to streamline processes and ensure zoning is up to date etc., but these measures address one part of the process. Developers are dealing with all manner of costs and constraints – including labour, construction costs, rising interest rates, financing, development phasing and so on. Without addressing these matters, it is unlikely that the Bill will result in the increased level of development that is being anticipated.

With so much on the line – the potential impacts on the natural environment, community infrastructure, parks, transit, affordable housing and the quality of our urban environments – the Province should slow down and reflect on the collective impact of these changes. Taking the time to consult with a broader range of stakeholders in meaningful ways could help achieve a more balanced and strategic plan for housing that meets the needs of Ontarians.

Attachments

Appendix 1: Detailed Comments to Province

Appendix 2: List of All ERO and Related Postings



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Katherine Morton, Manager, City Planning Strategies,
Planning Strategies and Data

Table 1 – Changes to City of Toronto Act, 2006 and Municipal Act, 2001 - Rental Protection

Provincial Comments Period closes on November 24, 2022 (ORR: 22-MMAH017)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Rental Replacement</p> <p>Minister given the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties.</p>	<ul style="list-style-type: none"> • Could diminish ability to protect rental housing. The possible outcomes could be anything from reducing the conditions Mississauga can make on the Sec. 99 permit to eliminating Mississauga's ability to regulate rental demolition or conversions at all. • Mississauga currently uses a flexible approach to protect rental supply while still encourage reinvestment in existing rental stock. It does not impact the tenant provisions of the Residential Tenancies Act (RTA). 	<ul style="list-style-type: none"> • Staff are seeking clarification on the extent of Minister's authority. • Staff would support approaches to rental protection that allow landowners to reinvest in the stock while protecting the existing (more affordable) supply. One example of flexibility is how Mississauga regulates the number of bedrooms but not unit sizes (GFAs). Financial offsets, provincial/federal tax credits and other innovative solutions should be explored. • Staff would welcome participation in any working groups before regulations are enacted.

Table 2 – Changes to Conservation Authorities Act, 1990

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6141) and December 30, 2022 (ERO: 019-2927)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Cannot Comment on Applications</p> <p>Conservation Authorities cannot provide services related to reviewing and commenting on proposals and planning and</p>	<ul style="list-style-type: none"> • Conservation Authorities act as technical advisors to the municipality on matters of natural heritage protection. Without their expertise, the municipality will have to grow this capacity on its team to address these matters. • Furthermore, an individual municipality lacks the expertise to inform development decisions that may have cross-jurisdictional concerns (e.g. risk of 	<ul style="list-style-type: none"> • Staff suggest the Province reconsider the proposed changes to enable Conservation Authorities to continue providing their essential review services to municipalities. Municipalities currently lack expertise and it would take time to grow these services, potentially leading to approval delays.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>development related applications.</p> <p>Minister can direct Conservation Authorities not to change the fees it charges for a program or service for a specified period of time.</p>	<p>flooding and water quality decisions upstream impact other municipalities downstream). Conservation Authorities can address these concerns through a watershed-based approach, which is important for Mississauga's downstream and lake-fronting location.</p>	<ul style="list-style-type: none"> • A holistic approach of protecting our natural heritage systems and the public from natural hazards is important for residents, businesses and municipalities to be able to withstand and adapt to more extreme weather events because of climate change.
<p>Removing the Consideration of Control of Pollution and Conservation of Land</p> <p>Removing factors of pollution and conservation of land, and adding a new factor, namely, the control of unstable soil or bedrock when Conservation Authorities are making decisions.</p>	<ul style="list-style-type: none"> • The removal of <i>pollution</i> and <i>conservation of land</i> from the oversight of the Conservation Authority would create a large gap in how matters are addressed through the planning process. It could lead to development that may pollute the natural heritage system (including aquatic habitat, watercourses and Lake Ontario), and allow for development inside natural features that would otherwise be protected from incompatible uses. These features form the backbone of Mississauga's natural heritage system (e.g. valleylands) and provide critical ecosystem functions. 	<ul style="list-style-type: none"> • Staff recommend that the Province reconsider further scoping the oversight of the Conservation Authority to exclude pollution and conservation of land in order to retain the robust environmental protections that are required to ensure a healthy and resilient natural heritage system. • A holistic approach of protecting the natural heritage systems and the public from Natural Hazards is critical for residents, businesses and municipalities to be able to withstand and adapt to more extreme weather events due to climate change. • If existing controls are removed flood prone areas are subject to greater levels of development, then the Province could consider an environmental justice and equity lens. For example, homeowners may struggle to obtain appropriate home insurance for flooding or won't be able to afford the costs. Impacts could also be significant for renters.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Obligations Regarding Land Disposition</p> <p>The disposition of certain land requires the Conservation Authority to provide a notice of the proposed disposition to the Minister (rather than obtaining the Minister’s approval).</p> <p>Conservation Authorities to conduct public consultation before disposing of certain lands and the notice of public consultation must include description of the type of land, proposed date of disposition and proposed future use of the lands, if known.</p> <p>The Minister would be allowed to impose terms and conditions on an approval given with respect to a project that involved money granted by the Minister under section 39.</p>	<ul style="list-style-type: none"> It is unclear what criteria would be established in order to determine land disposition. Given the reduction in scope of the Conservation Authorities to matters other than flooding and erosion, other areas that are currently owned for conservation purposes that play important ecological roles (i.e. wetlands, significant natural areas, habitat of endangered and threatened species etc.) may be proposed for future housing. 	<ul style="list-style-type: none"> Conservation Authority lands that are critical to securing ecosystem services should be maintained for conservation. Staff recommend that the Province remove this proposed amendment and prioritize the long term impacts on the environment. Should the amendment proceed, clear criteria should be developed that exclude lands that support conservation purposes from the disposition process.
<p>Development for Which a Minister’s Order is Issued</p> <p>Conservation Authorities required to issue a permission</p>	<ul style="list-style-type: none"> The oversight provided by the Conservation Authority permit process provides an important level of protection for critical ecosystem features such as wetlands and watercourses. Depending on the intent of the MZO or Planning Act approval, if 	<ul style="list-style-type: none"> Staff recommend that the Province reconsider the approach to development in this case to enable greater oversight in natural heritage protection.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>or permit where an order has been made under section 47 of the Planning Act (MZO) also apply to orders made under section 34.1 of the Planning Act (Minister's order at request of municipality).</p>	<p>environmental protection is not at the forefront it could result in the loss of portions of Mississauga's Natural Heritage and associated ecological functions.</p>	

Table 3 – Changes to Development Charges Act, 1997

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6172)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Mandatory and Retroactive Phase-in of DC Rates for any DC By-law Passed on or After June 1, 2022</p> <p>Reduction in the maximum DC that could otherwise be charged for the first four years a DC by-law is in force. Any DC imposed during the first, second, third and fourth years that the DC by-law is in force could be no more than 80, 85, 90 and 95 per cent, respectively, of the maximum DC that could have otherwise been charged.</p>	<ul style="list-style-type: none"> • This would have an immediate detrimental financial impact to the City. Focusing solely on this proposal alone, the revenue loss to the City would be over \$56 million over a four-year period. • The lost DC revenue would impact the City in various ways; if the capital project were to go forward in the time frame as planned, there would be property tax increase implications. Should property tax rate increases not be viable, the timing of the delivery of service could be delayed. As a worst case scenario, the lack of DC funding could make a project completely unviable and the City may experience declines in its service levels. • This proposal impacts the City unfairly, given that the City's DC by-law was passed only 21 days after the retroactive date the Province has chosen. It is 	<ul style="list-style-type: none"> • Generally speaking, City staff are supportive of proposals contained in Bill 23 that would affect meaningful change to the overall affordability and supply of housing. City staff are of the view that the retroactive and mandatory phase-in does not achieve the Province's stated goal. • City staff are unclear why the blanket reduction also applies to the non-residential sector. It is unclear how this would help support affordable housing. • Request to the Province: • Remove the application of the mandatory retroactive phase-in of DC rates to the non-residential DCs.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Reductions are applicable to new DC by-laws imposed on or after June 1, 2022.</p>	<p>noted that municipalities that passed their DC by-law one day before the June 1, 2022 date are not impacted by this proposal. As such, the date seems fairly arbitrary.</p>	<ul style="list-style-type: none"> • Continue to allow municipalities to set their own policies on phasing-in rate increases and not include any mandatory discounts in the DCA. • Alternative Suggestions: • Any mandatory phase-in provisions included in the DCA should only apply to DC by-laws passed after Royal Assent of the Bill. • A mandatory phase-in only applies if the proposed DC rate increase is greater than 20%. • The phase-in period be reduced from 4 years to 2 years.
<p>Changes to Eligible DC Costs</p> <p>New regulation authority to prescribe services where land costs will not be an eligible capital costs.</p> <p>Studies would no longer be an eligible capital cost.</p> <p>Removal of Housing from the list of eligible DC services.</p>	<ul style="list-style-type: none"> • The potential revenue loss stemming from removing land as an eligible cost would be approximately \$34 million on an annual basis. • Without land, or the funding to purchase land, the project itself would become unviable or unfunded. • This is an area of significant concern for City staff. • The potential revenue loss stemming from removing studies as an eligible capital cost would be \$800,000 on an annual basis. • The Region is the Housing Service Manager and therefore would be impacted if Housing was removed from the list of eligible DC services. The Region’s 2020 DC study projected \$200M over the next ten years for critical affordable housing initiatives such as the housing master plan. The change to the DC Act puts projects in Mississauga such as East Avenue, Brightwater, and others at risk. 	<ul style="list-style-type: none"> • Land plays an integral part in the delivery of City services to its residents – whether it be the land for a library, community centre or arena, fire station, transit facility or land for the road network. • Again, City staff are concerned that the removal of land as an eligible capital cost is punitive and serves only to reduce the City’s revenues. • Request to the Province: • Not remove or limit eligibility of “costs to acquire land” for DC collection. • Studies play an integral part on how the City plans for future infrastructure and service delivery to its future residents. Restore studies as an eligible capital cost • Restore Housing as eligible DC service
<p>Discounts for Purpose Built Rental Units</p>	<ul style="list-style-type: none"> • The potential revenue loss stemming from this change alone would be roughly \$850,000 on an annual basis. 	<ul style="list-style-type: none"> • Staff are supportive of these changes as it could provide an incentive to build purpose built rental units, particularly larger units.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Discounts are as follows: -25% for 3+ bedrooms -20% for 2 bedrooms -15% for bachelor & 1 bedroom</p>	<ul style="list-style-type: none"> This proposed discount would be in addition to the statutory deferral of the DCs over a six-year period, stemming from the change to the DC Act that came into effect on January 1, 2020. 	<ul style="list-style-type: none"> It is suggested the province consider using grants such as the Housing Accelerator Fund to offset lost revenue.
<p>Change to the Historic Service Level Calculation</p> <p>Historical service level for DC eligible capital costs (except transit) extended from 10 to 15 years.</p>	<ul style="list-style-type: none"> This particular proposal, again, seems arbitrary and affects each municipality differently The preliminary high level sensitivity analysis performed by City staff shows an overall neutral effect on the DC rates, with the exception of Fire Services where the City has utilized non-DC funding sources to increase its service levels and this proposal would see a decrease to the Fire DC rates. 	<ul style="list-style-type: none"> Because this proposal seems fairly arbitrary and seemingly has the desired effect to lower DC rates and overall revenues to municipalities, it is an undesirable change. However, given the gamut of proposed changes of Bill 23, City staff have an overall neutral position to this particular change.
<p>Cap on the Interest Charged by Municipalities</p> <p>The proposed amendment would cap the interest to prime rate plus 1 percent on rental and prescribed institutional developments. This also applies to the rates frozen at the time of application.</p>	<ul style="list-style-type: none"> The City and Region currently have a Council approved policy which levies an interest rate of 5.5%. Subsequently, Council approved a policy that set the interest rate at 0% for rental housing developments. By prescribing the maximum interest rate to the prime lending rate would more closely align with borrowing rates should the City need to debt finance growth-related capital projects. 	<ul style="list-style-type: none"> City staff have a neutral position towards this particular change in the legislation.
<p>Requirement to Spend or Allocate 60% of DC reserve funds</p> <p>Beginning in 2023, municipalities will be required to spend or allocate at least</p>	<ul style="list-style-type: none"> The City has plans to utilize the Roads DC reserve fund balance through the City's long-term financial planning and annual budgeting exercises. Depending on how stringent the Province is on their definition of "allocate", this requirement may make it difficult to plan for larger capital projects, 	<ul style="list-style-type: none"> City staff have an overall neutral position towards this particular change in the legislation.

Proposed Changes	Potential City Impacts	Comments to the Province
60% of the monies in a reserve fund for priority services (water, waste water, distribution and treatment of services, and roads).	and the ability to change the capital forecast annually.	
Expiration of DC By-law Changing the DC by-law expiration from 5 to 10 years. DCs can still be updated anytime before the 10 year period.	<ul style="list-style-type: none"> This proposal seems fairly arbitrary and seemingly has the desired effect to stagnate the DC rates for a period of ten years. 	<ul style="list-style-type: none"> Given that it is not a mandated ten year shelf life of the DC by-law, City staff have an overall neutral position towards this particular change in the legislation.
Exemptions from DCs for: <ul style="list-style-type: none"> > 1 unit or 1% of existing units in an existing purpose-built rental building Residential intensification (additional dwelling unit and ancillary units) 	<ul style="list-style-type: none"> The potential financial impacts would be nominal, given the changes made to the Regulations in 2020 which exempt additional dwelling units that are within or ancillary to a primary unit. 	<ul style="list-style-type: none"> City staff are general supportive of financial relief to units supporting gentle densification.
Exemptions from DCs for: <ul style="list-style-type: none"> Non-profit housing 	<ul style="list-style-type: none"> Many municipalities provide a grant-in-lieu of fees and charges to true non-profit housing providers. The potential financial impact would be nominal. 	<ul style="list-style-type: none"> Staff support fee exemptions (DCs, CBC, Parkland Dedication) for non-profit housing developments.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Full Exemptions from DCs, CBCs and Parkland Dedication</p> <p>Full exemptions from DC charges for affordable units; attainable units; and inclusionary zoning units. Affordable housing generally defined as being priced at no greater than 80% of the average resale price or average rent in the year a unit is sold or rented.</p> <p>Future regulations will give definition for “attainable housing units”</p>	<ul style="list-style-type: none"> • The City has already passed a by-law with respect to DC grants for Affordable Rental Housing, but it differs from the proposal in a few ways: <ul style="list-style-type: none"> ○ The grant would only be available to non-profit rental housing units ○ Only the City’s portion of DCs would be eligible for a grant ○ The value of the grant would be determined based on the proposed rents relative to AMR where rents up to 100% AMR would be eligible for up to a 100% grant and rents up to 125% AMR would be eligible for up to a 50% grant • The proposed changes are likely to support the creation of more housing units and increase supply, but is unlikely to have a true impact on creating (and preserving) affordable housing units. 	<ul style="list-style-type: none"> • More information is requested to understand how “average resale price” and “average market rent” be set. Will the Province be setting these rates on an annual basis? Will this be done on a municipality-by-municipality basis and by unit type? • Additional details regarding the information that will be included in the MMAH bulletin supporting determination of eligibility for exemptions is required to understand implementation and impacts. • Further clarification is required for the definition(s) of “attainable housing units” and/or “development designated through regulation” to understand the magnitude and scope of DC fee exemptions. • Staff support the requirement to enter into an agreement registered on title, to secure the exemptions. However, it’s preferable to see an arrangement where the DCs are paid in full by the developer, then refunded to the purchaser, much like existing programs for first-time homebuyer tax rebates – this would help ensure that the cost savings are in fact passed on to the homebuyer.

Table 4 – Changes to Ontario Heritage Act

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6196)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Listing of Properties on Municipal Heritage Register</p> <p>New requirements aimed to focus the use of the heritage register listing process with new threshold test (to meet certain prescribed criteria for cultural heritage value or interest) for listing a property.</p>	<ul style="list-style-type: none"> Increasing the threshold for designated properties from one to two criteria will have an impact on how Mississauga recognizes the heritage on equity-seeking groups. Many of the structures which play a foundational role in the community lack architectural value and are plain but have a significant importance and story behind them. 	<ul style="list-style-type: none"> Changing the threshold of designating properties from one to two criteria will limit the City's ability to recognize the heritage of equity seeking groups. Many equity seeking communities solidified themselves in buildings and locations which hold significant associative value to the community, but little architectural or design value. As such, the heritage of these communities would be undervalued against the heritage of more established and better documented communities. The Province could consider options and expanding the criteria to directly engage with equity-seeking communities and ensure that heritage is approached in an equitable manner.
<p>Time Limits and De-listing of Properties</p> <p>Requirement to review the heritage register and make decisions whether listed properties will be designated, and if not, the properties will be removed from the register.</p> <p>If a municipality fails to take action in two years from the date the property is listed to initiate the designation</p>	<ul style="list-style-type: none"> Significant impact to the City's heritage resources by limiting the time a property can be listed on the register. Listing a property on the register gives Mississauga time to consider its heritage value and allow for other means of conserving and interpreting its heritage and history aside from protection through designation. 	<ul style="list-style-type: none"> This change will limit the City's ability to explore options of interpretation and commemoration outside of the standard designation process, making the heritage process less flexible and potentially cause more challenges to development.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>process, then it will be required to remove the property.</p> <p>If a property is removed from the register as a result of a municipality's non-action, they would be prohibited from listing that property again for a period of five years.</p>		
<p>Freeze on Designation Process</p> <p>The designation process would "freeze" once a prescribed event occurs (e.g. likely to include submission of some or most development applications)</p> <p>Municipalities would not be permitted to issue a notice of intention to designate a property unless the property is already on the register when the current 90 day requirement for applications is triggered.</p>	<ul style="list-style-type: none"> The City would not be able to add properties to the heritage register when 'prescribed event' occurs. This places the onus on the City to be proactive in maintaining the heritage register and anticipating when a property may come up for development. 	
<p>Heritage Conservation Districts</p> <p>New proposed process to allow for heritage conservation district plans to be amended or repealed.</p>	<ul style="list-style-type: none"> Minimal impact to the City as this is already the process used when establishing and amending Heritage Conservation Districts. 	

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Requirement for municipalities to first undertake a study of the area to ascertain the heritage it seeks to protect, establish the district via by-law, adopt a heritage conservation district plan, and the plan would have to explain how the cultural heritage value or interest of the district meets new prescribed criteria.</p>		

Table 5 – Changes to the Ontario Land Tribunal (OLT) Act, 2021

Provincial Comment Period closes on November 25, 2022 (ORR: 22-MAG011)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Dismissal of Appeals</p> <p>Proposed changes to expand OLT's authority to dismiss proceedings without a hearing on the basis of undue delay or the OLT is of the opinion that a party has failed to comply with an OLT order.</p>	<ul style="list-style-type: none"> • Generally, improvements to the OLT are welcomed however, the proposed changes will impact public participation and reduce municipalities' ability to serve the public interest. 	

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Cost Awards</p> <p>Proposed changes to increase powers for the OLT to order an unsuccessful party to pay a successful party's costs.</p>	<ul style="list-style-type: none"> There may be instances where the unsuccessful party is a municipality and will have to pay the awarded costs. This greatly burdens municipalities and existing taxpayers, as well as, widens the gap for financial implications and budgetary shortfalls. 	<ul style="list-style-type: none"> Staff recommend the OLT maintain an approach where cost awards are rare, and recommend the Province exempt municipalities from having to pay costs if they are the unsuccessful party.
<p>Prioritizing Resolution of certain proceedings</p> <p>Proposed new powers for the Lieutenant Governor to make regulations setting standards with respect to timing of scheduling hearings and making decisions.</p> <p>The Minister can prescribe timelines that would apply specified steps taken by the OLT in specified classes of proceedings.</p>	<ul style="list-style-type: none"> Generally, improvements to the OLT are welcomed, however the proposed changes centralize powers that reduce public participation, transparency and accountability. 	<ul style="list-style-type: none"> Staff recommend having written criteria for prioritizing hearings and making decisions.

Table 6 – Changes to the Planning Act, 1990

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6163, ERO: 019-6172)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Ministerial Amendment of Official Plan</p> <p>New powers for the Minister to make amendments to an official plan and the power to make amendments based on Minister’s opinion that the plan is likely to adversely affect a matter of provincial interest.</p>	<ul style="list-style-type: none"> • Minister will be the approval authority for Mississauga’s OP but it is unclear how it will use this power e.g. (ad hoc in between MCR processes). • Staff are concerned with the uncertainty around timelines and approval of each individual third party initiated Official Plan Amendment (OPA) • This also erodes the public process and reduces opportunities for public input into the Official Plan when these amendments occur. 	<ul style="list-style-type: none"> • Seeking clarification on how new powers will be used and whether the Province will be approval authority for all amendments (e.g. even in instances where there are no conformity issues with provincial legislation)
<p>Third-Party Appeals</p> <p>Proposed changes will limit third party appeals and require that the prospective appellant be a specified person to qualify for appeal rights (e.g. limited to public bodies).</p> <p>The proposed limit on third-party appeal rights will be applied retroactively to appeals that have not had a hearing scheduled before October 25, 2022. changes would apply to all Planning Act decisions.</p>	<ul style="list-style-type: none"> • Limits the rights of general public and participation in the appeals process. • This means that city-initiated OPAs, would be approved by the province and cannot be appealed by the public, including landowners. See S. 17(24). • Based on the transition policies, the OLT appeals received for existing projects could be dismissed unless there are new regulations specifying classes of appeals that may be exempt. 	<ul style="list-style-type: none"> • Staff consider that removing the ability for developers to appeal will significantly speed up and create greater certainty in the planning process. Developers still have an opportunity to apply for an Official Plan Amendment/ rezoning through site-specific development application. • This limit on appeals extends to the community, who may wish to have the opportunity to participate in the appeals process.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Cap on Community Benefit Charges Contribution</p> <p>Introduction of a new cap on the total amount of a community benefit charge based on only the value of the land proposed for new development.</p> <p>Affordable housing units will be exempt and implemented by discounting the max CBC of 4% of land value by the floor area of the affordable units as a proportion of total building floor area.</p>	<ul style="list-style-type: none"> • Impacts to revenue and in turn, reduced benefits. • Impacts to community infrastructure and long term planning and implementation of new community services/facilities 	<ul style="list-style-type: none"> • The original 4% proposal by the Province did not provide for a meaningful revenue source to municipalities in the first place. This proposal continues to erode this funding source.
<p>Site Plan Control Exemption</p> <p>Developments of up to 10 residential units will be exempt from site plan control and there are no transition provisions.</p>	<p>Cumulative impacts of site plan exemption to the City include removing the ability to:</p> <ul style="list-style-type: none"> • Acquire land dedications (e.g. road widenings, sight triangles, greenbelt/hazard lands) and easements (e.g. stormwater/servicing easements • Control access (e.g. access to main corridors), site circulation/design for vehicles and people, • Local improvements (e.g. sidewalks, multi-use trails) and lack of ability to collect cash-in-lieu of sidewalks or have developer build missing portion of sidewalk • Evaluate site servicing/capacity • Stormwater management controls, and potential loss of the proposed measures all together 	<ul style="list-style-type: none"> • Staff are seeking clarification on whether applicants still have to use/comply with City Standards. This is very important for a number of issues, but particularly for municipal servicing, stormwater management requirements/control measures, private road design/naming, etc.

Proposed Changes	Potential City Impacts	Comments to the Province
	<ul style="list-style-type: none"> • Utility coordination and streetlighting improvement/relocation • SP Agreement to deal with design of required municipal works and/or to include other required conditions or clauses • Identify existing and proposed encroachments on City owned lands/ROWs, and identify need for encroachment, license, consent to enter agreements, etc. • Not being able to identify existing easements or other site restrictions/constraints (these can impact setback distances to proposed buildings, proposed building footprint location can be impacted) • Fencing and acoustic requirements • Limiting the application of green development standards is likely to result in inefficient homes being built – leading to increases in greenhouse gas emissions and high utility costs for residents. • This exemption will impact the City’s ability to manage smaller, sensitive infill redevelopment projects. It will result in the elimination of the Replacement Housing (Infill) Site Plan process in Wards 1, 2, 5 and 7. • This exemption would leave the City’s Natural Heritage System vulnerable to removal and non-mitigated impacts. Loss of ability to provide technical advice on appropriate mitigation, restoration and compensation related to the Natural Heritage System (NHS). 	<ul style="list-style-type: none"> • This exemption could reduce the size and quality of the City’s natural heritage features which provide essential ecosystem services.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>New Exclusions from Site Plan Control</p> <p>Matters of exterior design, landscape architecture, streetscape and sustainable design will be removed from site plan control (however, exterior access to building with affordable housing will still be reviewed).</p>	<p>Exterior Design</p> <ul style="list-style-type: none"> Removes ability to ensure durable materials and sustainable features are used, which leads to lower quality built form and long term maintenance issues. <p>Landscape Architecture / Sustainable Design</p> <ul style="list-style-type: none"> Removes ability to ensure compatibility with surrounding properties Removes ability to ensure linkages to surrounding infrastructure such as pedestrian access to transit Removes ability to incorporate sustainable design features such as low impact design, stormwater management, planting and appropriate green features and Green Development Standards Removes ability to incorporate resolving stormwater impact adapting to climate change <p>Streetscape</p> <ul style="list-style-type: none"> Removes municipal ability to obtain sidewalks, street trees and appropriate urban infrastructure required to create and sustain walkable, transit-oriented communities Removes an opportunity to coordinate utilities with city engineering requirements which will have financial impacts on cities: capital projects may be required to address to complete the public realm resulting from increased development activity 	<ul style="list-style-type: none"> Staff recommend that that these matters should be retained in site plan control in order to achieve walkable, liveable and desirable communities. Seeking clarification on whether these matters are removed from site plan control for commercial, industrial and institutional uses. Limiting the application of Green Development Standards could result in inefficient homes being built – leading to increases in greenhouse gas emissions and higher utility costs for residents.
<p>Removal of Upper Tier Responsibilities and Approval</p> <p>Proposed changes will remove all upper tier municipalities</p>	<ul style="list-style-type: none"> The Region's Official Plan will no longer exist. This will be a loss of regional planning expertise on cross-jurisdictional matters, such as, health of natural systems that Mississauga is part of. 	<ul style="list-style-type: none"> Seeking clarification on the extent of the Province's decision making (e.g. whether the Province will approve every individual amendment).

Proposed Changes	Potential City Impacts	Comments to the Province
<p>from the review and approval process for lower tier official plans, amendments and plans of subdivision.</p> <p>The Minister will become the new approval authority for all lower tier official plans and amendments. The Minister's decisions cannot be appealed.</p>	<ul style="list-style-type: none"> • Relevant parts of The Region's Official Plan will be deemed to be part of Mississauga's Official Plan. Staff and Council will have to make decisions regarding what parts of the Region's recently approved OP must be integrated directly into Mississauga's OP, what needs to be revised, how to eliminate redundancies and any conflicts and what parts to rescind. This will require significant time and resources. It is out of scope of the current Official Plan Review (OPR) process. • As approval authority for the City's new Official Plan, the Province will be able to directly modify Council-approved Official Plan policies. Additionally, the Minister will now be able to modify any Official Plan policy at any time when the Minister considers it to be likely to adversely affect a matter of provincial interest. This appears to be similar to MZOs, but for Official Plan policy instead of zoning by-laws. • Employment Conversion authority will be brought back to the City. • The Region's OP has extensive environmental policy and mapping which will become the City's responsibility to administer and update as it pertains to Mississauga. Consequently, additional staff expertise and resources may be required. • Some of Region's map schedules will have to be integrated into the City's new OP. • City will now be responsible to make decisions on Smart Centre requested Employment Land conversions and the Heartland land use study. 	<ul style="list-style-type: none"> • Seeking clarification on the transition, process and timeline to integrate and repeal Regional OP policies into Mississauga's OP. • Clarification on conformity requirements, as there will not be an upper tier official plan (e.g. lower tier has one year to conform with upper tier plan). • Seeking clarification on matters pertaining to conflicts between the Region's OP and Mississauga's OP amidst the local OP and OPAs getting approved e.g. which policies will prevail. • If lower tier municipalities will be responsible for employment and population forecasting, while the Region will be the infrastructure provider, what will be the roles and relationship between the upper and lower tier municipalities?

Proposed Changes	Potential City Impacts	Comments to the Province
	<ul style="list-style-type: none"> City will need to determine how much of the Official Plan Review (OPR) should progress in light of Bill 23 (including elimination of Regional planning authority), which could still change and has an undetermined in-force date. It is likely prudent to delay the OPR Policy Bundle 3 release to address the Bill 23 changes and pending changes to the Provincial Policy Statement and Growth Plan that the Province has indicated is coming. It appears that the 1 year time requirement for the City to update its Official Plan to conform to the Region's Official Plan no longer applies, as the Region's Official Plan will no longer exist but will be deemed to form part of Mississauga's Official Plan, where applicable. 	
<p>Increased Gentle Intensification</p> <p>Proposed as of right permissions will allow up to three residential units permitted on the lot of a detached house, semi-detached house and rowhouses, with no minimum unit size.</p> <p>New units will be exempt from DC, Community Benefit Charge and parkland requirements.</p>	<ul style="list-style-type: none"> The City's Official Plan (as well as Official Plan Review draft policies) and Zoning by-laws will have to be revised to address this. This proposed change is in alignment with preliminary direction in Mississauga's <i>Increasing Housing Choices in Neighbourhoods Study</i> (IHCN) and the Official Plan Review (OPR). Currently, the City's Zoning By-law requires 1.25 spaces per unit in a duplex or triplex. This will need to be revised. As per design work from the consultants on the IHCN project, staff are considering a maximum of 0.66 spaces/unit in a triplex (this would permit a two-car driveway and triplex building that fits within the existing footprint of a single-detached house and driveway). 	<ul style="list-style-type: none"> Staff are seeking clarification on implementation, including the application of zoning standards (e.g. can zoning provisions have the effect of limiting the zones/sites where 3 units on a lot are feasible?) and parking requirements. Seeking clarification on time requirements for implementation.

Proposed Changes	Potential City Impacts	Comments to the Province
	<ul style="list-style-type: none"> • As part of Mississauga’s recently approved Parking Regulations Study, an extra parking space is not required for a second unit. • Consistent with this proposed change, the recently approved Parkland Conveyance By-law includes an exemption for up to two additional residential units (ARUs). The City’s By-law provides a clear definition for ARUs. • There is no language on timing requirements. This would mean the current 3 year zoning conformity requirement would apply once the OP is revised to conform to these new requirements, but it is unclear. 	
<p>Appeals of Zoning By-laws for Protected MTSA’s and Reduced Timeframe for Conformity</p> <p>Municipalities with official plan policies for Protected MTSA’s have no more than one year to amend all the zoning-by laws to conform with provincial policies and plans.</p> <p>Zoning within Protected MTSA’s can be appealed and amended if the updated zoning is passed more than one year after the official plan policies come into effect.</p>	<ul style="list-style-type: none"> • Significant timing impact to Zoning Services work program, given requirement to amend zoning for PMTSA’s within 1 year of OP policies being in place, instead of 3 years prior to Bill 23. • The proposed wording makes it unclear as to when the 1 year requirement begins (i.e. the in-effect date of the Region’s new OP or the in-effect date of Bill 23). • Scope of required zoning changes is unclear, including how to incorporate minimum densities (i.e. whether use of minimum building floor space index will satisfy legislative requirements). • It appears that a member of the public cannot appeal the initial bylaw itself (only public bodies and utilities have this right), but an applicant (e.g. a developer) would have the ability to submit a zoning bylaw amendment application to amend the MTSA zoning bylaw once it is in place if the 1 	<ul style="list-style-type: none"> • Seeking clarification on when the 1 year requirement begins. • It is likely that the City will have to update its ZBL and then re-update it after the new OP is approved. This diverts planning resources and creates inefficiencies in the process. • Pending significant changes to the Provincial Policy Statement and the Growth Plan that have been announced by the Province will add to process inefficiencies, as some of this zoning conformity work may have to be redone after release of these revised documents. • Consequently, it is recommended that a minimum of 18 months is given for zoning implementation.

Proposed Changes	Potential City Impacts	Comments to the Province
	<p>year timeline is not achieved. The benefits of having Protected MTSAs, including having maximum building height certainty in most of our Strategic Growth Areas will be lost if the City is not able to achieve the 1 year timeline for zoning conformity.</p> <ul style="list-style-type: none"> • The new Regional OP was approved by the Province on Nov 4, 2022 and includes MTSA policies. It is unclear how any conflicts between the two official plan documents will be dealt with. 	
<p>Changes to Parkland Dedication Requirements</p> <p>Proposed changes reduce the amount of parkland for a development where the maximum amount of land that can be conveyed or paid in lieu is capped at 10% of the land for sites under 5 ha and at 15% for sites greater than 5 ha.</p> <p>The maximum alternative dedicate rate will be reduced to 1 ha/600 units for parkland and 1 ha/1000 units for cash in lieu.</p> <p>Parkland rates will be frozen as of the date that a zoning-by law or site plan application is</p>	<ul style="list-style-type: none"> • The proposed reductions in the amount of parkland/ CIL that can be required of new development significantly impacts the City's ability to achieve parkland goals set out in the Parks Plan. Parkland requirements included in the recently approved Parkland Conveyance By-law accounted for the amount of parkland needed to 2041 to support new growth and ensure the provision of complete communities. • The proposed new legislation would have the effect of reducing CIL revenues by approximately 70% - 80% thereby significantly impacting the City's ability to provide the amount of parkland needed in Mississauga neighbourhoods. The result would be less new parkland where it is needed and increased pressure on the existing parkland supply. 	<ul style="list-style-type: none"> • The proposed changes could result in lower standards for parkland provision and less access to parkland. The proposed caps in Bill 23 would undermine the principle that growth pays for growth. Funding shortfalls will be transferred onto the tax base reducing overall affordability in the city. • The City is requesting that the Province restore the former rates, or that it remove the funding cap.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>filed. The freeze is effective for two years after approval. If two years have passed since the contribution amount was calculated, then the value will be calculated based on the rate on the day of the first building permit.</p>		
<p>Parkland Dedication Exceptions</p> <p>Proposed changes will exempt two additional residential units on a lot and non-profit housing from parkland dedication requirements.</p>	<ul style="list-style-type: none"> • The recently approved Parkland Conveyance By-law includes an exemption for up to two additional residential units (ARUs). • The recently approved Parkland Conveyance By-law includes an exemption for any development or redevelopment undertaken by the Region of Peel, which could include some non-profit housing. The proposed new legislation proposes exemptions for affordable housing, IZ units, non-profit housing and attainable housing, which is beyond the by-law exemptions. The impact to the City is a decreased ability to provide parkland, as part of a complete community, to support these types of developments. 	<ul style="list-style-type: none"> • Staff support fee exemptions (DCs, CBC, Parkland Dedication) for additional residential units as it encourages additional density in existing residential neighbourhoods to make better use of existing infrastructure and services.
<p>Requirement for a Parks Plan</p> <p>The proposed change will require a municipality to prepare and make available a parks plan before passing of a parkland dedication by-law.</p>	<ul style="list-style-type: none"> • The 2022 Parks Plan was approved by Council earlier this year. It is unclear if the proposed new legislation will require a new Parks Plan every time a Parkland Conveyance By-law is passed or an update to the existing Parks Plan. 	<ul style="list-style-type: none"> • Seek clarification on the need for a new Parks Plan.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Landowners can Select Portion of Lands for Parkland</p> <p>Developers can identify the land they intend to convey to the municipality for parkland. If agreement can't be reached the municipality or the land owner can appeal it to the OLT. If OLT determines the land meets certain criteria, the municipality may be required to credit it towards the parkland contribution.</p> <p>Furthermore, the new changes allow landowners to dedicate encumbered parkland (strata parks) and privately owned publicly accessible spaces (POPS) for eligible parkland credits.</p>	<ul style="list-style-type: none"> • This proposed change that allows developers to identify the lands they intend to convey could result in dedication of small sections of undevelopable lands or parcels that are unsuitable for functional parkland. • The proposed change that requires full parkland credit for encumbered parkland (strata and POPS for example), will result in less unencumbered parkland in growth areas. Encumbered parkland does not provide the same level of park service as a publicly owned and operated park. POPS have limited park programming ability, are subject to maintenance and operational restrictions and will not support mature trees. The financial burden for maintenance and capital investments for POPS would be that of the private landowner. Credits for POPS are financially beneficial to the developer but could cause financial hardship for the future private landowner/s, particularly in the case of residential buildings that would be responsible for maintaining these spaces. 	<ul style="list-style-type: none"> • Request that Province roll back ability for landowners to determine park locations, or at least ensure dedications are contiguous, link into the existing parkland network and have public street frontage and visibility. • Request that Province remove 100% credit for encumbered lands or POPS, or at least roll it back to some lesser amount to disincentivize developers providing encumbered parkland or POPS over a public park.
<p>Requirement for Minimum Spending of Parkland Monies</p> <p>New requirement for municipalities to spend or allocate at least 60% of the monies in their parkland reserve account at the beginning of each year.</p>	<ul style="list-style-type: none"> • The City already allocates CIL funds through the CIL Continuity 10 Year Plan forecast. 	<ul style="list-style-type: none"> • Seeking more information from the Province regarding the meaning of "allocation" to determine if there are any impacts.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Public Meeting for Subdivision Applications</p> <p>The proposed change will completely remove the public meeting from subdivision applications.</p>	<ul style="list-style-type: none"> • This reduces the public’s ability to participate in the subdivision process • Additionally, minor variances and consents are no longer appealable by residents, which is a significant change. 	

Table 7 – Review of A Place to Grow (Growth Plan) and Provincial Policy Statement (PPS)

Provincial Comment Period closes on December 30, 2022 (ERO: 019-6177)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Merging the Growth Plan and PPS</p> <p>Consultation process on merging the Growth Plan and the PPS.</p>	<ul style="list-style-type: none"> • Few details have been provided to date on how the Growth Plan and PPS would change. 	<ul style="list-style-type: none"> • Staff are requesting that the Province consult with municipalities on changes to these documents. • Staff suggest that Regional Urban Structure (e.g. UGCs and MTSAs) and growth forecasts to help plan for regional infrastructure be maintained.

Table 8 – Municipal Housing Targets to 2031

Proposed Changes	Potential City Impacts	Comments to the Province
<p>New Housing Targets for Municipalities</p> <p>The Province has assigned Mississauga a new housing target of 120,000 units by 2031. Targets are based on current population and growth trends.</p>	<ul style="list-style-type: none"> In 2021, Mississauga issued building permits for 5,500 new units. So far, 2022 is a record year, but the City has still only issued building permits for 6,100 new units. If Mississauga is to meet the Provincial housing target, it must double its current levels of development. The City has been planning for growth well beyond its Regional allocation of 100,000 units so no city planning policy changes are needed to reach the provincial pledge. 	<ul style="list-style-type: none"> Staff suggest these targets may be hard to reach given constraints on the development industry (e.g. market conditions, high interest rates and labour and construction costs that influence viability and timing of development projects).

Table 9 – Changes to Ontario Regulation 232/18 – Inclusionary Zoning

Provincial Comment Period closes on December 9, 2022 (ERO: 019-6173)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>New definition of “Affordable” for Inclusionary Zoning (IZ) Units</p> <p>Province is proposing that the lowest price/rent that a municipality can require a developer to sell / rent IZ units at is 80% of the average resale purchase price of ownership units or 80% of the average</p>	<ul style="list-style-type: none"> This change would require amendments to Mississauga’s policies/IZ By-law and would raise questions about the fundamental utility of the IZ tool to increase housing supply that is affordable for Mississauga’s moderate income households. The proposed definition for ownership IZ units would mean that IZ units are effectively unaffordable to the vast majority of Mississauga’s moderate income households. 	<ul style="list-style-type: none"> Suggest the use PPS definition for housing affordability, which is based on annual income spent on housing costs. If it is decided to move to a market-based approach, affordable ownership units should be priced at 70% or less of resale price. Requesting that the Province maintain the income-based definition of “affordable housing” for IZ units.

Proposed Changes	Potential City Impacts	Comments to the Province
market rent (AMR) for rental units.		<ul style="list-style-type: none"> • Requesting clarification on methodology (e.g. will it be a rate by unit type or one rate regardless of type? What is the source of the resale data?)
<p>Caps on IZ Set-Aside Rate</p> <p>Proposed change will set an upper limit to the set-aside rate, which would be 5% of total number of units or 5% of total residential gross floor area.</p>	<ul style="list-style-type: none"> • Impacts to the City's Official Plan and Zoning-by-law set-aside rate provisions. • Mississauga's IZ policies require a rate ranging from 5% to 10% residential area, after an initial phase-in. • Recent Provincial legislation changes already limited the geographic scope of IZ to protected MTSAs, directly impacting IZ unit yield. • Raises question of administrative efficiency of IZ for both the City and Region, given the small IZ unit yield that may result. 	<ul style="list-style-type: none"> • City staff do not support the 5% maximum as it will result in approximately 40% less affordable units than anticipated by the City's current IZ provisions. The proposed changes reduce the efficiency of administering the IZ program. • One-size-fits-all approach does not recognize that certain sub-markets in Ontario can absorb a higher rate, especially given significant public investment to transit and infrastructure. • The 5% maximum calls into question the necessity of current requirements to perform periodic IZ market analyses / policy updates. • Request that Province increase the set aside rate cap to 10% to help increase the supply of affordable units. • Request that Province consider cash-in-lieu for scenarios where the IZ unit yield is small in smaller projects, to reduce administrative burden to developers and municipalities.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Cap on Affordability Term</p> <p>Proposed maximum affordability period of 25 years for IZ units.</p>	<ul style="list-style-type: none"> • Impacts City’s Official Plan and zoning provisions for IZ. • Raises question of merit of IZ program given short affordability term. • Mississauga’s adopted policy and zoning provisions establish a 99-year affordability term for ownership units and a 25-year affordability term (plus 5-year phase-out) for rental units. The rental affordability term was intentionally set shorter than the ownership term to encourage delivery of rental units in condominium developments. The City exempts purpose-built rental projects from IZ. 	<ul style="list-style-type: none"> • Staff do not support the proposed maximum affordability period because it will cause ownership units to be lost from the IZ inventory sooner than necessary, and the proposed maximum term will have no impact on development feasibility / housing supply. • Request that Province extend the affordability for “ownership” units to 99 years; this will have no impact on developers but will allow for more sustainable affordable housing supply.

Table 10 – Proposed Amendments to the Greenbelt Plan and Greenbelt Area Boundary Regulation

Provincial Comment Period closes on December 4, 2022 (ERO: 019-6216 and ERO: 019-6217)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Changes to the Greenbelt Plan and Area Boundary</p>	<ul style="list-style-type: none"> • Removing land from the Greenbelt could have environmental consequences both inside and outside of Mississauga. • Environment impacts could be compounded by a reduced role of Conservation Authorities. 	<ul style="list-style-type: none"> • There are no guarantees that removing some lands from the Greenbelt while adding others will have equal environmental value and ecological function. • City staff are supportive of adding urban river valleys to the Greenbelt and already protect these lands. • It is submitted that only lands be added to the Greenbelt and staff are not supportive of removing lands.

Table 11 – Proposed Updates to the Ontario Wetlands Evolution System

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6160)

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Removing the Concept of Wetland Complexes</p> <p>The proposed changes would remove the concept of wetland complexes and weaken the evaluation process. The changes will allow for wetland boundaries to be re-defined after they have been evaluated and accepted.</p>	<ul style="list-style-type: none"> • It will be more difficult for smaller wetlands (<2 ha in size) to be included and evaluated under the system. • Given that wetlands comprise only about 0.9% of the city's land base and many are small and exist in a mosaic of smaller habitats, the identification and protection of small wetlands will be impacted - they are essential to maintaining biodiversity and ecosystem function at a local and landscape scale. • Given that boundary changes will be allowed after a wetland has been accepted, this could lead to a situation where unauthorized and unpermitted changes to wetlands lead to a reduction in their size or loss over time to facilitate growth in areas that would have been otherwise protected. 	<ul style="list-style-type: none"> • The Province should maintain existing wetland protections. The benefits of developing on wetlands do not outweigh the potential environmental outcomes.

Appendix 2: List of All ERO and Related Postings

Postings to the Environmental Registry of Ontario (ERO)

	Name of Posting	Link and ERO #	Comment Deadline
Information Bulletins			
1	Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023	019-6162	n/a
2	2031 Municipal Housing Targets	019-6171	n/a
Legislation (Act)			
3	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 – the proposed More Homes Built Faster Act, 2022)	019-6163	November 24, 2022
4	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges	019-6172	November 24, 2022
5	Supporting Growth and Housing in York and Durham Regions Act, 2022	019-6192	November 24, 2022
6	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022	019-6196	November 24, 2022
Regulation			
7	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario	019-2927	December 30, 2022
8	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0	019-6141	November 24, 2022
9	Proposed Amendment to O. Reg. 232/18: Inclusionary Zoning	019-6173	December 9, 2022
10	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units	019-6197	December 9, 2022
11	Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario's Building Code	019-6211	December 9, 2022
12	Proposed Amendments to the Greenbelt Area Boundary Regulation O. Reg. 59/05	019-6217	December 4, 2022
13	Proposed redesignation of land under the Oak Ridges Moraine Conservation Plan O. Reg. 140/02	019-6218	December 4, 2022
Policy			

14	Proposed Updates to the Ontario Wetland Evaluation System	019-6160	November 24, 2022
15	Conserving Ontario's Natural Heritage	019-6161	December 30, 2022
16	Proposed Revocation of the Parkway Belt West Plan	019-6167	December 30, 2022
17	Proposed Revocation of the Central Pickering Development Plan	019-6174	November 24, 2022
18	Review of A Place to Grow and Provincial Policy Statement	019-6177	December 30, 2022
19	Proposed Amendments to the Greenbelt Plan	019-6216	December 4, 2022

Postings to Ontario's Regulatory Registry (ORR)

	Name of Posting	Link and Proposal #	Comment Deadline
Proposal			
1	Seeking Input on Rent-to-Own Arrangements	22-MMAH018	December 9, 2022
Act			
2	Seeking Feedback on Municipal Rental Replacement By-Laws	22-MMAH017	November 24, 2022
3	Proposed Amendments to the Ontario Land Tribunal Act, 2021	22-MAG011	November 25, 2022
4	Amendments to the New Home Construction Licensing Act, 2017 to Protect Purchasers of New Homes	22-MGCS021	November 24, 2022
5	Proposed legislative amendments to the Ontario Underground Infrastructure Notification System Act, 2012 under the More Homes Built Faster Act, 2022	22-MGCS022	November 25, 2022
Regulation - Minister			
6	Proposed Building Code Changes to Support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023 (Phase 3 - Fall 2022 Consultation for the Next Edition of Ontario's Building Code)	22-MMAH016	December 9, 2022
7	General Proposed Changes for the Next Edition of Ontario's Building Code (Phase 2 – Fall 2022 Consultation)	22-MMAH019	December 9, 2022

Background and Other Provincial Updates

	Description	Link
1	Community Infrastructure and Housing Accelerator – Final Guideline	Guideline
2	More Homes Built Faster Act, 2022 - Backgrounder	Backgrounder
3	More Homes Built Faster Action Plan	Action Plan
4	Bill 23, More Homes Built Faster Act, 2022	Bill 23



MISSISSAUGA

RESOLUTION 0231-2022
 adopted by the Council of
 The Corporation of the City of Mississauga
 at its meeting on November 23, 2022

0231-2022

Moved by: D. Damerla

Seconded by: C. Fonseca

1. That Council endorse positions and recommendations contained and appended to the report titled *"Bill 23 'More Homes Built Faster' and Implications for City of Mississauga,"* and authorize staff to prepare additional detailed comments on Bill 23 and any associated regulations, as needed. In particular, the City be made whole for any revenue losses from changes to the imposition of development changes and parkland dedication.
2. That the Mayor or designate be authorized to make submissions to the Standing Committee with respect to issues raised in this report, or to otherwise provide written or verbal comments as part of the Ministry's public consultation process.
3. That the City Clerk forward this report to the Ministry of Municipal Affairs and Housing; Mississauga's Members' of Provincial Parliament, the Association for Municipalities Ontario, and the Region of Peel.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie			X	
Councillor S. Dasko	X			
Councillor A. Tedjo	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
Councillor J. Horneck	X			
Councillor D. Damerla	X			
Councillor M. Mahoney	X			
Councillor M. Reid	X			
Councillor S. McFadden	X			
Councillor B. Butt	X			

Carried (11, 0, 1 Absent)



November 23rd, 2022

Association of Municipalities of Ontario (AMO)
200 University Avenue
Suite 801
Toronto, Ontario
M5H 3C6

By E-Mail To: amo@amo.on.ca

Dear Sir/Madam:

**RE: Resolution – OMAFRA Ontario Wildlife Damage Compensation Program
Administrative Fee**

Please be advised that the Council of the Corporation of the Township of Lanark Highlands passed the following resolution at their regular meeting held November 22nd, 2022:

Moved by Reeve McLaren

Seconded by Councillor Rodger

THAT, the Council of the Township of Lanark Highlands supports Tay Valley Township's resolution regarding OMAFRA Ontario Wildlife Damage Compensation Program Administrative Fee;

AND THAT, this resolution be circulated to the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities for their consideration and support.

Carried

Sincerely,

Amanda Noël

Amanda Noël,
Clerk

Encls.

c.c. Hon. Sylvia Jones, Solicitor General of Ontario

sylvia.jones@ontario.ca



August 31, 2022

Association of Municipalities of Ontario (AMO)
 200 University Ave., Suite 801
 Toronto, ON M5H 3C6
 Sent via email: resolutions@amo.on.ca

RE: RESOLUTION – OMAFRA Ontario Wildlife Damage Compensation Program Administrative Fee

The Council of the Corporation of Tay Valley Township at it's Council meeting on August 23rd, 2022 adopted the following resolution:

RESOLUTION #C-2022-08-42

“WHEREAS, the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) administers the Ontario Wildlife Damage Compensation Program to provide compensation to farm producers for livestock killed by wildlife;

AND WHEREAS, Ontario Municipalities administer the Program on behalf of OMAFRA by appointing a Livestock Investigator and staff to work on wildlife damage claims;

AND WHEREAS, the costs associated with wildlife damage claims typically exceed the administration fee of \$50.00 per claim as provided to the Municipality from OMAFRA;

NOW THEREFORE BE IT RESOLVED THAT, the Council of Tay Valley Township request the Ministry of Agriculture, Food and Rural Affairs to review the administrative fee provided to Municipalities for the administration of the Ontario Wildlife Damage Compensation Program;

AND FURTHER THAT, this resolution be circulated to the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities for their consideration and support.”

ADOPTED



If you require any further information, please do not hesitate to contact the undersigned at (613) 267-5353 ext. 130 or deputyclerk@tayvalleytwp.ca.

Sincerely,

A handwritten signature in blue ink that reads "Janie Laidlaw". The signature is written in a cursive style with a large initial "J".

Janie Laidlaw, Deputy Clerk

cc: All Municipalities of Ontario



November 23rd, 2022

Ministry of Municipal Affairs and Housing
College Park, 17th Floor
777 Bay Street
Toronto, Ontario
M7A 2J3

By E-Mail To: minister.mah@ontario.ca

ATTENTION: Honorable Minister Steve Clark

Dear Minister Clark:

RE: Resolution – Strong Mayors, Building Homes Act

Please be advised that the Council of the Corporation of the Township of Lanark Highlands passed the following resolution at their regular meeting held November 22nd, 2022:

Moved by Reeve McLaren

Seconded by Councillor Closs

THAT, the Council of the Township of Lanark Highlands supports the resolution from the Town of Gravenhurst regarding Strong Mayors;

AND THAT, this resolution be provided to the Minister of Municipal Affairs and Housing and to all Ontario Municipalities.

Carried

Sincerely,

Amanda Noël

Amanda Noël,
Clerk

Encls.

c.c. All Ontario Municipalities



Sent via Email

September 23, 2022

RE: TOWN OF GRAVENHURST RESOLUTION – STRONG MAYORS

At the Town of Gravenhurst Committee of the Whole meeting held on September 20, 2022, the following resolution was passed:

BE IT RESOLVED THAT the Correspondence from the Town of Wasaga Beach regarding Strong Mayors be received for information.

AND THAT a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and others matters.

AND FINALLY THAT this motion be circulated to all Ontario municipalities.

Sincerely,

J. G.

Jacob Galvao
Administrative Clerk II – Legislative Services
Town of Gravenhurst



November 24, 2022

Rescue Lake Simcoe Charitable Foundation
 120 Primeau Dr.
 Aurora, ON L4G 6Z4
RescueLakeSimcoeCoalition@gmail.com

RE: York Region Citizens' response to Bill 23 and Proposed Amendments to the Greenbelt & Redesignation of the Oak Ridges Moraine

ERO Submission for Greenbelt: <https://ero.ontario.ca/notice/019-6216> "Proposed Amendments to the Greenbelt Plan" and <https://ero.ontario.ca/notice/019-6218> "Proposed Redesignation of land under the Oak Ridges Moraine Conservation Plan" ERO deadline December 4

Bill 23: <https://ero.ontario.ca/notice/019-6192> "Supporting Growth and Housing in York and Durham Regions Act, 2022" ERO deadline November 24, extended November 23 to December 9

Executive Summary

We are deeply troubled by Bill 23 and the proposed amendments to the Greenbelt Plan. Many of the Ontario government's actions can only be described as undemocratic, as there is no mandate for these sweeping reforms. The province is dismissive of stakeholders, ENGO's and NGO's that express concern and/or opposition. The ENGO community has gotten used to this, but the fact that the Ontario Chamber of Commerce and the Association of Municipalities of Ontario's concerns are also being ignored is unprecedented. This head in the sand behaviour reflects an unwillingness to acknowledge the magnitude of public concern and to fairly listen to all experts and stakeholders.

Our High Level Recommendations:

1. **Slow down:** Do not pass Bill 23 or support the Proposed Amendments to the Greenbelt Plan until proper consultation is completed with affected stakeholders, key interest groups including Association of Municipalities of Ontario (AMO), the Ontario Chamber of Commerce, Conservation Authorities (CA), and affordable housing advocates. The housing rationale used for these measures must be demonstrated to be sound; to date the measures proposed are not supported by planners, municipalities or housing advocates.
2. **Allow Conservation Authorities to maintain their current role** in permitting in regulated areas, allow them to conserve land, reduce pollution via land use planning review and permits. Don't further consider land owned by CA's for housing development. Uphold the purpose and rationale for CA's, namely preservation, conservation and stewardship of land with natural hazard risks.
3. **Require a full Environmental Assessment for the Duffins York-Durham Sewage System** servicing northern York Region.
4. **Abandon the abolition of Regional Planning:** There are issues with regional planning, but the only support for the proposal to eliminate the important coordinating role of regional government, particularly for infrastructure planning, is from land speculators and developers. If there's a rationale for the government's proposal that serves the public interest, please provide.
5. **Do not encroach on the Greenbelt and Oak Ridges Moraine:** There's enough land to build the housing that Ontario needs for 30 years. Even BILD has said they don't need Greenbelt. This file stinks; any self-respecting MPP or Councillor should immediately distance themselves from these hand-picked, unjustifiable Greenbelt land removals.
6. **Protect Wetlands, Natural Heritage, Species at Risk and Ontario from the inevitable risks of Climate Change!** It is unfathomable that we even need to say this. Southern Ontario is an "ecoregion in crisis". Removing more natural features here and adding protections to lands elsewhere obviously isn't going to improve our ecoregion. Do not change the OWES wetland evaluation system. Maintain strong prohibitions on alteration of landscape in Ontario's Natural Heritage System (NHS) and its features in the Provincial Policy Statement (PPS). Do not allow offsets, trades, or "compensation" agreements. Capitalize on the free service provided via natural asset management instead of infrastructure and capital intensive engineered solutions.
7. **Allow Members of the Public and CA to appeal Official Plan, Zoning Bylaw Amendments and Sprawl Proposals to the Ontario Lands Tribunal.** Make the playing field level once more by providing the same rights to both project proponents and community players interested in challenging and/or improving planning proposals/Official Plans. Consider threshold levels to reduce appeals abusing the process.
8. **Do not override Official Plans.** For better or worse they are far more democratic than the proposals flowing out of the government of Ontario at this time.
9. **Maintain the PPS & Growth Plan,** its density requirements, and support rational infrastructure phasing policies to make the best use of limited taxpayer and developer dollars.

FULL SUBMISSION

The Canadian Environmental Law Association (CELA) has indicated that Bill 23 is the most extensive and biggest package of legislative changes they have seen in over ten years. We do not offer an analysis as it is impossible to do with our limited resources and time given. We do express our support and agreement from the groups listed in Appendix 1 who have made statements and have or will submit comments on Bill 23 and the various Environmental Registry of Ontario (ERO) postings. We acknowledge there may be good elements in the Bill but we are overwhelmed by the magnitude of regressive changes and fail to see how they are in the public interest in a climate emergency and affordable housing crisis. Some quotes for perspective.

“The proposed changes in Bill 23 will create a number of unintended consequences which roll back 70 years of successful conservation authority watershed management at a time when we need this work more than ever in order to address the growing impacts of climate change¹.” Conservation Ontario.

“Preliminary analysis of the Bill indicates the transfer of up to \$1 billion a year in costs from private sector developers to property taxpayers without any likelihood of improved housing affordability. Similarly, the bill’s provisions designed to reduce environmental protection will benefit developers in the short term, with costs to the public and homeowners that cannot be calculated².”

Members of the Committee and all Members of the Provincial Parliament will need to consider in whose interest they govern. Bill 23, as drafted, benefits private interests at the expense of public interests – at the expense of property taxpayers and Ontario’s natural environment.” AMO.

TIMING IS ANTI DEMOCRATIC AND HOSTILE TO STAKEHOLDERS

Recommendation: Slow down the process.

On October 25th, 2022 the day after municipal elections were held across Ontario’s 444 municipalities, the current government introduced Bill 23, *More Homes Built Faster Act* and posted numerous notices for public consultation on the ERO. Additional notices were posted on November 4th approving York Region³ and other municipal Official Plans as well as proposed amendments to the *Greenbelt Act* and redesignation of land under the *Oak Ridges Moraine Conservation Act*⁴. Then 2 weeks later, on the day before the inaugural Council meetings of Niagara, Peel and York Regions, Bill 39 was introduced⁵.

New Councils have not yet been formed, and have not been able to meet to approve or formulate responses to the Province. The Association of Municipalities of Ontario (AMO), representing Ontario’s municipalities, was not provided an opportunity to present to the Legislature’s Standing Committee on

¹ <https://www.mvca.on.ca/conservation-ontario-watershed-views-blog-bill-23/>

² https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Submissions/SC_HICP-LTR_AP_AMO_Submission_Bill%2023_More_Homes_Built_Faster_Act_20221116.pdf

³ <https://prod-environmental-registry.s3.amazonaws.com/2022-11/York%20OP%20-%20Decision%20-%20Signed%20November%204%202022.pdf>

⁴ List of ERO Postings resulting from Bill 23 and proposed Greenbelt Plan & Oak Ridges Moraine Conservation Plan changes: <https://cela.ca/wp-content/uploads/2022/11/Bill-23-updated-chart.pdf>

⁵ <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-39>

Heritage and Culture at the Bill 23 hearings. The official opposition did invite them to present their submission and it was shared with all MPPs⁶.

Voters, especially those in two tier - regional governments, had no indication that the responsibilities of regional governance would fundamentally change or that the province would be appointing Chairs⁷, likely extending Strong Mayor Powers to unelected Chairs of their choosing or initiate an 'assessment' of regional governance⁸. It is unfortunate that the public went to the polls and elected a regional council without the knowledge that the province was going to fundamentally change regional governance. The province conducted a 2019 Regional Governance Review, which was never acted upon and the recommendations remain confidential advice to cabinet⁹. The public does not know if what your government is proposing is consistent with the advice provided in that review. Thus there is no evidence, available to the public, to support the need for the aggressive changes to regional governance.

GREENBELT REMOVALS IN YORK REGION

Recommendation: Keep your promise; do not remove lands from the Greenbelt and be transparent about the downgrading that has already commenced.

Why are so many Greenbelt removals being proposed now outside of the ten-year review period, especially when a Greenbelt review and land removals were completed in 2017? The Ontario Government has quite simply lied to the people of Ontario by proposing to remove portions of the Greenbelt. Seven of the fifteen Greenbelt land removals and the only Oak Ridges Moraine land-use redesignation¹⁰ are located in York Region.

King Township lands:

The Greenbelt removal in King Township has received significant media attention due to the timing of land transactions and a motion by King Council in support of the Greenbelt removal to facilitate a new Southlake hospital. It is unclear if the province is aware or supportive of the hospital proposal, if this is Southlake's preferred site or even a candidate site. There is also much concern about who knew what and when? The removal of Greenbelt protection and subsequent re-zoning would increase land value above the purchase price of \$80M last September¹¹.

Upper York has no servicing capacity to give, existing 2010 growth can't be fully serviced and the Upper York Sewage System, now abandoned, was supposed to be the solution for this growth. It is implausible that the lands in King Township would be an eligible candidate for new housing development; northern York Region doesn't have a servicing capacity solution for what was just approved in the new Official

⁶ AMO Bill 23 Submission: <https://www.amo.on.ca/advocacy/health-human-services/amo-submission-bill-23-more-homes-built-faster-act-2022>

⁷ The option to elect York Region's Chair publicly for the first time was eliminated at the 11th hour by the Ontario PC Government in 2018: <https://www.theglobeandmail.com/canada/toronto/article-scrapping-regional-chair-elections-comes-as-guardedly-pleasant/>

⁸ Bill 39, Schedule 3: <https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=37452>

⁹ CBC News Article on Regional Governance Review, Completed 2019: <https://www.cbc.ca/news/canada/kitchener-waterloo/ken-seiling-regional-government-review-reaction-1.5343150>

¹⁰ <https://ero.ontario.ca/notice/019-6216>

¹¹ <https://thenarwhal.ca/ford-ontario-greenbelt-cuts-developers/>

Plan. Why do Minister Clark and the Mayor of King believe these lands meet the eligibility criteria for Greenbelt removal and that servicing capacity could be prioritized and feasible, ahead of all other development projects awaiting servicing allocation?

Markham and Vaughan Greenbelt Removals Plus Downgrading Greenbelt NHS:

The Greenbelt removals in Vaughan and Markham are adjacent to, or contain Greenbelt ‘fingers’ that are part of Ontario’s NHS and had land use designations downgraded from prime agriculture to rural to allow active parkland uses when Minister Clark approved York Region’s Official Plan¹². These removals combined with Minister Clark’s recent decision in the Official Plan are not consistent with the Greenbelt Plan and do not uphold previous tribunal decisions that clearly identify that expansion of urban boundaries is not permitted into the Greenbelt NHS¹³. Are accessory uses such as parks that support adjacent developments a settlement expansion in the Greenbelt NHS?

The Ontario government appears to have little regard for compliance with its own policies. The current government’s defense for inaction on Climate Change¹⁴ is, in part, because it is a policy that can’t be enforced. We are fearful that this attitude is percolating into land use planning, resulting in the destruction of Ontario’s NHS; a policy, not a land use designation protected by regulation¹⁵. The combination of the multitude of legislative changes that reduce natural heritage protection - ie. redefining wetlands could permit the dumping of soil of questionable quality, combined with a reduction in resources and legislated authority of independent government-paid subject matters to comment and approve land use decisions, appears to leave little oversight or protection. This leaves us extremely fearful that even the portions of the Greenbelt that remain intact will fail to be protected due to multiple threats, undermining the purpose and intent of the Greenbelt Plan.

The general public does not yet understand that this government has already downgraded Greenbelt protection in York and Peel Regions Official Plan Approvals by downgrading land use designations. This is not a removal but it is a lowering of protection that does not require a change to provincial regulations. York Region’s Official Plan also concerns several alarming changes that indicate the Oak Ridges Moraine Conservation Act regulations will be changed to allow future urban development in Vaughan and Stouffville. There’s also reference that some existing developments which meet certain criteria may not need to comply with certain requirements of the ORM Conservation Plan¹⁶. The government has failed to analyze the cumulative impacts of localized and province wide decisions and legislative changes.

¹² This downgrading of protection was done against the recommendations of Vaughan, Markham, York Region, TRCA staff, the York Region Federation of Agriculture, the Greenbelt Foundation and in the face of significant public opposition. <https://thenarwhal.ca/greenbelt-york-region-tacc-vote/>

¹³ Refer to the preamble of tribunal decisions that approved York Region’s ROPA2 and ROPA3 as well as Section 3.2.5 (b) of the Greenbelt Plan.

¹⁴ Refer to Mathur et. al. heard by the Ontario Superior Court Sept 12-14, 2022 awaiting decision. <https://ecojustice.ca/case/genclimateaction-mathur-et-al-v-her-majesty-in-right-of-ontario/>

¹⁵ Except where specialized and specific legislation with supporting regulations has been enacted such as the Oak Ridges Moraine Conservation Act, the Niagara Escarpment Act or the Lake Simcoe Protection Plan.

¹⁶ Refer to Items 14 (4.2.34), 20 (4.4.43 b), 25 (5.3.4), 56 here: <https://prod-environmental-registry.s3.amazonaws.com/2022-11/York%20OP%20-%20Decision%20-%20Signed%20November%204%202022.pdf>

PROVINCIAL POLICY IN DISARRAY, DISREGARDED, DISRESPECTED

Recommendation: Provide evidence-based rationale for policy changes & clean up your own house first

The changes, even simple administrative matters, do not appear well thought out. It seems implausible that the Ministry of Municipal Affairs and Housing (the Ministry) has or will have the capacity, staff and administrative processes in place to be the approval authority for lower tier Official Plans and Amendments. The Ministry hasn't provided basic data on whether the Growth Plan is effective or ineffective, if municipalities are meeting greenfield density targets or have adequate housing supply approved in the pipe-line¹⁷. This Ontario government has failed to provide reasonable evidence supported by data, facts or figures province-wide to justify such broad sweeping legislative changes.

Provincial ministries with conservation, preservation, endangered species protection remain critically underfunded. The province has failed to address recommendations and shortcomings brought forward by the former Environmental Commissioner and now the Auditor General¹⁸. Illegal land use is rampant on prime agricultural land, trees are being felled illegally¹⁹. Our bylaws and penalties are ineffective, the province is absent or worse giving approvals in the absence of approved zoning and then expecting by-law officers to enforce nuisance and traffic impacts. The changes to CA's will leave Ontario's Natural Heritage vulnerable and exposed because there will be no publicly funded institutions with sufficient resources left to speak, and act to protect our natural heritage. It is reckless to make these changes in the absence of any real and meaningful attempts to address the already identified shortcomings that have forced CA's to take on the very roles the province seeks to or has already eliminated.

MASSIVE FINANCIAL IMPLICATIONS FOR MUNICIPALITIES

Recommendation: Consult with AMO and municipalities to ensure these changes do not bankrupt municipalities and do not affect the levels of services and park land that Ontarians have come to expect.

Municipal staff are warning of staggering losses as a result of reduction in development fees; the City of Markham estimates that property taxes would have to increase by 50 to 80 percent just to maintain existing services²⁰. It is foolish to believe that smaller municipalities with less resources will have or be able to obtain specialized staff with the expertise to adhere to specialized specific provincial policy plans and the knowledge to protect residents from natural hazards. Contracting out these services opens up a whole other set of administrative, financial and accountability issues that again do not appear well thought out. Reducing parkland requirements is the exact opposite of what we learn that we need most for our communities during the pandemic.

¹⁷ https://www.auditor.on.ca/en/content/annualreports/arreports/en21/AR_LandUse_en21.pdf

¹⁸ <https://www.auditor.on.ca/en/content/reporttopics/environment.html>

¹⁹ Vaughan, MZO 643/20 illegally felled a 1.3Ha significant woodlot in Eco-Region 7E, the MZO nor local governments gave permission for tree removal. The landowner will be required to pay \$2M. The land should never have been developed half the trees went down in the mid-2000s there is no deterrent significant enough to protect Ontario's natural heritage, development pressure and ability to profit is immense: <https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=123135>

²⁰ <https://globalnews.ca/news/9292260/ontario-cities-protest-ford-government-housing-bill/>

CONSERVATION AUTHORITIES

Recommendation: Allow Conservation Authorities to maintain their current role in permitting in regulated areas and allow them to conserve land and reduce pollution via land use planning review and permits.

Ontario residents trust CA's because they have demonstrated they have the staff, expertise and resources to comment on complex planning applications with environmental and natural hazard risks. Further, they have been responsible stewards for the conservation and preservation of the lands entrusted to them. To direct CA's to put a list of land together suitable for development is nonsensical. Land comes into their ownership because it has been donated with expectations of having conservation status in perpetuity, or the lands contain environmentally significant features and natural hazards that require protection.

UPPER YORK SEWAGE SYSTEM

Recommendation: We support the Williams Treaties First Nations in their comment that a full Environmental Assessment of the southbound Duffins Creek route is needed.

We are pleased that the Upper York Sewage Treatment Plant is not proceeding, that the government recognizes the sensitive health of Lake Simcoe, the need to proceed expeditiously with the phosphorus reduction plant and the necessity of compliance with the *Lake Simcoe Protection Act* and Plan. However, it is frustrating that \$100M has been spent on the Upper York Sewage System Environmental Assessment with little to show. It is unreasonable to transfer this growth to Durham residents in the absence of a full Environmental Assessment and to suggest that York Region staff will be able to accomplish anything to approve and achieve the old or new growth targets set by the Province in the near future. Staff has been told to start over, develop a solution to deliver a third expansion of the York-Durham Duffins Creek Treatment Plant and pump water against elevations of 100m (twice the height of Niagara Falls). We are no further ahead to achieving growth in upper York.

Upper York Region is a case study in what not to do in infrastructure planning with stranded assets and unrealized growth creating burdens on capital budgets because development fees can't be collected²¹. This is a direct result of provincial inaction and inadequate, non-existent provincial support and resources provided to municipalities but still demanding growth targets be met²². It is setting

²¹ <https://thenarwhal.ca/york-region-wastewater-plant/>
https://www.thestar.com/news/gta/2012/07/06/york_region_putting_development_money_ahead_of_good_planning_critics_say.html

²² "...the cost estimate for the recommended servicing option did not include costs for treatment at the Duffin Creek plant...did not acknowledge...the total cost of the recommended panel solution is likely to be much higher... the Region would be required to assess and engineer a viable York Durham Sewage System solution including pumping, conveyance and treatment elements, and provide realistic cost estimates... The province should be providing even more cost and schedule certainty given the profound delays attributable to their inaction."

municipalities up to fail and Bill 23 will formally shift the blame for not achieving growth targets onto a lower level of government with no recourse to respond because they are 'creatures of the province' not recognized in the Canadian Constitution. It is unfair.

CONCLUSION

If Bill 23 is passed in its current form then the Ontario government will have failed to listen to professionals, subject matter experts, and ignored science and established best practices. It will have failed to protect land that will be critically important to reducing the impacts and adapting to climate change - CA regulated land, the Greenbelt and Oak Ridges Moraine. They will have failed to provide the type and diversity of housing needed by Ontario's most vulnerable communities. The implications of Bill 23 place unacceptable fiscal and legal risk upon the Government of Ontario, municipalities and taxpayers - it is short-sighted and reckless.

We urge you to slow down. Do not pass Bill 23 or the proposed Greenbelt removals. Consult properly, and do the job that only the government can do: protect the public interest.

Sincerely,



Claire Malcolmson
Executive Director
Rescue Lake Simcoe Coalition

Irene Ford
Community Advocate and Member of Stop The 413, Stop Sprawl York Region, Stop Sprawl Ontario

ABOUT US:

Stop Sprawl York Region is a project of the Rescue Lake Simcoe Coalition, set up to coordinate public input and responses to York Region's Official Plan development in 2022. We are a collective of community leaders, organizations, and people who care about the future of York Region.

The Rescue Lake Simcoe Coalition is a lake-wide member-based organization, representing 29 groups in the Lake Simcoe watershed, that provides leadership and inspires people to take action to protect Lake Simcoe. www.rescuelakesimcoe.org

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Appendix 1: Organization Whose Comments and Statements Are Supported Regarding Bill 23 and the Proposed Amendments to the Greenbelt Act and Oak Ridges Moraine Conservation Authorities Act

- York Region Government: <https://www.york.ca/newsroom/york-regional-council-calls-provincial-government-halt-bill-23>
- Canadian Environmental Law Association: <https://cela.ca/reviewing-bill-23-more-homes-built-faster-act-2022/>
- Ontario Greenbelt Allies Statement: The problems with Bill 23 and the Proposal to Remove Lands from the Greenbelt: [https://yourstoprotect.ca/wp-content/uploads/sites/3/2022/11/Big-Tent - Statement-on-Bill-23-and-Greebelt-Land-Removal.pdf](https://yourstoprotect.ca/wp-content/uploads/sites/3/2022/11/Big-Tent-Statement-on-Bill-23-and-Greebelt-Land-Removal.pdf)
- Ontario Soil Regulation Task Force comments as submitted by them on ERO 019-6240
- Association of Ontario Municipalities statement and submissions: <https://www.amo.on.ca/advocacy/health-human-services/consultation-postings-under-more-homes-built-faster-act-2022>
- Ontario Nature: <https://view.publitas.com/on-nature/bill-23-standing-committee-submission-ontario-nature/page/1>
- Conservation Ontario: https://conservationontario.ca/fileadmin/pdf/policy-priorities_section/CA_Act_2022/Bill_23_Standing_Committee_Submission_Conservation_Ontario_Angela_Coleman_FINAL.pdf
- Ontario Federation of Agriculture: <https://ofa.on.ca/ofa-presents-to-ontario-standing-committee-on-bill-23/>
- Comments and testimony provided by York Region residents Irene Ford and Peter Miasek who are Community Members associated with Stop Sprawl York Region. Irene Ford and Peter Miasek spoke at the November 9, 2022 Bill 23 Hearings: https://www.ola.org/en/legislative-business/committees/heritage-infrastructure-cultural-policy/parliament-43/transcripts/committee-transcript-2022-nov-09#P643_179326
- We share concerns with the multitude of ENGOs, NGOs surrounding the inability of Bill 23 to deliver affordable housing, rental housing and the diversity of housing Ontario desperately needs