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COUNCIL
PLANNING AND DEVELOPMENT SERVICES

REPORT P&B-2023-03
FEBRUARY 7 2023

SUBJECT: MORE HOMES BUILT FASTER ACT, 2022
SUMMARY OF KEY AMENDMENTS TO THE LAND USE
PLANNING SYSTEM IN ONTARIO

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RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report P&B-2023-03 regarding key amendments to the land use planning system as put forth in Bill 23, which received royal assent on November 28, 2022.

ORIGIN AND BACKGROUND:

On October 25, 2022, the Provincial Government of Ontario introduced Bill 23. The goal of Bill 23 is to address the ongoing housing crisis in Ontario by increasing housing supply and incentivizing construction and development of 1.5 million homes over the next 10 years. The Bill amends several pieces of legislature.

The purpose of this Report is to provide Council with an overview of Bill 23 and the changes to the various pieces of legislation affecting land use planning in Ontario, and how these changes impact the City of Welland.

COMMENTS AND ANALYSIS:

Bill 23 amends ten (10) Acts and associated accompanying regulations. The amendments to the *Planning Act* and *Development Charges Act* are the most significant for the City of Welland. Amendments to the *Conservation Authorities*

Act, Ontario Heritage Act, Ontario Land Tribunal Act, Municipal Act, and New Home Construction Licensing Act, 2017 are included in Bill 23. The following is a summary of amendments and their implications for the City of Welland as assessed by the Department of Planning and Development.

Planning Act,

Bill 23 amends the *Planning Act* to require all Zoning By-laws to conform with the new amendments. Municipalities have one (1) year with which to amend zoning by-laws.

(1) Elimination of planning responsibilities for certain upper-tier municipalities

Several regional municipalities have been deemed as an “upper-tier municipality without planning responsibilities”. The list includes The Regional Municipality of Niagara. The Niagara Region will no longer have the authority or statutory requirement to adopt official plans or amendments, approve lower-tier official plans or amendments, approve plans of subdivision, or appeal planning decisions. These responsibilities will shift to the various lower-tier municipalities forming part of each upper-tier municipality without planning responsibilities in an effort to improve efficiencies and give lower-tier municipalities more discretion over local planning decisions. The province intends to provide transition time for the new regime, as such these amendments are not yet in force and will come into force at a later proclaimed date. Once in force, the policies of the recently adopted Regional Official Plan will be deemed to constitute part of Welland’s Official Plan, the City will retain the ability to amend or revoke those policies as it sees appropriate subject to approval of the Ministry of Municipal Affairs and Housing.

The City of Welland is currently in the process of creating its new Official Plan. Planning Staff are working with a consultant group to create an updated Official Plan which reflects the appropriate direction of growth in the City. It should be noted that the timing in which the Lieutenant Governor proclaims this legislation in effect may affect the timing and content of the new Official Plan.

(2) Density intensification through as-of-right zoning

Bill 23 amends the *Planning Act* to create a new provincial threshold for what is permitted to be built by strengthening the additional residential unit framework and moving toward “as-of-right” zoning. As such, property owners are now permitted to have up to three (3) dwelling units as-of-right on their property. The City may also not require more than one (1) parking space per as-of-right per residential unit and may not enforce a minimum unit size. These units will be exempt from community benefits charges, development charges, and parkland dedication fees. These policies cannot be appealed.

The City of Welland already permits up to 3 dwelling units in association with a single detached dwelling, two-unit dwelling and townhouse dwelling. These units, referred to in the Zoning by-law as Accessory Dwelling Units (ADUs), are also

exempt from site plan control and have no requirements for minimum unit size. The City does not currently impose development charges on one or two additional dwelling units as well as impose cash-in-lieu of parkland dedication fees on ADUs. As such, the City's current density policies are mostly aligned with the amendments from Bill 23.

(3) Appeals have new limitations

Appeals to the Committee of Adjustment for minor variances and consents can now only be made by the owner of the property (applicant), "specified person", or the municipality.

A specified person is defined as:

- a corporation operating a local electric utility,
- Ontario Power Generation Inc.,
- Hydro One Inc.,
- a local company operating a natural gas utility,
- a local company operation an oil or gas pipeline,
- a person required to prepare a risk and safety management plan for propane storage and handling,
- a company operation a railway line that any part of which is location within 300 metres of any site area, and
- a company operating a telecommunications infrastructure local provider.

These amendments are in force and retroactive, applying to third-party appeals that were not scheduled for a hearing by October 25, 2022. There are no changes to the right of third-parties to appeal official plans, official plan amendments, zoning by-laws, or zoning by-law amendments. The two (2) year prohibition on zoning by-law amendments, secondary plan amendments and official plan amendments has been repealed, allowing for applications to be made immediately after plans and by-laws come into force.

(4) Site plan control has new limitations

Section 41 of The Act has been amended to limit exterior design regulation through site plan control. Certain exceptions which can be included in site plan control are, exterior access to a building that contains affordable housing (building permits and building/fire code requirements continue to apply to protect public safety). Residential developments of 10 units or fewer are completely exempt from the site plan control process. Both of these provisions are in force as of November 28, 2022 for any pending or new applications.

Currently the whole territorial area of the City of Welland is designated as a Site Plan Control Area with some exceptions. With regards to residential development, the City applies Site Plan Control to projects that consist of four or more units and therefore must amend its By-law to account for Bill 23. Architectural elevations are not currently a requirement of the City's Site Plan Control by-law, but are commonly submitted and collected. Architectural elevations are required as part of the Downtown and Health and Wellness Cluster CIP. There are no restrictions on

this requirement at this time as this is an ancillary program that is not a requirement of development.

(5) Parkland dedication rate changes

Bill 23 amends the Planning Act by reducing or establishing maximums for parkland dedication requirements. New alternative rates for parkland dedication have been introduced; the new rates are one hectare per 600 new units, for land dedication, and one hectare per 1000 new units for payment-in-lieu (effectively half of the previous rates). Moreover, there are new caps on the maximum amount of land that can be conveyed or paid in lieu. Municipalities cannot collect more than 10% of the value of land for sites under five hectares and not more than 15% of the value of land for sites over five hectares.

Affordable housing and attainable housing are not included in parkland dedication calculations. Non-profit housing and additional dwelling units are exempt from parkland dedication. These amendments have come into force on November 28, 2022. Developments that include affordable or attainable housing have a further cap on the maximum amount of land that can be conveyed or paid in lieu. A rate cap of 5% of the value of land multiplied by a ratio of “A” to “B” where “A” is the number of units that are not affordable or attainable and “B” is the number of affordable or attainable units in the development. This new affordable/attainable rate cap is not yet in force and will come into force at a later proclaimed date.

The Act is also amended to provide for when calculating the required parkland contribution or payment-in-lieu is to be determined: The day the site plan application is filed or the zoning by-law is passed, which ever is later. If there is no site plan application filed or zoning by-law passed then the day the first building permit is issued. This applies to all projects regardless of how many building permits may be issued. The contributions calculated at the application stage or rezoning stage are only valid for two (2) years. If the two year timeline expires the new rate is calculated based on the applicable rate on the day the first building permit was issued. Further, municipalities are required to spend or allocate 60% of parkland reserve funds at the start of each year beginning in 2023. These amendments came into force on November 28, 2022.

Developers can now identify which land is to be conveyed to the City. Land that can be identified as “parkland” includes encumbered parkland, strata parks, and privately owned public spaces which are eligible for parkland credits. The property owner can appeal to the Tribunal if the municipality refuses to accept the proposed land for conveyance. These amendments are not yet in force and will come into force on a later proclaimed date.

The City currently exempts accessory dwelling units, industrial developments, and agricultural developments from parkland dedication. Further, providing parkland dedication relief for affordable housing is an incentive that is already being proposed through the development of the Affordable Housing CIP. The by-law

retains the right for the City to identify lands for conveyance. The City currently takes parkland dedication valuation on the day before the day of the issuance of the building permit. As permitted by the Planning Act, Planning and Development services mainly requires land or cash-in-lieu equivalent for Parkland at the standard rate of 5% for residential developments and other permitted uses and 2% for commercial developments. As such, the changes resulting from Bill 23 should have little effect to the amount of money or land that City receives for Parkland. With that being said, the City of Welland will need to amend its parkland dedication by-law (By-Law 2022-149) to ensure it complies with the new alternative rates, caps and the new valuation timeline.

Development Charges Act, 1997

Bill 23 amends the *Development Charges Act* by freezing, reducing, and exempting fees typically levied by municipalities and other authorities that can impact the cost of development. Specifically, Bill 23 includes:

- Development charge exemptions for affordable units, attainable housing, and non-profit developments. Definitions for affordable and attainable housing is provided in the legislation.
- Reductions are available to rental housing at a rate determined by the number of bedrooms in a unit;
- Reduction of the amount of development charges that may be imposed under existing and future development charges by-laws (a 20% reduction from the development charge that otherwise could have been imposed during the first year the by-law is in force, and a 15%, 10%, 5% reduction in the second, third, and fourth year);
- Development charge by-laws will expire every 10 years (extended from 5 years), but may still be updated at any time.
- Municipalities are also required to spend or allocate 60% of the funds in the development charge reserve fund for priority services;
- A maximum interest rate (prime plus 1%) that municipalities can charge on development charges in certain circumstances.
- A municipality is no longer able to include charges for any housing services within development charges (Welland currently does not charge for housing services)
- Studies are no longer an eligible capital cost that can be recovered through development charges

With regards to the above changes to the Development Charges Act, staff note that the City currently offers development charge relief for specific types of development deemed as a priority to staff and Council including non-profit residential development. Further, providing development charge relief for affordable housing is an incentive that will be proposed through the development of the Affordable Housing CIP. Staff will now be required to determine an

appropriate funding source for the studies that are no longer eligible to be recovered through development charges. The City will also be required to spend or allocate 60% of the funds in the reserve fund for water, waste water and roads each year.

As per the above requirements, City staff note that while the legislation requires the municipality to reduce the amount of development charges imposed by 20% in the first year and 15% in the second, followed by a 10%, 5% reduction in the third, and fourth year, the indexing of development charges is still permitted. Therefore the 15% reduction required by Bill 23 will be off-set by the projected 15.6% indexing of the development charges in 2023.

With reference to Appendix II, staff has prepared an estimate of the projected City DC revenues as a result of the above noted changes. It assumes that the City will experience the same amount and type of growth as we did in 2022. Years 2, 3, and 4 show a reduced amount collected due to the statutory discounting that is required year to year. However, it should be noted that these amounts are essentially deferred to a later date and these deferred amounts would form part of the calculation of a new City DC By-law. The changes also permit the municipality to extend the life of the existing DC By-law for a total of 10 years rather than the previous 5 years.

Conservation Authorities Act

New provisions provide the Minister of Municipal Affairs and Housing with greater ability to direct conservation authorities and growth within lands under conservation authority purview. Conservation Authorities have also been limited within the planning process to applications that include flood prevention and natural hazards. More specifically, Conservation Authorities will have a redefined scope and have limited ability to review or comment on a development application, including any supporting studies made under a "prescribed Act." These amendments will come into force on January 1, 2023.

Further, Bill 23 exempts development authorized under the *Planning Act* from the requirement to obtain a conservation permit, provided that certain prescribed conditions and restrictions are satisfied. The regulation containing the prescribed conditions and restrictions is forthcoming. These amendments are not yet in force and will come into force on a day to be named by proclamation of the Lieutenant Governor unless otherwise noted.

The City of Welland is within the jurisdiction of the Niagara Peninsula Conservation Authority (NPCA). The NPCA's planning authority, due to Bill 23, is currently limited to mandatory programs and services to satisfy its functions and responsibilities as defined in subsection 21.1 (1) of the Conservation Authorities Act, 1990. These programs and services include

- Programs and services related to the risk of natural hazards

- Programs and services related to the conservation and management of lands owned or controlled by the authority, including and interest in lands registered on title
- Programs and services related to the authority's duties, functions, and responsibilities as a source protection authority under the Clean Water Act, 2006
- Programs and services related to the authority's duties, function and responsibilities under an Act prescribed by the regulations.

The City will continue to circulate to the NPCA regarding the mandatory programs. The City is not required to allow or follow any further comment on programs or services outside of the prescribed mandatory programs and services.

Ontario Heritage Act

Amendments to the *Ontario Heritage Act* ("OHA") are in force as of the day Bill 23 received royal assent, unless otherwise noted. Non-designated properties or listed properties under Section 27 on the Municipal Register must now receive a notice of intention to designate within 2 years of the date of listing. Once a notice of intention to designate is published a by-law must be passed within 120 days. In addition to existing conditions if either of the two above timelines expire the subject property receives a five (5) year prohibition from being relisted on the Municipal Register. Councils can now amend or repeal Heritage Conservation Districts. Council will not be permitted to issue a notice of intention to designate a property under section 29 of the OHA unless the property is already on the municipality's heritage register when the 90-day timeline after the filing of a *Planning Act* application is triggered.

There will be new threshold tests for adding a property to a heritage register and for designating an area as a heritage conservation district. An amendment to Ontario Regulation 9/06 has been released. The amendment requires that any property of interest to be listed on the municipal register must meet one (1) or more of the prescribed criteria. If a notice of intention to designate is given two (2) or more of the prescribed must be met. These amendments come into force on a date to be proclaimed by the Lieutenant Governor.

These new timelines will prevent properties from being listed on the Register without a need. This will streamline property owners' ability to renovate and otherwise alter their property without municipal interference. This could result in more additional dwelling units and other building improvements to create housing stock that is in good repair. The City of Welland does not currently have any Heritage Conservation Districts. With regards to the amendments affecting Section 27 to the Act for listed properties, Council, through a motion, has recommended that staff in consultation with the Heritage Advisory Committee establish a list of undesignated properties under this respective Section. Staff will be returning to Council with a report that provides an update how the changes to Act will affect the process regarding this matter.

Ontario Land Tribunal Act, 2021

Bill 23 expands the Tribunal's power to dismiss a proceeding if the person who brought the proceeding on has contributed to undue delay or if they find that a party has not complied with an order of the Tribunal during the proceeding. The Tribunal may also now order the unsuccessful party to pay the successful party's costs. The Minister may now require the Tribunal to prioritize specified types of proceedings and can prescribe timelines for specified types of proceedings.

This will have a holistic affect of streamlining the Tribunal's cases. Greater efficiency at the Tribunal will be beneficial to all municipalities, including the City of Welland.

Municipal Act, 2001

An amendment to section 99.1 of the Municipal Act gives the Minister the authority to make regulations imposing limits and conditions on the powers that local municipalities have to prohibit and regulate the demolition and conversion of residential properties under that section.

This provision aims to protect rental properties from being lost from the market. The City of Welland's housing market is currently predominantly low density residential. The City has no plans to remove rental units from the market. Development proposals to the City are at a record high for the past five years. These developments include a range of housing types.

New Home Construction Licensing Act, 2017

New consumer protections to protect home buyers from bad actors and unethical behaviour. These include higher fines for offences, an increase in administrative penalties for contraventions of the Acts, regulations and by-laws. These protections aim to prevent developers from acting in bad faith with home buyers.

Section 39.2 of the Planning Act

Although not part of Bill 23, staff believe that it is important to note that Section 39.2 of the Act was introduced in Bill 13 in December 2021 and gives provisions for staff delegation regarding zoning by-law amendments that are deemed minor in nature.

As can be seen with the Community Incentives Programs, staff delegated authority allows for a more dynamic and efficient approval process. In conjunction with the removal of certain appeal rights for minor variance and other applications imposing staff delegated authority will streamline routine applications by removing them from the Council meeting cycles. This will also affect Council's efficiency by allowing meetings to focus on cases which require greater deference.

FINANCIAL CONSIDERATION:

The financial implications of Bill 23 will vary from municipality to municipality. The City of Welland currently aligns with a majority of the amendments in Bill 23. This will result in little change regarding the types of services levied through development charges, and the types of developments which have development charges or parkland dedication levied against them. As mentioned, staff can not provide Council with information pertaining to how these changes will specifically impact the City financially at this time. More time is required to assess the changes and the Ontario Regulations (O. Regs) associated with the Development Charges Act which have yet to be finalized by the province.

OTHER DEPARTMENT IMPLICATIONS:

There are no implications to other Departments as a result of the content of this Report.

SUMMARY AND CONCLUSION:

On October 25, 2022, the Provincial Government of Ontario introduced Bill 23. The goal of Bill 23 is to address the ongoing housing crisis in Ontario by increasing housing supply and incentivizing construction and development of 1.5 million homes over the next 10 years. The Bill amends several pieces of legislature.

The purpose of this Report is to provide Council with an overview of Bill 23 and the changes to the various pieces of legislation affecting land use planning in Ontario, and how these changes impact the City of Welland.

ATTACHMENTS:

Appendix I – Power Point Presentation
Appendix II – City Development Charge Financial Impact Estimate

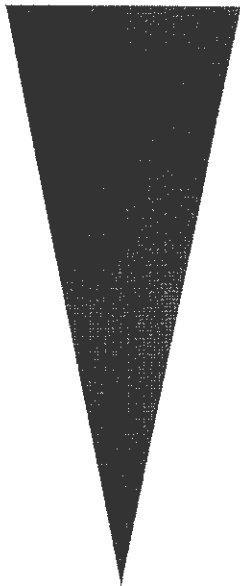
Appendix I



Bridging the past, present and future

Bill 23, Mores Homes Build Faster Act, 2022

Legislature Amended in Bill 23



- The Planning Act
- Development Charges Act
- Ontario Heritage Act
- Ontario Land Tribunal Act
- Conservation Authorities Act
- Municipal Act
- New Home Construction Licensing Act

Planning Act

- One year to amend Zoning By-laws
- Changes to the planning authority of upper tier municipalities
- Encourages gentle density
- Limitation on appeals to create more efficient processes
- Limitation on site plan control to create more efficient processes
- Parkland dedication rates reduced

Planning Act – Planning Authority

- Niagara Region will no longer be able to:
 - Adopt official plans or amendments
 - Approve lower-tier plans or amendments
 - Approve plans of subdivision
 - Appeal planning decisions
- For the City of Welland this means:
 - Regional planning responsibilities will shift to the various lower-tier municipalities
 - Policies of the recently adopted Regional Official Plan will be deemed to constitute part of Welland’s Official Plan
 - City will retain ability to amend or revoke those policies as appropriate

*These changes will come into force on a day in the future to be named by proclamation.

Planning Act – Gentle Density

- Gentle Density is encouraged through:
 - New as-of-right zoning for up to 3 dwelling units on a property
 - No more than 1 parking space per dwelling unit can be required
 - No minimum unit size can be required
 - These units are exempt from CBCs, DCs, and Parkland dedication
- For the City of Welland this means:
 - The City will continue to administer its current zoning provisions which align with the new amendments
 - The City already exempts additional units from DC's, Parkland Fees
 - Any needed amendments to these permissions can not be appealed.

Planning Act – Efficient Appeals

- The 2 year prohibition on zoning by-law, secondary plan, and official plan amendments has been removed.
- Minor variance and consent applications have new appeal limitations:
 - Appeals can only be made by owners, municipalities, or a “specific person”
 - This amendment is retroactive to appeals which have not been scheduled for a hearing by October 25, 2022
- For the City of Welland this means:
 - Fewer appeals for minor variance and consents can be expected creating a more efficient application process

Planning Act – Eliminating Public Meetings for Subdivision Applications

- Amendments to the Planning Act remove the requirement that approval authorities hold a public meeting in respect of a proposed subdivision.
- This amendment is in force as of November 28, 2022.

Planning Act – Site Plans

- Section 41 of the Planning Act has been amended such that:
 - Exterior design is limited from site plan control unless it is a matter of fire safety or building code requirements, or an entrance to affordable housing
 - Residential buildings of 10 units or fewer are exempt from site plan control
 - These amendments apply to pending and future applications as of November 28, 2022
- Implications for the City of Welland:
 - The City will be required to update its Site Plan Control By-law to comply with the new amendments
 - The City will continue to encourage high quality urban design through ancillary programs such as the Downtown and Health and Wellness Cluster Incentive Program

Planning Act – Parkland

- Parkland Dedication has been overhauled:
 - New alternative rates, new rates are effectively half of the previous rates
 - Municipalities cannot collect more than 10% of land value for sites under 5 hectares, and not more than 15% of land value for sites over 5 hectares
 - Affordable housing and attainable housing are excluded from parkland calculations on a day proclaimed by the Lieutenant Governor
 - Developers will be able to identify which land they want to convey on a day proclaimed by the Lieutenant Governor
 - Encumbered parkland, strata parks, and privately owned public spaces are now considered “parkland” and can receive parkland credits
 - The date for determining parkland contribution has changed to the day before site plan application is filed or zoning by-law is passed, or if neither exist the day before the first building permit is issued
 - Require municipalities to spend or allocate at least 60 per cent of their parkland reserve funds at the beginning of each year.
- Implications for the City of Welland:
 - The current parkland dedication by-law will need to be amended to comply with updated rates, caps, and timelines
 - The City mainly requires Parkland at the standard rates of 5% for residential development. Therefore, Bill 23 changes will have low impact on the City.
 - City will be required to spend or allocate 60% of its Parkland Reserve.

Development Charges Act

- Bill 23 amends development charges (DC) by:
 - Exempting affordable, attainable and non-profit housing (not yet in force)
 - Providing reductions for rental based on number of bedrooms
 - Housing services and studies can no longer be included in development charges
 - A scaled reduction of development charges over 4 years, 20% reduction in the first year, 15% in the second year, 10% in the third year, and 5% in the fourth year
 - Development charge by-laws expire every 10 years (increased from 5 years) but can still be updated at anytime
 - Studies are no longer an eligible capital cost that can be recovered. However, they can continue until a new By-law is created.
- Implications for the City of Welland:
 - The City already offers DC relief for specific uses (Brownfield Development, Downtown Health and Wellness Cluster Development, Industrial Development, Non-Profit Houses, 2nd and 3rd unit conversions, accessory dwellings)
 - Determine appropriate funding source for studies.
 - Required to reduce DC's by 20%; further 5% for four years.
 - Municipalities are still able index charges. Approx. 15.5% indexing increase in 2023.
 - Further clarification needed to determine net impact through updated O. Regs.
 - Staff will report back to Council

Development Charges – Future Calculations

City Development Charge Financial Impact Estimate

	Year 1 -80%	Year 2 - 85%	Year 3 - 90%	Year 4 - 95%	Year 5 - 100%
	2022	2023 **	2024 **	2025 **	2026
DC Rates - Per Study	\$5,437,811.13	\$6,280,671.86	\$6,594,705.45	\$6,924,440.72	\$7,270,662.76
Legislated Discount to - DC Rates	N/A *	\$5,338,571.08	\$5,935,234.90	\$6,578,218.68	N/A
Deferrred DC Rate Collections ***	\$0.00	-\$942,100.78	-\$659,470.54	-\$346,222.04	0

* Discount Rate was effective on D/C rate for all Building permits issued after November 28, 2022

**Years 3, 4, 5 assume 5% Non-Residential Price Index

*** City is still awaiting regulations to determine exactly what this impact will be Financially

Conservation Authorities Act

- New amendments provide greater authority to the Minister of Municipal Affairs and Housing to direct conservation authorities and direct growth within lands under conservation authority purview
- Conservation Authorities' scope has been redefined and limited within the planning process to only applications which include flood prevention or natural hazards, limited ability to review or comment on development applications

Ontario Heritage Act

- New prescribed timelines regarding heritage designations. Properties placed on the local municipal heritage register (Section 27: Listed Properties) must have the designation process initiated within 2 years of being placed on the register
- If for any prescribed reason the property is removed from the register, or the 2-year timeline expires, the property receives a 5-year prohibition from being relisted on the register again
- Council will not be permitted to issue a notice of intention to designate a property under section 29 of the OHA unless the property is already on the municipality's heritage register when the 90-day timeline after the filing of a Planning Act application is triggered
- New threshold tests for adding a property to a heritage register and for designating an area as a heritage conservation district, it has not yet been announced if the current regulation will be used or a new regulation

Ontario Land Tribunal Act

- Bill 23 expands the Tribunal's power to dismiss a proceeding if the person who brought the proceeding on has contributed to undue delay or if they find that a party has not complied with an order of the Tribunal during the proceeding.
- The Tribunal may also now order the unsuccessful party to pay the successful party's costs.
- The Minister may now require the Tribunal to prioritize specified types of proceedings and can prescribe timelines for specified types of proceedings.

Municipal Act

- An amendment to Section 99.1 of the Municipal Act expands the Minister's authority
- The Minister can make regulations imposing limits and conditions on the powers that local municipalities have to prohibit and regulate the demolition and conversion of residential properties under that section.

New Home Construction Licensing Act

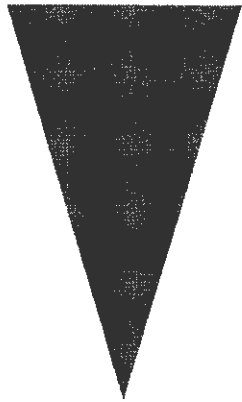
- New consumer protections to protect home buyers from bad actors and unethical behaviour.
- These include higher fines for offences, an increase in administrative penalties for contraventions of the Acts, regulations and by-laws.
- These protections aim to prevent developers from acting in bad faith with home buyers.

Section 39.2 of the Planning Act

- Although not part of Bill 23, staff believe that it is important to note that Section 39.2 of the Act was introduced in Bill 13 in December 2021 and gives provisions for staff delegation regarding zoning by-law amendments that are deemed minor in nature.
- As can be seen with the Community Incentives Programs, staff delegated authority allows for a more dynamic and efficient approval process
- Staff delegated authority in combination with the removal of certain appeal rights for minor variance and consent applications, will streamline routine applications by removing them from the Council meeting cycles
- Council's efficiency will also be increased by allowing meetings to focus on cases which require greater deference.

Bill 109, Mores Homes for Everyone Act, 2022

Legislature Amended in Bill 109



- The Planning Act
- Development Charges Act
- City of Toronto Act
- Ontario New Home Warranties Plan Act
- New Home Construction Licensing Act

Planning Act – Site Plan Control

- Municipal Councils are now required to delegate site plan control decisions to staff
 - Applies to all applications made after July 1, 2022.
- Municipalities will be required to pass a by-law appointing an authorized staff person to approve site plan control applications.
- New list of requirements for a “complete application” for site plan application is given.
 - Recourse for any application that has not been deemed complete within 30 days of acceptance by the municipality
- Site plan application review timeline extended to 60 days (from 30 days).
 - Applicants can now only appeal to the OLT for non-decision after 60 days.

Planning Act – Site Plan Control, cont'd

- Application fee refunds for site plan applicants
- Applicants must be refunded by the municipality if no decision is made within the legislated timelines
 - Refunds are calculated on a graduated basis depending how much time has elapsed
 - All applications made after January (July) 1, 2023 will be eligible for refunds
 - 50% for no-decision within 61-89 days of a complete application being received
 - 75% for no-decision within 90-119 days of a complete application being received
 - 100% for no-decision over 120+ days of a complete application being received

Planning Act – Zoning By-law Amendments

- ▣ Application fee refunds for zoning by-law amendment applications
- ▣ Applicants must be refunded by the municipality if no decision is made within the legislated timelines
 - ▣ Refunds are calculated on a graduated basis depending how much time has elapsed
 - ▣ All applications made after January 1, 2023 will be eligible for refunds
 - ▣ 50% for no-decision within 91-149 days of a complete application being received
 - ▣ 121-179 Days if concurrent with an official plan amendment application
 - ▣ 75% for no-decision within 150-209 days of a complete application being received
 - ▣ 180-239 Days if concurrent with an official plan amendment application
 - ▣ 100% for no-decision over 210+ days of a complete application being received
 - ▣ 240+ Days if concurrent with an official plan amendment application

Planning Act – Plan of Subdivision

- The Minister will now have the power to prescribe by regulation which matters cannot be required as a condition of draft plan approval
- An approval authority can allow municipalities to reinstate draft plans of subdivision that have lapsed within the past five years without requiring a new application
 - This does not apply if there is an agreement entered into for the sale of the land as described in the draft approved plan of subdivision
 - Also does not apply if the approval has previously been deemed not to lapse under that subsection

Planning Act – Community Infrastructure and Housing Accelerator

- ▣ A new type of Ministerial Zoning Order (MZO) – Section 34.1 of The Act
- ▣ This type of MZO permits the Minister to make a zoning order at the request of a municipality by Council Resolution
- ▣ The Council's Resolution must
 - ▣ Identify the lands to which the order will apply; and
 - ▣ Identify the manner the municipality's powers will be exercised with respect to the lands
 - ▣ A draft of the by-law which would be composed should satisfy those requirements.
- ▣ Before passing the resolution, Council, is required to give notice to the public and consult with persons, public bodies, and communities as the municipality considers appropriate.
- ▣ Within 15 days of passing the resolution, the municipality must forward the resolution to the Minister, where at its discretion may make an order under section 34 of The Act. The Minister may impose conditions on any order.

Planning Act – Community Infrastructure and Housing Accelerator, cont'd

- CIHA's cannot be used within the Greenbelt
- CIHA's can be used to regulate the use of land, the location/height/size/spacing of buildings and structures to permit certain types of development
- The goal of CIHA's is to expedite certain developments which support an increase in the quality of life for people/communities, affordable housing, buildings which facilitate employment, economic development, and mixed use developments

Planning Act – Community Benefit Charges By-law Review

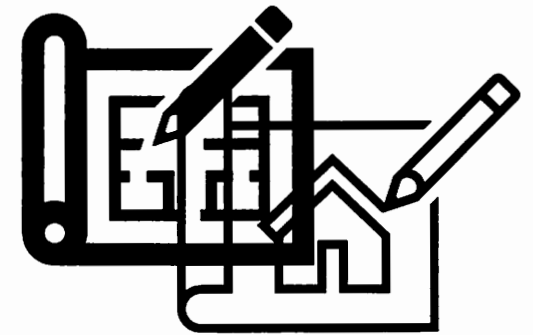
- New subsections and an amendments to O. Reg. 509/20 implement an increase to the existing reporting requirements for CBCs and Parkland Dedication
- Municipalities that pass a CBC By-law will be required to undertake and complete a review of the by-law at least once every five year
 - This review must include public consultation

Questions?



Thank You

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Bridging the past, present and future

Appendix II

City Development Charge Financial Impact Estimate

	Year 1 -80%	Year 2 - 85%	Year 3 - 90%	Year 4 - 95%	Year 5 - 100%
	2022	2023 **	2024 **	2025 **	2026
DC Rates - Per Study	\$5,437,811.13	\$6,280,671.86	\$6,594,705.45	\$6,924,440.72	\$7,270,662.76
Legislated Discount to - DC Rates	N/A *	\$5,338,571.08	\$5,935,234.90	\$6,578,218.68	N/A
Defferred DC Rate Collections ***	\$0.00	-\$942,100.78	-\$659,470.54	-\$346,222.04	0

* Discount Rate was effective on D/C rate for all Building permits issued after November 28, 2022

**Years 3, 4, 5 assume 5% Non-Residential Price Index

*** City is still awaiting regulations to determine exactly what this impact will be Financially