



Staff Memo

Report To: South Huron Council
From: **Dan Best, Chief Administrative Officer/Deputy Clerk**
Date: April 4 2022
Report: CAO 05.2022
Subject: Bill 109, *More Homes for Everyone Act*, 2022 Update

Recommendations:

That the memo of D. Best, Chief Administrative Officer dated April 4, 2022 regarding Bill 109, *More Homes for Everyone Act*, 2022 be received.

Purpose:

Information

Background and Analysis:

On March 30, 2022 the Province announced Bill 109, *More Homes for Everyone Act*, 2022. The Bill is in response to the recent Housing Affordability Task Force Report and the Provincial-Municipal Housing Summit. It is part of a four-year plan to implement the recommendations from the Housing Affordability Task Force Report. The omnibus bill includes changes to the Development Charges Act, 1997, Planning Act, 1990, and more. Key policy objectives of Ontario's More Homes for Everyone Plan include:

- Red tape reduction to enable the construction of more homes;
- Making community housing construction easier; and
- Protecting homebuyers, homeowners, and renters.

The following provides a description of provisions in the *More Homes for Everyone Act*, 2022.

Streamlining the Municipal Decision-Making Process

The Province is implementing numerous changes to the municipal planning approvals process, with the goal of expediting approvals for new developments and housing. These include:

Site Plan Control

- Amendments to the Planning Act which would require the mandatory delegation of decisions relating to site plan control from municipal councils to planning staff for applications received on or after July 1st, 2022;
- An extension of the review period for site plan control applications from 30 to 60 days; and,
- Establishing complete application requirements for site plan applications, with options for recourse within 30 days if an application has not been deemed “complete” by municipalities.

After municipalities have implemented the above site plan control changes, timeline-related changes would take effect to further ensure that strict approval timelines be adhered to for all site plan applications received on or after January 1st, 2023. Municipalities would be required to gradually refund site control application fees if a decision has not been made on an application within the required timelines, as outlined below:

- 50% of the fee refunded if the plans and drawings are not approved within 60 days from the date the municipality received the complete application and fee;
- 75% of the fee if the plans and drawings are not approved within 90 days from the date the municipality received the complete application and fee; and,
- 100% of the fee if the plans and drawings are not approved within 120 days from the date the municipality received the complete application and fee.

Plans of Subdivision

- The establishment of a regulation-making authority to determine what can and cannot be required as a condition of a draft plan of subdivision approval, with the goal of preventing scope creep.
- A one-time discretionary authority which allows municipalities to reinstate draft plans of subdivision which have lapsed within five years without a new application. This only applies where units have not been pre-sold.

Zoning Bylaw Amendments

As of January 1st, 2023, timeline-based zoning bylaw amendment application refunds would be applied if a municipality does not make a decision within the required provincially-legislated timelines. These timelines are based on that date which a municipality receives a complete application and relevant fees.

- 50% fee refund if a decision is not reached within 90 days (or 120 days with a concurrent official plan amendment application);
- 75% fee refund if a decision is not reached within 150 days (or 180 days with a concurrent official plan amendment application); and,
- 100% fee refund if a decision is not reached within 210 days (or 240 days with a concurrent official plan amendment application).

Ontario Building Code

Proposed changes to the Ontario Building Code have been included to reflect modern building practices and address challenges that slow the delivery of housing projects:

- Allowing up to 12-storey mass timber buildings;
- Streamlining modular multi-unit residential building approvals across the province;
- Enabling more low-rise and infill multi-residential opportunities by exploring opportunities to allow one entrance/exit for 4-6 storey residential buildings; and,
- Exploring options to allow residential and commercial occupancy for super-tall buildings that are still under construction.

Development-Related Charges

The Province is proposing changes to development-related charges with the goal of creating more transparency and certainty relating to fees or levies charged by municipalities to developers:

- A requirement for municipalities to post annual financial reports for development-related charges on their websites.
- A mandated five-year review cycle of community benefit charges (CBCs) for municipalities that have implemented them, with a requirement that councils pass a bylaw to indicate if changes are required.
- Implementing a tiered alternative parkland dedication rate, that would only apply to Transit-Oriented Community (TOC) developments. For smaller sites that are 5 hectares or less, parkland dedication would be up to 10% of the land or its value. For sites larger than 5 hectares, parkland dedication would be up to 15% of the land or its value. A Minister's order could identify encumbered parkland and would be

deemed to count towards any parkland dedication requirements imposed by a municipality.

Community Infrastructure and Housing Accelerator

The Community Infrastructure and Housing Accelerator (CIHA) tool would allow municipalities to submit a request to the Minister of Municipal Affairs and Housing to expedite approvals for local priorities such as market-rate housing, non-profit housing, and long-term care facilities. Local councils would be required to pass a council motion, and to host a public meeting to discuss the use of a CIHA for each project. Finally, a municipality would submit a request for Minister of Municipal Affairs, who could impose conditions on the CIHA.

The new CIHA tool largely resembles municipally requested Minister's Zoning Orders (MZOs), but with added public consultation requirements to ensure that residents have an opportunity to provide feedback on such requests.

Data Collection

The Province of Ontario is also proposing changes to ensure that housing and population data is collected and shared in an efficient manner to ensure clarity and inform future actions relating to housing supply across all levels of government. These changes include:

- Planning Act amendments to require public reporting by planning authorities on development applications that have been submitted, are deemed complete, are under review, and approved;
- Provincial annual reporting to municipalities regarding the Ministry of Finance's annual population projections, to highlight population growth trends; and,
- Coordination between municipalities and industry to develop a "development approvals data standard" to ensure a more efficient and streamlined approvals process.

Ontario Land Tribunal and the Landlord and Tenant Board

The Province of Ontario is investing \$19 million to reduce the backlog of cases and increase the decision-making speed at the Ontario Land Tribunal (OLT) and Landlord and Tenant Board. Additional changes have also been proposed including:

- Allowing the Minister of Municipal Affairs and Housing to refer all or parts of an Official Plan matter to the OLT for recommendation or decision; and,

- Allowing the Minister of Municipal Affairs and Housing to pause the 120-day decision-making period on official plans and amendments before the Minister for approval.

Ontario Homebuyer and Renter Protections

The Province of Ontario is also introducing new provisions to protect residents who buy, own, and rent homes. This includes the previously announced increase to the non-resident speculation tax rate from 15% to 20%, and the expansion of this tax across Ontario. A rebate will be available for non-citizens who become permanent resident of Canada. Other proposed changes include:

- A provincewide working group with municipalities who intend on establish a vacant home tax, where best practices can be shared;
- Working to establish measures relating to land speculation, such as construction shutdowns, which can be used to drive up housing costs;
- Amendments to the New Home Construction Licensing Act, 2017 and to the Ontario New Home Warranties Plan Act that would increase the fines and administrative penalties;
- Empowering the new home building industry regulator, the Home Construction Regulatory Authority with a mandate to address “unethical builder and vendor conduct”; and,
- Changes to benefit new homebuyers, including a mandatory condominium information sheet for pre-construction units, and increasing the amount of interest that is payable on new construction units in situations such as when a project is cancelled.

Using Surplus Provincial Lands

The Province is proposing a Centre of Realty Excellence (CORE) that would determine how Ontario could better utilize its portfolio of surplus land for projects such as long-term care and non-profit housing. This would include developing a process to streamline access to these lands for housing providers.

The Province has also announced a number of consultations related to housing, available on the Environmental Registry of Ontario and Regulatory Registry:

- Seeking Feedback on Housing Needs in Rural and Northern Municipalities - this consultation is seeking feedback on ways to address the unique housing needs of rural and northern municipalities in Ontario (comments close April 29, 2022).
- Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing - this consultation is

focused on finding ways to support gentle density and increase Ontario's missing middle housing, including encouraging multigenerational housing solutions (comments close April 29, 2022).

- Community Infrastructure and Housing Accelerator – Proposed Guideline - the proposed guideline would set out matters such as where and how to apply the proposed Community Infrastructure and Housing Accelerator tool (comments close April 29, 2022).
- Proposed Planning Act Changes (the proposed More Homes for Everyone Act, 2022) - this consultation is related to Schedule 5 of Bill 109 (comments close April 29, 2022).
- Proposed Development Charges Act changes (the proposed More Homes for Everyone Act, 2022) - this consultation is related to Schedule 2 of Bill 109 (comments close April 29, 2022).
- Proposed amendments to O. Reg. 82/98 under the Development Charges Act, 1997 in support of the proposed More Homes for Everyone Act, 2022 - this consultation relates to reporting requirements for municipalities that levy DCs (comments close April 6, 2022).
- Proposed amendments to O. Reg. 509/20 under the Planning Act in support of the proposed More Homes for Everyone Act, 2022 - this consultation relates to reporting requirements for municipalities that have a CBC by-law or parkland dedication provision (comments close April 6, 2022).

Next steps will be for key staff to meet and assess recommendations for Council's consideration in a subsequent report that will formulate comments to be submitted to the Registry.

Financial Impact:

There are no financial implications as a result of the actions outlined in this memo.

Legal Impact:

There are no legal implications as a result of the actions outlined in this memo.

Staffing Impact:

There are no staffing implications as a result of the actions outlined in this memo.

Consultation:

GM of Corporate Services, R. Msuya-Collision
Chief Building Official, M. Rolph
Huron County Planner, C. Metzger
MMAH Technical Briefing

Related Documents:

None

Respectfully submitted,

Dan Best, Chief Administrative Officer/Deputy Clerk