

Summary of Changes and Unintended Consequences ***Bill 109 More Homes for Everyone Act, 2022***

Key Changes

- The Minister is authorized to refer Municipal Comprehensive Reviews (MCRs) Official Plan Amendments (OPAs), or new Official Plans (new OP), to the Ontario Land Tribunal (OLT) for a recommendation or decision on whether an official plan, or part of it, should be approved, approved with modification, or refused;
- Where the Minister refers all or part of an Official Plan to the Tribunal for a recommendation, there is no right of appeal;
- Allow the Minister to pause the 120-day decision-making timeline on official plans;
- Requiring municipalities to refund fees if decisions on Zoning By-law Amendment and Site Plan Control Applications within the prescribed timelines are not met;
- Requiring municipalities to delegate site plan approval authority from municipal Councils to staff, extending site plan review timelines, and applying complete Application rules to site plan control;
- Increasing the timeline to appeal a site plan Application for non-decision from 30 days to 60 days;
- Allow municipalities a one-time discretionary authority to extend draft plan approval for plans of subdivision that have lapsed within the last five years, subject to consumer protection provisions;
- Increased powers for the Minister to:
 - Prohibit certain matters from being the subject of conditions of draft plan approval;
 - Require public reporting from municipalities to monitor development Applications/Approvals; and,
 - The type of securities that can be used to secure municipal requirements as part of the approval process;
- A new process for municipalities to request the Minister to make a zoning order, which is being called the “Community Infrastructure and Housing Accelerator” (CIHA). Guidelines for its use include a Council motion and a public meeting;
- Alternative parkland requirements for lands in a designated transit-oriented community;
- Regular reviews of community benefits charge by-laws and rules respecting such reviews;

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- The ability of the province to declare land in a transit-oriented community that has easements or below-grade infrastructure as being “encumbered”, with the effect that the land must be conveyed for parkland contribution requirements;
- An investment of \$19 M increased funding for the Ontario Land Tribunal in order to address backlogs and streamline appeal processes;
- Increasing the Non-Resident Speculation Tax (NRST) rate to 20% and expanding it province wide;
- The creation of a Housing Supply Working Group to collect data and monitor progress on the municipal implementation of provincial initiatives and determine improvements to annual housing supply action plans;
- The creation of a Centre of Realty Excellence (CORE) that would assess the Provincial surplus land portfolio for projects such as long-term care facilities and non-profit housing opportunities;
- 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 allowing 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.

Unintended Consequences

- Increased Provincial jurisdiction on local planning processes and decision making;
- Penalizing municipalities financially for decision-making timelines not being met when delays may not rest with municipalities;
- Decreased opportunity for public engagement;
- Increasing appeal rights and uploading decision-making to the OLT;
- Reduction in development fees and increase in legal tribunal fees;
- Limited opportunity for staff to work collaboratively on Applications with the development industry;

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- Improved transparency regarding growth-related funding tools (i.e. development charges, parkland dedication and community benefits charge), but with increased administrative processes;
- Pivoting away from growth paying for growth leading to the cost of growth being shifted to existing ratepayers through higher user fees and property taxes;
- The emphasis is on expediting approvals, but not providing tools or mechanisms to ensure proposed developments are actually built and in a reasonable time; and,
- Increase in staff resources across the organization to meet the legislated timeframes.