

Bill 23 - Building More Homes Faster Act

Discussion about proposed legislation
and response to ERO postings

Assessing the Impact of
Proposed Changes for Bruce County municipalities

Bill 23 - Build More Homes Faster Action Plan

- The Government of Ontario introduced a package of legislative changes called the [More Homes Built Faster Act, 2022](#) on October 25, 2022
- Focused on addressing the housing supply shortage and to move towards the goal of building 1.5 million homes over the next 10 years for all income levels across Ontario.
- Targets established for housing in 29 municipalities across Ontario
- Bill 23 builds on changes implemented through Bill 109 and implements recommendations of [Housing Affordability Task Force report](#) released in February 2022.
- Proposes to amend several Acts - Planning Act, Development Charges Act, Heritage Act, Building Code, Conservation Authorities Act.
- Further housing bill is expected Spring 2023.

Bill 23 - More Homes Built Faster Act & ERO Posting Deadlines

- November 24, 2022:
 - Planning Act & Development Charges
 - Updates to the Ontario Wetland Evaluation System
 - Legislative and regulatory changes affecting conservation authorities
 - Changes to the Ontario Heritage Act & regulations
 - Feedback on Municipal rental Replacement By-laws
 - Proposed Planning Act changes - related to the Municipal Act
- November 25, 2022:
 - Amendments to the Ontario Land Tribunal Act
 - Amendments to the Ontario Underground Infrastructure Notification System Act

Bill 23 - More Homes Built Faster Act & ERO Posting Deadlines

- December 9, 2022:
 - Building Code Changes to Support More Homes Built Faster
 - Amendments to New Home Construction Licensing Act
 - Amendments to Inclusionary Zoning
 - Input on Rent to Own Arrangements
 - Changes to Additional Residential Units Regulation
- December 30, 2022:
 - Conserving Ontario's Natural Heritage
 - Proposed updates to regulation of development for protection of people and property from natural hazards in Ontario
 - Review of A Place to Grow Act and Provincial Policy Statement

Planning Act Changes

Additional Dwelling Units:

- Up to 3 residential units permitted on a parcel of land within fully serviced (water and sewer) settlement areas 'as-of-right':
 - 2 residential units within the principal building plus one in an ancillary building; or
 - 3 residential units in a principal building provided there is no residential unit in an ancillary building.
- May not require more than 1 parking space and no minimum unit size
- ARUs exempt from development charges and parkland dedication rates, including for ARUs included within new residential buildings

Planning Act Changes

Site Plan Control

- 10 or fewer residential units excluded from site plan control
- Exclude exterior design of buildings, except as it relates to exterior access to a building with affordable housing units
- Appearance of elements and facilities on the property and adjacent municipal land limited to review of impact on health, safety and accessibility.

Subdivisions

- No public meeting required before draft plan approval of a subdivision.
- Land lease communities have been added to the subdivision control in section 50(3).

Inclusionary Zoning

- Only applicable to areas with Major Transit Station Areas - Greater Golden Horseshoe Area municipalities

Planning Act Changes

Appeals

- Third party appeals have been removed from all planning applications
- Appeals can be filed by:
 - Applicant
 - Municipality or local board
 - Ministry, board, commission, agency or official of provincial or federal government
 - First Nations
- Upper-tier government without planning authority can not appeal a local planning decision. It can only be added as a party to an appeal.
- Conservation Authorities can only appeal based on a concern related to prescribed natural hazard issue or if the CA is the applicant.
- On-going appeals by third-parties will be dismissed immediately on passing of Bill 23 unless:
 - A hearing was scheduled before October 25, 2022; or,
 - A notice of appeal was filed by the applicant, Minister or public body

Planning Act Changes

Parkland

- Maximum 5% conveyance rate will only apply to the portion of the developments that do not include affordable or attainable residential units
- Not-for-profit housing developments and ARUs excluded from parkland dedication rates
- New subsection that freezes for two years the amount of land to be conveyed or cash-in-lieu to be paid at the rate specified by the parkland dedication by-law on the latter of:
 - the day the site-plan control application was submitted; or
 - the day the zoning by-law amendment application was submitted; or
 - the day a building permit was issued for the development, if neither site-plan nor a rezoning is required

Planning Act Changes

Parkland Continued

- Parks plan is required for the municipality before the passing of a parkland dedication by-law
- Allow landowners to identify lands to convey to the municipality as per parkland dedication requirements
 - Owner can appeal the rejection of lands by the municipality to the Ontario Land Tribunal.
- Municipalities must spend or allocate 60% of the money in the cash-in-lieu account
- Alternate Parkland Dedication 1 hectare (ha) per 300 dwelling units reduced to 1 ha per 600 net residential units where land is conveyed

Ontario Land Tribunal Act (OLT) - Changes

- Allow for the creation of regulations that would require the OLT to prioritize specified classes of hearings
- Clarify the OLT's powers to dismiss appeals due to unreasonable party delay or failure to comply with a Tribunal order
- Clarify the OLT's discretionary powers to order the unsuccessful party to pay the successful party's costs

Development Charges Act Changes

- New definitions of affordable and attainable housing
- 5 year phase in of DC rate increases, with a 20% reduction in the first year, with the reduction decreasing by 5% each year until year five when the full new rate applies. Apply to all new DC by-laws passed since June 1, 2022
- DC by-laws will expire every 10 years, instead of every 5 years
- Housing services removed as a service to be paid for by development charges
- Cost of studies removed as a determination of development charge amounts
- Cap interest on phased DCs for rental, institutional and non-profit housing to prime + 1%
- Exempt attainable, affordable and non-profit housing, ARUs, from DCs
- For projects with a mix of affordable and market units, the fees are reduced based on a proportion of the units which are attainable, affordable, or non-profit.
- DCs are discounted for all new purpose-built rental residential units. 15% -25% discount for all rental units depending on number of bedrooms
- Spend or allocate at least 60% of the revenue from development charges annually

Conservation Authority Act - Changes

- Conservation Authorities scope will be limited to commenting only on development issues within their core mandate - flood protection and natural hazards.
- Permits will no longer be required from the Conservation Authority under their regulations where development has been approved under the Planning Act.
- Temporarily freezing fees for all development permits and proposals and providing the Minister the power to freeze fees in the future.
- Removal of consideration for pollution or climate impact from scope of Conservation Authorities
- Conservation Authority lands be used to support housing development

Changes to Ontario's Wetland Evaluation System

- Proposes changes to the evaluation system
- Transfer of responsibility to wetland evaluators away from MNRF
- Proposes broad changes to the way wetlands are evaluated, enabling re-evaluation of wetlands based on fewer criteria:
 - The concept of a 'wetland complex' is removed, which means that all wetlands are intended to be evaluated as individual sites rather than as part of a larger, integrated conservation system
 - New guidelines will establish that wetlands can be re-evaluated at any time and without requiring the review and approval of the Ministry of Natural Resources. Areas currently identified as part of a wetland complex can be evaluated separately
 - Criteria that currently contribute to wetlands evaluations are proposed to be removed, such as cultural heritage value, and the presence of threatened species.
- Impact to conservation land tax incentive program is unknown

Aggregate Act - Changes

- Decisions on aggregate applications will be delegated to staff (instead of the Minister)
- Planning Act applications for aggregate proposals will be exempt from the two-year freeze on applications to amend new official plans, secondary plans and zoning by-laws

Heritage Act - Changes

- Additional criteria proposed to list and designate individual properties and establish Heritage Conservation Districts (future regulation)
- Council must designate properties within 2 years of being listed on a the heritage register
- A property removed from the register may not be added again until 5 years have passed
- Removal of properties from register no longer requires consultation with heritage committee
- Municipalities can only designate a property within 90 days of the initiation of an official plan amendment, zoning by-law amendment, or plan of subdivision application on a property, if property is already listed on the heritage register
- Council has additional powers to amend or repeal by-laws that have the purpose of designating a heritage conservation district

Removal of Responsibilities for Specific Upper-Tier Municipalities

- Bill 23 designates 7 upper-tier municipalities as “upper-tier municipality without planning responsibilities” (UTMWPR):
 - County of Simcoe
 - Region of Durham
 - Region of Halton
 - Region of Niagara
 - Region of Peel
 - Region of Waterloo
 - Region of York
- All upper tier municipalities in the Greater Toronto Area, as well as Waterloo and Simcoe will be removed from the Planning Act approval process for lower tier OPs, OPAs and plans of subdivision
- Minister would (unless otherwise provided) become the approval authority for all lower tier OP and OPAs. Minister’s decisions are not subject to appeal.
- UTMWPR cannot appeal planning decisions but can be party to a hearing.
- List may be expanded by future regulations under the Planning Act.

Municipal Act - Changes

- Bill 23 proposes new subsections the Municipal Act which would allow the Minister to impose limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties.
- Anticipated that the Province will start a consultation process to enable greater standardization of municipal by-laws that regulate demolition or conversion of multi-unit residential rental properties.

Summary

- Omnibus bill proposes to amend 9 provincial Acts - additional changes to regulations, policies and legislation anticipated into Spring 2023
- Focus on creation of more affordable and attainable housing
- Housing targets are focused on Greater Golden Horseshoe Region
- Changes reduce costs for developers and establishes more consistency across municipalities
- Removes need to amend planning documents to facilitate ADUs in serviced settlement areas
- Fundamentally changes the role, authority and oversight of Conservation Authorities over natural hazards where Planning Act approvals are in place.
- Shifts natural heritage review to municipalities/County
- Profoundly changes role of public in the development process by eliminating appeal rights and public meetings for subdivisions

Next Steps

- County staff will circulate notes from Nov 7th and 10th calls to municipalities
- County staff will consult with Conservation Authorities
- County will be preparing a submission to the ERO postings due November 24th
 - Request any additional comments or concerns about ERO postings by November 18, 2022
- Will monitor and circulate any additional information coming out about ERO postings and proposed legislative changes/policy reviews as we approach December ERO posting deadlines