



## **Staff Report PL2022-020**

**Title of Report:** PL2022-020-Bill 109 The More Homes for Everyone Act  
**Department:** Clerks  
**Branch:** Planning Services  
**Council Date:** April 20, 2022

### **Recommendation:**

**Be it resolved that** Council receive Staff Report PL2022-020 for information; and

**That** Council direct staff to comment on the proposed legislation on the EBR before April 29<sup>th</sup> based on the comments contained in this report and the feedback from Council.

### **Background:**

In February the Housing Affordability task force released a report that provides 55 recommendations on how to fix housing affordability. This report is available in appendix 1 of this report.

On March 30<sup>th</sup> the Province tabled and gave first reading to Bill 109: The More Homes for Everyone Act. The Bill has been posted on [Ontario's Regulatory Registry](https://www.ontario.ca/regulatory) and is open for comment on April 29<sup>th</sup> 2022.

The bill proposes to amend the Planning Act, The City of Toronto Act, the Development Charges Act, and the new Homes construction licensing Act and the Ontario New home warranties Plan Act. If passed as is this bill will have significant changes to land use planning in Ontario.

### **Staff Comments:**

The below analysis focuses on the proposed changes to the Planning Act.

#### **1. Refund of Planning Application Fees**

Some or all of the application fees are to be refunded if a rezoning application, combined OPA and Zoning application or Site Plan application is received and no decision is made on that application within the statutory timeline. The timing is shown below.

	No refund	50% Refund	75% refund	100% Refund
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ZBA	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later
OPA/ZBA	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
SP	Decision made within 60 days	Decisions made within 61 and 89 days	Decision made within 90 and 119 days	Decision made 120 days or later

Application fees are a significant source of revenue to the Township of Southgate to cover costs associated with development. The potential loss of that revenue is of great concern and may require a number of changes to how the Township operates and handles applications to prevent the loss to the Township. These changes might include:

- increasing the applications fees to cover the cost of when applications are approved late or to cover the cost of additional staff.
- Requiring stricter application requirements before an application is deemed complete. Currently a significant amount of time is wasted going back and forth with the applicant to get their application complete but the clock is ticking because we have taken their money.
- Refusing some applications that a municipality is unsure of and heading to the Ontario Land Tribunal to avoid refunding fees.
- Another impact will be to require municipalities to have more frequent Council meetings and Committee of Adjustment Meetings to ensure that the approval timelines can be met which is an additional cost.
- For smaller municipalities with small planning departments, there may need to be some staff redundancy built in, in the event of staff illness or vacation. There are no exceptions for getting covid, life emergencies or vacations. A sudden influx of applications is not uncommon at certain times of the year which in the past have necessitated spreading them out over several council meetings. This will no longer be an option. If we receive 8 applications all eight applications must be dealt with within the time frames above.

If this legislation goes ahead as tabled based on the above it is clear that there will be impacts to the Township both financial and otherwise.

## 2. Increased Powers for the Minister

The Minister is authorized to suspend the time period for filing a non decision appeal of an official plan or official plan amendment where the Minister is the approval authority. The suspension of the timeline does not preclude the Minister from making a decision. Currently, a non-decision appeal can be filed within 120 days after the Official Plan or Official plan amendment is received by the Minister.

If the Minister is the approval authority with respect to an Official Plan it may refer all or part of that Official Plan to the Ontario Land Tribunal. The referral can be for a recommendation or a decision on whether the Official Plan, or part of it, should be approved, approved with modification, or refused.

A proposed new process for the municipality to request the Minister to make a zoning order, which the province labels the Community Infrastructure and Housing Accelerator. Draft guidelines on its proposed use have also been released for comment and the guidelines need to be in effect for the tool to be available. The Minister's existing zoning order powers remain unchanged, and so the Minister can continue to make Minister zoning orders without a request from the municipality.

The Minister is proposed to have new power to make regulations regarding: the type of securities that can be used to secure municipal requirements as part of the approval process. Reporting requirements for municipalities and planning boards related to planning matters, including what must be included in those reports, who the reports are to be provided to, the frequency of the reports and the format in which the reports are to be provided. This may become a tool for the Minister to monitor municipal planning approval processes.

The new guideline for Ministers zoning orders would be a welcome addition given the Township's recent brush with such an order. One of the concerning things above is legislating reporting requirements for planning matters. This is a heavy handed way for the province to monitor what municipalities are doing and the approvals that have been given. While this may seem simple enough it may require the reporting to modernize somewhat and use a digital tracking system for applications. This could be combined with a building permit tracking system to eventually go paperless. The County of Grey has already implemented a paperless system. Of course this new system would come with a cost.

### 3. Expansion of Appeal Rights to the Minister's Decision on Official Plan Amendments

A new appeal right with respect to an Official Plan Amendment where the Minister is the approval authority. An appeal of the Minister's decision to the

Ontario Land Tribunal can be made provided the Official Plan Amendment is not: an amendment that has been referred by the Minister to the Ontario Land Tribunal for a recommendation; and a revision that is adopted in accordance with section 26 of the Plan Act.

This is a new appeal right for municipalities when they disagree with a minister's decision in relation to an Official Plan Amendment. Typically, this would impact upper tier levels of government such as the County.

#### 4. Amendments to Site Plan Control

Municipalities are required to delegate authority to approve site plan applications to an officer, employee, or agent of the municipality. This must happen by July 1<sup>st</sup> 2022. Currently the Township Council approves all site plans.

It is proposed to have a new complete application process for site plan applications. This process would be similar to zoning applications. The timeline now for Site Plan Approvals has been extended from 30 days to 60 days from the time the application is deemed complete. Currently most municipalities in Ontario are unable to meet the 30 day time line to approve site plans.

This will speed up site plan approvals however, it will still be difficult to meet the timeline for more complex applications.

#### 5. Amendments to Subdivision Control

The Minister may prescribe matters that are not permitted to be imposed as conditions to subdivision approval. What these matters are have not yet been disclosed.

This could have consequences on what goes in the draft approval to protect the municipality. We may no longer be able to require certain provisions be placed in the subdivision approval. The regulation around this should be watched closely.

An approval authority may deem a subdivision application that lapsed within the past five years to not have lapsed provided that such subdivision application had not previously been deemed to not have lapsed.

The provision will take the pressure off those developers who have accidentally let their approval lapse. Now provided they meet the conditions noted above.

6. New Rules regarding the Community Benefit Charge By-law and Parkland Contribution.

If a municipality has a community benefit charge by-law in effect, it will be required to review that by-law to determine whether there is any need for revision. If the municipality does not pass a resolution declaring whether a revision to the by-law is needed, within 5 years of the by-law first being passed, and periodically each five year period thereafter, the community benefit charge by-law expires. Currently the Township of Southgate does not have a community benefit by-law.

**Concluding Comments:**

The Township of Southgate as well as other smaller Rural municipalities will be impacted by this legislation and will need to adapt to avoid serious financial repercussions. For this reason, staff recommend providing comments to the Province before April 29 to the EBR.

Respectfully Submitted,

**Municipal Planner:** *Original Signed By*  
Clinton Stredwick, BES, MCIP, RPP



**CAO Approval:** *Original Signed By*  
Dave Milliner, CAO

**Attachments:**

1. MMAH Housing Affordability Task Force.