



DATE: APRIL 25, 2022

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: WENDY LAW, DEPUTY CITY MANAGER, LEGAL AND
ADMINISTRATIVE SERVICES & CITY SOLICITOR

RE: COMMUNICATION
REPORT NO. 19, ITEM NO. 18
BILL 109, MORE HOMES FOR EVERYONE ACT, 2022

This Communication is to provide an update in respect of the Committee of the Whole (2) Report dated April 12, 2022, regarding Bill 109, *More Homes for Everyone Act, 2022* (“**Bill 109**”).

Bill 109, which was introduced on March 30, 2022, was passed by the Legislature, and received Royal Assent on April 14, 2022. Bill 109 is now law.

The amendments to the *Development Charges Act, 1997* became effective as of April 14, 2022. Those amendments require municipalities that have passed a development charge by-law, to make the annual financial statement related to development charges and reserve funds available to the public on its website. The Lieutenant Governor in Council also now has the regulation-making authority to prescribe further requirements on the way statements are made publicly available.

In contrast, only some of the amendments to the *Planning Act* became effective as of April 14, 2022. Some amendments to the *Planning Act* are to come into force on July 1, 2022, January 1, 2023, and an unknown date (a date to be proclaimed by the Lieutenant Governor). A summary of the amendments and their effective date is set out below.

Changes to the *Planning Act* effective as of April 14, 2022

1. *More Ministry of Municipal Affairs and Housing (“MMAH”) powers over timing and decision-making for official plan and related amendments requiring Ministerial approval.*

- The changes provide MMAH with discretionary authority to suspend the time for the Minister to make a decision on official plans and amendments.

- The changes also give the Minister discretionary authority to refer all or part(s) of an official plan matter to the Ontario Land Tribunal (“**OLT**”) for a recommendation and forward all an official plan matter to the OLT for decision.

2. MMAH regulations requiring more detailed reporting and a new Ministerial power to require new types of regular reporting.

- The changes establish authority for MMAH to require public reporting by planning authorities on development applications and approvals, including the format of municipal reporting (i.e., data standard).
- While the regulation in respect of this new requirement has not yet been released, the Minister, because of the changes, can require a municipality to provide “such information to the Minister on such planning matters as the Minister may request”.

3. New type of Community Infrastructure and Housing Accelerator Ministerial Zoning Order upon request by a municipality.

- The changes establish a new Minister’s order-making authority to respond to municipal council resolutions requesting expedited zoning.
- The tool cannot be used in the Greenbelt Area.
- The Minister shall also issue guidelines governing the scope of how this authority may be used, and the guidelines need to be in place before an order can be made.
- The requesting municipality is responsible for providing public notice, undertaking public consultation, and ensuring the order is made available to the public.
- Provincial plans, the Provincial Policy Statements and municipal official plans do not apply to the Minister’s order.
- In issuing an order, the Minister can:
 - Provide exemptions for other necessary planning related approvals from provincial plans, the Provincial Policy Statement, and municipal official plans, if requested by the municipality; and
 - Impose conditions on the municipality and/or proponent.
- Where conditions are imposed, the Minister or the municipality can require agreements to be entered into that can be registered on title.
- Once in effect, only the Minister would be able to make any changes to the order. The Minister could amend an order at the request of the

municipality or could revoke or amend an order at any time at their own discretion, without having to undertake consultation or provide notice.

- The Minister's order would not be subject to appeal.

4. *Ability to define required Site Plan documentation and extension of Site Plan approval timelines.*

- The changes establish complete application requirements for site plan control, with recourse if the application has not been deemed complete within 30 days of acceptance by the municipality.
 - Both the Province and the municipality have a say in what can be required as part of a complete application. The Province can prescribe specifics in a regulation, though they have not. A municipality can further add to this if it's captured in our official plan. Currently, our current site plan control by-law requirements as per By-law 123-2013, and the Official Plan policies on complete application requirements, continue to apply.
- The changes extend site plan control application timelines from 30 to 60 days.

5. *MMAH regulatory power over Subdivision Conditions and ability to reinstate expired approved Draft Plans of Subdivision.*

- The changes establish regulation-making authority for the province to prescribe what can and cannot be required as a condition of draft plan of subdivision approval.
- The changes establish a one-time discretionary authority to allow municipalities to reinstate draft plans of subdivision that have lapsed within the past five years without the need for a new application.
 - This authority only applies where no agreements of purchase and sale have been entered into prior to the lapsing of the draft plan of subdivision.

6. *Mandatory review of upcoming Community Benefits Charge ("CBC") By-laws.*

- The changes require any municipality with a CBC by-law to publicly consult and complete a review no later than five years after the by-law is passed, and every five years thereafter.

- After reviewing a CBC by-law, a municipality must pass a resolution indicating whether a revision is needed. If a municipality does not pass a resolution within the timeframe, the CBC by-law would expire, and a new by-law would need to be passed to charge for community benefits.

7. Limits over parkland dedication in Transit-Oriented Communities (“TOC”).

- The changes specify a tiered alternative parkland dedication rate for TOC development sites, based on the amount or value of development land.
- TOC lands subject to the tiered alternative dedication rates on parkland will be identified pursuant to subsection 2(1) of the *Transit-Oriented Communities Act, 2020*.
- The alternative dedication rate for TOC sites is structured as follows:
 - For sites 5 hectares or less, parkland will be dedicated up to 10% of the land or its value.
 - For sites greater than 5 hectares, parkland will be dedicated up to 15% of the land or its value.
- The changes also provide for encumbered land (i.e., land that is subject to a restriction or stratified ownership) in respect of TOC developments identified in a Minister’s order (Minister of Infrastructure) to be conveyed to a municipality for park or other public, recreational purposes. Encumbered parkland will be deemed to count towards any municipal parkland dedication requirements.

Changes to the *Planning Act* effective as of July 1, 2022

1. Mandatory delegation of Site Plan approvals.

- The changes require that site plan control decisions be made by staff (instead of municipal councils or committees of council).
- This mandatory delegation applies to all site plan applications received on or after July 1, 2022.
- Staff intend to bring back a report to Council in June to put this into effect.

Changes to the *Planning Act* effective as of January 1, 2023

1. Gradual refunds on Zoning By-law Amendment application fees for non-decision.

- The changes to require a gradual refund of zoning by-law amendment application fees will apply to all applications received on or after January 1, 2023.
- Refunds are required where a municipality fails to make a decision on an application within the following legislated timelines:
 - 50% of the fee if the decision is not made within 90 days (or 120 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee.
 - 75% of the fee if the decision is not made within 150 days (or 180 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee.
 - 100% of the fee if the decision is not made within 210 days (or 240 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee.

2. Gradual refunds on Site Plan application fees for non-decision.

- The changes to require a gradual refund of site plan application fees will apply to all applications received on or after January 1, 2023.
- Refunds are required where an approval is not made within the following legislated timelines:
 - 50% of the fee if the decision is not made within 60 days from the date the municipality received the complete application and fee.
 - 75% of the fee if the decision is not made within 90 days from the date the municipality received the complete application and fee.
 - 100% of the fee if the decision is not made within 120 days from the date the municipality received the complete application and fee.

Changes to the Planning Act effective on a date to be proclaimed by the Lieutenant Governor.

1. MMAH regulatory power over what collateral developers may use to secure obligations required by municipalities as a condition of development application approval.

- The changes provide the Minister with regulation-making authority to authorize owners of land and applicants to stipulate the type of surety bonds and other prescribed instruments which may be used to secure agreement obligations in connection with local approval of land use planning matters.

- The regulation-making power enables the Minister to prescribe the circumstances when the authority may be used by owners of land and applicants.

For more information, please contact: Caterina Facciolo, Director of Legal Services and Deputy City Solicitor, Planning and Real Estate Law extension 8662

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wendy Law', with a stylized flourish at the end.

Wendy Law

Deputy City Manager, Legal and Administrative Services & City Solicitor

Copy to: Nick Spensieri, City Manager
Haiqing Xu, Deputy City Manager, Planning and Growth Management
Todd Coles, City Clerk