

SPECIAL COMMITTEE OF THE WHOLE (WORKING SESSION) – NOVEMBER 23, 2022

COMMUNICATIONS

Distributed November 23, 2022

Item

C1. Presentation material.

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C1

Communication

SP CW (WS) – November 23, 2022

Item # - 2

Bill 23, More Homes Built Faster Act, 2022

Committee of the Whole (Working Session)
November 23, 2022



The image features a logo for Vaughan on the left, consisting of a stylized 'V' with a checkmark and the word 'VAUGHAN' in a bold, sans-serif font. The background is a photograph of a stone monument with a tower on top, set against a blue sky with trees. The monument is surrounded by a stone wall and steps. The overall color scheme is blue and white.

Bill 23, *More Homes Built Faster Act*, 2022

- Introduced on October 25, 2022.
- Has not yet received Royal Assent. On November 23, 2022, it is being debated in the third reading.
- Supports the Ontario Government's Housing Supply Action plan, which aims to increase Ontario's housing supply and provide attainable housing options.
- Bill 23 was introduced with the goal of facilitating 1.5 million new homes by 2031.
- The amendments, if enacted, will have a major impact on land use planning approvals, calculations of development charges and parkland dedication rates.

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Bill 23, *More Homes Built Faster Act*, 2022

Bill 23 proposes amendments to multiple statutes:

- *Planning Act*
- *Development Charges Act, 1997*
- *Conservation Authorities Act*
- *Ontario Land Tribunal Act, 2021*
- *Ontario Heritage Act*
- *Municipal Act, 2001*
- *City of Toronto Act, 2006*
- *New Home Construction Licensing Act, 2017*
- *Ontario Underground Infrastructure Notification System Act, 2012*

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Bill 23, *More Homes Built Faster Act, 2022*

Bill 23 proposes a new Act:

- *Supporting Growth and Housing in York and Durham Regions Act, 2022*

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Bill 23, *More Homes Built Faster Act, 2022*

Bill 23's commenting period:

- The Bill is posted on the Environmental Registry of Ontario for commentary until December 9, 2022.

ero.ontario.ca

- Staff are seeking Council direction on comments to be submitted on behalf of the City of Vaughan.

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Bill 23, *More Homes Built Faster Act, 2022*

This presentation will focus on the statutes which are proposed to be amended by Bill 23:

- *Planning Act*
- *Ontario Heritage Act*
- *Conservation Authorities Act*
- *Development Charges Act, 1997*
- *Ontario Land Tribunal Act, 2021*

This presentation reflects Bill 23, as amended at the second reading.

Amendments to the *Planning Act*



Affordable and Attainable Housing

- Exempt affordable housing and attainable housing and inclusionary zoning units from DC, CBCs and parkland dedication
- Generally defined as being priced at no greater than 80% of the average price/rent in the year a unit is rented or sold
- Introduce a category of “attainable housing” which will be defined in future regulations
- An upper limit of 5% of the total number of units in a development that can be required to be affordable as part of inclusionary zoning, and a maximum period of 25 years over which the units would be required to remain affordable definition in all plans and policies

Planning Implications

- **Vaughan Affordability** - Is 80% of the market price affordable?
- **Sustainability of units** - guarantee dwellings sold as affordable residential units stay affordable for at least 25 years
- **Definition** – clear and consistent definition in all plans and policies

Gentle Density/Intensification

- As of right zoning to permit up to three residential units per lot (two in the main building and one in an accessory building), with no minimum unit sizes
- New units built under this permission would be exempt from DC/CBC and parkland requirements, and no more than one additional parking space can be required

Planning Implications

Parking Concerns – reduction in need for required parking creates challenges for residents wanting the parking availability.

Increase in Minor Variance Applications – review of accessory buildings and proposals

Secondary Suites By-Law - Review and update would be required related to the secondary suites in By-law 001-2021 (5.20)

Servicing – cost of infrastructure and strain on system

Third-Party Appeals

- No one other than the applicant, the Minister, or a specified person or public body will be allowed to appeal municipal decisions for minor variances and consents to the Tribunal.
- Existing third-party appeals (i.e. appeals filed by persons other than the applicant, the Minister or a specified person or public body) will be deemed to be dismissed if no hearing date has been set as of October 25 or no notice of appeal was filed by the applicant, the Minister, or a specified person or public body.

Planning Implications

- **Ratepayer Associations** - attend PM's, make presentations to Council, but have no further input in the appeal process
- **Reduction in Appeals** – saving staff time and resources
- **Transparency of the Process** – ability to gather input and incorporate into planning process

Upper Tier Planning Approval Powers

Removal of Upper Tier approval powers

- 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 both lower tier official plans and amendments and plans of subdivision
- Minister would (unless otherwise provided) therefore become the approval authority for all lower tier OP and OPAs, and Minister's decisions are not subject to appeal

Planning Implications

- **Resource Duplication** – saving staff time and resources and expedite the approve process
- **Servicing and Infrastructure planning** – Will there be a new body to coordinate region wide service delivery?

Site Plan Control

- Developments of up to 10 residential units will be exempted from site plan control.
- Architectural details and landscape design aesthetics will be removed from the scope of site plan control.
- Matters related to building construction under a by-law respecting the protection or conservation of the environment (s. 97.1 Municipal Act) is added.

Planning Implications

- Missing opportunity to review applications for Green Development Standards and Urban Design implications
- Vision for good urban design – lack of input and collaboration on design, a threat for the City to continue to be an attractive destination for residents and investors
- Infrastructure – cost and environmental impacts to City (greater reliance on City infrastructure, dispersed infrastructure)

Subdivision Approvals

- Public meetings no longer will be required for applications for approval of a draft plan of subdivision

Planning Implications

- Improve timelines – less staff time and resources
- Remove one step in the process of what is considered public participation in Planning
- Concerned citizens may not have the opportunity for input if no ZBA or OPA

Zoning in MTSA

- Municipalities will be required to update zoning to include minimum heights and densities within approved Major Transit Station Areas (MTSA) and Protected MTSA within one year of MTSA/PMTSA being approved

Planning Implications

- Amendments to OP and Secondary Plan text and schedules where density and height is not specified for certain areas/properties
- Some are proposed in areas where density and/or height targets are already specified in the OP and ZBL
- Does the OP need to be amended to de-list portions of designated large-lot neighbourhoods within PMTSAs?
- Does the OP and ZBL need to be updated to specify height and density requirements for these areas?

Lifting of 2-year moratorium

- Proposed deletion of the prohibition from filing amendments or minor variances, as applicable, to the following before the second anniversary:
 - when any part of a new official plan comes into effect
 - when any part of a secondary plan comes into effect
 - when all the zoning by-laws are repealed and replaced under s. 26(9) Planning Act
 - when a zoning by-law is amended

Planning Implications

- Ability to appeal official plans, secondary plans and new zoning by-laws sooner.

Amendments to the *Ontario Heritage Act*



Heritage

- Municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the *Ontario Heritage Act* unless the property is already on the heritage register when the current 90 day requirement for *Planning Act* applications is triggered
- Heritage registers to be reviewed and a decision made whether listed properties are to be designated, and if not, removed from the register
- A process is proposed which will allow Heritage Conservation District Plans to be amended or repealed
- Criteria for Heritage Conservation District Plans can be established for regulation

Planning Implications

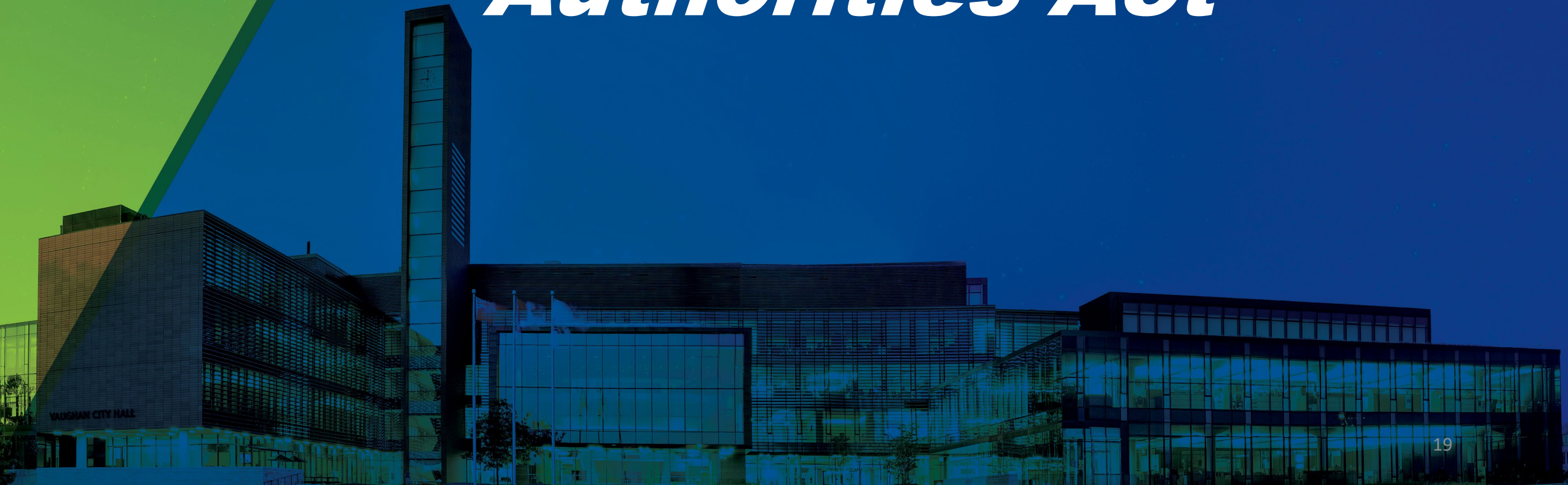
- Protection of significant buildings – need to be proactive in building stock surveys
- More staff time for the surveys required
- Potential loss of built heritage as a result of this change - identified through the public consultation process the *Planning Act* provides.
- Consideration of good Urban Design in the future

Bill 23, *More Homes Built Faster Act*, 2022

Amendments to the *Ontario Heritage Act, 1990* include:

- The Minister may be exempt from some or all of the heritage standards and guidelines under the Act if the Lieutenant Governor in Council believes the exemption could advance a provincial priority, including transit, housing, health and long-term care, other infrastructure or such other priorities as may be prescribed.
- The clerk of a municipality must ensure the register of properties situated in the municipality that is of cultural heritage value or interest is accessible to the public on the municipality's website. The cultural heritage value or interest is the new threshold test for listing a property.
- A new freeze on the designated process once a "prescribed event" occurs.

Amendments to the *Conservation Authorities Act*



Conservation Authorities

- Permits will not be required within regulated areas (including wetlands) for activity that is part of a development authorized under the Planning Act
- A single regulation is proposed for all 36 Authorities in the province
- Clear limits are proposed on what Authorities are permitted to comment on as part of the planning approvals process, which will keep their focus on natural hazards and flooding

Planning Implications

Technical review - reliance on the TRCA or other sources

Future jurisdiction - role in the development approval process

Commenting Agency – citywide comments from TRCA

Natural Heritage Planning

- A program to offset development pressures on wetlands is being considered, which will require a net positive impact on wetlands. The language appears to contemplate that wetlands can be developed provided a net positive impact is demonstrated
- The Wetland Evaluation System is also being revised, and the proposed changes would eliminate the concept of wetland complexes

Planning Implications

- **Need for more information**
 - Consideration going forward as valuable features, amendments to PPS, OP and policy designations?
 - Ensure the development project to demonstrate positive impact.

Financial impacts of Bill 23

Amendments to:

- ***Development Charges Act, 1997***
- ***Planning Act***



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Financial Implications – Development Charges Act

Amendments to the *Development Charges Act, 1997* include:

- Five-year phase in of DC rate increases, beginning 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.
 - This is proposed to apply to all new DC by-laws passed since January 1, 2022.
- Historical service level for DC eligible capital costs (except transit) extended from 10 to 15 years; effectively reducing funding envelopes and rate calculation
- DC by-laws will expire every 10 years, instead of every five years.
 - By-laws can still be updated any time
- Removal of Growth studies and Land costs from the rate calculation
- Cap the interest paid on phased DCs for rental and institutional to average quarterly prime rate plus 1%
 - Currently set at 5% as per City policy, new rate would be 6.95%

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Financial Implications – Development Charges Act

Amendments to the *Development Charges Act, 1997* include:

- DC exemptions for affordable and attainable housing, and non-profit housing
 - Attainable housing is to be further clarified through regulations
- The addition of second and third residential units on a parcel of land zoned for residential use is exempt from DCs.
- Reduced development charges for rental housing development by:
 - 25% in relation to rented residential premises with three or more bedrooms,
 - 20% for two-bedroom units, and
 - 15% for all other residential units.
- These changes will restrict and reduce the City's ability to collect revenue for growth related infrastructure projects, ultimately delaying projects or require the City to find new funding sources or use taxes.

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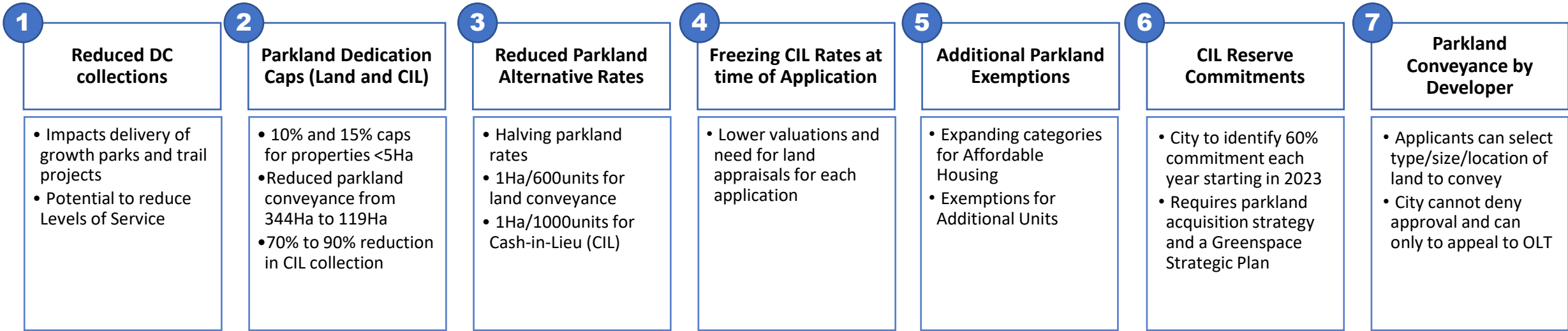
Financial Implications – Planning Act

Community Benefit Charges (CBC)

- Maximum CBC payable to be based only on the value of land proposed for *new* development, not the entire parcel that may have existing development
- Maximum CBC capped at 4% of land value, further reduced by ratio of proportionate gross floor area of new to existing building square footage

Financial Implication: Further reduction of revenue collection for growth related projects ultimately delaying implementation. Foregone amounts too early to determine, however projected CBC annual revenues are \$18m.

Parkland Implications – Planning Act



Financial Impact

- **70% to 90% reduction** in CIL collection
- **45% less** parkland provision (1Ha/1000 vs. 2Ha/1000 current City target)
- **Reduced DC's** for parks and trail design and construction
- Less funding for **park renewal**
- **Delayed timing** for park development
- Fewer **park property assets** and associated land value

Social Impact

- **More people and less parks** (60%-80% less parks moving forward to service larger population)
- **5 sqft** of parkland per person locally
- Less public space, **more private space**
- Fewer programable outdoor facilities (sports fields, playgrounds, tennis courts)
- Impacts to personal **health, wellness, and equity**
- **Disparity between communities** city-wide in areas pre and post Bill 23

Environmental Impact

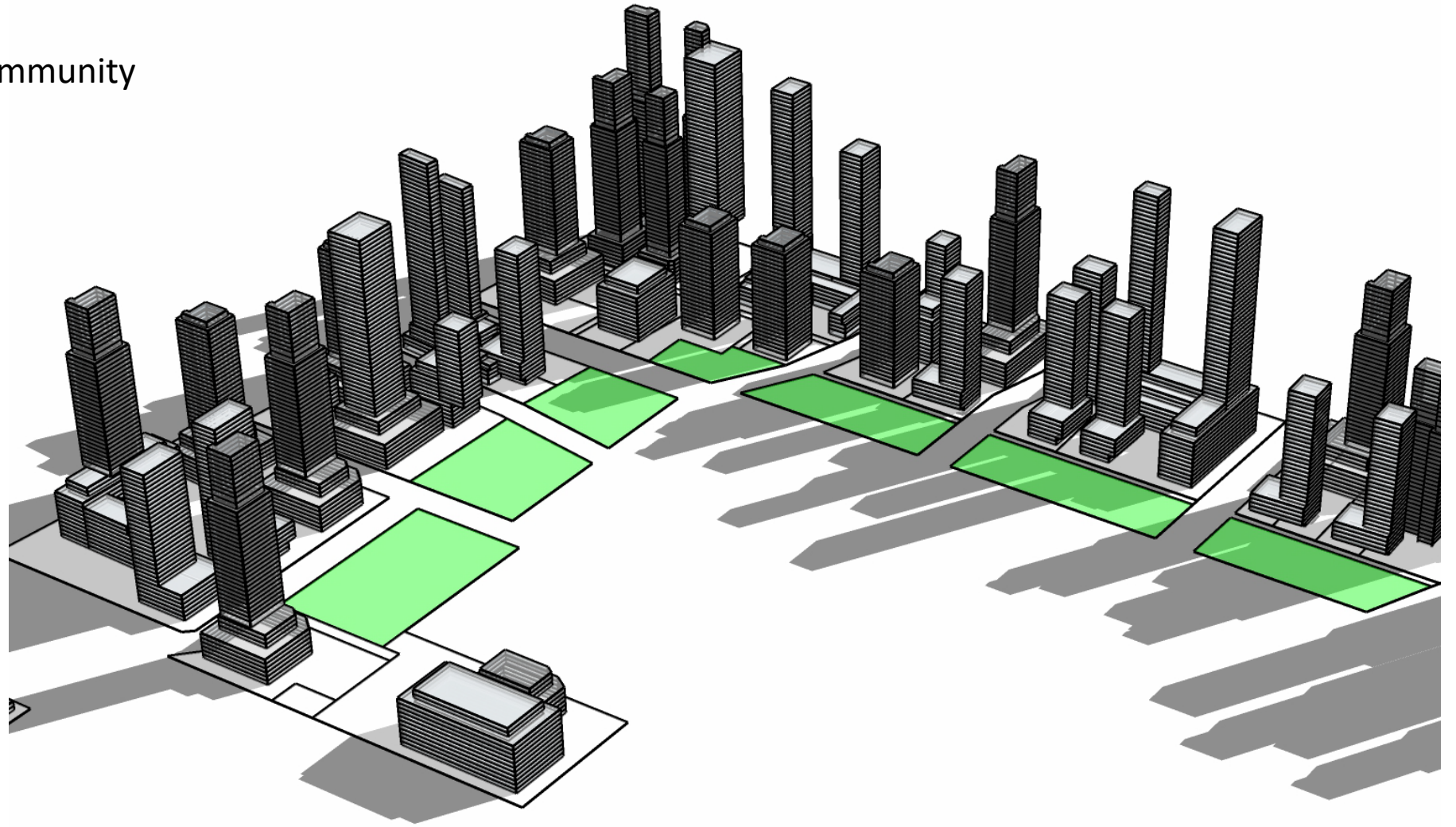
- Recreational land needs will **compete with natural heritage protection**
- Increased **public safety risks** for provision of **unsuitable land** for parks and trails (extreme slopes, hazards, areas of instability, flooding)
- Reduced ability for the City to **strategically acquire lands**

Note: Preliminary projections. Projections will require in depth analysis and validation, and do not account for additional loss of CIL collection due to expanded exemptions, POPS, and other measures.

Case Study

Implications for a
Strategic Growth Area community

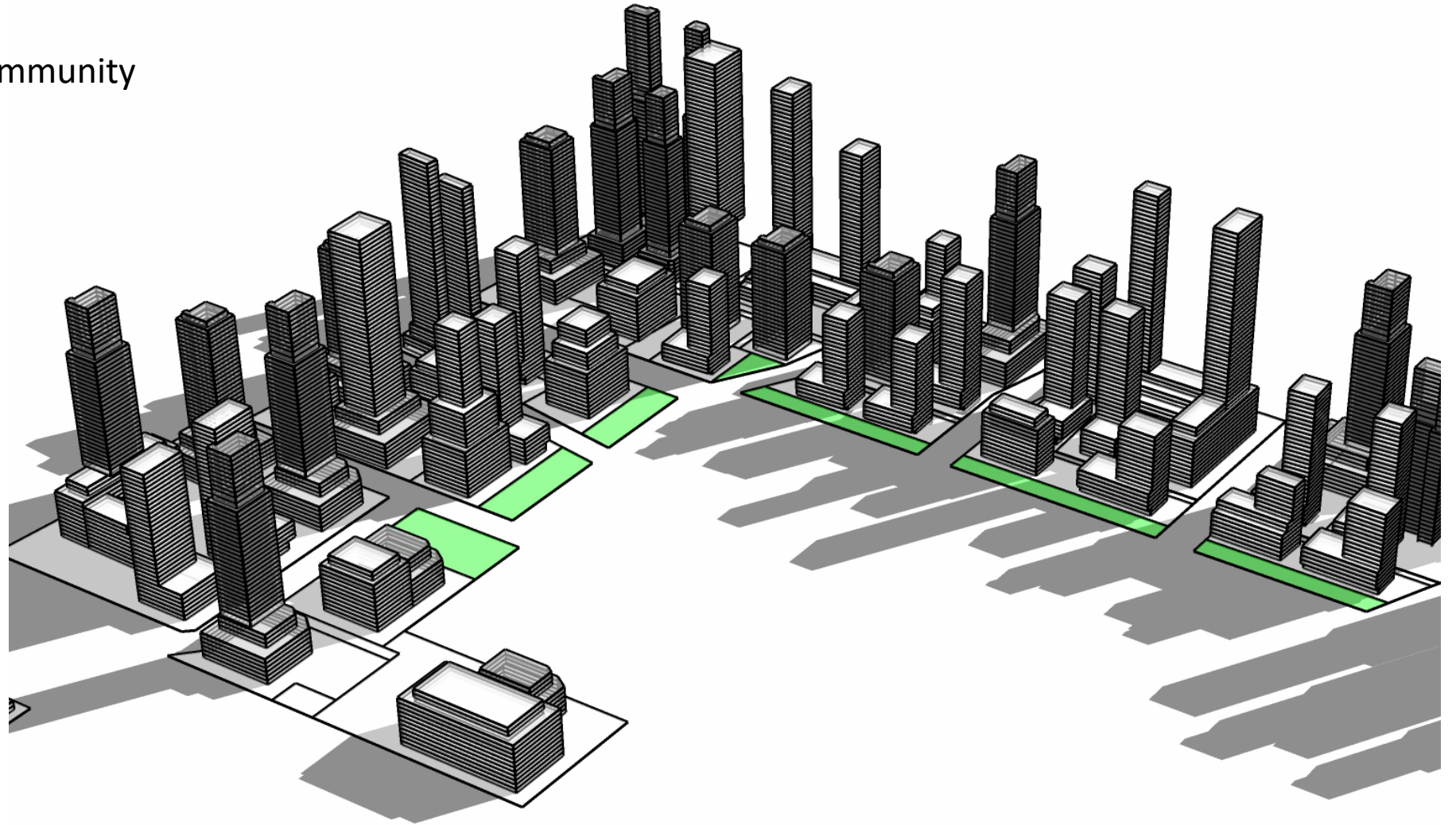
- Today's Standards -



Case Study

Implications for a
Strategic Growth Area community

- **Bill 23 Standards** -

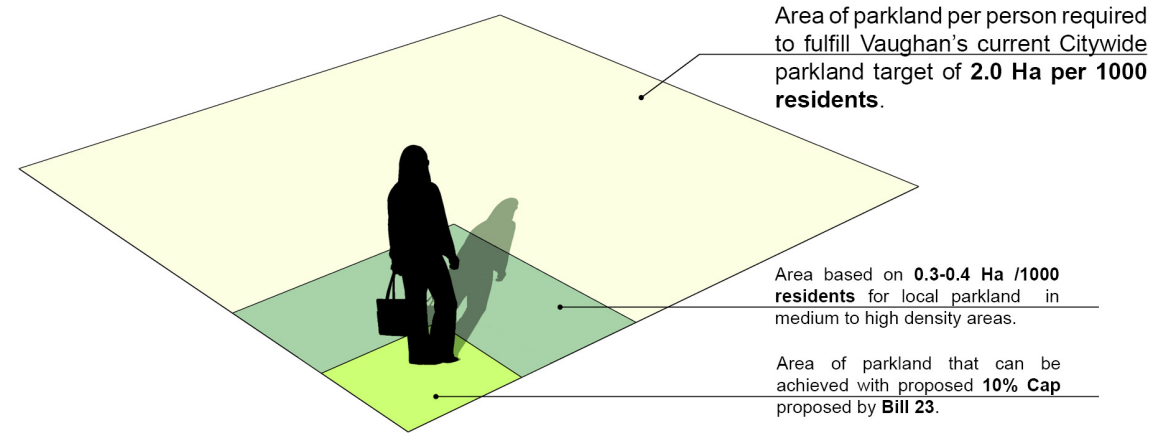


Bill 23, More Homes Built Faster Act, 2022

Parkland

Parkland Dedication/Land Conveyance

	ATMP & Parkland Dedication By-law 168-2022	Bill 23
Land securement to 2051	344 Ha	119 Ha*
City-Wide provision	2 ha/1000 residents <i>or 215 sqft/person</i>	1.1 ha/1000 residents <i>or 118 sqft/person</i>
Local – Growth Areas	0.3 to 0.4 Ha / 1000 residents <i>or approx. 37 sqft per person</i>	0.05 Ha / 1000 residents <i>or 5 sqft per person</i>



Residents living in medium to high density communities will only have access to **5 sqft** of parkland per person

* Preliminary projections. Projections will require in depth analysis and validation.

Amendments to the *Ontario Land Tribunal Act, 2021*



Bill 23, *More Homes Built Faster Act*, 2022

Amendments to the *Ontario Land Tribunal Act*, 2021 include:

- The Tribunal will be given increased powers to order costs against an unsuccessful party.
- The power to dismiss appeals will be expanded so the Tribunal may dismiss a hearing if the party commencing proceedings has contributed to an undue delay or if they have failed to comply with an order.
- The Lieutenant Governor will be given new authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings.