COUNCIL INFORMATION PACKAGE

January 6, 2023

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Office of the City Clerk

December 15, 2022

Via email: premier@ontario.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Toronto, ON M7A 1A1

Dear Premier:

Re: Kingston City Council Meeting, December 6, 2022 – New Motion 5 – Resource Recovery and Circular Economy Act, 2016

At the regular meeting on December 6, 2022, Council approved New Motion 5 with respect to request to the Resource Recovery and Circular Economy Act, 2016. At the same meeting, the following resolution was approved:

> **Whereas** Municipal governments support the Province's implementation of outcomes-based policies to move responsibility for end-of-life management of designated products and packaging to producers who are the most able to affect system change; and
>
> **Whereas** these policies can improve environmental outcomes, provide new jobs and grow Ontario's economy; and
>
> **Whereas** outcomes-based policies require clear consequences for non-compliance that can be administered in an effective and efficient manner; and
>
> **Whereas** Administrative penalties are a cost-effective tool for the regulator to hold polluters accountable, so there is less burden on the courts and taxpayers; and
>
> **Whereas** the Resource Productivity and Recovery Authority does not have Administrative Penalties which is impacting the ability of the regulator to ensure compliance with the regulations under the Resource Recovery and Circular Economy Act, 2016; and

The Corporation of the City of Kingston
216 Ontario Street, Kingston, ON K7L 2Z3
Phone: (613) 546-4291 ext. 1247 Fax: (613) 546-5232 jbolognone@cityofkingston.ca

Whereas data provided by Resource Productivity and Recovery Authority shows there is a currently a backlog of over 2,000 cases of potential non-compliance and almost 200 known instances of non-compliance; and

Whereas the Resource Productivity and Recovery Authority has found battery producers non-compliant for collection accessibility and processing; and

Whereas the largest waste diversion program, the Blue Box, sees the first communities transition in a few months, ensuring the Regulator has appropriate enforcement tools to ensure servicing and outcomes are met is critical for a smooth transition for Ontarians;

Therefore Be It Resolved That the City of Kingston calls on the Provincial government to promptly pass an Administrative Penalties regulation under the Resource Recovery and Circular Economy Act, 2016; and

That this resolution be circulated to the Premier of Ontario, the Minister of the Environment, Conservation and Parks, MPP Ted Hsu, MPP John Jordan, the Association of Municipalities of Ontario, and all Municipalities in Ontario for their consideration and support.

Yours sincerely,

John Bolognone
City Clerk
/nb

C.C. Minister of the Environment, Conservation & Parks
Ted Hsu, MPP for Kingston & the Islands
John Jordan, MPP for Kingston, Frontenac Lanark
AMO
All Ontario Municipalities

The Town Of
PLYMPTON-WYOMING

BY EMAIL ONLY

Tracy Robinson, CN Rail President and CEO
Montreal (Headquarters)
935 de La Gauchetiere Street West
Montreal, Quebec, Canada
H3B 2M9

December 21st 2022

Re: CN Railway Contribution Requirements under the *Drainage Act* and Impacts on Municipal Drain Infrastructure in Ontario

Dear Tracy Robinson,

Please be advised that at the Regular Council Meeting on December 14th 2022, the Council of the Town of Plympton-Wyoming passed the following motion, supporting the Township of Warwick:

Motion 20
Moved by Councillor Mike Vasey
Seconded by Councillor Alex Boughen
That Council support item 'Q' from Warwick Township regarding CN Railway Contributi ***Motion Carried.***
Requirements under the Drainage Act.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak
Clerk
Town of Plympton-Wyoming

Cc: Elizabeth Cummings, Drainage & Engineering Coordinator, Town of Plympton-Wyoming
Lisa Thompson, Minister of Agriculture Food and Rural Affairs,
Monte McNaughton, MPP Lambton-Kent-Middlesex
Marie-Claude Bibeau, Minister of Agriculture and Agri-Food
Daniel Salvatore, CN Manager Public Affairs, Ontario & Atlantic Canada
Cyrus Reporter, CN Vice-President, Public, Government and Regulatory Affairs
Jonathan Abecassis, CN Media Relations & Public Affairs
Gregory Kolz, Director of Government Relations, Railway Association of Canada
All Ontario municipalities

TOWNSHIP OF WARWICK

"A Community in Action"

5280 Nauvoo Road | P.O. Box 10 | Watford, ON N0M 2S0

Township Office: (226) 848-3926
Watford Arena: (519) 876-2808
Website: www.warwicktownship.ca

Works Department: (519) 849-3923
Fax: (226) 848-6136
E-mail: info@warwicktownship.ca

BY E-MAIL ONLY

November 16, 2022

Tracy Robinson, CN Rail President and CEO
Montreal (Headquarters)
935 de La Gauchetière Street West
Montreal, Quebec, Canada
H3B 2M9

Dear Tracy Robinson:

Re: CN Railway Contribution Requirements under the *Drainage Act* and Impacts on Municipal Drain Infrastructure in Ontario

At the October 17, 2022, regular Council meeting Warwick Township Council discussed the continuing impacts of CN's decision not to participate in funding municipal drains in Ontario, as per the *Drainage Act,* and the negative consequences on our community and others in the Province and approved the following resolution to be circulated to CN and related partners:

> ***WHEREAS municipal drains are considered critical rural infrastructure that support food production, food security, the environment and economic sustainability in rural Ontario;***
>
> ***AND WHEREAS the creation, maintenance and contribution requirements towards municipal drain infrastructure are governed by the Drainage Act;***
>
> ***AND WHEREAS an official from CN Rail has formally communicated to the Township of Warwick that "CN's decision is that it is a federally regulated entity under CTA guidelines, as such, are not governed by provincial regulations";***
>
> ***AND WHEREAS the implication that any public utility could become exempt from the financial requirements invalidates the underlying principle that all benefitting from municipal drain projects are required to contribute financially, including all public utilities;***

AND WHEREAS there are currently at least fifty-five municipal drainage projects in Ontario being impacted by CN's actions and refusal to contribute as per the Drainage Act;

AND WHEREAS the Township of Warwick and many rural municipalities have expressed concerns over this CN Rail position to the Ministry of Agriculture and Rural Affairs consistently over at least the past fours years;

AND WHEREAS the Township of Warwick and other rural municipalities met with Minister Thompson at the Association of Municipalities in Ontario (AMO) on this issue and Minster Thompson has confirmed it remains the Provincial government's position that the Drainage Act does apply to all federally regulated railways;

NOW THEREFORE the Council of the Township of Warwick hereby declares as follows:

THAT Ontario's Drainage Act is an important piece of legislation used to meet the drainage needs of a variety of stakeholders, including agricultural businesses and ultimately food production, thereby supporting families, neighbours, and thriving communities;

AND THAT CN Rail be called upon to act as a partner to municipalities and agriculture in Ontario and reconsider its position that the Drainage Act does not apply to it as a public entity;

AND THAT CN Rail contribute to all municipal drains in Ontario, as per section 26 of the Drainage Act, and work to expedite its response timelines to the fifty-five projects currently on hold in Ontario so that the projects impacting the agriculture sector can proceed and be dealt with in a timely manner after years of delay caused directly by CN Rail;

AND THAT a copy of this resolution be circulated to Minister of Agriculture Food and Rural Affairs Lisa Thompson, local MPP Monte McNaughton, Minister of Agriculture and Agri-Food Marie-Claude Bibeau, CN Manager Public Affairs, Ontario & Atlantic Canada Daniel Salvatore, the President and CEO of CN Rail Tracy Robinson, Director of Government Relations Railway Association of Canada Gregory Kolz and to all municipalities in Ontario for their support.

- Carried.

Warwick Township Council looks forward to a timely response from CN in the hopes that this issue impacting rural Ontario can be resolved.

Sincerely,

Amanda Gubbels
CAO/Clerk
Township of Warwick

Cc:
Lisa Thompson, Minister of Agriculture Food and Rural Affairs,
Monte McNaughton, MPP Lambton-Kent-Middlesex
Marie-Claude Bibeau, Minister of Agriculture and Agri-Food
Daniel Salvatore, CN Manager Public Affairs, Ontario & Atlantic Canada
Cyrus Reporter, CN Vice-President, Public, Government and Regulatory Affairs
Jonathan Abecassis, CN Media Relations & Public Affairs
Gregory Kolz, Director of Government Relations, Railway Association of Canada
All Ontario municipalities

LAKE OF BAYS
• MUSKOKA •

T 705-635-2272
TF 1-877-566-0005
F 705-635-2132

TOWNSHIP OF LAKE OF BAYS
1012 Dwight Beach Rd
Dwight, ON P0A 1H0

December 19, 2022

Via email: slord@wawa.cc

Municipality of Wawa
Attn: Maury O'Neill, CAO/Clerk
40 Broadway Ave
Wawa, ON P0S 1K0

Dear: Mayor and Council

RE: Resolution of Support for Municipality of Wawa – re: Resolution regarding Bill 3, Strong Mayors, Building Homes Act, dated September 20, 2022

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted communication was presented at the last regularly scheduled Council meeting on December 13, 2022 and the following resolution was passed.

"Resolution TC/42/2022

BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby receives and supports the attached resolution from the Municipality of Wawa – re: Resolution regarding Bill 3, Strong Mayors, Building Homes Act, dated September 20, 2022.

AND FURTHER THAT this resolution be forwarded to the Municipality of Wawa, Premier of Ontario, the Minister of Municipal Affairs and Housing, Hon. Graydon Smith, MPP for Simcoe-Muskoka, the Association of Municipalities of Ontario, and other Municipalities in Ontario.

Carried."

In accordance with Council's direction, I am forwarding you a copy of the resolution for your reference. Please do not hesitate to contact me if you have any questions or require clarification.

Sincerely,

Carrie Sykes, *Dipl. M.A., CMO, AOMC,*
Director of Corporate Services/Clerk
CS/lv
Copy to: Premier of Ontario
Local member of Provincial Parliament
Minister of Municipal Affairs and Housing
Association of Municipalities
Municipalities in Ontario
Enclosure: Municipality of Wawa Resolution

The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, September 20, 2022

Resolution # RC22159	**Meeting Order: 5**
Moved by: Cathy Cannon	**Seconded by:** M Hatfield

WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council; and

NOWTHEREFORE BE IT RESOLOVED THAT the Council of the Corporation of the Municipality of Wawa does hereby passes this resolution to petition the Government of Ontario that:

p.2...

The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

1. These changes to the Municipal Act, 2001, are unnecessary and will negatively affect the Municipality of Wawa;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the Planning Act and funding of more affordable housing.

FURTHER, Council of the Corporation of the Municipality of Wawa directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", MPP for Algoma-Manitoulin – Kapuskasing, Michael Mantha, MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RESOLUTION RESULT	RECORDED VOTE		
☑ CARRIED	MAYOR AND COUNCIL	YES	NO
☐ DEFEATED	Pat Tait		
☐ TABLED	Cathy Cannon		
☐ RECORDED VOTE (SEE RIGHT)	Bill Chiasson		
☐ PECUNIARY INTEREST DECLARED	Mitch Hatfield		
☐ WITHDRAWN	Melanie Pilon		

Disclosure of Pecuniary Interest and the general nature thereof.

☐ Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk:_____

MAYOR – PAT TAIT	CLERK – CATHY CYR

This document is available in alternate formats.

MUNICIPALITY OF
North Perth
www.northperth.ca
A Community of Character
330 Wallace Ave. N., Listowel, ON N4W 1L3 Phone: 519-291-2950 Toll Free: 888-714-1993

To: Hon. Doug Ford, Premier
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Michael Parsa, Associate Minister of Housing

December 6, 2022

RE: Bill 23 More Homes Built Faster Act

The Municipality of North Perth appreciates that housing is a top priority for the Province and shares the desire for more homes, especially affordable homes. However, following a high-level review of the proposed legislation, the Municipality of North Perth believes that Bill 23 will do little to accomplish this goal.

Firstly, we appreciate the opportunity to provide comments on this matter, but find it important to acknowledge that staff and Council of the Municipality require more than 30 days to digest and respond to a complex piece of legislation affecting nine existing Acts.

North Perth was disappointed to learn that Bill 23 received Royal Assent on November 28, 2022, despite the Province extending the comment period to December 9th. The Municipality feels that this further proves that although municipalities are the most informed on local housing issues, the Province does not view them as a strategic partner in solution finding and action.
As outlined below, the Municipality of North Perth has several concerns to date with the legislation.

The bill, as it is currently written, would eliminate the charges that developers currently pay toward housing. This will eliminate hundreds of millions of dollars that municipalities rely on for housing programs and dramatically reduce municipal affordable housing efforts.

Development Charges (DC) are designed to help municipalities pay for a portion of the capital infrastructure required to support new growth, to ensure that existing taxpayers are not required to subsidize costs of the infrastructure or services needed to support new residents and businesses. Without a new revenue stream to offset DC payments, the legislation hampers the ability of

municipalities to fund and deliver growth-related infrastructure. The changes to the Development Charges Act fundamentally impacts municipalities' ability to ensure growth pays for growth.

The changes to the various Acts have significant financial impacts on Ontario's municipalities along with their respective taxpayers. It is anticipated that these changes will put additional pressure on property taxes and water and wastewater rates. Property taxes and user fees are crafted to fund projects and programs that communities need, however adding more costs to existing property owners will increase their costs and could negatively impact their ability to keep their current housing affordable. Provincial legislation should not unduly burden homeowners and renters to guarantee the long-term success of solving the housing crisis.

Municipalities are extremely limited in the ways that they can collect revenue, relying on transfers from other levels of government to mitigate property tax rate increases, fund critical infrastructure and balance annual budgets. Municipalities already face an infrastructure funding gap that requires additional financial investments, resources and supports. Planning for increasing additional dwelling units will place more strain on water and wastewater systems which will require upgrading to increase capacity. This will require additional financial resources to manage, at a time when municipalities are already facing increased budgetary pressures due to inflationary costs, increased citizen expectations and the transfer of responsibilities from the Province. Without additional funding or resources from the Province to offset these costs, municipalities will have little option but to put these costs back on the taxpayer.

The amendment that all DC by-laws passed after January 1, 2022 (previously June 1, 2022) must be phased-in for the first five years that the by-law is in force will have an overall negative consequence to the goal of building more housing. The phase-in will delay necessary infrastructure projects to unlock growth while also providing incentives for development projects to be delayed until a new by-law is enacted.

Growth-related infrastructure often centres on the infrastructure itself, but a critical piece towards infrastructure is the land required to build. Land represents a significant cost for some municipalities in the purchase of property to provide

services to new residents. This is a cost required due to growth and should be funded by new development. Studies, such as Official Plans, are required to establish when, where and how a municipality will grow. These growth-related studies should remain funded by growth. Master Plans and environmental assessments are essential to understand the servicing needs that development will place on hard infrastructure; again, these are necessary studies to inform the servicing required to establish the supply of lands for development. This would restrict the supply of serviced land and would contradict the province's intent to create additional housing units.

Parkland dedication levies exist to ensure that municipal park systems grow alongside other community developments. Increasing the supply and mix of housing is an important goal that we all share; however, sufficient access to parks and greenspace cannot be overlooked as we try to create meaningful alternatives to single-family dwellings. Municipalities already face challenges with the supply of adequate parkland due to the rising costs of land and current limitations under the Planning Act relative to municipal parkland standards. Upper-tier and single-tier municipalities across the province utilize DCs to help fund the construction of new affordable housing units with the goal of providing affordable housing to those in need. The removal of housing services and limiting the tools available to municipalities to support homeless and underhoused people and families will reduce municipality participation in creating affordable housing units, putting further burden on municipal taxpayers.

In order for the Province to successfully achieve the goal of building 1.5 million homes within the next ten years, municipalities must be viewed as strategic partners. As the frontline level of government, municipalities are also eager to resolve the housing crisis and are the most informed on what is needed to create complete communities that the people of Ontario want and expect.

Please consider revisions to the regulations in Bill 23 for more meaningful review and consultation with stakeholders and input from municipalities, and conduct thorough analyses of both short and long-term impacts. To ensure informed implementation of this proposal, alternatives to improve the legislation to effectively create more attainable housing for Ontario need to be considered.

MUNICIPALITY OF
North Perth
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330 Wallace Ave. N., Listowel, ON N4W 1L3 Phone: 519-291-2950 Toll Free: 888-714-1993

Sincerely,

Todd Kasenberg, Mayor
Municipality of North Perth
330 Wallace Ave. N Listowel, ON N4W 1L3
toddkasenberg@northperth.ca

CC:
MPP Matthew Rae
Environmental Registry of Ontario
All Ontario Municipalities

Northumberland County

Council Resolution

Moved By Ostrander

Seconded By Logel

Agenda Item 12.b

Resolution Number 2022-12-14-768

Council Date: December 14, 2022

"**Whereas** Northumberland County supports action to increase the supply of housing for Ontarians and specifically to address the affordable housing crisis in Ontario; and

Whereas The Government of Ontario introduced Bill 23, *More Homes Built Faster Act, 2022* on October 25, 2022 and the Bill received Royal Assent on November 28, 2022, providing insufficient time for newly elected municipal councils to provide fulsome feedback; and

Whereas Municipalities across the province have identified significant financial, environmental, public consultation, and heritage impacts related to the measures identified in Bill 23; and

Whereas The proposed change to subsection 2(4) of the *Development Charges Act, 1997* to remove "Housing Services" from the list of services that can be funded through development charges would result in the immediate removal of the housing services portion of the Northumberland County Development Charge and result in an estimated funding gap of approximately $17 million over the next 7 years for financing an estimated 250 new affordable units; and

Whereas At current building levels, an estimated 27% increase to the County portion of property taxes would be required to maintain planned investments and services, with additional tax implications anticipated for local lower-tier municipalities;

Be It Resolved That the Council of the Corporation of the County of Northumberland calls upon the Government of Ontario to pause implementation of Bill 23, and engage in meaningful engagement with municipalities and other key stakeholders to address identified concerns in order to achieve the shared goal of increasing housing supply and improving affordability and sustainability; and

Northumberland county

Council Resolution

Agenda Item 12.b **Resolution Number 2022-12-14-768**

Council Date: December 14, 2022

Be It Further Resolved That a copy of this resolution be sent to The Honourable Doug Ford (Premier of Ontario), The Honourable Steve Clark (Minister of Municipal Affairs and Housing), The Honourable Michael Parsa, (Associate Minister of Housing), the Honourable David Piccini (Minister of the Environment, Conservation and Parks and MPP for Northumberland - Peterborough South), the Association of Municipalities of Ontario (AMO), and to all Ontario municipalities; and

Be It Further Resolved That County Council direct staff to provide information on the County website regarding the estimated impacts of Bill 23 on the County levy."

Recorded Vote Requested by _____ **Councillor's Name**

Carried _____ **Warden's Signature**

Deferred _____ **Warden's Signature**

Defeated _____ **Warden's Signature**

REGIONAL MUNICIPALITY OF WATERLOO
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December 19, 2022

Premier Doug Ford
premier@ontario.ca

Honourable Steve Clark, Minister of Municipal Affairs and Housing
Steve.Clark@pc.ola.org

Catherine Fife, Waterloo MPP
cfife-co@ndp.on.ca

Brian Riddell, Cambridge MPP
Brian.Riddell@pc.ola.org

Jess Dixon, Kitchener South-Hespeler MPP
Jess.Dixon@pc.ola.org

Laura Mae Lindo, Kitchener Centre MPP
lauramae.lindo@ontariondp.ca

Mike Harris Jr., Kitchener-Conestoga MPP
Mike.Harris@pc.ola.org

Cam Guthrie, Interim Chair
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Mayors and Regional Chairs of Ontario
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gkosch@wellesley.ca

Township of Wilmot Council
clerks@wilmot.ca

Re: Bill 23 Financial Impacts in Waterloo Region

Please be advised that the Council of the Regional Municipality of Waterloo at their regular meeting held on December 14, 2022, approved the following motion:

> **WHEREAS the Region of Waterloo recognizes that there is a housing inventory crisis and an affordability crisis; and**

WHEREAS the Region of Waterloo is the only municipality in Canada that relies almost entirely on groundwater for its water supply, groundwater recharge areas which cross multiple municipal boundaries are protected by the Regional Official Plan. As a result of the passing of Bill 23, communities in the Region of Waterloo are particularly vulnerable to a fragmented approach to protecting ground water recharge areas; and

WHEREAS the Region of Waterloo delivers numerous services, including transit, regional roads, wastewater facilities, and housing that are closely tied to regional scale land use planning strategies, particularly as they affect the location, density and structure of urban development; and

WHEREAS the Region of Waterloo Regional Official Plan provides policies and strategies to protect land and natural ecosystems that replenish our ground water and reduce carbon emissions, while supporting the efficient growth of vibrant communities and a strong, resilient economy; the loss of a regional planning framework for the Region of Waterloo could negatively impact future generations; and

WHEREAS the Region of Waterloo has received endorsement and support from two First Nations, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River in support of our Regional Official Plan amendment which is unprecedented; and WHEREAS Bill 23 is legislation that will now have severe negative implications to the Region of Waterloo planning authority, the current Waterloo Regional Official Plan, Conservation Authorities Act, Development Charges Act, Municipal Act, New Homes Construction Licensing Act, Ontario Heritage Act, Ontario Land Tribunal Act, Ontario Underground Infrastructure Notification System Act, Planning Act, and the Supporting Growth and Housing in York and Durham Regions Act; and

WHEREAS the Region of Waterloo is preparing comments on Bill 23 that will be submitted to the province with the understanding that the timing of the introduction of the Bill has not allowed for a thorough and comprehensive review and response by Waterloo Region Council within

the original due date given that the first regular meeting is December 6; and

WHEREAS the Region of Waterloo acknowledges the affordable housing crisis and has developed a comprehensive housing strategy that already exceeds provincial recommendations; and WHEREAS the Region of Waterloo relies on development charges to provide the infrastructure required to support growth and new housing, for new residents and growing businesses, proposed changes would therefore jeopardize the ability to finance and construct the very infrastructure needed to build more housing; and WHEREAS Bill 23 will impact city and regional finances and limit the ability of the region to properly invest in infrastructure to serve new homes, creating an increased tax burden on rate payers in the region; and WHEREAS BILL 23 does not address the current labour shortage that currently exist within the industry and does not mention how it will address the current labour shortage; and

THEREFORE, BE IT RESOLVED that the Region of Waterloo requests that the Province of Ontario to reconsider Bill 23 and extend the consultation period on potential legislation, regulatory, policy, and amendment to allow for fulsome municipal consultation; and

THEREFORE, BE IT RESOLVED that the Region of Waterloo requires the Ministry of Municipal Affairs and Housing identify and outline the processes and proposed outcomes of this bill in relation to the affordable housing crisis experienced across Ontario and its mitigating effects.

THEREFORE, BE IT RESOLVED that the Region of Waterloo requests that the Provincial and Federal governments develop sustained infrastructure funding to meet the needs of growing communities and avoid shifting burden of growth to existing taxpayers. That might mitigate some of the worst of the financial impacts of Bill 23.

BE IT FINALLY RESOLVED that a copy of this resolution and report COR-CFN-22-04, Bill 23 Financial Impacts in Waterloo Region, dated

December 6, 2022, be forwarded to the Premier of Ontario, the Minister of Municipal Affairs and Housing, local and area MPPs, area Municipal Councils, as well as the Association of Municipalities of Ontario, Mayors and Regional Chairs of Ontario and Ontario Big City Mayors.

Please see attached report COR-ADM-22-004, Bill 23 Financial Impacts in Waterloo Region. If you have any questions please contact Craig Dyer, Treasurer, Chief Financial Officer at CDyer@regionofwaterloo.ca .

Please forward any written responses to this letter to William Short, Director, Council & Administrative Services/Regional Clerk, at RegionalClerk@regionofwaterloo.ca .

Regards,

William Short
Director, Council & Administrative Services/Regional Clerk

WS/tp

cc: C. Dyer, Treasurer, Chief Financial Officer
K. Redman, Regional Chair
C. James, Regional Councillor

Region of Waterloo

Corporate Services

Corporate Finance

To:	Administration and Finance Committee
Meeting Date:	December 6, 2022
Report Title:	Bill 23 Financial Impacts in Waterloo Region

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1. Recommendation

That the Regional Municipality of Waterloo direct Staff to circulate report COR-CFN-22-04, Bill 23 Financial Impacts in Waterloo Region, dated December 6, 2022, to all Members of Provincial Parliament and all Area Municipal Councils within the Region.

2. Purpose / Issue:

To provide Committee members with an overview of the estimated financial impacts of the proposed amendments to the Development Charges Act (DCA) set out in Bill 23, *Building More Homes Faster Act*.

3. Strategic Plan:

This report aligns with two Corporate Strategic Plan objectives:

- Thriving Economy – 1.2. ensure an adequate and strategic supply of employment lands in the Region
- Responsive and Engaging Public Service – 5.4. to ensure the Region provides value for money and long term financial sustainability

4. Report Highlights:

- Bill 23, Building More Homes Faster Act, received Royal Assent on November 28, 2022. This is despite the public comment period on the DCA and other portions of the bill being recently extended to December 9 from the original November 24 deadline.
- The Bill reduces the amount of Development Charges (DC), Parkland Dedication (PD) fees and Community Benefits Charges (CBC) revenue needed by municipalities to fund the cost of infrastructure for new housing to be built. As municipal revenue is reduced, municipalities will need to consider delaying the construction of infrastructure needed to accommodate new housing and assume

additional risk by taking on more long-term debt and the associated debt financing costs (which require DC revenue to fund).

- There is no demonstrable evidence that reducing development charges will translate into lower home prices, as such prices are market driven. This Bill will not result in more housing being built faster. To the contrary, housing supply could be slowed as infrastructure projects are deferred due to restricted municipal cash flow.

- The Region was considering adding a housing services component to its Development Charge through the next background study to help fund the Waterloo Region Housing expansion. Eliminating housing as a DC-eligible service will require Region to fund these costs through the property tax base.

- Existing and future taxpayers will pay more for growth, which already does not pay for itself under pre-Bill 23 DCA rules. Accordingly, the total cost of housing will increase due to higher property taxes and user rates. This comes at a time when municipalities are experiencing capital cost escalation in the range of 15%-50% and the cost of borrowing is at the highest level it has been in over 10 years.

- The balance in municipal DC reserve funds will vary from year to year for many reasons including the actual pace of development and timing of capital costs, the need for water supply and wastewater treatment infrastructure to be in place before development occurs (which is often debt financed), the accumulation of DC revenues in order to have the funds available to pay for the infrastructure costs to meet community needs without the need for borrowing, and isolated increases in the issuance of building permits (e.g. in advance of an increase in DC rates due to indexing or new rate calculations) which can contribute to unexpectedly higher DC reserve fund balances on a temporary basis.

- The government amended the DCA through Bill 108, More Homes, More Choices Act, 2019 (effective January 1, 2020) resulting in the deferral of certain DC payments until 5 to 20 years from occupancy – accordingly a significant and growing portion of DC reserve balances is not actually money in the bank, but rather is shown as a receivable on municipal balance sheets.

- Any year-end DC reserve fund balance is used to pay for future debt servicing costs and to pay for new infrastructure as it is built. The Region of Waterloo had $85 million in its DC reserve fund at the end of 2021 (of which $58m was cash and $27m was DC receivables), but also had $327 million in growth-related debt outstanding, and has a capital program that requires over $1.2 billion in DC funding over the next 10 years. DC reserve funds are allocated to future capital works and future debt servicing costs for works already in place.

5. Background:

Municipalities are responsible for the new infrastructure and increased capacity on existing infrastructure needed to allow new housing to be built (e.g. water treatment and distribution, wastewater collection and treatment, and roads) and the essential services expected by the community (e.g. public transit, parks and community centres, arenas, libraries, and emergency services such as police, fire and ambulance). Such infrastructure is to a great extent funded by development charges (upper & lower tier), parkland dedication fees (lower tier) and community benefits charges (lower tier).

Bill 23, Building More Homes Faster Act

Through this Bill the Province has amended the Development Charges Act and the Planning Act in a manner that reduces DC, PD CBC revenue. Virtually all of the changes to the Development Charges Act result in less DC revenue collected by municipalities to fund the costs of growth-related infrastructure that supports both new housing as well as commercial/industrial development. Specifically this Bill:

- Exempts certain development from the payment of DCs
- Introduces mandatory DC discounts
- Requires a mandatory discounted phase-in of new DC rates (for residential and non-residential development)
- Makes the costs associated with studies and certain land acquisitions ineligible
- Removes Housing as a DC-eligible service
- Caps the interest rate on frozen and deferred DCs
- Expands the historical service standard from 10 to 15 years, thereby generally creating a lower service standard for services, other than Public Transit which has a forward-looking service level

In addition, the Bill amends the Planning Act to exempt more growth from the payment of PDs and CBCs.

The Consequences of Passing Bill 23

The changes approved through Bill 23 will result in:

- Reduced DC, PD and CBC revenue collected and therefore less municipal

capacity to fund the cost of growth-related infrastructure

- A transfer of cost responsibility from new development onto existing and future taxpayers and ratepayers
- Delays in infrastructure projects needed to allow new housing to be built
- Deferred or cancelled infrastructure to deliver the services needed by new residents
- More long term debt and risk for municipalities
- More pressure on municipal budgets and provincially mandated municipal asset management plans at a time of very high inflation and rising costs of borrowing
- Less ability for municipalities to invest in green spaces to provide park amenities to support the increased housing density

6. Area Municipality Communication and Public/Stakeholder Engagement:

Area Municipality Communication:

Staff have worked with the Treasurers of the area municipalities within Waterloo Region to estimate the financial impacts of some of the key Bill 23 provisions.

Public/Stakeholder Engagement: Nil

7. Financial Implications:

Municipalities have limited revenue sources to fund capital investments needed to deliver essential services, and this legislation reduces municipal fiscal capacity to fund necessary capital investments to allow new housing supply to be built. The inevitable result of the legislation is that existing and future taxpayers and ratepayers will need to pay more to allow growth to happen and the emplacement of infrastructure required to support housing development will be delayed.

The financial impacts of the legislation are difficult to estimate due to the timing of the implementation of the changes. Some of the amendments come into effect upon subsequent updates to DC and CBC By-laws, while others come into effect immediately. To provide context, Regional and Area Municipal staff have utilized information available in current DC by-laws and capital programs to demonstrate the potential impacts of the legislation relating to four key areas under the *Development Charges Act*, namely the phase-in of DC rates and the removal of housing, studies, and land as eligible services.

Illustrative Financial Impact of Bill 23 in Four Key Areas Under the DCA				
All figures in $ Millions	Phase-In of DC Rates	Removal of Housing*	Removal of Studies	Removal of Land
Region	$45	$260	$40	$100
Cities	$30	n/a	$28	$20
Townships	$5	n/a	$2	$5
Total	**$80 over 5 yrs**	**$260 over 10 yrs**	**$70 over 10 yrs**	**$125 over 10 yrs**

*assumes 50% DC eligible

As set out in the table above, had the phase-in provisions been in place under current DC by-laws, this would have resulted in approximately $80 million less in DC collections over the 5 year term of the by-laws equating to a reduction in DC collections of roughly 8-10% over the life of the by-laws. This likely understates the potential impact of the phase-in moving forward as this will largely come into effect under subsequent by-laws. Based on current ten year capital programs, $70 million in studies will no longer be eligible for DC funding and $125 million in land may no longer be eligible for DC funding which will shift the burden onto the property tax levy and user rates. In addition, the Region has $520 million in growth-related housing planned over the next 10 years. Removing housing as an eligible service means that the entire cost will be borne by the tax levy. Further amendments to the DCA that will reduce municipalities' ability to fund growth-related infrastructure for which estimates are not currently available include:

- Mandatory discounts for purpose built rentals
- Exemptions for affordable and attainable housing
- Caps on interest rates for frozen and deferred DCs
- Lower service standard calculation which reduces the amount of capital that is eligible for DC funding

The actual impact will be higher once new background studies are completed due to the significant capital cost escalation experienced over the last 12-24 months. This analysis excludes impacts relating to Parkland Dedication fees and Community Benefits Charges at the lower tier municipalities in Waterloo region.

In the absence of the Province developing mechanisms to offset the lost funding to keep municipalities whole from an infrastructure funding perspective, municipal Councils will be forced to make choices between maintaining existing assets and building new infrastructure with limited tax levy/user rate sources. This will ultimately lead to the

deferral of growth-related infrastructure projects which contradicts the Province's goal to build more homes faster.

DC Reserve Funds

It has been suggested by some that DC rates can be reduced without impacting property tax or water/wastewater rates due to the presence of DC reserve funds. Municipal Treasurers manage the ebb and flow of DC collections and growth-related capital costs through the DC reserve funds, which are referred to as "obligatory" and are reported as such on year-end audited financial statements, in the annual Financial Information Return, and in the prescribed annual DC transaction report.

The Provincial Government amended the DCA through Bill 108, *More Homes, More Choices Act*, 2019 (effective January 1, 2020) resulting in the deferral of certain DC payments until 5 to 20 years from occupancy – accordingly a significant and growing portion of DC reserve balances is not actually money in the bank, but rather is shown as a receivable on municipal balance sheets. Roughly 30% of the approximately $200m reported in DC reserve balances by the Region and the area municipalities at December 31, 2021, is actually a receivable which will be paid 6-21 annual instalments following occupancy, leaving approximately $140m available for use.

DC reserve funds are mandated under the DCA, and the balance in DC reserve funds will vary from year to year for many reasons, including:

- The actual pace of development and the actual timing of capital costs relative to the assumptions used in the DC rate calculations. The last 3 years have seen very strong building permit volumes and DC collections – and this will temporarily increase DC reserve balances. During a period of slower economic growth, DC collections will be lower and accordingly so will the DC reserve fund balances.
- In some cases (e.g. water supply and wastewater treatment infrastructure), capital costs are incurred before development takes place. This often requires municipalities to issue debt or to run a negative balance in their DC reserve funds. When debt is issued, the resulting debt servicing costs will be funded from future DCs. The balance in the DC reserve will increase initially as development occurs, and that balance will then be used to fund future debt servicing costs.
- Capital expenditure can vary from the estimates used to calculate DC rates due to the timing of environmental assessments, utility relocations, property acquisitions, etc.
- In other cases municipalities may collect DCs over a period of time in order to have the funds available to pay for the infrastructure costs to meet community needs without the need for borrowing – this will cause the DC reserve fund to increase over a period of time until such investment occurs.
- In other cases, there can be an isolated (and often dramatic) increase in the issuance of building permits (e.g. in advance of an increase in DC rates due to

indexing or new rate calculations). This can also contribute to unexpectedly higher DC reserve fund balances on a temporary basis.

Any year-end DC reserve fund balance is used to pay for future debt servicing costs and to fund new infrastructure as it is built. The Region of Waterloo had $58 million in its DC reserve fund at the end of 2021 (the non-receivable component), but also had $327 million in growth-related debt outstanding, and has a capital program that requires over $1.2 billion in DC funding over the next 10 years. DC reserve funds are allocated to future capital works and future debt servicing costs for works already in place.

Finally, DC rates must be reset at least every 5 years (Bill 23 changes this to a maximum of 10 years) and the DC reserve fund balance is taken into account when calculating new DC rates - a higher reserve balance will result in lower future DC rates.

8. Conclusion / Next Steps:

Staff will review the Preliminary 2023-2032 Capital Program to assess the changes that will be needed to reflect the changes approved under Bill 23.

9. Attachments:

Nil.

Prepared By: Shane Fedy, Manager of Infrastructure Financing

Approved By: Craig Dyer**,** Commissioner, Corporate Services/Chief Financial Officer

THE CORPORATION OF THE TOWN OF COBOURG

The Corporation of the Town of Cobourg
Legislative Services Department
Victoria Hall
55 King Street West
Cobourg, ON K9A 2M2

Brent Larmer
Municipal Clerk/
Manager of Legislative Services
Telephone: (905) 372-4301 Ext. 4401
Email: blarmer@cobourg.ca
Fax: (905) 372-7558

SENT VIA EMAIL December 28, 2022

David Piccini, Member of Provincial Parliament
Hon. Doug Ford, Premier
Hon. Steve Clark, Minister of Municipal Affairs and Housing

Re: Town of Cobourg Resolution – Strong Mayors, Building Act, (Bill 3)

At a meeting held on December 19, 2022, the Municipal Council of the Town of Cobourg approved the following Resolution #406-22

Strong Mayors, Building Act, (Bill 3)

Moved by Councillor Brian Darling, Seconded by Councillor Aaron Burchat

THAT Council receive the correspondence from the Municipality of Prince Edward County, Township of Lanark Highlands Municipality of Greenstone regarding the Strong Mayors, Building Act (Bill 3) for information purposes

AND FURTHER THAT Cobourg Council supports the resolutions from these municipalities regarding Bill 3

AND FURTHER THAT Cobourg Council opposes the changes that Bill 3 makes to the Municipal Act, 2001 and Municipal Conflict of Interest Act

AND FURTHER THAT Council direct the Municipal Clerk to send a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, MPP David Piccini, all 444 municipalities, FCM, AMCTO, and AMO.

406-22 **Carried**

If you have any questions regarding this matter, please do not hesitate to contact the undersigned at blarmer@cobourg.ca or by telephone at (905)-372-4301 Ext. 4401.

Sincerely,

Brent Larmer
Municipal Clerk/Manager of Legislative Services
Returning Officer
Legislative Services Department

THE CORPORATION OF THE
MUNICIPALITY OF
CENTRE HASTINGS

PHONE: 613-473-4030
FAX: 613-473-5444

7 FURNACE ST., BOX 900
MADOC, ON K0K 2K0
www.centrehastings.com

January 3rd 2023

Minister of Municipal Affairs and Housing
Attn: The Honourable Steve Clark
777 Bay St.
17th Floor
Toronto, ON M7A 2J3

Re: Bill 23 – More Homes Built Faster Act, 2022

The Council of the Corporation of the Municipality of Centre Hastings passed the following resolution at the Regular Meeting of Council held Wednesday December 14th, 2022:

RC/12/14-15-2022
More Homes Built Faster Act Correspondance from:

8.4 Norfolk County
8.5 Aurora
8.6 Orangeville

"That Council support 8.4, 8.5, 8.6."

Council would like to express their sincere support to all municipalities who have put forth resolutions regarding their concerns for Bill 23.

Should you require anything further to address the above noted resolution, please contact me.

Sincerely,

Typhany Choinard
CAO/Clerk

Norfolk COUNTY | **Clerks and Bylaw**

November 17, 2022

SENT VIA E-MAIL TO:

Hon. Steve Clark
Minister of Municipal Affairs and Housing
Steve.Clark@pc.ola.org

Dear Minister Clark:

Re: Bill 23 "*More Homes Built Faster Act, 2022*"

On behalf of the Council of The Corporation of Norfolk County, please be advised that Council passed the following resolution at the November 16, 2022 Council-in-Committee meeting:

Resolution No. 13

Moved By: Mayor Martin
Seconded By: Councillor Columbus

WHEREAS on October 25, 2022, the Provincial government introduced Bill 23 known as the "More Homes Built Faster Act, 2022";

AND WHEREAS the overall stated purpose of Bill 23 is to introduce several legislative changes to increase housing supply throughout Ontario and to achieve the province's goal of 1.5 million homes over the next ten years;

AND WHEREAS the proposed changes include significant changes to six pieces of legislation including but not limited to development charges reform, diminished role of conservation authorities, removal of legislated planning responsibilities from some upper-tier municipalities, removal of public consultation in relation to subdivisions, adjusting the rights of appeal by third parties, and adjusting how growth-related capital infrastructure is paid for;

AND WHEREAS commenting timelines for these new proposed changes is constricted with some comments due on November 24, 2022, for many of the proposed changes;

Office of the Chief Administrative Officer
50 Colborne St., S. · Simcoe ON N3Y 4H3 · **T:** 519.426.5870 · **F:** 519.426.8573 · norfolkcounty.ca

AND WHEREAS given the enormity of the proposed changes and potential long-term financial impacts to municipalities, including Norfolk County, additional time is needed to review, engage, and analyze the proposal to provide informed feedback;

NOW THEREFORE BE IT RESOLVED THAT

1. the County formally request the Ministry of Municipal Affairs and Housing extend the commenting period for all components of the proposed Bill 23 to at least January 15, 2023 to allow for a more informed consultation period.
2. That the Mayor be directed to submit a letter on behalf of Norfolk County Council to the Ontario Minister of Municipal and Affairs MP, and local MPP, expressing concerns with the proposed legislation as detailed in staff memo CD-22-110, and the letter be circulated to all municipalities in the Province of Ontario.

Carried.

Should you have any questions regarding this matter or should you require additional information, please contact the Office of the County Clerk at 519-426-5870 x. 1261, or email: Clerks@norfolkcounty.ca.

Sincerely,

Teresa Olsen
County Clerk
Norfolk County

CC:

- Leslyn Lewis, M.P., Haldimand-Norfolk
  leslyn.lewis@parl.gc.ca
- Bobbi Ann Brady, M.P.P., Haldimand-Norfolk
  BABrady-CO@ola.org
- All Ontario municipalities

Office of the Chief Administrative Officer
50 Colborne St., S. · Simcoe ON N3Y 4H3 · **T:** 519.426.5870 · **F:** 519.426.8573 ·
norfolkcounty.ca

Legislative Services
Michael de Rond
905-726-4771
clerks@aurora.ca

Town of Aurora
100 John West Way, Box 1000
Aurora, ON L4G 6J1

November 23, 2022

The Honourable Doug Ford, Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Delivered by email
premier@ontario.ca

Dear Premier:

Re: Town of Aurora Council Resolution of November 22, 2022; Re: Motion 7.2 – Mayor Mrakas – Opposition to Bill 23, More Homes Built Faster Act, 2022

Please be advised that this matter was considered by Council at its meeting held on November 22, 2022, and in this regard, Council adopted the following resolution:

Whereas Bill 23, the More Homes Built Faster Act, omnibus legislation that received first reading in the provincial legislature on October 25, 2022, proposes changes to nine Acts. Many of these proposed changes are significant and will restrict how municipalities manage growth through implementation of the official plan and the ability to provide essential infrastructure and community services; and

Whereas the effect of Bill 23 is that the Conservation Authority will no longer be able to review and comment on development applications and supporting environmental studies on behalf of a municipality; and

Whereas Bill 23 proposes to freeze, remove, and reduce development charges, community benefits charges, and parkland dedication requirements; and

Whereas Bill 23 will remove all aspects of Site Plan Control of some residential development proposals up to 10 units. Changes would also remove the ability to regulate architectural details and aspects of landscape design;

1. **Now Therefore Be It Hereby Resolved That the Town of Aurora oppose Bill 23, More Homes Built Faster Act, 2022, which in its current state will severely impact environmental protection, heritage preservation, public participation, loss of farmland, and a municipality's ability to provide future services, amenities, and infrastructure, and negatively impact residential tax rates; and**

2. **Be It Further Resolved That the Town of Aurora call upon the Government of Ontario to halt the legislative advancement of Bill 23, More Homes Built Faster Act, 2022 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision-making for housing growth that meets local needs will be reasonably achieved; and**

3. **Be It Further Resolved That a copy of this Motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Michael Parsa, Associate Minister of Housing, The Honourable Steve Clark, Minister of Municipal Affairs and Housing, Peter Tabuns, Interim Leader of the New Democratic Party, local Members of Parliament Tony Van Bynen for Newmarket—Aurora and Leah Taylor Roy for Aurora—Oak Ridges—Richmond Hill, and all MPPs in the Province of Ontario; and**

4. **Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.**

The above is for your consideration and any attention deemed necessary.

Yours sincerely,

Michael de Rond
Town Clerk
The Corporation of the Town of Aurora

MdR/lb

Copy: Hon. Michael Parsa, Associate Minister of Housing
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Peter Tabuns, Interim Leader, New Democratic Party
Tony Van Bynen, MP Newmarket—Aurora
Leah Taylor Roy, MP Aurora—Oak Ridges—Richmond Hill
All Ontario Members of Provincial Parliament
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities

Orangeville
Historic Charm Dynamic Future
www.orangeville.ca

Office of the Mayor
Lisa Post

Town of Orangeville
87 Broadway, Orangeville, ON L9W 1K1
Tel: 519-941-0440 Ext. 2240 Toll Free: 1-866-941-0440

November 30, 2022

Hon. Steve Clark
Ontario Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3
Via Email: minister.mah@ontario.ca

Re: Bill 23, More Homes Built Faster Act

Dear Minister Clark,

Town of Orangeville acknowledges Bill 23, titled the More Homes Built Faster Act, 2022 is part of a long-term strategy to provide attainable housing options for families across Ontario. We at the Town understand that Bill 23 is focused on the provincial government's stated goal of having 1.5 million homes built over the next 10 years and aims to do so by reducing bureaucratic costs and delays in construction. While the Province's goals to resolve the housing crisis in the next decade is ambitious and necessary, it could potentially have unintended long-term financial and planning related consequences on municipalities, such as the Town of Orangeville.

On behalf of the Town of Orangeville Council, I put forward a list of concerns of potential unintended consequences arising from Bill 23:

1. Bill 23 could have a direct impact on the state of good repair mandate rolled out by the province in their recent legislation, O.Reg. 588/17. If growth is no longer paying for growth, that means **we may have to reallocate some of our lifecycle asset management dollars**, as required by the same legislation, towards growth related infrastructure.

2. Although we support the overarching message and intention of Bill 23 as it relates to housing affordability, we do question whether **overall quality of life and affordability of our citizens would be severely impacted due to higher taxes** and user fees. The Town of Orangeville has limited cost-recovery avenues, meaning Bill 23 may require cost-recovery within the recent Asset Management plan, resulting in a more significant infrastructure funding gap. This situation will be further exasperated if specific provisions of Bill 23 dilute our ability to cover infrastructure improvements through Development Charges.

3. Town of Orangeville is a fast-growing community with a comprehensive economic outlook for Industrial and Commercial developments. This could be compromised if we find ourselves having to **levy higher development charges for industrial, commercial and institutional (ICI) developments to mitigate loss of Residential Development Charges**.

4. Under the current climate of impending global inflation, the Town is already struggling to keep its service levels affordable. Without any direct financial incentive from the province such as interest-free loans from Infrastructure Ontario, **we will lose our ability to build capacity for growth in service areas like Water and Wastewater.**

5. Improving residential development efficiencies and costs by limiting the role and scope of Conservation Authorities (CA) in the planning approval process is unclear. Like many municipalities, Orangeville relies on Conservation Authority support to provide guidance on natural hazard avoidance and ecological protection to ensure that the provincial policy framework around these issues is upheld in our planning decisions. **If CAs are removed from this advisory role, we must find alternative means in assuring such policies remain adhered-to**. It is unclear how this would improve approval timing efficiencies or save costs to residential developments. It could inevitably shoulder more costs to development in subsidizing municipal costs and/or consultant peer review support.

6. Orangeville supports the province's objectives of lowering costs and improving efficiency for residential development to deliver more housing to Ontarians; However, like many municipalities, our challenges for facilitating more housing within our community are not simply costs and process inefficiencies for developments. Instead, we are challenged by our limited municipal land availability and servicing capacity constraints. We ask that the province **explore actionable measures and tangible resource deployment to support our efforts to increase our land supply and infrastructure servicing capacity.**

According to the Association of Municipalities of Ontario's (AMO) recent submission to the Steering Committee of Bill 23, it states "The province has offered no evidence that the radical elements of the bill will improve housing affordability. It is more likely that the bill will enhance the profitability of the development industry at the expense of taxpayers and the natural environment." As the frontline level of government, municipalities are also eager to resolve the housing crisis and are the most informed on what is needed to create complete communities that Ontarians want and expect. We ask that the province view us as one of the strategic partners in further refining the More Homes Built Faster Act, and open more robust channels of communication and consultation.

Sincerely,

Lisa Post
Mayor

CC Doug Ford, Premier of Ontario
The Honourable Michael Parsa, Associate Minister of Housing
The Hounourable Sylvia Jones, Dufferin-Caledon Member of Provincial Parliament
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities

The Honourable Doug Ford, Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

December 21, 2022

Dear Premier:

The Council of the County of Brant wishes to express our deep concern with the *More Homes Built Faster Act*, omnibus legislation known as Bill 23 that received royal assent only 31 days after its first reading. This legislation brought forward significant changes to the municipal planning and development framework with little regard for municipal implementation. These changes will restrict how municipalities manage growth and will impede the ability to provide essential infrastructure and community services to accommodate growth. This legislation will have negative impacts on the County of Brant's ability to provide housing to address the housing affordability and supply crisis at the local and provincial level. While change is needed to the functions of planning and development in order to address current issues, the changes made through Bill 23 will most certainly result in negative impacts to local communities.

Bill 23 proposes to freeze, remove, and reduce development charges, community benefits charges, and parkland dedication requirements. Each of these mechanisms is important for municipalities to not only manage and pay for growth, but to provide the services and amenities that residents, both present and future, wish to have in their complete communities.

Bill 23 will remove aspects of Site Plan Control, including the ability to regulate architectural details and aspects of landscape design, important components for municipalities to guide development with community character objectives that support their unique characteristics. For residential development of 10 units or less that are now exempt from Site Plan Control, the County will not be able to request green energy elements to reach net zero. The ability to guide development in this way is an important function for the identity and sustainability of individual municipalities who seek to attract and sustain businesses and residents.

Bill 23 will remove the ability of Conservation Authorities to support municipalities, by protecting the public from natural hazards while protecting natural areas, on a watershed level. Unintended consequences of Bill 23 will result in duplicate roles at conservation authorities and municipalities, with both agencies each having to have their own experts on natural hazards and natural heritage matters. Additional staff resources will be required, which could result in additional expense and delays in approving housing. For example, a conservation authority will need to review wetlands for hazards, while a municipality will require new expertise to review for water quality impacts and natural heritage.

Bill 23 could result in the further loss of wetlands, woodlands and wildlife habitat as a result of changes to the Ontario Wetland Evaluation System and permissions for environmental offsetting. The County of Brant encourages the Province to create stronger policies that result in the permanent protection of natural heritage systems and water resource systems and focus on solutions that direct development to

other areas such as through greyfield redevelopment. Natural areas are essential part of complete communities, contributing to our mental and physical well being as well as providing water resources for drinking water supply that supports population growth.

The County of Brant understands the urgent need to address the current housing affordability and supply crisis, and we see the detrimental impacts of this crisis at the local level in both rural and urban areas of Brant, Brantford and other neighbouring municipalities. However, we oppose the approach taken by *Bill 23, More Homes Built Faster Act, 2022* and the impacts it will have at the municipal level with the limited scope of addressing housing supply challenges.

Many additional components of this legislation await further implementation and we urge the Provincial government to meet with municipalities to discuss these impacts and future direction before further steps are taken. As a small rural municipality experiencing population and job growth, the County of Brant has big ideas about how to tackle our planning and development challenges in ways that meet both provincial and municipal objectives. We continue to engage with the Province of Ontario and submit constructive comments through the Environmental Registry postings. These ideas were also included in a draft version of a new Official Plan for the County of Brant, submitted to MMAH on August 17th, 2021, for the 90-day one window review and comment period under the Planning Act. The province's July 1st, 2022, deadline for our municipal Official Plan to be in conformity with the Growth Plan for the Greater Golden Horseshoe has come and gone, and the County of Brant is still awaiting direction from the Ministry of Municipal Affairs and Housing on several outstanding issues highlighted in our draft official plan submission, including both housing supply and affordability concerns at the local level.

While Bill 23 seeks to increase housing supply, it is being done without adequate consultation with municipal partners, Indigenous communities, and other stakeholders. These legislative changes will not result in creating affordable housing and will come at the expense of other important objectives such as environmental protection, mitigating climate change, heritage preservation, public participation, loss of farmland, the provision of future services, amenities, and infrastructure, and without regard to the negative impact it will have on residential tax rates and housing affordability in the long-run.

Please be advised that this matter was considered by the Council of the County of Brant at its meeting held on December 20, 2022, and in this regard, Council adopted the following resolution:

1. That report RPT-0711-22 regarding an overview of Bill 23, More Homes Built Faster Act, 2022 be received; and

2. That report RPT-0711-22 and attached comments be forwarded onto the Province of Ontario on Bill 23, More Homes Built Faster Act, 2022 and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry as appropriate; and

3. That the County of Brant request that the Province of Ontario commit to an enhanced municipal consultation process such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on further proposed policy changes as part of Bill 23, More Homes Built Faster Act, 2022; and

4. That report RPT-0711-22 be shared with the two Conservation Authorities having jurisdiction within the County of Brant, and

5. That report RPT-0711-22 be shared with the Ontario Professional Planners Institute.

6. That Council directs staff to translate RPT-0711-22 into a resident facing communication that specifically relates the impacts of Bill 23 to residents, and

7. That the County's treasurer be directed to summarize the implications of Bill 23 at an upcoming budget presentation

The Council approved report has been attached to this correspondence for your consideration and any attention deemed necessary.

Yours sincerely,

pp Dyjach

Alysha Dyjach
Clerk and Director of Council Services
The Corporation of the County of Brant

Att: County of Brant Report RPT-0711-22 – Bill 23 Update

Cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
MPP Will Bouma, Brantford-Brant
MPP Ernie Hardeman, Oxford
MPP Brian Riddell, Cambridge
Ryan Amato, Chief of Staff – Ministry of Municipal Affairs and Housing
Christ Polous, Director of Issues Management – Ministry of Municipal Affairs and Housing
Association of Municipalities of Ontario (AMO)

County of Brant Council Report

To:	To the Mayor and Members of County of Brant Council
From:	Jennifer Boyer, Manager of Policy Planning
Date:	December 20, 2022
Report #:	RPT-0711-22
Subject:	*Bill 23, More Homes Built Faster Act, 2022* – Legislative Update and Comments
Purpose:	For Information and Direction

Recommendation

1) That report RPT-0711-22 regarding an overview of Bill 23, More Homes Built Faster Act, 2022 be received; and

2) That report RPT-0711-22 and attached comments be forwarded onto the Province of Ontario on *Bill 23, More Homes Built Faster Act, 2022* and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry as appropriate; and

3) That the County of Brant request that the Province of Ontario commit to an enhanced municipal consultation process such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on further proposed policy changes as part of *Bill 23, More Homes Built Faster Act, 2022*; and

4) That report RPT-0711-22 be shared with the two Conservation Authorities having jurisdiction within the County of Brant, and

5) That report RPT-0711-22 be shared with the Ontario Professional Planners Institute.

6) That Council directs staff to translate this report into a resident facing communication that specifically relates the impact to the residents, and

7) That the County's treasurer be directed to summarize the implications of Bill 23 at an upcoming budget presentation.

Executive Summary

Ontario's population will grow by more than two million people by 2031. The Province has confirmed that Ontario is in a housing crisis and is taking bold action to advance the plan to build 1.5 million homes over the next 10 years.

The Province recently released proposed legislative and regulatory changes under *Bill 23, More Homes Built Faster Act, 2022* on amendments to *the Planning Act, R.S.O. 1990, c. P.13*, *the Development Charges Act, 1997, S.O. 1997, c. 27*, *the Conservation Authorities*

Act, R.S.O. 1990, c. C.27, *the Ontario Land Tribunal Act, 2021, S.O. 2021, c.4, Sched. 6*, as well as several other pieces of legislation.

On November 22, 2022, Development Services presented RPT-0517-22 to Council, in which Council directed staff to forward comments to the Province on the proposed changes. Comments were submitted through the Environmental Registry of Ontario (ERO).

Subsequent to the November 22nd Council Report, the Province extended several commenting deadlines from November 24, 2022 to December 9, 2022. On November 29, 2022, *Bill 23, More Homes Built Faster Act, 2022* in Third Reading and received Royal Assent (Attachment 1). Some provisions are immediately in force, while others will not come into effect until January 1, 2023, until proclaimed by the Lieutenant Governor at a later date, or until such time that the implementing regulation is in place.

This report provides a synopsis of the approved changes to date, in force dates, and implications to the County (Attachment 2). Watson & Associates Economists Ltd. continues to support the County of Brant and has provided correspondence outlining the changes and potential impacts (Attachment 3).

Other commenting timeframes related to larger policy proposals, are still due by December 30, 2022. Larger policy proposals included a review of:

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow) and the Provincial Policy Statement (PPS).
- Conserving Ontario's Natural Heritage.
- Proposed regulatory updates related to natural hazards pertaining to the role of Conservation Authorities.

Staff have conducted a detailed review of larger policy proposals as detailed in (Attachments 4, 5 and 6. Given that the proposed policy changes could have major implications for land use planning in the County, including the County's New Official Plan, staff are seeking direction from Council to submit formal comments to the Province.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 2 – Effective Communications

Strategic Priority 5 - Healthy, Safe and Engaged Citizens

Impacts and Mitigation

Social Impacts

There are many provisions in *Bill 23* that are expected to create more housing in an efficient manner. As-of-right permissions for three residential units per lot, in the fully serviced areas of Paris and St. George, should result in additional rental units including potential income support for home owners. Exempting residential development of up to 10 units from Site Plan Control will result in an efficient approval process to create more homes. Further changes to Site Plan Control, which the County may no longer review for architectural control, could reduce processing times and costs for applications.

Due to changes that no longer require public meetings for Plans of Subdivisions and prevent third-party *Ontario Land Tribunal* appeals on Consents and Minor Variances, there will be reduced opportunities for County of Brant residents to be involved in development application decisions. It will be important for the County to incorporate public comments as part of the development application review and decision process at the municipal level.

Environmental Impacts

Creating policies that change the Ontario Wetland Evaluation System without oversight from the Ministry of Natural Resources and Forestry, may result is less wetlands being classified as provincially significant and greater loss of wetlands in Ontario. New permissions for removal of natural areas subject to environmental offsetting, is expected to result in more natural areas being proposed for removal. Provincially significant wetlands have had long standing policy protections in which development and site alteration have been prohibited; new policies could mean that they are no longer afforded permanent protection. While a net gain approach is proposed, it could take decades to achieve a net gain, as in the case of forests, new trees are not ecologically equivalent to mature trees removed.

County staff have conducted a detailed review of larger policy changes, such as the integration of A Place to Grow and the PPS, from an environmental lens. Where opportunities arise, staff will continue to provide input on responsible development that protects the natural features and supports safe and responsible development approvals.

Economic Impacts

By expanding Development Charge exemptions, excluding expenses, and establishing a phase-in period, it is expected that *Bill 23* will see increased subsidization of development infrastructure costs by the tax levy. A financial impact analysis will be undertaken to assess the County's development charges and parkland dedication revenue losses directly resulting from *Bill 23*. Once an analysis has been completed staff will provide a summary to Council of the annual financial impact of *Bill 23* on the County. These changes could further negatively impact the County, local economy, and residents, as they come at a time of recovery from the COVID-19 Pandemic, higher inflation, and borrowing costs. At this time the province is not proposing to offset any revenue losses resulting from *Bill 23*.

Wetlands provide many benefits including economic benefits related to maintaining the quality and quantity of water on groundwater, which is essential for safe drinking water for humans, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands could have unintended economic impacts caused by impacts to groundwater that are costly to repair.

Additional staff expertise may be required related to the review and implementation of environmental offsetting, wetland evaluations, and reviewing impacts of development on the quality of water of streams and wetlands.

Changes to provincial policies through the integration of A Place to Grow with the PPS into one document, if implemented, will likely require significant staffing resources and additional public consultation to update the New Official Plan to ensure conformity with new policies. However, it is anticipated that the integration of these two provincial documents will result in a streamlined review of development applications.

Increased opportunities for additional residential units (ARU's), to be built faster, and create more development income, strengthening the County of Brant tax base.

Report

Background

Tabled on October 25, 2022, as *Bill 23, More Homes Built Faster Act, 2022*, the Province is moving forward with proposed changes to legislation, regulations, policy and other matters as part of the *More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023*. The stated intent of these changes are to reduce red-tape by streamlining the development process to create more housing.

The Royal Assent of *Bill 23* and larger policy proposals are summarized below with greater detail provided in Attachments to this report.

Bill 23 Receives Royal Assent on November 29, 2022

On November 29, 2022, *Bill 23, More Homes Built Faster Act, 2022* was passed in Third Reading and received Royal Assent. The approved *Bill 23* is attached to this Report.

After public hearings and debate, the Standing Committee proposed numerous revisions. Key changes approved as part of the final *Bill* are as follows:

- Third-party appeals to the Ontario Lands Tribunal (OLT) will continue to be permitted for Official Plan and Zoning By-Law Amendments. However, third-party appeals will not be permitted for Minor Variances or Consents.
- Previously *the Planning Act* did not permit Official Plan and Zoning By-Law's to be amended within the first 2 years of approval. The intent was to recognize and prevent changes to the new policy. This prohibition is no longer in force. As a result, once the County approves a new Official Plan, applicants could immediately apply for an Official Plan Amendment.
- Site Plan Control changes were proposed to restrict a municipality's ability to comment on exterior elements such as architectural design and landscaping. Site Plan Control is a tool that may be used to require green energy elements to reach net zero. Concerns were raised, and as a result, changes were made to allowing application of:
    - Matters related to green roofs;
    - Building construction requirements related to environmental conservation, where permitted, under the *Building Code Act*;
    - Exterior elements related to health, safety, accessibility or sustainable design.
- For the phase-in of Development Charges (DC's) over the first 4 years, the initial *Bill* was proposed to apply to existing DC By-Laws passed on or after June 1, 2022. The revised provisions now apply to DC By-Laws passed on or after January 1, 2022.

Policy Proposal - Review of A Place to Grow and Provincial Policy Statement

The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the PPS. It is posted on the ERO as 019-6177: Review of A Place to Grow and Provincial Policy Statement.

The Ministry is seeking feedback on how to create a streamlined province-wide land use planning document that would enable municipalities to approve housing faster and increase the supply and diversity of housing.

Currently, the PPS, issued under the authority of the *Planning Act*, is the primary provincial planning tool, which applies to all of Ontario. A Place to Grow was developed in 2005, intended to create more specific policy direction focused on the Greater Golden Horseshoe.

The current provincial land use planning framework has been developed over the last three decades. Due to ongoing updates to policies, the current system is complex, with overlapping policies that are similar but often contradictory and difficult to interpret. Integrating A Place to Grow with the PPS is intended to simplify the planning process.

The Province is seeking feedback on core elements related to residential land supply, attainable housing supply and mix, growth management, environment and natural resources, community infrastructure, and a streamlined planning framework. In addition, the ERO proposed five questions to generate feedback.

Attachment 4 includes details on the core areas of review and discussion topics, and an analysis conducted by policy planning.

Policy Proposal - Conserving Ontario's Natural Heritage

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper entitled "Conserving Ontario's Natural Heritage." It is posted on the ERO as 019-6161: Conserving Ontario's Natural Heritage.

While it is recognized that natural heritage areas provide many benefits, conserving natural heritage has become challenging due to development pressures, climate change impacts on natural areas, and other threats that isolate and threaten preservation of wetlands, woodlands, and wildlife habitat.

Natural heritage conservation, as part of development, is primarily based on direction provided in the PPS and A Place to Grow. Protections vary greatly from prohibiting development in significant wetlands, to permissions in settlement areas for features such as significant woodlands subject to demonstration of no negative impacts, to policies outside of settlement areas that prohibit new development in or within 30 metres of certain features. Due to policies in the PPS, natural areas are particularly susceptible to development pressure within settlement areas.

The current provincial policy context does not contain provisions that require environmental offsetting, if natural areas are approved for development. For example, if part of a significant woodland is removed there is no requirement for replacement trees. Many Canadian provinces have developed offsetting policies for wetlands. Similarly, in Ontario some conservation authorities have developed policies that provide for removal of non-significant wetlands, subject to offsetting ecological and/or hydrological impacts.

A discussion paper has been provided to generate feedback on offsetting development pressures on wetlands, woodlands, and other wildlife habitat. To support this proposal, the Ministry of Natural Resources and Forestry is considering developing a policy that would require a net positive impact. The intent is to reverses the trend of natural heritage loss in Ontario.

The province is seeking feedback on what the County supports or disagrees with, and on recommendations that would support the growing need for housing while protecting and

benefiting from the important role that natural areas provide to our community. Attachment 5 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

Policy Proposal - Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper on natural hazards. It is posted on the ERO as 019-2927: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.

The proposal focuses on regulatory changes to implement updates to the *Conservation Authorities Act,* and which are intended to streamline development approvals by providing a consistent approach to the review of natural hazards. For example, the ministry is proposing to make a single regulation for all conservation authorities which would replace the 36 separate regulations for each individual conservation authority.

A discussion paper has been released to seek feedback on providing a streamlined and consistent approach to natural hazards, such as:

- Notifying and consulting with the public on any significant changes to regulated mapping.
- Reducing lands regulated adjacent to significant wetlands from 120 metres to 30 metres.
- Consistent definitions for wetlands, hazardous lands, and watercourses.
- Maintaining the existing regulation of erosion hazard limits associated with river valleys.
- Exempting low-risk activities from permitting requirements if certain requirements are met.
- Limiting conditions an authority may require as part of a permit.
- Providing mapping that illustrates where permitting applies.

While not part of the regulatory proposal, as part of the discussion paper, the province is seeking advice on exempting development approved under the *Planning Act* (e.g. Plan of Subdivision containing hazardous lands) from also having to acquire additional approval as part of a permit under the *Conservation Authorities Act*.

Attachment 6 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

Analysis

Overall, *Bill 23, More Homes Built Faster Act, 2022*, narrows the housing discussion to one of quantity and diminishes the critical role municipalities play in providing for quality and support for growth at a local community level. The approved and remaining proposed changes could lead to unintended consequences and implementation confusion. For example, higher taxes may be required to offset development charges, resulting in increased housing costs for all. Natural areas may become more prone to development subject to environmental offsetting, in lieu of finding creative solutions such as developing stronger environmental policies and focusing on redeveloping areas that are already disturbed.

Additional staff resources will be required to update the Official Plan, Zoning By-Law and related planning processes. Ongoing amendments may continue to be required, dependent

on the amount of legislation and regulatory changes. Expertise may be required on wetland evaluations and environmental offsetting. Continued education and learning will be required for all staff and the public on changes to legislation and policies, including the refined roles of conservation authorities.

With respect to policy changes proposed on provincial land use planning, natural heritage and natural hazards, more time is required to digest and discuss such significant changes that will have a long-term impact on communities. While the County supports a streamlined planning process, comprehensive consultation should be undertaken to ensure the interests of all stakeholders are taken into consideration.

Policy planning has conducted a high-level review of the proposed policy changes and it is recommended that the responses attached to this report be forwarded to the province as the County's feedback on the applicable ERO postings.

Given the implications to the County, it is further recommended that the County of Brant requests that the province commit to an enhanced municipal consultation process, such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on proposed policy changes as part of *Bill 23*.

Next Steps

County of Brant staff will continue to provide updates to Council on proposed changes resulting from *Bill 23* that impact County resources accordingly.

The policy team will continue to analyze and implement planning tools necessary to respond to approved changes that are in-force, such as new exemptions on Site Plan Control for residential use and as-of-right permissions for three residential units per property.

It is unclear at this time how the proposed changes will impact the County's Draft New Official Plan. Staff have not yet received an update from the Ministry of Municipal Affair's and Housing (MMAH) on the County's Draft New Official Plan. Staff continue to connect with MMAH London to receive updates. Continued emphasis will be placed on incorporating legislative changes as the New Official Plan project moves forward.

Attachments

1. Bill 23 as approved through Royal Assent
2. Summary of Changes Approved and Implications of *Bill 23*
3. Watson and Associates Supporting Information, Nov. 29, 2022
4. County Response on *A Place to Grow* and *Provincial Policy Statement*
5. County Response on Conserving Ontario's Natural Heritage
6. County Response on Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.

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2. Darryl Lee, Interim Chief Administrative Officer
3. Senior Management Team (General Managers - all)
4. Alyssa Seitz, Planning Administrative Assistant/ Secretary Treasurer to the Committee of Adjustment
5. Mat Vaughan, Director of Development Planning
6. Stacey Ellins, Director of Parks and Recreation
7. Meghan Hunter, Manager of Parks and Forestry

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

Legislative Assembly of Ontario
Assemblée législative de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2022

Bill 23

(Chapter 21 of the Statutes of Ontario, 2022)

An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

The Hon. S. Clark
Minister of Municipal Affairs and Housing

1st Reading	October 25, 2022
2nd Reading	October 31, 2022
3rd Reading	November 28, 2022
Royal Assent	November 28, 2022

EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 23 and does not form part of the law. Bill 23 has been enacted as Chapter 21 of the Statutes of Ontario, 2022.

SCHEDULE 1
CITY OF TORONTO ACT, 2006

The Schedule amends section 111 of the *City of Toronto Act, 2006* to give the Minister the authority to make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under that section.

The Schedule also makes various amendments to section 114 of the *City of Toronto Act, 2006*. New subsections (1.2) and (1.3) are added to qualify the definition of "development" in subsection 114 (1). Amendments to subsection (6) and new subsection (6.1) limit the extent to which exterior design may be addressed through site plan control. Related amendments are also included.

SCHEDULE 2
CONSERVATION AUTHORITIES ACT

The Schedule repeals and re-enacts subsections 21 (2) and (3) of the *Conservation Authorities Act* so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria. Sections 21.1.1 and 21.1.2 of the Act are also amended to provide that authorities may not provide a program or service related to reviewing and commenting on certain matters under prescribed Acts. A new section 21.3 is added to the Act authorizing the Minister to direct an authority not to change the fees it charges for a specified period of time.

The Act is amended to provide that certain prohibitions on activities in the area of jurisdiction of an authority do not apply if the activities are part of development authorized under the *Planning Act* and if other specified conditions are satisfied.

Sections 28.0.1 and 28.1.2 of the Act, which include provisions to require a conservation authority to issue a permission or permit where an order has been made under section 47 of the *Planning Act*, are amended to also apply to orders made under section 34.1 of the *Planning Act*.

Currently, several factors must be considered when making decisions relating to a permission to carry out a development project or a permit to engage in otherwise prohibited activities. The factors include the possible effects on the control of pollution and the conservation of land. The Act is amended to instead require consideration of the effects on the control of unstable soil or bedrock.

Regulation making powers are amended to provide that the Minister may make regulations limiting the types of conditions that may be attached to a permission or permit.

A new prohibition is added to prohibit a person from continuing to carry out a development project if they have not entered into an agreement by the timeline prescribed in the regulations.

Various other related and consequential amendments and corrections are made, and several regulations made under the Act are revoked.

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

The Schedule makes various amendments to the *Development Charges Act, 1997*. Here are some highlights:

1. Subsection 2 (4) is amended to remove housing services as a service in respect of which a development charge may be imposed.
2. New sections 4.1, 4.2 and 4.3 provide, respectively, for exemptions from development charges for the creation of affordable residential units and attainable residential units, for non-profit housing developments and for inclusionary zoning residential units.
3. Changes are made to the method for determining development charges in section 5, including to remove the costs of certain studies from the list of capital costs that are considered in determining a development charge that may be imposed and to require development charges to be reduced from what could otherwise be imposed during the first four years a by-law is in force.
4. Currently, subsection 9 (1) provides that, unless it expires or is repealed earlier, a development charge by-law expires five years after it comes into force. The subsection is amended to extend this period to 10 years.
5. Section 26.2 is amended to provide that development charges in the case of rental housing development are reduced by a percentage based on the number of bedrooms. Transitional matters are provided for, including that the reduction applies

to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day the amendments came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed.

6. A new section 26.3 is added to provide a maximum interest rate for the purposes of sections 26.1 and 26.2. Complementary amendments are made to sections 26.1 and 26.2.
7. New subsections 35 (2) and (3) are added, which, for certain services, require a municipality to spend or allocate 60 per cent of the monies in the reserve funds required by section 33 annually.

SCHEDULE 4
MUNICIPAL ACT, 2001

The Schedule amends section 99.1 of the *Municipal Act, 2001* to give the Minister the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under that section.

SCHEDULE 5
NEW HOME CONSTRUCTION LICENSING ACT, 2017

The Schedule makes various amendments to the *New Home Construction Licensing Act, 2017*, including the following:

1. Sections 10 and 11, which relate to competency criteria and composition of the regulatory authority's board, are amended to provide for the Minister's powers to be exercised by order instead of by regulation.
2. Section 71 is amended to provide for higher maximum fines for subsequent convictions for offences.
3. Section 76 is replaced with a new section 76, with some changes. The purposes for which an administrative penalty may be imposed are extended to include compliance with the Acts, regulations and by-laws referred to in subsection 76 (1) and the conditions of a licence as well to prevent economic benefit from contraventions. The maximum amount of an administrative penalty is increased to $50,000. New subsections 76 (15) and (16) allow administrative penalties to be imposed for contraventions that occurred between April 14, 2022 and the day section 76 comes into force.
4. Clause 84 (1) (i), which authorizes regulations specifying the purposes for which the regulatory authority may use funds that it collects as administrative penalties, is replaced with a new clause 84 (1) (i) that extends the authority to funds that the regulatory authority collects as fines.
5. New clause 84 (1) (i.1) authorizes regulations requiring the regulatory authority to establish, maintain and comply with a policy governing payments to adversely affected persons from funds the authority collects as fines and administrative penalties. New subsection 84 (7) allows such a regulation to provide for any aspect of the policy to be subject to the approval of the Minister.

SCHEDULE 6
ONTARIO HERITAGE ACT

The Schedule amends the *Ontario Heritage Act*. Here are some highlights.

Section 25.2 of the Act currently permits the Minister to prepare heritage standards and guidelines for the identification, protection, maintenance, use and disposal of property that is owned by the Crown or occupied by a ministry or prescribed public body and that has cultural heritage value or interest. New subsection 25.2 (3.1) provides that the process for identifying such properties, as set out in the heritage standards and guidelines, may permit the Minister to review determinations made by a ministry or prescribed public body. New subsection 25.2 (7) authorizes the Lieutenant Governor in Council to, by order, exempt the Crown, a ministry or a prescribed public body from having to comply with the heritage standards and guidelines in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more provincial priorities, as specified.

Section 27 of the Act currently requires the clerk of each municipality to keep a register that lists all property designated under Part IV of the Act and also all property that has not been designated, but that the municipal council believes to be of cultural heritage value or interest. New subsection 27 (1.1) requires the clerk of the municipality to ensure that the information included in the register is accessible to the public on the municipality's website. Subsection 27 (3) is re-enacted to require that non-designated property must meet the criteria for determining whether property is of cultural heritage value or interest, if such criteria are prescribed. Current subsection 27 (13) is re-enacted to provide that, in addition to applying to properties included in the register on and after July 1, 2021, the objection process set out in subsections 27 (7) and (8) apply to non-designated properties that were included in the register as of June 30, 2021. New subsections 27 (14), (15) and (16) specify circumstances that require the removal of non-designated property from the register. New subsection 27 (18) prevents a council from including such non-designated property in the register again for five years.

Currently, subsection 29 (1.2) of the Act provides that, if a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be

prescribed. The subsection is re-enacted to also provide that the municipality may give a notice of intention to designate the property only if the property was included in the register under subsection 27 (3) as of the date of the prescribed event.

Subsection 41 (1) of the Act currently permits a council of a municipality to designate, by by-law, the municipality or any defined area of it as a heritage conversation district, if there is in effect in the municipality an official plan that contains provisions relating to the establishment of a heritage conservation district. The subsection is re-enacted to also require the municipality or defined area or areas to meet criteria for determining whether they are of cultural heritage value or interest, if such criteria are prescribed. New subsections 41 (10.2) and (10.3) require a council of a municipality wishing to amend or repeal a by-law made under the section to do so in accordance with such process as may be prescribed; similar rules are added to section 41.1.

Section 71 of the Act authorizes the Lieutenant Governor in Council to make regulations governing transitional matters to facilitate the implementation of the amendments made in the Schedule.

Other housekeeping amendments are made to the Act.

SCHEDULE 7
ONTARIO LAND TRIBUNAL ACT, 2021

The Schedule amends the *Ontario Land Tribunal Act, 2021*.

Subsection 19 (1) is amended to expand the Tribunal's powers to dismiss a proceeding without a hearing, on the basis that the party who brought the proceeding has contributed to undue delay. Section 19 of the Act is also amended to give the Tribunal the power to dismiss a proceeding entirely, if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. Section 20 is amended to give the Tribunal the power to order an unsuccessful party to pay a successful party's costs.

The regulation-making authority in section 29 is also amended. The Lieutenant Governor in Council is given authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings. The Minister is given authority to make regulations prescribing timelines that would apply to specified steps taken by the Tribunal in specified classes of proceedings. The implications of a failure of the Tribunal to comply with the timelines prescribed by the Minister are addressed, and the Minister is given authority to require the Tribunal to report on its compliance with the timelines.

A consequential amendment is made to subsection 13 (4).

SCHEDULE 8
ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012

The Schedule amends the *Ontario Underground Infrastructure Notification System Act, 2012*. Here are some highlights:

1. New subsection 2 (4.4) authorizes the Minister to appoint a chair of the board of directors.
2. New section 2.3 authorizes the Minister to appoint an administrator of the Corporation. This section sets out details of this appointment such as the term, powers and duties of the administrator and various rules with respect to liability. New section 2.5 sets out the conditions to be satisfied in order for the Minister to exercise this authority.
3. New section 2.4 sets out that the members of the board of directors of the Corporation cease to hold office during an administrator's tenure, unless otherwise specified. This section sets out the status of the board during an administrator's tenure.
4. New section 2.6 sets out that the Act, the regulations and Minister's orders prevail in the event of a conflict with the memorandum of understanding or the Corporation's by-laws and resolutions.

SCHEDULE 9
PLANNING ACT

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. The concept of parcels of urban residential land is added as well as rules respecting development on such parcels.
2. New subsections 16 (20) and (21) are added to require zoning by-laws to be amended to conform with certain official plan policies within one year of the policies coming into effect.
3. Currently, under subsection 45 (12), a person has the right to appeal a decision of the committee of adjustment if the person has an interest in the matter. Amendments are made to the subsection to add the requirement that the person also be a specified person listed in a new definition in subsection 1 (1). New subsections 45 (12.1) to (12.4) are added to provide transitional rules associated with this change, including its retroactive application. A similar amendment is made to appeal rights under subsections 53 (19) and (27).
4. Currently, subsections 22 (2.1) to (2.1.2) prohibit requests for official plan amendments to be made within two years of a new official plan or secondary plan coming into effect. The subsections are repealed. The prohibitions on applications to amend zoning by-laws in subsections 34 (10.0.0.1) and (10.0.0.2) and in relation to applications for a minor variance in subsections 45 (1.2) to (1.4) are similarly repealed.

5. Currently, section 23 of the Act enables the Minister to amend official plans by order where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to, in particular, eliminate certain procedural steps to which the Minister's power to make orders is subject, as well as to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.
6. A new subsection 34 (19.9) is added to create an exception to subsection 34 (19.5), which prevents certain appeals of zoning by-laws related to protected major transit station areas if more than a year has passed since related official plan policies or amendments thereto came into effect.
7. Currently, subsection 37 (6) permits a municipality that has passed a community benefits charge by-law to allow an owner of land to provide the municipality facilities, services or matters required because of development or redevelopment in the area. A new subsection 37 (7.1) provides that a municipality may require such an owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters and new subsection (7.2) requires the agreement to be registered against the land.
8. Currently, subsection 37 (32) of the Act provides that the amount of a community benefits charge payable in any particular case shall not exceed the prescribed percentage of the value of the land as of the valuation date. The subsection is amended to require the amount to be multiplied by a ratio based on floor area.
9. Various amendments are made to section 41 of the Act with respect to site plan control areas. New subsections (1.2) and (1.3) are added to qualify the definition of "development" in section 41. Amendments to subsections (4) and (4.1) provide that exterior design is no longer a matter that is subject to site plan control. Similar changes are made to section 47.
10. Various amendments are made to section 42 of the Act with respect to parkland requirements, including the following:
    i. Currently subsection 42 (1) provides that a council may require the dedication of land for park or other public recreational purposes as a condition of development or redevelopment and sets out maximum amounts based on the type of development or redevelopment. A new subsection 42 (1.1) is added to establish a maximum amount for development or redevelopment that will include affordable residential units, attainable residential units or residential units required to be affordable pursuant to an inclusionary zoning by-law. Similar changes are made to section 51.1.
    ii. New subsections 42 (2.1) to (2.4) are added, which set out rules with respect to the timing of the determination of the amount of land for park or other public recreational purposes or payment in lieu that is required to be provided under a by-law under the section. Similar changes are made to section 51.1.
    iii. Amendments are made in relation to the alternative requirement for parkland conveyances and payments in lieu, including to change the maximum rates and provide a maximum amount of land or value thereof that may be required to be provided. Similar changes are made to section 51.1.
    iv. New subsections 42 (4.30) to (4.39) are added, which set out a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the section. The framework permits owners to appeal to the Tribunal if the municipality refuses to accept the conveyance of the identified land.
    v. A new subsection 42 (16.1) is added, which requires a municipality to spend or allocate 60 per cent of the monies in the special account required by subsection 42 (15) annually.
11. Amendments to the exceptions to subdivision control and part-lot control under subsections 50 (3) and (5) of the Act are made in connection with land lease community homes. The exception doesn't apply in respect of land if any part of the land is in the Greenbelt Area. A complementary amendment is made to the definition of "parcel of land" in subsection 46 (1).
12. Section 51 is amended by repealing certain provisions respecting public meetings.
13. Section 70.12 is added to give the Minister the power to make regulations governing transitional matters.
14. The Act is amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Various amendments are made to provide lower-tier municipalities with planning functions where, for municipal purposes, they form part of an upper-tier municipality without planning responsibilities. A new section 70.13 addresses various transitional matters which may arise where there is a change in the municipality that has planning responsibilities.

SCHEDULE 10
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022

The *Supporting Growth and Housing in York and Durham Regions Act, 2022* is enacted. Its purpose is to expedite the planning, development and construction of the proposed York Region sewage works project to expedite the improvement, enlargement and extension of the York Durham Sewage System to convey sewage to the Duffin Creek Water Pollution Control Plant. The Act also expedites the development, construction and operation of the Lake Simcoe phosphorus reduction project for the

capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River.

Certain orders and approvals under the *Environmental Assessment Act* are terminated, and the projects are exempted from the *Environmental Bill of Rights, 1993*.

Land required for the projects may be designated as project land, in which case certain work cannot be performed without a permit.

The Minister may require removal of obstructions to the projects.

Adjustments to the expropriation process under the *Expropriations Act* are set out, as are rules regarding compensation.

A number of the powers given to the Minister may be delegated to the Regional Municipalities of York or Durham, a lower-tier municipality or the Agency. Rules with regard to utility companies affected by the project are established.

Various provisions of an administrative nature are enacted.

Bill 23 **2022**

An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

CONTENTS

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *More Homes Built Faster Act, 2022*.

SCHEDULE 1
CITY OF TORONTO ACT, 2006

1 Section 111 of the *City of Toronto Act, 2006* is amended by adding the following subsection:

Regulations

(7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section.

2 (1) Section 114 of the Act is amended by adding the following subsections:

Same

(1.2) Subject to subsection (1.3), the definition of "development" in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

Land lease community home

(1.3) The definition of "development" in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1) of the *Planning Act*, on a parcel of land that will contain any number of residential units.

(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed and the following substituted:

iv. matters relating to building construction required under a by-law referred to in section 108 or 108.1,

(3) Subsection 114 (6) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 iv of subsection (5).

(4) Section 114 of the Act is amended by adding the following subsections:

Same

(6.1) The appearance of the elements, facilities and works on the land or any adjoining highway under the City's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

. . . . .

Same

(20) In respect of plans and drawings submitted for approval under subsection (5) before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force,

(a) subparagraph 2 iv of subsection (5) as it read immediately before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force continues to apply;

(b) paragraph 1.1 of subsection (6) does not apply; and

(c) subsection (6.1) does not apply.

Commencement

3 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 2
CONSERVATION AUTHORITIES ACT

1 The definition of "Minister" in section 1 of the *Conservation Authorities Act* is repealed and the following substituted:

"Minister" means the Minister of Natural Resources and Forestry or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; ("ministre")

2 (1) Clause 21 (1) (c) of the Act is amended by striking out "subject to subsection (2)" and substituting "subject to subsections (2) and (4)".

(2) Subsections 21 (2) and (3) of the Act are repealed and the following substituted:

Notice to Minister

(2) Subject to subsection (6), if the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without providing a written notice of the proposed disposition to the Minister at least 90 days before the disposition.

Same

(3) If an authority is required to consult the public and post a notice of proposed disposition under subsection (4), the notice to the Minister required under subsection (2) shall, at a minimum, describe how the comments received during the public consultation, if any, were considered by the authority prior to the disposition.

Public consultation prior to disposition

(4) Subject to subsection (6), an authority shall conduct a public consultation and post a notice of the consultation on its website if the authority proposes, under clause (1) (c), to sell, lease or otherwise dispose of land in respect of which the Minister has made a grant under section 39 and the land includes,

(a) areas of natural and scientific interest, lands within the Niagara Escarpment Planning Area or wetlands as defined in section 1 of the *Conservation Land Act*;

(b) the habitat of threatened or endangered species;

(c) lands in respect of which the authority has entered into an agreement with the Minister in relation to forestry development under section 2 of the *Forestry Act*; or

(d) land that is impacted by a type of natural hazard listed in subsection 1 (1) of Ontario Regulation 686/21 (Mandatory Programs and Services) made under this Act.

Length of public consultation and content of notice

(5) The public consultation under subsection (4) shall last for a minimum of 45 days and the notice of public consultation to be posted on the authority's website prior to the proposed disposition shall include,

(a) a description of the type of land referred to in clauses (4) (a) to (d) that the authority is proposing to dispose of;

(b) the proposed date of the disposition; and

(c) the proposed future use of the lands, if known.

Exceptions

(6) With regard to a disposition of land in respect of which the Minister has made a grant to an authority under section 39, the authority is not required to provide a notice to the Minister under subsection (2) or consult the public and post a notice under subsection (4) if,

(a) the disposition is for provincial or municipal infrastructure and utility purposes;

(b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and

(c) the authority informs the Minister of the disposition.

Minister's direction on disposition proceeds

(7) If the Minister receives a notice under subsection (2), the Minister may, within 90 days after receiving the notice, direct the authority to apply a specified share of the proceeds of the disposition to support programs and services provided by the authority under section 21.1.

3 (1) Subsection 21.1.1 (1) of the Act is amended by adding "Subject to subsection (1.1)" at the beginning.

(2) Section 21.1.1 of the Act is amended by adding the following subsection:

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

4 (1) Subsection 21.1.2 (1) of the Act is amended by adding "Subject to subsection (1.1)" at the beginning.

(2) Section 21.1.2 of the Act is amended by adding the following subsection:

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

5 The Act is amended by adding the following section:

Minister's direction re fee changes

21.3 (1) The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.

Compliance

(2) An authority that receives a direction under subsection (1) shall comply with the direction within the time specified in the direction.

6 (1) Section 24 of the Act is amended by adding the following subsection:

Terms and conditions

(8) The Minister may impose terms and conditions on an approval given under subsection (1).

(2) Section 24 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsection:

Terms and conditions

(2) The Minister may impose terms and conditions on an approval given under subsection (1).

7 (1) Subsection 28 (1) of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out "Subject to subsections (2), (3) and (4) and section 28.1" at the beginning.

(2) Section 28 of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:

Same, *Planning Act*

(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

(a) the activity is part of development authorized under the *Planning Act*; and

(b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

Same

(4.2) If a regulation prescribes activities, areas of municipalities or types of authorizations under the *Planning Act* for the purposes of this subsection, or prescribes any other conditions or restrictions relating to an exception under subsection (4.1), the exception applies only in respect of such activities, areas and authorizations and subject to such conditions and restrictions.

8 (1) Clause 28.0.1 (1) (a) of the Act is repealed and the following substituted:

(a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

(2) The definition of "development project" in subsection 28.0.1 (2) of the Act is repealed and the following substituted:

"development project" means development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

(3) Clause 28.0.1 (6) (a) of the Act is repealed and the following substituted:

(a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(4) Subsection 28.0.1 (9) of the Act is repealed and the following substituted:

Request for Minister's review

(9) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

(5) Subsection 28.0.1 (16) of the Act is amended by striking out "conditions that the authority proposes to attach to a permission" and substituting "conditions attached by the authority to a permission".

(6) Clause 28.0.1 (17) (a) of the Act is repealed and the following substituted:

(a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(7) Subsection 28.0.1 (19) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Appeal

(19) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Ontario Land Tribunal to review the conditions if,

. . . . .

(8) Subsection 28.0.1 (20) of the Act is amended by striking out "proposed" and substituting "attached".

(9) Section 28.0.1 of the Act is amended by adding the following subsection:

Same

(26.1) If a regulation made under this section provides that a development project may begin prior to entering into an agreement under subsection (24), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until an agreement is entered into.

(10) Clause 28.0.1 (28) (b) of the Act is repealed and the following substituted:

(b) subsection (26) or (26.1).

(11) Subsection 28.0.1 (34) of the Act is repealed and the following substituted:

(34) If the conditions attached to a permission granted under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

(12) Clause 28.0.1 (35) (b) of the Act is amended by adding the following subclause:

(i.1) limiting the types of conditions that an authority may attach to a permission under this section,

(13) Clause 28.0.1 (35) (e) of the Act is repealed and the following substituted:

(e) specifying lands or development projects to which this section does not apply;

(e.1) exempting lands or development projects from subsection (5), (24) or (26), subject to such conditions or restrictions as may be specified;

9 (1) Clause 28.1 (1) (a) of the Act is repealed and the following substituted:

(a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(2) Clauses 28.1 (6) (a) and (b) of the Act are repealed and the following substituted:

(a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bedrock; and

(b) despite subsection (4), the authority shall not attach conditions to the permit unless the conditions relate to controlling flooding, erosion, dynamic beaches or unstable soil or bedrock.

(3) Subsection 28.1 (22) of the Act is amended by striking out "120" and substituting "90".

10 (1) Clause 28.1.2 (1) (a) of the Act is revoked and the following substituted:

(a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

(2) The definition of "development project" in subsection 28.1.2 (2) of the Act is repealed and the following substituted:

"development project" means development activity as defined in subsection 28 (5) or any other act or activity that, without a permit issued under this section or section 28.1, would be prohibited under section 28.

(3) Subsection 28.1.2 (5) of the Act is amended by striking out "permission" and substituting "permit".

(4) Clause 28.1.2 (6) (a) of the Act is repealed and the following substituted:

(a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(5) Subsection 28.1.2 (9) of the Act is repealed and the following substituted:

Request for Minister's review

(9) A permit holder who objects to any conditions attached to the permit by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

(6) Subsection 28.1.2 (11) of the Act is amended by striking out "conditions that the authority proposes to attach to a permit" and substituting "conditions attached by the authority to a permit".

(7) Clause 28.1.2 (12) (a) of the Act is repealed and the following substituted:

(a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(8) Subsection 28.1.2 (14) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Appeal

(14) A permit holder who objects to any conditions attached to the permit by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Local Planning Appeal Tribunal to review the conditions if,

. . . . .

(9) Subsection 28.1.2 (15) of the Act is amended by striking out "proposed" and substituting "attached".

(10) Section 28.1.2 of the Act is amended by adding the following subsection:

Same

(19.1) If a regulation made under subsection 40 (4) provides that a development project may begin prior to entering into an agreement under subsection (17), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until such time the agreement is entered into.

(11) Subsection 28.1.2 (20) of the Act is revoked and the following substituted:

Conflict

(20) If the conditions attached to a permit issued under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

11 (1) Clause 30.2 (1.1) (a) of the Act is repealed and the following substituted:

(a) the entry is for the purpose of ensuring compliance with subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1), with a regulation made under section 28.5 or with the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);

(2) Subclause 30.2 (1.1) (b) (i) of the Act is repealed and the following substituted:

(i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

12 (1) Subclause 30.4 (1) (a) (i) of the Act is repealed and the following substituted:

(i) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or

(2) Subclause 30.4 (1) (b) (i) of the Act is repealed and the following substituted:

(i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

13 (1) Clause 30.5 (1) (a) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is repealed and the following substituted:

(a) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1);

(2) Clause 30.5 (1) (b) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is amended by striking out "subsection 28 (3) or (4)" substituting "subsection 28 (3), (4) or (4.1)".

14 (1) Subsection 40 (1) of the Act is amended by adding the following clause:

(g) governing exceptions under subsection 28 (4.1) from the prohibitions set out in subsection 28 (1), including,

(i) prescribing municipalities to which the exception applies,

(ii) respecting any conditions or restrictions that must be satisfied to obtain the exception, or in carrying out the activity, including conditions or restrictions applying to the municipality in which the exception applies,

(iii) prescribing activities, areas of municipalities, types of authorizations under the *Planning Act* and other conditions or restrictions for the purposes of subsection 28 (4.2),

(iv) governing transitional matters resulting from an exception under subsection 28 (4.1);

(2) Clause 40 (3) (c) of the Act is amended by striking out "clause 21.1.1 (4) (b) and subsection 21.1.2 (2)" at the end and substituting "clauses 21.1.1 (4) (b) and 21.1.2 (3) (b)".

(3) Subsection 40 (3) of the Act is amended by adding the following clause:

(c.1) prescribing Acts for the purposes of subsections 21.1.1 (1.1) and 21.1.2 (1.1);

(4) Clause 40 (4) (b) of the Act is amended by striking out "may be attached" and substituting "may or may not be attached".

(5) Clause 40 (4) (c) of the Act is repealed.

(6) Clause 40 (4) (e) of the Act is amended by adding the following subclause:

(i.1) limiting the types of conditions that an authority may attach to a permit under section 28.1.2;

(7) Clause 40 (4) (h) of the Act is repealed and the following substituted:

(h) specifying lands or development projects to which section 28.1.2 does not apply;

(h.1) exempting lands or development projects from subsections 28.1.2 (5), (17) and (19), subject to such conditions or restrictions as may be specified;

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

15 Subsection 16 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.

Revocation of Regulations

16 Ontario Regulations 97/04, 42/06, 146/06, 147/06, 148/06, 150/06, 151/06, 152/06, 153/06, 155/06, 156/06, 157/06, 158/06, 159/06, 160/06, 161/06, 162/06, 163/06, 164/06, 165/06, 166/06, 167/06, 168/06, 169/06, 170/06, 171/06, 172/06, 174/06, 175/06, 176/06, 177/06, 178/06, 179/06, 180/06, 181/06, 182/06 and 319/09 are revoked.

Commencement

17 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 2 to 5 and subsections 6 (1) and 14 (3) come into force on the later of January 1, 2023 and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(3) Subsection 6 (2) comes into force on the later of the day section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(4) Sections 9 and 16 come into force on the later of the day section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(5) Section 10 comes into force on the later of the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(6) Section 11 comes into force on the later of the day subsection 19 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(7) Section 12 comes into force on the later of the day subsection 20 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(8) Section 13 comes into force on the later of the day section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(9) Subsections 14 (4) to (7) come into force on the later of the day subsection 25 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(10) Section 7 and subsection 14 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

1 Section 1 of the *Development Charges Act, 1997* is amended by adding the following definition:

"rental housing development" means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises; ("aménagement de logements locatifs")

2 (1) Subsections 2 (3) and (3.1) of the Act are repealed and the following substituted:

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to permit the enlargement of an existing residential unit.

Exemption for residential units in existing rental residential buildings

(3.1) The creation of the greater of the following in an existing rental residential building, which contains four or more residential units, is exempt from development charges:

1. One residential unit.
2. 1% of the existing residential units.

Exemption for residential units in existing houses

(3.2) The creation of any of the following is exempt from development charges:

1. A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
2. A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

Exemption for additional residential units in new residential buildings

(3.3) The creation of any of the following is exempt from development charges:

1. A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
2. A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

(2) Paragraph 17 of subsection 2 (4) of the Act is repealed.

(3) Section 2 of the Act is amended by adding the following subsection:

Deemed amendment of by-law

(4.0.1) If a by-law under this section imposes development charges to pay for increased capital costs required because of increased needs for housing services, the by-law is deemed to be amended to be consistent with subsection (4) as it reads on the day subsection 2 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

3 The Act is amended by adding the following section:

Exemption for affordable and attainable residential units

Definitions

4.1 (1) In this section,

"affordable residential unit" means a residential unit that meets the criteria set out in subsection (2) or (3); ("unité d'habitation abordable")

"attainable residential unit" means a residential unit that meets the criteria set out in subsection (4). ("unité d'habitation à la portée du revenu")

Affordable residential unit, rented

(2) A residential unit intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The rent is no greater than 80 per cent of the average market rent, as determined in accordance with subsection (5).
2. The tenant is dealing at arm's length with the landlord.

Affordable residential unit, ownership

(3) A residential unit not intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The price of the residential unit is no greater than 80 per cent of the average purchase price, as determined in accordance with subsection (6).
2. The residential unit is sold to a person who is dealing at arm's length with the seller.

Attainable residential unit

(4) A residential unit shall be considered to be an attainable residential unit if it meets the following criteria:

1. The residential unit is not an affordable residential unit.
2. The residential unit is not intended for use as a rented residential premises.
3. The residential unit was developed as part of a prescribed development or class of developments.
4. The residential unit is sold to a person who is dealing at arm's length with the seller.
5. Such other criteria as may be prescribed.

Average market rent

(5) For the purposes of paragraph 1 of subsection (2), the average market rent applicable to a residential unit is the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin", as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

Average purchase price

(6) For the purposes of paragraph 1 of subsection (3), the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin", as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

Arm's length

(7) For the purposes of this section, in the determination of whether two or more persons are dealing at arm's length, section 251 of the *Income Tax Act* (Canada) applies with necessary modifications.

Affordable residential unit, exemption from development charges

(8) The creation of a residential unit that is intended to be an affordable residential unit for a period of 25 years or more from the time that the unit is first rented or sold is exempt from development charges.

Same, agreement

(9) A person who, but for subsection (8), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (8) applies to be an affordable residential unit for a period of 25 years.

Attainable residential unit, exemption from development charges

(10) The creation of a residential unit that is intended to be an attainable residential unit when the unit is first sold is exempt from development charges.

Same, agreement

(11) A person who, but for subsection (10), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (10) applies to be an attainable residential unit at the time it is sold.

Standard form agreement

(12) The Minister of Municipal Affairs and Housing may establish standard forms of agreement that shall be used for the purposes of subsection (9) or (11).

Registration of agreement

(13) An agreement entered into under subsection (9) or (11) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

Transition

(14) Subsection (8) does not apply with respect to a development charge that is payable before the day section 3 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Non-application of *Legislation Act, 2006*

(15) Part III (Regulations) of the *Legislation Act, 2006* does not apply to,

(a) a bulletin referred to in this section; or

(b) a standard form of agreement established under subsection (12).

4 The Act is amended by adding the following sections:

Exemption for non-profit housing development

Definition

4.2 (1) In this section,

"non-profit housing development" means the development of a building or structure intended for use as a residential premises and developed by,

(a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing,

(b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing, or

(c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Exemption

(2) A non-profit housing development is exempt from development charges.

Transition

(3) Subsection (2) does not apply with respect to a development charge that is payable before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Same

(4) For greater certainty, subsection (2) applies to future instalments that would have been payable in accordance with section 26.1 after the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Exemption for inclusionary zoning residential units

Exemption

4.3 (1) The creation of a residential unit described in subsection (2) is exempt from development charges unless a development charge is payable with respect to the residential unit before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Application

(2) Subsection (1) applies in respect of residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of that Act.

5 (1) Paragraph 4 of subsection 5 (1) of the Act is amended by striking out "10-year period" and substituting "15-year period".

(2) Section 5 of the Act is amended by adding the following subsection:

Transition, par. 4 of subs. (1)

(1.1) For greater certainty, paragraph 4 of subsection (1), as it read immediately before the day subsection 5 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

(3) Paragraph 1 of subsection 5 (3) of the Act is amended by adding "except in relation to such services as are prescribed for the purposes of this paragraph" at the end.

(4) Paragraphs 5 and 6 of subsection 5 (3) of the Act are repealed.

(5) Section 5 of the Act is amended by adding the following subsection:

Transition

(3.1) For greater certainty, subsection (3), as it read immediately before the day subsection 5 (4) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

(6) Subsection 5 (6) of the Act is amended by adding the following paragraph:

4. In the case of a development charge by-law passed on or after the day subsection 5 (6) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, the rules must provide that,
    i. any development charge imposed during the first year that the by-law is in force is no more than 80 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
    ii. any development charge imposed during the second year that the by-law is in force is no more than 85 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
    iii. any development charge imposed during the third year that the by-law is in force is no more than 90 per cent of the maximum development charge that could otherwise be charged in accordance with this section, and
    iv. any development charge imposed during the fourth year that the by-law is in force is no more than 95 per cent of the maximum development charge that could otherwise be charged in accordance with this section.

(7) Section 5 of the Act is amended by adding the following subsections:

Special rule

(7) Subsection (8) applies to a development charge imposed by a development charge by-law passed on or after January 1, 2022 and before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, unless the development charge was payable before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Same

(8) The amount of a development charge described in subsection (7) shall be reduced in accordance with the following rules:

1. A development charge imposed during the first year that the by-law is in force shall be reduced to 80 per cent of the development charge that would otherwise be imposed by the by-law.
2. A development charge imposed during the second year that the by-law is in force shall be reduced to 85 per cent of the development charge that would otherwise be imposed by the by-law.
3. A development charge imposed during the third year that the by-law is in force shall be reduced to 90 per cent of the development charge that would otherwise be imposed by the by-law.
4. A development charge imposed during the fourth year that the by-law is in force shall be reduced to 95 per cent of the development charge that would otherwise be imposed by the by-law.

Same, interpretation

(9) For the purposes of subsections (7) and (8), a development charge is deemed to be imposed on the day referred to in subsection 26.2 (1) that applies to the development charge.

6 (1) Subsection 9 (1) of the Act is amended by striking out "five years" and substituting "10 years".

(2) Section 9 of the Act is amended by adding the following subsection:

Transition

(1.1) For greater certainty, subsection (1), as it reads on and after the day subsection 6 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, does not apply with respect to a development charge by-law that, before that day, had expired pursuant to subsection (1) as it read before that day.

7 (1) Paragraphs 1 to 3 of subsection 26.1 (2) of the Act are repealed and the following substituted:

1. Rental housing development.
2. Institutional development.

(2) Subsection 26.1 (3) of the Act is repealed and the following substituted:

Annual instalments

(3) A development charge referred to in subsection (1) shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

(3) Subsection 26.1 (7) of the Act is amended by striking out "not exceeding the prescribed maximum interest rate" at the end and substituting "not exceeding the maximum interest rate determined in accordance with section 26.3".

8 (1) Subsection 26.2 (1) of the Act is amended by striking out "The total amount" at the beginning and substituting "Subject to subsection (1.1), the total amount".

(2) Section 26.2 of the Act is amended by adding the following subsections:

Discount, rental housing development

(1.1) In the case of rental housing development, the amount determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.

Same, transition

(1.2) Subject to subsection (1.3), subsection (1.1) does not apply in respect of a development charge for a development in respect of which a building permit was issued before the day subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force.

Same, exception

(1.3) Despite subsection (7), paragraphs 1 to 3 of subsection (1.1) apply to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day that subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed for the purposes of this subsection.

(3) Subsection 26.2 (3) of the Act is amended by striking out "at a rate not exceeding the prescribed maximum interest rate" and substituting "at a rate not exceeding the maximum interest rate determined in accordance with section 26.3".

9 The Act is amended by adding the following section:

Maximum interest rate

26.3 (1) In this section,

"adjustment date" means January 1, April 1, July 1 or October 1; ("date de rajustement")

"average prime rate", on a particular date, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada. ("taux préférentiel moyen")

Same

(2) For the purposes of subsections 26.1 (7) and 26.2 (3), the maximum interest rate that a municipality may charge shall be determined in accordance with the following rules:

1. A base rate of interest shall be determined for April 1, 2022 and for each adjustment date after April 1, 2022 and shall be equal to the average prime rate on,
   i. October 15 of the previous year, if the adjustment date is January 1,
   ii. January 15 of the same year, if the adjustment date is April 1,
   iii. April 15 of the same year, if the adjustment date is July 1, and

iv. July 15 of the same year, if the adjustment date is October 1.

2. The base rate of interest in effect on a particular date shall be,

   i. the base rate for the particular date, if the particular date is an adjustment date, and

   ii. the base rate for the last adjustment date before the particular date, otherwise.

3. The maximum rate of interest that may be charged, in respect of a particular day after June 1, 2022, shall be an annual interest rate that is one percentage point higher than the base rate of interest in effect for that day.

Transition

(3) Subsection (2) does not apply in respect of a development charge that was payable before the day section 9 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

10 Section 35 of the Act is amended by adding the following subsections:

Requirement to spend or allocate monies in reserve fund

(2) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the following services at the beginning of the year:

1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.
3. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.

Same

(3) If a service is prescribed for the purposes of this subsection, beginning in the first calendar year that commences after the service is prescribed and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the prescribed service at the beginning of the year.

11 (1) Subsection 44 (4) of the Act is amended by striking out "Subsection 2 (3.1) and section 4" at the beginning and substituting "Subsections 2 (3.3), 4.2 (2) and 4.3 (1) and section 4".

(2) Subsection 44 (4) of the Act, as amended by subsection (1), is amended by adding "4.1 (8) and (10)" after "Subsections 2 (3.3)" at the beginning.

12 (1) Clauses 60 (1) (b) and (b.1) of the Act are repealed.

(2) Subsection 60 (1) of the Act is amended by adding the following clauses:

(d.2) prescribing developments and classes of developments for the purposes of paragraph 3 of subsection 4.1 (4);

(d.3) prescribing criteria for the purposes of paragraph 5 of subsection 4.1 (4);

(3) Subsection 60 (1) of the Act is amended by adding the following clause:

(l) prescribing services for the purposes of paragraph 1 of subsection 5 (3);

(4) Clause 60 (1) (s.2) of the Act is repealed.

(5) Subsection 60 (1) of the Act is amended by adding the following clause:

(s.2.1) prescribing developments for the purposes of subsection 26.2 (1.3);

(6) Subsection 60 (1) of the Act is amended by adding the following clause:

(s.4) prescribing one or more services for the purposes of subsection 35 (3);

(7) Section 60 of the Act is amended by adding the following subsections:

Adoption by reference

(1.1) A regulation under clause (1) (d.3) may adopt by reference, in whole or in part and with such changes as are considered necessary, any document and may require compliance with the document.

Rolling incorporation by reference

(1.2) The power to adopt by reference and require compliance with a document in subsection (1.1) includes the power to adopt a document as it may be amended from time to time.

Revocation

13 Subsections 11.1 (1) and (3) of Ontario Regulation 82/98 are revoked.

Commencement

14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Section 3, subsection 11 (2) and subsections 12 (2) and (7) come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4
MUNICIPAL ACT, 2001

1 Section 99.1 of the *Municipal Act, 2001* is amended by adding the following subsection:

Regulations

(7) The Minister may make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under this section.

Commencement

2 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 5
NEW HOME CONSTRUCTION LICENSING ACT, 2017

1 (1) Subsection 10 (1) of the *New Home Construction Licensing Act, 2017* is amended by striking out "regulation" and substituting "order".

(2) Subsection 10 (3) of the Act is amended by striking out "a regulation" and substituting "an order".

2 (1) Subsection 11 (1) of the Act is amended by striking out "regulation" wherever it appears and substituting in each case "order".

(2) Subsection 11 (2) of the Act is amended by striking out "a regulation" and substituting "an order".

3 Subsection 14 (3) of the Act is amended by striking out "after this section comes into force" wherever it appears and substituting in each case "after February 1, 2021".

4 Paragraph 6 of section 56.1 of the Act is repealed and the following substituted:

6. Take further action as is appropriate in accordance with this Act, including, for greater certainty, make an order under section 76 imposing an administrative penalty or refer the matter, in whole or in part, to another assessor to consider whether such an order should be made.

5 Subsection 71 (4) of the Act is repealed and the following substituted:

Penalties

(4) A person or entity that is convicted of an offence under this Act is liable to,

(a) in the case of an individual,

(i) on the first conviction, a fine of not more than $50,000 or imprisonment for a term of not more than two years less a day, or both, and

(ii) on each subsequent conviction, a fine of not more than $100,000 or imprisonment for a term of not more than two years less a day, or both; or

(b) in the case of a person or entity that is not an individual,

(i) on the first conviction, a fine of not more than $250,000, and

(ii) on each subsequent conviction, a fine of not more than $500,000.

Same, determining subsequent conviction

(4.0.1) For the purpose of subsection (4), a conviction of a person or entity for an offence mentioned in subsection (1), (2) or (3) is a subsequent conviction if the person or entity has a previous conviction for an offence mentioned in any of those subsections.

6 Section 76 of the Act is repealed.

7 The Act is amended by adding the following section:

Order

76 (1) An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

(a) a prescribed provision of this Act or the regulations;

(b) a condition of a licence, if the person is the licensee;

(c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or

(d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it.

Clarification re code of ethics

(2) For greater certainty, provisions of the code of ethics established under clause 84 (1) (f) may be prescribed for the purpose of subsection (1).

To whom payable

(3) An administrative penalty is payable to the regulatory authority.

Purpose

(4) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with the Acts, regulations and by-laws referred to in subsection (1) and the conditions of a licence.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening the Acts, regulations or by-laws referred to in subsection (1) or the conditions of a licence.

Amount

(5) Subject to subsection (6), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed $50,000.

Same, monetary benefit

(6) The total amount of the administrative penalty referred to in subsection (5) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

Form of order

(7) An order made under subsection (1) imposing an administrative penalty against a person shall be in the form that the registrar determines.

Service of order

(8) The order shall be served on the person against whom the administrative penalty is imposed in the manner that the registrar determines.

Absolute liability

(9) An order made under subsection (1) imposing an administrative penalty against a person applies even if,

(a) the person took all reasonable steps to prevent the contravention on which the order is based; or

(b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

No effect on offences

(10) For greater certainty, nothing in subsection (9) affects the prosecution of an offence.

Other measures

(11) Subject to section 78, an administrative penalty may be imposed alone or in conjunction with the exercise of any measure against a person provided by the Acts, regulations or by-laws referred to in subsection (1), including the application of conditions to a licence by the registrar, the suspension, immediate suspension or revocation of a licence or the refusal to renew a licence.

Limitation

(12) An order may not be made under subsection (1) more than two years after the day any assessor became aware of the contravention on which the order is based.

No hearing required

(13) Subject to the regulations made by the Minister, an assessor is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person.

Non-application of other Act

(14) The *Statutory Powers Procedure Act* does not apply to an order of an assessor made under subsection (1).

Transition — pre-commencement transition period

(15) A regulation made under subclause 84 (1) (h) (0.i) and filed with the Registrar of Regulations in accordance with Part III (Regulations) of the *Legislation Act, 2006* on or before the last day of the pre-commencement transition period may prescribe a provision for the purpose of subsection (1) for all or part of the pre-commencement transition period and, for greater certainty, an assessor may impose an administrative penalty under subsection (1) for a contravention that occurred during that period.

Same

(16) In subsection (15),

"pre-commencement transition period" means the period starting on April 14, 2022 and ending on the day before section 7 of Schedule 5 to the *More Homes Built Faster Act, 2022* comes into force.

8 Section 78 of the Act is amended by striking out "this Act" and substituting "an Act referred to in subsection 76 (1)".

9 (1) Clause 84 (1) (f) of the Act is repealed and the following substituted:

(f) establishing a code of ethics for licensees;

(2) Clause 84 (1) (i) of the Act is repealed and the following substituted:

(i) specifying the purposes for which the regulatory authority may use the funds that it collects as fines and administrative penalties;

(i.1) requiring the regulatory authority to establish, maintain and comply with a policy, in accordance with any requirements in the regulations, to govern payments the regulatory authority makes, if any, from the funds the regulatory authority collects as fines and administrative penalties, to persons who have been adversely affected by contraventions in respect of which fines or administrative penalties can be imposed;

(3) Section 84 of the Act is amended by adding the following subsection:

Regulations may require Minister's approval

(7) A regulation made under clause (1) (i.1) may provide for any aspect of the policy required under that regulation to be subject to the approval of the Minister.

Related repeal

10 Section 5 of Schedule 3 to the *More Homes for Everyone Act, 2022* is repealed.

Commencement

11 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 4, 5, 7 and 8 come into force on the later of the day section 75 of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 6
ONTARIO HERITAGE ACT

1 Subsection 1 (2) of the *Ontario Heritage Act* is repealed.

2 (1) Section 25.2 of the Act is amended by adding the following subsection:

Minister's review of determination

(3.1) If the process for the identification of properties referred to in clause (3) (a) permits a ministry or prescribed public body to determine whether a property has cultural heritage value or interest, the process may permit the Minister to review the determination, or any part of the determination, whether made before, on or after the day subsection 2 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, and may permit the Minister to confirm or revise the determination or part of it.

(2) Subsection 25.2 (6) of the Act is amended by adding "Subject to an order made under subsection (7)" at the beginning.

(3) Subsection 25.2 (7) of the Act is repealed and the following substituted:

Exemption re compliance

(7) The Lieutenant Governor in Council may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the heritage standards and guidelines approved under this section in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:

1. Transit.
2. Housing.
3. Health and Long-Term Care.
4. Other infrastructure.
5. Such other priorities as may be prescribed.

Not a regulation

(8) The heritage standards and guidelines approved under this section and orders made under subsection (7) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

3 (1) Section 27 of the Act is amended by adding the following subsection:

(1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality's website.

(2) Subsection 27 (3) of the Act is repealed and the following substituted:

Non-designated property

(3) Subject to subsection (18), in addition to the property listed in the register under subsection (2), the register may include property that has not been designated under this Part if,

(a) the council of the municipality believes the property to be of cultural heritage value or interest; and

(b) where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria.

Same

(3.1) If property is included in the register under subsection (3), the register shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

(3) Subsection 27 (7) of the Act is amended by adding "or a predecessor of that subsection" after "subsection (3)".

(4) Subsection 27 (13) of the Act is repealed and the following substituted:

Application of subss. (7) and (8)

(13) In addition to applying to properties included in the register under subsection (3) on and after July 1, 2021, subsections (7) and (8) apply in respect of properties that were included in the register as of June 30, 2021 under the predecessor of subsection (3).

Removal of non-designated property

(14) In the case of a property included in the register under subsection (3), or a predecessor of that subsection, before, on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the

municipality shall remove the property from the register if the council of the municipality has given a notice of intention to designate the property under subsection 29 (1) and any of the following circumstances exist:

1. The council of the municipality withdraws the notice of intention under subsection 29 (7).
2. The council of the municipality does not withdraw the notice of intention, but does not pass a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8).
3. The council of the municipality passes a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8), but the by-law is repealed in accordance with subclause 29 (15) (b) (i) or (iii).

Same

(15) In the case of a property included in the register under subsection (3) on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day the property was included in the register.

Same

(16) In the case of a property included in the register under a predecessor of subsection (3), as of the day before subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

Consultation not required

(17) Despite subsection (4), the council of the municipality is not required to consult with its municipal heritage committee, if one has been established, before removing a property from the register under subsection (14), (15) or (16).

Prohibition re including property in register, subss. (14) to (16)

(18) If subsection (14), (15) or (16) requires the removal of a property from the register, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the following date:

1. In the case of subsection (14), the day any of the circumstances described in paragraphs 1, 2 and 3 of that subsection exist.
2. In the case of subsection (15), the second anniversary of the day the property was included in the register.
3. In the case of subsection (16), the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

4 (1) The French version of clause 29 (1) (a) of the Act is repealed and the following substituted:

(a) dans le cas où des critères permettant d'établir si un bien a une valeur ou un caractère sur le plan du patrimoine culturel ont été prescrits, le bien répond aux critères prescrits;

(2) Subsection 29 (1.2) of the Act is repealed and the following substituted:

Limitation

(1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality:

1. If the prescribed event occurs on or after the day subsection 4 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event.
2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.

5 (1) Subsection 41 (1) of the Act is repealed and the following substituted:

Designation of heritage conservation district

(1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

(a) there is in effect in the municipality an official plan that contains provisions relating to the establishment of heritage conservation districts; and

(b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.

(2) Section 41 of the Act is amended by adding the following subsections:

Amendment of by-law

(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district.

Repeal of by-law

(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.

6 (1) Section 41.1 of the Act is amended by adding the following subsection:

Same

(5.1) Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria.

(2) Section 41.1 of the Act is amended by adding the following subsections:

Amendment of by-law

(13) If the council of a municipality wishes to amend a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

Repeal of by-law

(14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

7 (1) Paragraph 4 of subsection 42 (1) of the Act is amended by striking out "whether or not the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1)" at the end.

(2) Subsection 42 (3) of the Act is amended by striking out "under subsection (2)" and substituting "under subsection (2.2)".

8 Subsection 70 (1) of the Act is amended by adding the following clauses:

(i.1) prescribing criteria for the purposes of clause 27 (3) (b);

. . . . .

(k.1) prescribing criteria for the purposes of clause 41 (1) (b);

9 Section 71 of the Act is amended by striking out "and" at the end of clause (a) and by adding the following clauses:

(c) facilitate the implementation of amendments to this Act made by Schedule 6 to the *More Homes Built Faster Act, 2022*;

(d) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 6 to the *More Homes Built Faster Act, 2022*.

Commencement

10 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Subsection 7 (1) comes into force on the day subsection 19 (1) of Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force.

(3) Sections 2 and 3, subsection 4 (2) and sections 5, 6, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 7
ONTARIO LAND TRIBUNAL ACT, 2021

1 Subsection 13 (4) of the *Ontario Land Tribunal Act, 2021* is amended by striking out "a ground for setting aside a decision of the Tribunal on an application for judicial review or an appeal" at the end and substituting "a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal".

2 (1) Subsection 19 (1) of the Act is amended by adding the following clause:

(b.1) if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding;

(2) Section 19 of the Act is amended by adding the following subsection:

Same

(1.1) Subject to subsection (4), the Tribunal may, on the motion of any party or on its own initiative, dismiss a proceeding if the Tribunal is of the opinion that a party has failed to comply with an order of the Tribunal in the proceeding.

(3) Subsection 19 (4) of the Act is amended by adding "or (1.1)" after "subsection (1)".

3 Section 20 of the Act is amended by adding the following subsection:

Same

(2) Subsection (1) includes the power to order an unsuccessful party to pay a successful party's costs.

4 (1) Subsection 29 (1) of the Act is amended by adding the following clause:

(c) requiring the Tribunal to prioritize the resolution of specified classes of proceedings.

(2) Clause 29 (2) (a) of the Act is repealed and the following substituted:

(a) governing the practices and procedures of the Tribunal, subject to the regulations made under clause (1) (c) and other than in relation to a consolidated hearing under section 21, which may include prescribing timelines that shall apply with respect to specified steps taken by the Tribunal in specified classes of proceedings, and governing any related transitional matters;

(3) Section 29 of the Act is amended by adding the following subsections:

Timelines applicable to Tribunal

(2.1) The failure of the Tribunal to comply with any timeline prescribed under clause (2) (a) with respect to a specified step in a proceeding does not invalidate the proceeding, and is not a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal.

Same, reporting

(2.2) The Tribunal shall, on the Minister's request and in the time and manner specified by the Minister, report to the Minister on such matters as may be specified by the Minister respecting the Tribunal's compliance with any timelines prescribed under clause (2) (a).

(4) Subsection 29 (3) of the Act is amended by striking out "or clause (2) (a)" and substituting "or clause (1) (c) or (2) (a)".

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 8
ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012

1 Section 2 of the *Ontario Underground Infrastructure Notification System Act, 2012* is amended by adding the following subsection:

Chair

(4.4) The Minister may appoint a chair of the board of directors from among the members of the board.

2 The Act is amended by adding the following sections:

Minister's authority to appoint administrator

2.3 (1) Subject to section 2.5, the Minister may, by order, appoint an individual as an administrator of the Corporation for the purposes of assuming control of it and responsibility for its activities.

Notice of appointment

(2) The Minister shall give the Corporation's board of directors the notice that the Minister considers reasonable in the circumstances before appointing the administrator.

Immediate appointment

(3) Subsection (2) does not apply if there are not enough members on the board of directors to form a quorum.

Term of appointment

(4) The appointment of the administrator is valid until the Minister makes an order terminating it.

Powers and duties of administrator

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the directors, officers and members of the Corporation.

Same

(6) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and the conditions governing them.

Right of access

(7) The administrator has the same rights as the board of directors in respect of the Corporation's documents, records and information.

Report to Minister

(8) The administrator shall report to the Minister as the Minister requires.

Minister's directions

(9) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out.

No personal liability

(10) No action or other proceeding shall be instituted against the administrator or a former administrator for,

(a) any act done in good faith in the exercise or performance or intended exercise or performance of a duty or power under this Act, the regulations made under this Act, a Minister's order or the appointment under subsection (1); or

(b) any neglect or default in the exercise or performance in good faith of a duty or power described in clause (a).

Crown liability

(11) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of Corporation

(12) Subsection (10) does not relieve the Corporation of liability to which it would otherwise be subject.

Status of board during administrator's tenure

2.4 (1) On the appointment of an administrator under section 2.3, the members of the board of directors of the Corporation cease to hold office, unless the order provides otherwise.

Same

(2) During the term of the administrator's appointment, the powers of any member of the board of directors who continues to hold office are suspended, unless the order provides otherwise.

No personal liability

(3) No action or other proceeding shall be instituted against a member or former member of the board of directors of the Corporation for any act, neglect or default done by the administrator or the Corporation after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2).

Crown liability

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of Corporation

(5) Subsection (3) does not relieve the Corporation of liability to which it would otherwise be subject.

Conditions precedent

2.5 The Minister may exercise the power under subsection 2.3 (1) or any other prescribed provision only if the Minister is of the opinion that it is advisable to exercise the power in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to underground infrastructure, public safety or to the interests of the public.
2. An event of force majeure has occurred.
3. The Corporation is facing a risk of insolvency.
4. The number of members of the board of directors of the Corporation is insufficient for a quorum.

Conflict

2.6 The following rules apply respecting conflicts that may arise in applying this Act:

1. This Act and its regulations prevail over the memorandum of understanding and the Corporation's by-laws and resolutions.
2. A Minister's order made under this Act prevails over the memorandum of understanding and the Corporation's by-laws and resolutions.

3 Section 20 of the Act is amended by adding the following clauses:

(0.a) defining words and expressions used in this Act that are not otherwise defined in this Act;

(0.b) prescribing provisions for the purpose of section 2.5;

Commencement

4 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 9
PLANNING ACT

1 (1) Subsection 1 (1) of the *Planning Act* is amended by adding the following definitions:

"parcel of urban residential land" means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

(a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,

(i) a municipality,

(ii) a municipal service board established under the *Municipal Act, 2001*,

(iii) a city board established under the *City of Toronto Act, 2006*,

(iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or

(v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and

(b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; ("parcelle de terrain urbain d'habitation")

"specified person" means,

(a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,

(b) Ontario Power Generation Inc.,

(c) Hydro One Inc.,

(d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,

(e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,

(f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,

(g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or

(h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; ("personne précisée")

(2) Subsection 1 (1) of the Act is amended by adding the following definitions:

"upper-tier municipality without planning responsibilities" means any of the following upper-tier municipalities:

1. The County of Simcoe.
2. The Regional Municipality of Durham.
3. The Regional Municipality of Halton.
4. The Regional Municipality of Niagara.
5. The Regional Municipality of Peel.
6. The Regional Municipality of Waterloo.
7. The Regional Municipality of York.
8. Any other upper-tier municipality that is prescribed under subsection (6); ("municipalité de palier supérieur sans responsabilités en matière d'aménagement")

"upper-tier municipality with planning responsibilities" means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities; ("municipalité de palier supérieur avec responsabilités en matière d'aménagement")

(3) Subsection 1 (2) of the Act is amended by striking out "17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4)" and substituting "17 (24), (36) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4.1)".

(4) Section 1 of the Act is amended by adding the following subsections:

Limitation

(4.1) A reference to a person or public body in the following provisions does not include a conservation authority under the *Conservation Authorities Act* except where an appeal made under or referred to in one of those provisions relates to natural hazard policies in any policy statements issued under section 3 of the Act, except for those policies that relate to hazardous forest types for wildland fire:

1. Paragraph 1.1 of subsection 17 (24).
2. Paragraph 1.1 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

Transition

(4.2) Despite subsection (4.1), a conservation authority that was a party to an appeal under a provision listed in subsection (4.1) on the day before the day subsection 1 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force may continue as a party to the appeal after that date until the final disposition of the appeal.

(5) Section 1 of the Act is amended by adding the following subsections:

Limitation

(4.3) A reference to a person or public body in the following provisions does not include an upper-tier municipality without planning responsibilities:

1. Paragraphs 1.1 and 4 of subsection 17 (24).
2. Paragraphs 1.1 and 3 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

Transition

(4.4) Despite subsection (4.3), an upper-tier municipality without planning responsibilities listed in paragraphs 1 to 7 of the definition of "upper-tier municipality without planning responsibilities" in subsection (1) that was a party to an appeal under a provision listed in subsection (4.3) on the day before the day subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force or an upper-tier municipality without planning responsibilities prescribed under subsection (6) that

was a party to an appeal under a provision listed in subsection (4.3) on the day before the day the regulation prescribing the upper-tier municipality without planning responsibilities as such comes into force may continue as a party to the appeal after that date until the final disposition of the appeal, unless the appeal is deemed to be dismissed by application of subsection 45 (12.2) or 53 (19.2) or (27.0.2).

(6) Section 1 of the Act is amended by adding the following subsection:

Regulations, upper-tier municipality without planning responsibilities

(6) The Lieutenant Governor in Council may, by regulation, prescribe additional upper-tier municipalities for the purposes of the definition of "upper-tier municipality without planning responsibilities" in subsection 1 (1).

2 (1) Subsection 8 (1) of the Act is amended by striking out "upper-tier municipality" and substituting "upper-tier municipality with planning responsibilities".

(2) Subsection 8 (2) of the Act is amended by striking out "The council of a lower-tier municipality" at the beginning and substituting "The council of a lower-tier municipality, the council of an upper-tier municipality without planning responsibilities".

3 Section 15 of the Act is repealed and the following substituted:

Upper-tier municipalities, planning functions

15 (1) The council of an upper-tier municipality with planning responsibilities, on such conditions as may be agreed upon with the council of a lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act.

Same

(2) The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may provide advice and assistance to the lower-tier municipality in respect of planning matters generally.

4 (1) Subsection 16 (3) of the Act is repealed and the following substituted:

Restrictions for residential units

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

(2) Subsection 16 (15) of the Act is amended by adding "or a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities" after "single-tier municipality" in the portion before clause (a).

(3) Subsection 16 (16) of the Act is amended by striking out "upper-tier municipality" in the portion before clause (a) and substituting "upper-tier municipality with planning responsibilities".

(4) Section 16 of the Act is amended by adding the following subsections:

Updating zoning by-laws

(20) No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies.

Same

(21) The official plan policies referred to in subsection (20) are as follows:

1. Policies listed in subsection 17 (36.1.4).
2. Policies set out in the official plan of a local municipality that,
    i. delineate an area surrounding and including an existing or planned higher order transit station or stop, and identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area, and
    ii. are required to be included in an official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1).

5 (1) Subsection 17 (2) of the Act is amended by striking out "An upper-tier municipality" at the beginning and substituting "An upper-tier municipality with planning responsibilities".

(2) Subsection 17 (4) of the Act is amended by striking out "an upper-tier municipality" and substituting "an upper-tier municipality with planning responsibilities".

(3) Subsections 17 (6) and (12) of the Act are amended by striking out "accompanied by a written explanation for it" wherever it appears.

(4) Subsection 17 (13) of the Act is repealed and the following substituted:

Mandatory adoption

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of,

(a) an upper-tier municipality with planning responsibilities;

(b) a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; and

(c) any other local municipality that is prescribed for the purposes of this section.

(5) Subsection 17 (14) of the Act is amended by striking out "municipality not prescribed under subsection (13)" and substituting "local municipality not described in clause 13 (b) or otherwise prescribed for the purposes of subsection (13)".

(6) Subsection 17 (24.1) of the Act is repealed and the following substituted:

No appeal re additional residential unit policies

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

(7) Subsection 17 (36.1) of the Act is repealed and the following substituted:

No appeal re additional residential unit policies

(36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

6 (1) Subsections 22 (2.1) to (2.1.2) of the Act are repealed.

(2) Subsection 22 (2.2) of the Act is amended by striking out "subsection (2.1), (2.1.1) or (2.1.3)" and substituting "subsection (2.1.3)".

(3) Clause 22 (7.2) (c) of the Act is repealed and the following substituted:

(c) amend or revoke policies adopted to authorize the use of,

(i) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit,

(ii) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units, or

(iii) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

7 Section 23 of the Act is repealed and the following substituted:

Matter of provincial interest affected by official plan

23 (1) The Minister may, by order, amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest.

Effect or order

(2) The Minister's order has the same effect as an amendment to the plan adopted by the council and approved by the appropriate approval authority.

Non-application of *Legislation Act, 2006*, Part III

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

8 (1) Subsections 34 (10.0.0.1) and (10.0.0.2) of the Act are repealed.

(2) Subsection 34 (19.1) of the Act is repealed and the following substituted:

No appeal re additional residential unit by-laws

(19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

(3) Subsection 34 (19.5) of the Act is amended by striking out "subsections (19.6) to (19.8)" in the portion before clause (a) and substituting "subsections (19.6) to (19.9)".

(4) Subsection 34 (19.6) of the Act is amended by striking out "lower-tier municipality only if the municipality's official plan" and substituting "lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities only if the lower-tier municipality's official plan".

(5) Section 34 of the Act is amended by adding the following subsection:

Exception re non-compliance with s. 16 (20)

(19.9) Subsection (19.5) does not apply to a zoning by-law that is passed more than one year after the later of the following comes into effect:

1. Official plan policies described in subsection 16 (15) or subclauses 16 (16) (b) (i) and (ii) for the protected major transit station area.
2. An amendment to the policies referred to in paragraph 1 of this subsection.

9 Subsections 35.1 (1) and (2) of the Act is repealed and the following substituted:

Restrictions for residential units

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

Same, minimum area

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

Provisions of no effect

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

Regulations

(2) The Minister may make regulations establishing requirements and standards with respect to,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

10 (1) Section 37 of the Act is amended by adding the following subsections:

Agreement re facilities, services or matters

(7.1) If the municipality intends to allow an owner of land to provide facilities, services or matters in accordance with subsection (6), the municipality may require the owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters.

Registration of agreement

(7.2) An agreement entered into under subsection (7.1) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

(2) Subsection 37 (32) of the Act is amended by adding "Subject to subsection (32.1)," at the beginning.

(3) Subsection 37 (32) of the Act is repealed and the following substituted:

Maximum amount of community benefits charge

(32) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the valuation date, multiplied by the ratio of "A" to "B" where,

"A" is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment, and

"B" is the floor area of all buildings and structures that will be on the land after the development or redevelopment.

(4) Section 37 of the Act is amended by adding the following subsection:

Discount

(32.1) With respect to a development or redevelopment that includes affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection (32) multiplied by the ratio of A to B where,

"A" is the floor area of all buildings that are part of the development or redevelopment minus the floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

"B" is the floor area of all buildings that are part of the development or redevelopment.

11 (1) Section 41 of the Act is amended by adding the following subsections:

Same

(1.2) Subject to subsection (1.3), the definition of "development" in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

Land lease community home

(1.3) The definition of "development" in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units.

(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed and the following substituted:

(d) matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001*,

(3) Subsection 41 (4.1) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).

(4) Section 41 of the Act is amended by adding the following subsection:

Same

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

(5) Subsection 41 (9) of the Act is repealed and the following substituted:

Limitations on requirement to widen highway

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

(6) Subsection 41 (9.1) of the Act is repealed and the following substituted:

Limitations on requirement to convey land

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan.

(7) Section 41 of the Act is amended by adding the following subsection:

Same

(15.3) In respect of plans and drawings submitted for approval under subsection (4) before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force,

(a) subparagraph 2 (d) of subsection (4), as it read immediately before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force, continues to apply;

(b) paragraph 1.1 of subsection (4.1) does not apply; and

(c) subsection (4.1.1) does not apply.

12 (1) Subsection 42 (0.1) of the Act is amended by repealing the definition of "dwelling unit".

(2) Subsection 42 (1) of the Act is amended by adding "Subject to subsection (1.1)" at the beginning.

(3) Section 42 of the Act is amended by adding the following subsection:

Same, affordable residential units

(1.1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

"A" is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

"B" is the number of residential units that are part of the development or redevelopment.

(4) Section 42 of the Act is amended by adding the following subsection:

Exception, non-profit housing development

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

(5) Section 42 of the Act is amended by adding the following subsection:

Non-application, residential units

(1.3) A by-law passed under this section does not apply to the erection or location of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

(6) Section 42 of the Act is amended by adding the following subsections:

When requirement determined

(2.1) The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

(a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development or redevelopment;

(b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or

(c) if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.

Same, if by-law not in effect

(2.2) Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.

Same, more than one application

(2.3) If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).

Exception, time elapsed

(2.4) Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.

Transition

(2.5) Subsection (2.1) does not apply in the case of an application made before the day subsection 12 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

(7) Subsection 42 (3) of the Act is amended by striking out "for each 300 dwelling units" and substituting "for each 600 net residential units".

(8) Section 42 of the Act is amended by adding the following subsections:

Transition

(3.0.1) Subsection (3), as it read immediately before the day subsection 12 (8) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, a building permit has been issued in respect of the development or redevelopment.

Net residential units

(3.0.2) For the purposes of subsections (3) and (6.0.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment.

(9) Section 42 of the Act is amended by adding the following subsection:

Same, affordable residential units

(3.0.3) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.2).

(10) Subsection 42 (3.2) of the Act is repealed.

(11) Section 42 of the Act is amended by adding the following subsection:

Transition

(3.5) Subsections (3.3) and (3.4) do not apply to land proposed for development or redevelopment if, before the day subsection 12 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, a building permit has been issued in respect of the development or redevelopment unless the land proposed for development or redevelopment is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

(12) Subsection 42 (4.1) of the Act is amended by striking out "adopting the official plan policies described in subsection (4)" and substituting "passing a by-law under this section".

(13) Subsection 42 (4.3) of the Act is repealed.

(14) Subclause 42 (4.27) (b) (i) of the Act is amended by striking out "only" at the end.

(15) Section 42 of the Act is amended by adding the following subsections:

Identification of land re conveyance to municipality

(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section.

Same

(4.31) Land identified in accordance with subsection (4.30) may include,

(a) land that is,

(i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,

(ii) subject to an easement or other restriction, or

(iii) encumbered by below grade infrastructure; or

(b) an interest in land other than the fee, which interest is sufficient to allow the land to be used for park or other public recreational purposes.

Agreement re interest in land

(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes.

Registration of agreement

(4.33) An agreement entered into under subsection (4.32) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

Municipality refuses to accept identified land

(4.34) If the municipality has decided to refuse to accept the conveyance of land identified in accordance with subsection (4.30) to satisfy a requirement of a by-law passed under this section, the municipality shall provide notice to the owner in accordance with such requirements as may be prescribed.

Appeal

(4.35) An owner of land who has received a notice under subsection (4.34) may, within 20 days of the notice being given, appeal the municipality's refusal to accept the conveyance to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal.

Record

(4.36) If the clerk of the municipality receives a notice of appeal referred to in subsection (4.35) within the time set out in that subsection, the clerk of the municipality shall ensure that,

(a) a record is compiled which includes the prescribed information and material;

(b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed; and

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

Hearing

(4.37) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal may determine.

Order by Tribunal

(4.38) The Tribunal shall consider whether the land identified in accordance with subsection (4.30) meets the prescribed criteria and, if it does, the Tribunal shall order that the land,

(a) be conveyed to the local municipality for park or other public recreational purposes; and

(b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement set out in the by-law that is applicable to the development or redevelopment.

Same, interest in land

(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications.

(16) Subsection 42 (6.0.1) of the Act is amended by striking out "for each 500 dwelling units" and substituting "for each 1,000 net residential units".

(17) Section 42 of the Act is amended by adding the following subsection:

Same

(6.0.4) Subsection (6.0.1), as it read immediately before the day subsection 12 (17) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, in circumstances where the alternative requirement set out in subsection (3) applies, a building permit has been issued in respect of the development or redevelopment.

(18) Section 42 of the Act is amended by adding the following subsection:

Requirement to spend or allocate monies in special account

(16.1) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

13 (1) Subsections 45 (1.2) to (1.4) of the Act are repealed.

(2) Subsection 45 (12) of the Act is amended by striking out "the Minister or any other person or public body who has an interest in the matter" and substituting "the Minister or a specified person or public body that has an interest in the matter".

(3) Section 45 of the Act is amended by adding the following subsections:

Transition

(12.1) For greater certainty, subsection (12), as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the decision is made before that day.

Same, retroactive effect

(12.2) An appeal under subsection (12) made before the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (12) of this section as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

(a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or

(b) a notice of appeal was filed by a person or public body referred to in subsection (12) of this section in respect of the same decision to which the appeal relates.

Same, hearing on the merits

(12.3) For the purposes of clause (12.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(12.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

14 The definition of "parcel of land" in subsection 46 (1) of the Act is amended by striking out "in clause 50 (3) (b) or clause 50 (5) (a)" at the end and substituting "in clause 50 (3) (b) or (d.1) or clause 50 (5) (a) or (c.1)".

15 (1) Sub-subparagraph 1 ii D of subsection 47 (4.4) of the Act is repealed and the following substituted:

D. matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001* or section 108 or 108.1 of the *City of Toronto Act, 2006* as the case may be,

(2) Subsection 47 (4.11) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in sub-subparagraph 1 ii D of subsection (4.4).

16 (1) Section 50 of the Act is amended by striking out "under a project approved by the Minister of Natural Resources under section 24 of the Conservation Authorities Act and in respect of which" wherever it appears and substituting in each case "and".

(2) Clause (a) of the definition of "consent" in subsection 50 (1) of the Act is repealed and the following substituted:

(a) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality with planning responsibilities, a consent given by the council of the upper-tier municipality,

(a.1) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, a consent given by the council of the lower-tier municipality,

(3) Subsection 50 (1.1) of the Act is amended by striking out "accompanied by a written explanation for it" in the portion before paragraph 1.

(4) Subsection 50 (3) of the Act is amended by adding the following clause:

(d.1) the land,

(i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and

(ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

(5) Subsection 50 (5) of the Act is amended by adding the following clause:

(c.1) the land,

(i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and

(ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

(6) Section 50 of the Act is amended by adding the following subsection:

Exception re Greenbelt Area, subss. (3) (d.1) and (5) (c.1)

(6.1) Clauses (3) (d.1) and (5) (c.1) do not apply in respect of land if any part of the land is in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

17 (1) Section 51 of the Act is amended by striking out "A person listed in subsection (48.3)" wherever it appears and substituting in each case "A specified person".

(2) Subsections 51 (5) and (5.1) of the Act are repealed and the following substituted:

Upper-tier municipality with planning responsibilities

(5) Subject to subsection (6), if land is in an upper-tier municipality with planning responsibilities, the upper-tier municipality is the approval authority for the purposes of this section and section 51.1.

Upper-tier municipality without planning responsibilities

(5.1) If land is in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, the lower-tier municipality is the approval authority for the purposes of this section and section 51.1.

(3) Subsection 51 (11) of the Act is amended by,

(a) striking out "accompanied by a written explanation for it"; and

(b) striking out "subsection (3.1), (4), (5), (6) or (7)" and substituting "subsection (3.1), (4), (5), (5.1), (6) or (7)".

(4) Subsections 51 (20) to (21.1) and (48.3) of the Act are repealed.

18 (1) Subsection 51.1 (0.1) of the Act is amended by repealing the definition of "dwelling unit".

(2) Subsection 51.1 (1) of the Act is amended by adding "Subject to subsection (1.1)," at the beginning.

(3) Section 51.1 of the Act is amended by adding the following subsection:

Same, affordable residential units

(1.1) With respect to land proposed for a plan of subdivision that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

"A" is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

"B" is the number of residential units that are part of the development or redevelopment.

(4) Section 51.1 of the Act is amended by adding the following subsection:

Exception, non-profit housing development

(1.2) A condition under subsection (1) may not be imposed in relation to a subdivision proposed for non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

(5) Subsections 51.1 (2) to (2.3) of the Act are repealed and the following substituted:

Other criteria

(2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality in which the land is located has a by-law in effect under section 42 that provides for the alternative requirement authorized by subsection 42 (3), the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public

recreational purposes at a rate of one hectare for each 600 net residential units proposed or at such lesser rate as may be determined by the municipality.

(6) Section 51.1 of the Act is amended by adding the following subsection:

Same, net residential units

(3.0.1) For the purposes of subsection (2) and (3.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the draft plan of subdivision is approved from the number of residential units that are proposed to be on the land proposed to be subdivided.

(7) Section 51.1 of the Act is amended by adding the following subsection:

Same, affordable residential units

(3.0.2) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act, shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.1).

(8) Subsection 51.1 (3.1) of the Act is amended by striking out "for each 500 dwelling units" and substituting "for each 1,000 net residential units".

(9) Section 51.1 of the Act is amended by adding the following subsection:

Transition

(3.2.1) Subsections (2) and (3.1), as they read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continue to apply to a draft plan of subdivision approved on or before that date, if,

(a) the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality; and

(b) subsection (2), as it read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies.

(10) Subsection 51.1 (3.3) of the Act is repealed.

(11) Section 51.1 of the Act is amended by adding the following subsection:

Transition

(3.5) Subsection (3.4) does not apply to a draft plan of subdivision approved before the day subsection 18 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless the land included in the plan of subdivision is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

19 (1) Subsection 53 (12.1) of the Act is repealed and the following substituted:

Same

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. However, the council or the Minister may impose as a condition to the granting of a provisional consent that land be conveyed to the local municipality or dedicated for park or other public recreational purposes only in respect of the part of a parcel of land that is the subject of the application for consent unless the application for consent includes a request in accordance with subsection (42.1).

(2) Subsection 53 (19) of the Act is amended by striking out "Any person or public body" at the beginning and substituting "The applicant, the Minister, a specified person or any public body".

(3) Section 53 of the Act is amended by adding the following subsections:

Transition

(19.1) For greater certainty, subsection (19), as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (17) of this section is completed before that day.

Same, retroactive effect

(19.2) An appeal under subsection (19) made before the day subsection 19 (2)of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (19) of this section as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

(a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or

(b) a notice of appeal was filed by a person or public body referred to in subsection (19) of this section in respect of the same decision to which the appeal relates.

Same, hearing on the merits

(19.3) For the purposes of clause (19.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(19.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

(4) Subsection 53 (27) of the Act is amended by striking out "Any person or public body" at the beginning and substituting "The applicant, the Minister, a specified person or any public body".

(5) Section 53 of the Act is amended by adding the following subsections:

Transition

(27.0.1) For greater certainty, subsection (27), as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (24) of this section is completed before that day.

Same, retroactive effect

(27.0.2) An appeal under subsection (27) made before the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (27) of this section as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

(a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or

(b) a notice of appeal was filed by a person or public body referred to in subsection (27) of this section in respect of the changed condition to which the appeal relates.

Same, hearing on the merits

(27.0.3) For the purposes of clause (27.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(27.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

20 Subsection 54 (2) of the Act is repealed and the following substituted:

Delegation by lower-tier municipality

(2) The council of a lower-tier municipality may, by by-law, delegate the authority for giving consents, or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment if,

(a) the lower-tier municipality, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; or

(b) the council of the lower-tier municipality has been delegated the authority under subsection (1).

21 Paragraph 17 of subsection 70.1 (1) of the Act is repealed and the following substituted:

17. prescribing local municipalities for the purposes of subsection 17 (13) and municipalities for the purposes of section 69.2;

22 The Act is amended by adding the following section:

Regulations re transitional matters, 2022 amendments

70.12 (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date.

Same

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may,

(a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;

(b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Conflict

(3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Definition

(4) In this section,

"effective date" means the day section 22 of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

23 The Act is amended by adding the following section:

Transition, upper-tier municipalities without planning responsibilities

70.13 (1) In this section,

"effective date" means,

(a) in respect of an upper-tier municipality referred to in paragraphs 1 to 7 of the definition of "upper-tier municipality without planning responsibilities" in subsection 1 (1), the day on which subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, and

(b) in respect of an upper-tier municipality prescribed under subsection 1 (6) of this Act as an upper-tier municipality without planning responsibilities, the day on which the regulation prescribing the upper-tier municipality as such comes into force.

Upper-tier official plans

(2) The portions of an official plan of an upper-tier municipality without planning responsibilities that are in effect immediately before the effective date and that apply in respect of any area in a lower-tier municipality are deemed to constitute an official plan of the lower-tier municipality, and this official plan remains in effect until the lower-tier municipality revokes it or amends it to provide otherwise.

Official plans or amendments not yet in force

(3) If an upper-tier municipality without planning responsibilities has adopted an official plan or an amendment to its official plan and that official plan or amendment is not yet in force on the effective date, the following rules apply:

1. The plan or amendment shall be dealt with under this Act as it reads on and after the effective date.
2. If any portion of the plan or amendment applies in respect of an area in a lower-tier municipality, the lower-tier municipality is deemed to have adopted that portion of the plan or amendment.
3. Despite paragraphs 1 and 2, the upper-tier municipality remains responsible for doing any of the following, if it hasn't been done before the effective date:
    i. Giving notice under subsection 17 (23).
    ii. Compiling and forwarding the record under subsection 17 (31), if the plan or amendment is not exempt from approval.
4. Despite paragraphs 1 and 2, the clerk of the upper-tier municipality remains responsible for compiling and forwarding the record under subsection 17 (29), if the plan or amendment is exempt from approval and a notice of appeal under subsection 17 (24) is filed before the effective date.

Official plans and amendments in process

(4) If an upper-tier municipality without planning responsibilities has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment has not been adopted on the effective date, any lower-tier municipality to which the plan or amendment would apply may continue with the procedures necessary to adopt the official plan or amendment to the extent that it applies to the lower-tier municipality.

Requests for amendments to official plan

(5) If a request to amend the official plan of an upper-tier municipality without planning responsibilities has been made before the effective date and the request has not been finally disposed of by that date, every lower-tier municipality to which the amendment would apply may continue with the procedures necessary to dispose of the request for amendment to the extent that the amendment applies to the lower-tier municipality.

Forwarding of papers and other documents

(6) The upper-tier municipality without planning responsibilities shall forward to the applicable lower-tier municipality all papers, plans, documents and other material that relate to any official plan, amendment or request under subsection (4) or (5).

Conflict

(7) In the event of a conflict, the portions of an official plan of an upper-tier municipality without planning responsibilities that are deemed under subsection (2) to constitute an official plan of the lower-tier municipality and an official plan or an amendment to an official plan that the lower-tier municipality is deemed to have adopted under subsection (3) prevail over an official plan of a lower-tier municipality that existed before the effective date.

Plans of subdivision

(8) If an application for approval of a plan of subdivision has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed plan of subdivision.

Consents

(9) If an application for a consent has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed consent.

Regulations

(10) The Minister may make regulations providing for transitional matters in respect of matters and proceedings that were commenced before, on or after the effective date.

Same

(11) Without limiting the generality of subsection (10), a regulation made under that subsection may,

(a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;

(b) for the purpose of subsection (10), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

24 Section 26 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.

Commencement

25 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Subsections 1 (2), (5) and (6), sections 2 and 3, subsection 4 (2) and (3) and 5 (1) to (5), section 7, subsections 8 (4), 10 (2) and (4), 11 (5) and (6), 12 (2) and (3), (9) and (15), 16 (2) and (3), 17 (2) and (3) and 18 (2), (3) and (7) and sections 20 to 23 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsections 1 (4) and 16 (1) come into force on January 1, 2023.

SCHEDULE 10
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022

CONTENTS

PART I
INTERPRETATION

Definitions

1 In this Act,

"2022 York Region Water and Wastewater Master Plan" means the master plan for York Region's water and wastewater services titled "2022 York Region Water and Wastewater Master Plan" dated August 2022; ("2022 York Region Water and Wastewater Master Plan")

"aboriginal or treaty rights" means the existing aboriginal or treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*; ("droits ancestraux ou issus de traités")

"Agency" means the Ontario Clean Water Agency; ("Agence")

"building" has the same meaning as in the *Building Code Act, 1992*; ("bâtiment")

"business day" means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*; ("jour ouvrable")

"construct" has the same meaning as in the *Building Code Act, 1992*; ("construire")

"delegate" means an entity to which a power or duty has been delegated under section 51; ("délégataire")

"environment" has the same meaning as in the *Environmental Assessment Act*; ("environnement")

"Durham Region" means the Regional Municipality of Durham; ("région de Durham")

"highway" has the same meaning as in the *Municipal Act, 2001*; ("voie publique")

"immediate danger" means a danger or hazard that,

(a) poses an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project, or

(b) if construction is not underway but the start of construction is imminent, would pose an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project; ("danger immédiat")

"Lake Simcoe phosphorus reduction project" means a sewage works for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River, including or excluding any associated or ancillary equipment, systems and technologies or things that may be prescribed; ("projet de réduction du phosphore dans le lac Simcoe")

"Minister" means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; ("ministre")

"Ministry" means the Ministry of the Minister; ("ministère")

"permit" means a permit issued under section 17; ("permis")

"person" includes a municipality; ("personne")

"prescribed" means prescribed by the regulations; ("prescrit")

"preview inspection" means an inspection under section 34; ("inspection préalable")

"project land" means land designated as project land under section 52; ("terre ou bien-fonds affecté à un projet")

"regulations" means the regulations made under this Act; ("règlements")

"sewage" has the same meaning as in the *Ontario Water Resources Act*; ("eaux d'égout")

"sewage works" has the same meaning as in the *Ontario Water Resources Act*; ("station d'épuration des eaux d'égout")

"stop-work order" means an order under section 38; ("arrêté de cessation des travaux")

"Upper York Sewage Solutions Undertaking" means the undertaking described in York Region's Upper York Sewage Solutions Environmental Assessment Report dated July 2014; ("entreprise de solutions pour la gestion des eaux d'égout dans Upper York")

"utility company" means a municipality, municipal service board or other company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat, cooling or power; ("entreprise de services publics")

"utility infrastructure" means poles, wires, cables, including fibre-optic cables, conduits, towers, transformers, pipes, pipe lines or any other works, buildings, structures or appliances placed over, on or under land or water by a utility company; ("infrastructure de services publics")

"YDSS Central system" means the sewage works described as "YDSS Central" in the 2022 York Region Water and Wastewater Master Plan; ("portion centrale du réseau d'égout de York-Durham")

"YDSS North system" means the sewage works described as "YDSS North" in the 2022 York Region Water and Wastewater Master Plan; ("portion nord du réseau d'égout de York-Durham")

"York Durham Sewage System" means the sewage works described collectively as the "YDSS North, YDSS Central, YDSS South, and YDSS Primary system" in the 2022 York Region Water and Wastewater Master Plan; ("réseau d'égout de York-Durham")

"York Region" means the Regional Municipality of York; ("région de York")

"York Region sewage works project" means the improvement, enlargement, extension and any other modifications of the York Durham Sewage System in York and Durham Regions to convey sewage, including sewage from the towns of Aurora, East Gwillimbury and Newmarket, for treatment at the Duffin Creek Water Pollution Control Plant in Durham Region and discharge into Lake Ontario, including or excluding any associated or ancillary equipment, systems and technologies or thing that may be prescribed. ("projet de station d'épuration des eaux d'égout dans la région de York")

PART II
REVOCATIONS

Revocations

2 (1) The following are revoked:

1. The order, dated October 1, 2004, with the file number ENV1283MC-2004-5305, in respect of the York-Durham Sewage System project that was issued by the Minister to the Region under section 16 of the *Environmental Assessment Act*, requiring the Region to comply with Part II of that Act before proceeding with the projects specified in the order.
2. The approval, dated March 11, 2010, with the file number 02-04-03, of the terms of reference that forms part of the application for the Upper York Sewage Solutions Undertaking approved under section 6 of the *Environmental Assessment Act*.
3. Any other prescribed document or instrument issued under the *Environmental Assessment Act* that is related to the York sewage works project or the Lake Simcoe phosphorus reduction project.

Application withdrawn

(2) The application submitted for approval by York Region dated July 25, 2014 under section 6.2 of the *Environmental Assessment Act* shall be deemed to have been withdrawn and, for greater certainty, the Minister is not required to make a decision about that application.

Exception

(3) For greater certainty, subsections (1) and (2) do not apply to any portion of the undertaking described in Order in Council 399/2018 made under the *Environmental Assessment Act*.

PART III
REQUIREMENTS TO PROVIDE SEWAGE WORKS

Regions to construct sewage works project

3 (1) York Region and Durham Region shall, in accordance with subsections (2) and (3), work together to do everything in their respective powers to develop, construct and operate the York Region sewage works project.

Specific requirements

(2) The York Region sewage works project must,

(a) have sufficient capacity to meet the total combined average daily wastewater flows forecasted to flow to the Duffin Creek Water Pollution Control Plant and the Water Reclamation Centre in 2051 in figures 2.1 and 2.2 of Appendix A to the 2022 York Region Water and Wastewater Master Plan;

(b) include improvements and upgrades to the YDSS North system to accommodate the flows described in clause (a);

(c) include improvements and upgrades to the YDSS Central system, which, at a minimum, consist of upgrades and improvements to the Yonge Street trunk sewer between Bloomington Road and 19th Avenue to accommodate the flows described in clause (a);

(d) meet all prescribed timelines for the development, construction and operation of all or part of the project;

(e) improve, enlarge and extend the York Durham Sewage System in an efficient and cost-effective manner; and

(f) be developed, constructed and operated in accordance with the regulations, if any.

Consultation required, etc.

(3) York Region and Durham Region shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the York Region sewage works project until,

(a) the report required under section 4 has been completed to the Minister's satisfaction;

(b) the consultation required under section 5 has been completed to the Minister's satisfaction; and

(c) any other prescribed requirements have been completed.

Report

4 (1) Immediately following the coming into force of this subsection, York Region and Durham Region shall commence the preparation of a report, in accordance with subsection (2) and the regulations.

Details in report

(2) The report required under subsection (1) must contain details of,

(a) the work required to meet the requirements of section 3;

(b) any associated cost of the work that is required to be detailed under clause (a);

(c) the approvals required to meet the requirements of section 3;

(d) the impacts to the environment of the project and the mitigation of those impacts; and

(e) anything else required by the Minister.

Report to be completed

(3) The report required under this section must be completed before the date specified by the Minister.

Report to be made public

(4) Promptly after completing the report required under this section, York Region and Durham Region shall,

(a) provide the report to the Minister;

(b) make the report publicly available on their respective websites; and

(c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 5 (4) for the purposes of the consultation required under section 5.

Revised report

(5) The Minister may require York Region and Durham Region to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6) Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7) The Minister may require York Region and Durham region to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8) Subsection 3 (3) and section 6 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10) Section 5 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

5 (1) York Region and Durham Region shall, in accordance with this section and any regulations, consult with every Indigenous community that is identified on a list provided by the Minister under subsection (4) and with persons who, in the opinion of York Region and Durham Region, may be interested in the York Region sewage works project.

Commencement of consultation

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3) As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

(a) the contents of the report required by section 4;

(b) any aboriginal or treaty rights that may be adversely impacted by the project;

(c) any potential adverse impacts of the project on aboriginal or treaty rights; and

(d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4) Before commencing consultation under this section, York Region and Durham Region shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Consultation to be completed

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6) Following the completion of consultation under this section, York Region and Durham Region shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

(a) a description of the consultations carried out;

(b) a list of the Indigenous communities or interested persons who participated in the consultations;

(c) summaries of any comments submitted;

(d) copies of all written comments submitted by Indigenous communities or other interested persons;

(e) a summary of discussions that York Region and Durham Region had with Indigenous communities or other interested persons;

(f) a description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities or other interested persons; and

(g) any commitments made by York Region and Durham Region to Indigenous communities or other interested persons in respect of the York Region sewage works project.

Further consultation

(7) Following the receipt of the report required under subsection (6), the Minister may require York Region and Durham Region to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modification

(8) The report required under subsection (6) shall be modified by York Region and Durham Region to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Notification by Minister

6 The Minister shall promptly notify York Region and Durham Region and each Indigenous community identified on the list provided by the Minister under subsection 5 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 4.
2. The consultation required under section 5.

3. Any other requirements prescribed for the purpose of clause 3 (3) (c).

Municipalities to construct Lake Simcoe phosphorus reduction project

7 (1) Every municipality prescribed for the purposes of this subsection shall, in accordance with subsections (3) and (4), work together to do everything in their respective powers to develop, construct and operate the Lake Simcoe phosphorus reduction project.

Municipalities that may be prescribed

(2) The following municipalities may be prescribed for the purposes of subsection (1):

1. York Region.
2. A lower-tier municipality within York Region.
3. A lower-tier municipality within the County of Simcoe.

Specific requirements

(3) The Lake Simcoe phosphorus reduction project must be developed, constructed and operated in accordance with the regulations, if any, including meeting any prescribed timelines for all or part of the project.

Consultation required etc.

(4) A municipality prescribed for the purposes of subsection (1) shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the Lake Simcoe phosphorus reduction project until,

(a) the report required under section 8 has been completed to the Minister's satisfaction;

(b) the consultation required under section 9 has been completed to the Minister's satisfaction; and

(c) any other prescribed requirements have been completed.

Report

8 (1) Immediately following the coming into force of this subsection, every municipality prescribed for the purposes of subsection 7 (1) shall commence the preparation of a report, in accordance with subsection (2) of this section and the regulations.

Details in report

(2) The report required under subsection (1) must contain details of,

(a) necessary work required to meet the requirements of section 7;

(b) any associated cost of the work that is required to be detailed under clause (a);

(c) the approvals required to meet the requirements of section 7;

(d) the impacts to the environment of the project and the mitigation of those impacts; and

(e) anything else required by the Minister.

Report to be completed

(3) The report required under this section must be completed before the date specified by the Minister.

Report to be made public

(4) Promptly after completing the report required under this section, each municipality prescribed for the purposes of subsection 7 (1) shall,

(a) provide the report to the Minister;

(b) make the report publicly available on its website; and

(c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 9 (4) for the purposes of the consultation required under section 9.

Revised report

(5) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6) Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8) Subsection 7 (4) and section 10 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10) Section 9 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

9 (1) Every municipality prescribed for the purposes of subsection 7 (1) shall, in accordance with this section and any regulations, consult with every Indigenous community identified on the list provided by the Minister under subsection (4) of this section and with persons who, in the opinion of the municipality, may be interested in the Lake Simcoe phosphorus reduction project.

Commencement of consultation

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3) As part of the consultation, the municipality shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

(a) the contents of the report required by section 8;

(b) any aboriginal or treaty rights that may be adversely impacted by the project;

(c) any potential adverse impacts of the project on aboriginal or treaty rights; and

(d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4) Before commencing consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the phosphorus works project.

Consultation to be completed

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6) Following the completion of consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

(a) a description of the consultations carried out;

(b) a list of the Indigenous communities or interested persons who participated in the consultations;

(c) summaries of any comments submitted;

(d) copies of all written comments submitted by Indigenous communities or other interested persons;

(e) a summary of discussions that the municipality had with Indigenous communities or other interested persons;

(f) a description of what the municipality did to respond to concerns expressed by Indigenous communities or other interested persons; and

(g) any commitments made by the municipality to Indigenous communities or other interested persons in respect of the Lake Simcoe phosphorus reduction project.

Further consultation

(7) Following the receipt of the report required under subsection (6), the Minister may require the municipality to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modifications

(8) The report required under subsection (4) shall be modified by the municipality prescribed for the purposes of subsection 7 (1) to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have existing aboriginal or treaty rights that may be adversely impacted by the Lake Simcoe phosphorus reduction project.

Notification by Minister

10 The Minister shall promptly notify a municipality prescribed for the purposes of subsection 7 (1) and each Indigenous community identified on the list provided by the Minister under subsection 9 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 8.
2. The consultation required under section 9.
3 Any other requirements prescribed for the purpose of clause 7 (4) (c).

Agency

11 (1) The Lieutenant Governor in Council may make an order requiring the Agency to undertake some or all of the work required under section 3 or 7, and the Agency shall comply with every such order.

Requirements

(2) An order under subsection (1) may be subject to any requirements that the Lieutenant Governor in Council considers necessary or advisable.

Requirements under regulations

(3) Any work the Agency is required to undertake under this section shall be done in accordance with the regulations.

Same

(4) Sections 3, 4, 5 and 6 apply to work the Agency undertakes with respect to the York Region sewage works project, subject to any necessary modification.

Same

(5) Sections 7, 8, 9, and 10 apply to work the Agency undertakes with respect to the Lake Simcoe phosphorus reduction project, subject to any necessary modification.

Agency's powers

(6) For greater certainty, if an order is issued under this section, section 12 of the *Ontario Water Resources Act* applies.

Agency to act for municipality for approval of Tribunal

(7) Where undertaking some or all of a project that a municipality is required to complete under this Part requires a municipality to obtain approval from the Ontario Land Tribunal, the Agency may apply on behalf of the municipality in respect of any part of the project that is subject to an order under subsection (1).

Delegation of authority

(8) Section 50 of the *Capital Investment Plan Act, 1993* applies with necessary modifications to anything the Agency is required to do under this Act.

Prohibition

(9) If an order is issued to the Agency under this section, no person, other than the Agency, shall undertake the work required by the order.

Payment of Agency costs

(10) A municipality shall pay the costs incurred by the Agency in the implementation of an order in accordance with any regulations.

Municipalities may raise money for costs

(11) For the purpose of making payments to the Agency under subsection (10), a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to develop, construct or operate, were developing, constructing or operating or had developed, constructed or operated all or part of a project.

Settlement of disputes re costs

(12) In the event of any dispute arising in respect of an amount required to be paid under subsection (10) to the Agency by a municipality for the development, construction or operation of a project, the dispute shall be referred to a sole arbitrator appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Agency and the municipality.

Costs of arbitrator

(13) The services of the arbitrator appointed under subsection (12) shall be paid in the amount directed by the Lieutenant Governor in Council and the whole costs of the arbitration shall be paid as directed by the arbitrator in the award.

Arbitration procedure

(14) Except as otherwise provided in this section, the *Municipal Arbitrations Act* applies to any arbitration under subsection (12).

Additional requirements

Powers of Minister

12 (1) The Minister may, for the purposes of this Act and the regulations, require a municipality required to complete a project under this Part to provide plans, specifications, reports or other information related to the project to the Minister by a specified date.

Powers of Agency

(2) Where undertaking some or all of a project that a municipality is required to complete under this Part, the Agency may require the municipality to provide plans, specifications, reports or other information related to the project to the Agency by a specified date.

PART IV
EXEMPTIONS

Exemption, York Region sewage works project

13 The following are exempt from the *Environmental Assessment Act*:

1. The York Region sewage works project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

Exemption, Lake Simcoe phosphorus reduction project

14 The following are exempt from the *Environmental Assessment Act*:

1. The Lake Simcoe phosphorus reduction project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

PART V
PROJECT LAND CONTROL

PROJECT LAND DEVELOPMENT PERMIT

Permit required

15 (1) No person shall carry out the following work without a permit:

1. Building, altering or placing a building or other structure that is wholly or partially on, under or within 30 metres of project land.
2. Grading, dewatering or excavating conducted wholly or partially on, under or within 30 metres of project land.
3. Building, altering or constructing a highway that is wholly or partially on, under or within 30 metres of project land.

4. Building, altering or placing utility infrastructure that would require grading, dewatering or excavation wholly or partially on, under or within 10 metres of project land.
5. Prescribed work.
6. Work that is subject to a notice under subsection 19 (2).

Exception

(2) Paragraph 1 of subsection (1) does not apply to utility infrastructure that does not require grading, dewatering or excavation.

Crown

(3) This section does not apply to the Crown.

Exception, emergencies

(4) A municipality, municipal service board or utility company may perform work that would otherwise be prohibited under this section to address an emergency that may impact the health and safety of any person or that would disrupt the provision of a service provided by the municipality, municipal service board or utility company.

Notification

(5) A municipality, municipal service board or utility company that performs work described in subsection (4) shall provide the Minister with a notice in writing providing details about the nature, location and duration of the work being conducted.

Application for permits

16 (1) An application for a permit or an amendment to a permit shall be in writing, prepared in accordance with the regulations, if any, and submitted to the Minister.

Additional requirements

(2) The Minister may require an applicant for a permit or an amendment to a permit to submit any plans, specifications, reports or other information related to the application.

Issuance of permits

17 (1) After considering an application for the issuance of a permit, the Minister may,

(a) issue a permit with or without conditions; or

(b) refuse to issue a permit.

Submissions

(2) A person to whom a permit is issued under subsection (1) may make submissions in writing to the Minister about the permit within 15 days of receiving the permit.

Confirmation, etc.

(3) After considering any submissions provided under subsection (2), and the needs and timelines of the project to be constructed within project lands, the Minister may, in writing,

(a) confirm the permit issued or the refusal to issue the permit;

(b) re-issue the permit with amended conditions; or

(c) revoke the permit.

Amendment application

(4) A person to whom a permit is issued may apply, in writing and in accordance with the regulations, if any, to the Minister to have the permit amended.

Amendment decision

(5) After considering a request under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may,

(a) amend the permit; or

(b) refuse to amend the permit.

Terms and conditions

(6) A permit is subject to any terms and conditions that may be prescribed.

Revocation, amendment and suspension

18 (1) The Minister may revoke a permit in whole or in part, with or without issuing a new permit, amend a permit or suspend a permit in whole or in part, if,

(a) a stop-work order has been issued in respect of any work subject to the permit; or

(b) the Minister is of the opinion that the revocation, amendment or suspension is necessary.

Notice

(2) Before revoking, amending or suspending a permit pursuant to subsection (1), the Minister shall provide notice in writing to the permit holder.

Submissions

(3) The permit holder to whom a notice under subsection (2) is provided may make submissions to the Minister about the notice within 15 days of receiving the notice.

Confirmation, etc.

(4) After considering any submissions made by the permit holder, the Minister may revoke, amend or suspend the permit in accordance with subsection (1).

DEVELOPMENT IN PROCESS

Exception to permit requirement

19 (1) Subject to subsections (2) to (4), a person does not require a permit to carry out work described in subsection 15 (1) if the person has obtained all authorizations required at law to perform the work before the requirement to have a permit under section 15 applies to the person.

Imposition of requirement

(2) Despite subsection (1), the Minister may require, by notice, a person described in that subsection to obtain a permit for any work described in that subsection that is not completed within six months of the issuance of the notice.

Requirement in notice

(3) The notice issued under subsection (2) shall be in writing and shall include the following information:

1. A description of the work to be completed.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
4. Contact information for further information about the notice.

Submissions

(4) A person to whom a notice is issued under subsection (2) may make submissions in writing to the Minister within 15 days of receiving the notice.

Extension

(5) After considering any submissions provided under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may extend the six-month time period set out in the notice issued under subsection (2).

OBSTRUCTION REMOVAL

Notice of obstruction removal

20 (1) Subject to subsection (3), the Minister may issue a notice requiring the owner of any of the following things that are wholly or partially on, under or within 30 metres of project land to remove or alter the thing within the time specified in the notice:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

Application

(2) Subsection (1) applies regardless of whether a permit was required in respect of the thing.

Exception

(3) A notice under subsection (1) shall not be issued in respect of,

(a) utility infrastructure; or

(b) a highway that belongs to the Crown or other Crown property.

Requirements for notice

(4) A notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the thing to be altered or removed.
2. The date by which the removal or alteration must be completed.
3. An indication that the Minister may carry out the removal or alteration work if the removal or alteration is not completed within the time specified in the notice.
4. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
5. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the removal or alteration of the thing.
6. Contact information for further information about the notice.

Submissions

(5) A person to whom a notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice.

Minister's decision

(6) After considering any submissions provided under subsection (5), the Minister may, in writing,

(a) confirm the issuance of the notice;

(b) issue an amended notice; or

(c) revoke the notice issued under subsection (1).

Date of amended notice

(7) If an amended notice is issued under subsection (6), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may remove obstruction

21 (1) Where a notice is issued under section 20 (1) or amended under subsection 20 (6), the Minister may cause any work required by the notice to be done if,

(a) the person required by the notice to do the work,

(i) has not completed the work, or in the Minister's opinion is not likely to complete the work, within the time specified in the notice,

(ii) in the Minister's opinion, is not conducting or has not completed the work in a competent manner, or

(iii) requests the assistance of the Minister in complying with the notice; or

(b) a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5).

Notice of intent to cause things to be done

(2) The Minister shall give notice of an intention to cause work to be done under subsection (1),

(a) to each person required by a notice issued under section 20 to remove an obstruction; and

(b) if a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5), to the receiver or trustee in bankruptcy.

Permission required

(3) A person who receives a notice under subsection (2) shall not do the work referred to in the notice without the permission of the Minister.

Person liable unknown

22 Where the Minister is authorized by section 20 to issue a notice requiring a person to remove or alter an obstruction, and the identity of the person cannot be ascertained, the Minister may cause the obstruction to be removed or altered without notice.

Advance notice

23 (1) The Minister shall provide notice in advance of any work to be done pursuant to section 21 to the person to whom the notice was issued and anyone occupying the property.

Contents

(2) The notice shall be in writing and include the date and approximate time of the work.

Additional requirement

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

Compensation

24 (1) Except as provided under subsection (2), no compensation is payable by the Minister or the Crown to any person for anything done under section 20, 21 or 22.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 37 to the owner of any thing that was altered or removed under section 20, 21 or 22 for the following:

1. The work required to be done under the notice, if that work was not undertaken by the Minister.
2. The value of any thing that was required to be removed under the notice.
3. The value of the part of the thing that was altered or removed pursuant to the notice.
4. Any damage to the person's property necessary to carry out the work required under the notice.

Exception

(3) Subsection (2) does not apply to anything restored pursuant to section 25.

Restoration

25 (1) If the Minister carried out the work under section 21 or 22, the Minister shall make reasonable efforts to restore any part of the property that was not altered or removed to its condition prior to the work having been completed.

Exception

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Loss of compensation entitlement

26 (1) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, to a person who hinders, obstructs or otherwise interferes with any work done under section 20, 21 or 22.

Where laws not complied with

(2) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

CONSTRUCTION DANGER INSPECTION AND ELIMINATION

Construction danger inspection

27 (1) The Minister may, without notice, cause an inspection of any of the following things that are wholly or partially on, under or within 30 metres of project land if the Minister is of the opinion that the thing may pose an immediate danger:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

Exception

(2) Subsection (1) does not apply in respect of,

(a) utility infrastructure; or

(b) a highway that belongs to the Crown or other Crown property.

Additional requirement

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

Construction danger elimination

28 (1) If, upon inspection, the Minister confirms that a thing described in subsection 27 (1) poses an immediate danger, the Minister may cause work to be undertaken to remove or eliminate the immediate danger posed by the thing.

Advance notice

(2) The Minister shall make reasonable efforts to notify the property owner or occupant before the inspection under section 27 or removal or elimination under subsection (1) of this section takes place.

Additional requirement

(3) Subsection (2) applies in addition to any requirements that apply to entry to the property under section 56.

Informing owner afterwards

29 As soon as practicable after an inspection has taken place under section 27 or the carrying out of work under section 28, the Minister shall make reasonable efforts to notify the owner of,

(a) the inspection;

(b) any work undertaken to eliminate an immediate danger;

(c) the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection or work; and

(d) the procedure for determining compensation.

Loss of compensation entitlement

30 Section 31 does not apply to a person who hinders, obstructs or interferes with an inspection under section 27 or any work carried out under section 28 or 32.

Compensation

31 (1) Except as provided under subsection (2), no compensation is payable by the Minister to any person for anything done under section 28.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of a property upon which work was carried out by the Minister under section 28 for the following:

1. The value of any thing that was eliminated.
2. The value of any part of the thing that was eliminated.
3. Any other damage to the person's property resulting from the work carried out.

Exception

(3) Subsection (2) does not apply to anything restored pursuant to section 32.

Restoration

32 (1) The Minister shall make reasonable efforts to restore any part of a property damaged in the course of any work carried out under section 28 to its condition prior to the work having been started.

Exception

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Reduced compensation

33 The Minister may reduce the amount of compensation otherwise payable under section 31, or pay no compensation, if the thing eliminated or the person's property that was damaged was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

PREVIEW INSPECTION

Preview inspection

34 (1) The Minister may carry out an inspection on property that is on or within 30 metres of project land for the purposes of carrying out due diligence in planning, developing and constructing the York Region sewage works project and the Lake Simcoe phosphorus reduction project, including,

(a) making records of the property and surrounding area; and

(b) taking samples and conducting tests.

Exception

(2) Clause (1) (b) does not apply in respect of utility infrastructure.

Same

(3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

Compensation

35 (1) Except as provided under subsection (2) no compensation is payable by the Minister to any person for anything done under section 34.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of the property for any damage resulting from any test conducted or sample taken under section 34 that is not restored under section 59.

Reduced compensation

36 The Minister may reduce the amount of compensation otherwise payable under section 35, or pay no compensation, if the thing that was damaged in an inspection pursuant to section 34 was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Advance notice

37 (1) The Minister shall provide notice of a preview inspection to the property owner or occupant at least 30 days in advance of the preview inspection.

Additional requirement

(2) Subsection (1) applies in addition to any requirements that apply to entry to the property under section 56.

Contents

(3) The notice shall be in writing and include the following information:

1. The intended date and approximate time of the inspection.
2. The approximate duration of the inspection.
3. The purpose of the inspection.
4. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection.
5. Contact information for further information.

STOP-WORK ORDERS

Stop-work order

38 (1) The Minister may make an order requiring a person to stop engaging in or to not engage in work described in section 15 if,

(a) the Minister has reasonable grounds to believe that the person is engaging in the work, or is about to engage in the work, for which a permit is required but has not been obtained; or

(b) the Minister is of the opinion that the work is being conducted pursuant to a permit but continuing the work would obstruct or delay the construction of the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Information to be included in order

(2) The stop-work order shall include,

(a) a reference to the requirement under this Act to have a permit to undertake the work, if the order is issued under clause (1) (a);

(b) a brief description of the work that is required to be stopped and its location; and

(c) the consequences of failing to comply with the order, including the associated offence and potential fine.

Exception

(3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

Enforcement through court

39 A stop-work order may be filed in the Superior Court of Justice and enforced as if it were an order of that court.

COMPENSATION

Compensation

40 (1) This section sets out the procedure for determining any compensation payable under this Part.

Particulars

(2) A person applying to the Minister for compensation shall provide proof of the person's interest in the property and the rationale for the claim, including details supporting the amount claimed, to the satisfaction of the Minister.

Determination

(3) After considering the information provided under subsection (2), the Minister shall determine whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Notice

(4) The Minister shall notify the person who applied to the Minister of the Minister's determination under subsection (3).

Compensation dispute

(5) A person who receives a notification under subsection (4) may, within 6 months of the receipt of the notification, apply to the Ontario Land Tribunal for determination by the Tribunal of whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Order by the Tribunal

(6) The Tribunal may order the amount of compensation to be paid to the person, including interest on any compensation payable from when the work began at the prescribed rate, if there is a prescribed rate.

Exception to interest

(7) Despite subsection (6),

(a) if the Minister determined under subsection (3) compensation greater than the amount determined by the Tribunal, no interest may be ordered after the date that the person received the notice described under subsection (4); and

(b) if the Tribunal is of the opinion that any delay in determining the compensation is attributable in whole or in part to the person, the Tribunal may refuse to order interest for the whole or any part of the time for which the person might otherwise be entitled to interest, or may order interest at such rate less than the prescribed rate as appears just.

Municipality or local board

41 No compensation is payable under this Part to a municipality or a local board within the meaning of the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.

No expropriation, etc.

42 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

PART VI
EXPROPRIATION PROCESS

Application

43 This Part applies to an expropriation by a municipality or the Agency for the purposes of developing, constructing or operating the York Region sewage works project and the phosphorus recovery project, but, for greater certainty, does not apply in respect of anything to which section 42, 50 or 54 applies.

No hearings of necessity

44 (1) Subsections 6 (2) to (5) and sections 7 and 8 of the *Expropriations Act* do not apply to any expropriation of land within the meaning of that Act if,

(a) all or part of the land is project land; and

(b) the expropriation is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Approving authority

(2) An approving authority to whom an application for expropriation has been made under subsection 4 (1) of the *Expropriations Act* in relation to the York Region sewage works project or the Lake Simcoe phosphorus reduction project shall approve or not approve the proposed expropriation as submitted, or approve the proposed expropriation with such modifications

as the approving authority considers proper, but an approval with modifications does not affect lands that are not part of the application.

Consideration of comments

(3) Before an approving authority approves a proposed expropriation under subsection (2), the authority shall consider any comments received under the process, if any, established under section 45.

This section prevails

(4) This section applies despite subsection 2 (4) of the *Expropriations Act*.

Alternative process

45 (1) The Minister may establish a process in writing for the receipt and consideration of comments from property owners about an application for an expropriation made under subsection 4 (1) of the *Expropriations Act* that is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Publication

(2) The Minister shall publish the details of the process established under subsection (1) on a website maintained by the Ministry and in any other format the Minister considers advisable.

PART VII
UTILITY COMPANY CO-OPERATION

Notice to utility company

46 (1) The Minister may by notice require a utility company to take up, remove or change the location of utility infrastructure if, in the opinion of the Minister, the taking up, removing or changing in location is necessary for the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Requirements for notice

(2) The notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the work to be carried out.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice.
4. Contact information for further information about the notice.

Submissions

(3) The utility company to which the notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice, including submissions in respect of any technical or other difficulties with meeting the date for completion of the work in the notice.

Minister's decision

(4) After considering any submissions provided under subsection (3), the Minister may, in writing,

(a) confirm the notice;

(b) issue an amended notice; or

(c) revoke the notice.

Date in amended notice

(5) If an amended notice is issued under subsection (4), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may take up, remove or change the location

47 (1) Where a notice is issued under section 46 (1) or amended under subsection 46 (4), the Minister may cause any work required by the notice to be done if the utility company required by the notice fails to do the work.

Notice of intent to cause work to be done

(2) The Minister shall provide notice, in advance of any work to be done pursuant to subsection (1), to the utility company to whom the notice was issued and anyone occupying the property.

Contents

(3) A notice under subsection (2) shall be in writing and include the date and approximate time of the work.

Compensation by Minister

48 If the utility company completes the work required by the notice issued under subsection 46 (1), the Minister shall compensate the utility company for the work, unless otherwise agreed.

Compensation by company

49 (1) If the Minister completes work pursuant to subsection 47 (1), the utility company shall compensate the Minister for the value of any loss or expense incurred by the Minister resulting from the failure of the utility company to comply with the notice.

Includes cost of work

(2) For greater certainty, subsection (1) includes the cost of doing the work required by the notice.

No expropriation, etc.

50 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

PART VIII
ADMINISTRATION

DELEGATION

Delegation

51 (1) The Lieutenant Governor in Council may, by order, delegate any of the powers and duties conferred or imposed on the Minister under Parts V and VII of this Act, in whole or in part, to any of the following entities, subject to any limitations, conditions and restrictions set out in the order:

1. York Region.
2. Durham Region.
3. A municipality prescribed for the purposes of subsection 7 (1).
4. The Agency.

Compensation

(2) If an obligation to pay compensation under this Act is delegated to an entity described in subsection (1), the delegate is responsible for the payment of all of the compensation, unless the Minister and the delegate agree otherwise.

DESIGNATIONS

Designating project land

52 The Lieutenant Governor in Council may, by order,

(a) designate any area of land or water as project land for the development, construction, and operation of the York Region sewage works project or the Lake Simcoe phosphorus reduction project; and

(b) amend or revoke a designation made under clause (a) at any time.

Notice

53 (1) When land has been designated as project land, or the designation of land has been amended or revoked, the Minister shall make reasonable efforts to provide notice to,

(a) all owners or occupiers of land, any part of which is on or within 30 metres of project land;

(b) every utility company having utility infrastructure any part of which is located on, under or within 10 metres of project land; and

(c) each municipality, local board, municipal planning authority and planning board having jurisdiction in the area which is the subject of the project land.

Registration

(2) The Minister shall either,

(a) register or cause to be amended or removed from the registry, as appropriate, a notice of designation in the proper land registry office on the title of each property any part of which is project land or any part of which is located within 30 metres of project land; or

(b) carry out a prescribed public notice process with respect to the property described in clause (a).

No expropriation, etc.

54 The designation of land or water under section 52 does not constitute an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

PART IX
COMPLIANCE AND ENFORCEMENT

Inspection

55 (1) An enforcement officer may conduct an inspection of a place for the purpose of determining any person's compliance with this Act or the regulations if the enforcement officer reasonably believes that,

(a) the place contains documents or data relating to the person's compliance; or

(b) an activity relating to the person's compliance is occurring or has occurred at the place.

Designation of enforcement officers

(2) The Minister may designate one or more of the following as enforcement officers to exercise the powers under subsection (1):

1. Public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry or the members of classes of such public servants.
2. Any other persons or the members of any other classes of persons.

Restriction

(3) When making the designation, the Minister may limit the authority of an enforcement officer in the manner that the Minister considers necessary or advisable.

Powers of entry

56 (1) The powers of entry provided under this section apply to a person undertaking the following:

1. Work undertaken under section 21 or 22.
2. An inspection undertaken under section 27.
3. Work undertaken under section 28 or 47.
4. A preview inspection under section 34.
5. An inspection undertaken pursuant to section 55.

Entry without warrant

(2) A person who has the authority to engage in an activity referred to in subsection (1) may enter a place without a warrant if the entry is made in respect of that activity.

Restriction

(3) Subsection (2) authorizes a person to enter a place only if it is owned or occupied by a person who owns or occupies land any part of which is located within project land or any part of which is located within 30 metres of project land.

Dwellings

(4) A person shall not exercise a power conferred by this section to enter, without the occupier's consent, a room that is actually used as a dwelling, except under the authority of an order issued under section 57.

Time of day

(5) Subject to subsection (6), entry to a place and any related work or inspection referred to in subsection (1) may be carried out at any reasonable time.

Dwellings

(6) Entry to a place and any related work or inspection on property that contains a dwelling shall take place,

(a) at any time during daylight hours after having given the occupier at least two days notice; or

(b) at any other time with the occupier's consent.

Powers

(7) A person may do any one or more of the following in the course of entering a place and conducting work or an inspection related to the purpose of the entry,

(a) undertake work;

(b) make reasonable inquiries of any person, orally or in writing;

(c) take samples for analysis;

(d) conduct tests or take measurements;

(e) make a record of anything by any method;

(f) examine, record or copy any document or data, in any form, by any method;

(g) require the production of any document or data, in any form, required to be kept under this Act and any form of other document or data related to the purpose of the entry; and

(h) remove from the place, for the purpose of making copies, documents or data produced under clause (g).

Limitation

(8) A record made under clause (7) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Records in electronic form

(9) If a record is retained in electronic form, a person exercising a power of inspection may require that a copy of it be provided to them on paper or electronically, or both.

Limitation re removal of documents

(10) A person shall not remove documents or data under clause (7) (h) without giving a receipt for them and shall promptly return them to the person who produced them.

Power to exclude persons

(11) A person exercising a power of inspection who exercises the power set out in clause (7) (b) may exclude any person from the questioning, except counsel for the individual being questioned.

Order for entry, work or inspection

57 (1) A justice of the peace may issue an order authorizing a person to do anything referred to in subsection 56 (1) or (7) if the justice is satisfied, on evidence under oath by the person that will be engaging in the activity, that there are reasonable grounds to believe that,

(a) it is appropriate for the person to do anything set out in subsection 56 (1) or (7) for the purpose of determining a person's compliance with this Act or the regulations; and

(b) the person may not be able to carry out his or her duties effectively without an order under this section because,

(i) no occupier is present to grant access to a place that is locked or otherwise inaccessible,

(ii) another person has prevented or may prevent the person from doing anything referred to in subsection 56 (1) or (7),

(iii) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for a person to obtain an order under this subsection without delay if access is denied,

(iv) an attempt by a person to do anything referred to in subsection 56 (1) or (7) without the order might not achieve its purpose without the order, or

(v) it is more reasonable to carry out anything referred to in subsection 56 (1) or (7) at times other than those referred to in subsection 56 (6).

Same

(2) Subsections 56 (7) to (11) apply to an activity engaged in pursuant to an order issued under this section.

Expiry

(3) Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order and the day that is 30 days after the date on which the order is made.

Renewal

(4) An order under this section may be renewed in the circumstances in which an order may be made under subsection (1), before or after expiry, for one or more periods, each of which is not more than 30 days.

When to be executed

(5) Unless the order provides otherwise, everything that an order under this section authorizes must be done between 6 a.m. and 9 p.m.

Application without notice

(6) An order under this section may be issued or renewed on application without notice.

Application for dwelling

(7) An application for an order under this section authorizing entry to a dwelling shall specifically indicate that the application relates to a dwelling.

Other terms and conditions

(8) An order may contain terms and conditions that the justice considers advisable in the circumstances.

Identification

58 On request, a person who exercises a power of entry under this Act shall identify themselves as a person so authorized, either by the production of a copy of the authorizing document or in some other manner, and shall explain the purpose of the exercise of the power.

Restoration

59 (1) If a place is entered under section 34 or 55 for the purposes of an inspection, the person entering the place, in so far as is practicable, shall restore the property to the condition it was in before the entry.

Exception

(2) Subsection (1) does not apply if the thing requiring restoration was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Detention of copies, samples

60 A person who exercises a power under section 56 or 57 may detain copies or samples obtained under those sections for any period and for any purpose relating to enforcing this Act and the regulations.

Calling for assistance of member of police force

61 A person who enters a place to exercise a power of inspection and who is authorized by an order under section 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required, and it is the duty of every member of a police force to render the assistance.

Confidentiality of information

62 (1) In this section,

"law enforcement proceeding" means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed; ("procédure d'exécution de la loi")

"peace officer" means a person or a member of a class of persons set out in the definition of "peace officer" in section 2 of the *Criminal Code* (Canada). ("agent de la paix")

Secrecy and permissible disclosure

(2) A person entering a place pursuant to section 56 or 57 shall preserve secrecy with respect to any information obtained in respect of all matters that come to their knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

(a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act and the regulations;

(b) to the Minister, the Ministry or an employee or agent of the Ministry;

(c) to a delegate or an employee or agent of the delegate;

(d) to a peace officer, as required under a warrant, to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(e) with the consent of the person to whom the information relates;

(f) to the counsel of the person to whom the information relates;

(g) to the extent that the information is required or permitted to be made available to the public under this Act or any other Act; or

(h) under further circumstances that are prescribed.

Testimony in civil suit

(3) Except in a proceeding under this Act or the regulations, no person entering a place pursuant to section 56 or 57 shall be required to give testimony with regard to information obtained by them in the course of any survey, examination, test or inquiry under this Act or the regulations.

Successors and assigns

63 (1) A notice under section 20 or 46 and an order under section 38 is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

Limitation

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, their obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets.

Receivers and trustees

(3) A notice under section 20 or 46 and an order under section 38 that relates to property is binding on a receiver or trustee that holds or administers the property.

Limitation

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets.

Exception

(5) Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,

(a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the Minister that they have abandoned, disposed of or otherwise released their interest in the property; or

(b) the order was stayed under Part I of the *Bankruptcy and Insolvency Act* (Canada) and the receiver or trustee in bankruptcy notified the person who made the order, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property.

Extension of period

(6) The Minister may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as the Minister considers appropriate.

Notice under subs. (5)

(7) Notice under clause (5) (a) or (b) must be given in the prescribed manner.

PART X
OFFENCES

Obstruction, etc.

64 (1) No person shall hinder or obstruct any one or more of the following persons or entities in the performance of their duties under this Act or the regulations,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

False information

(2) No person shall give or submit false or misleading information, orally, in writing or electronically, in any statement, document or data in respect of any matter related to this Act or the regulations to,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

Same

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act.

Refusal to provide information

(4) No person shall refuse to provide information required for the purpose of this Act or the regulations to,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

Offences

65 (1) Every person who contravenes or fails to comply with section 64 is guilty of an offence.

Offence re orders

(2) Every person who contravenes or fails to comply with a stop-work order is guilty of an offence.

Limitation

(3) No proceeding under this section shall be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer within the meaning of the *Provincial Offences Act*.

Penalties

66 A person who is guilty of an offence under section 65 is liable on conviction,

(a) in the case of an individual,

(i) for a first offence, to a fine of not more than $50,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences, or

(ii) for a second or subsequent conviction for that offence, to a fine of not more than $100,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences; or

(b) in the case of a corporation,

(i) for a first offence, to a fine of not more than $500,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences, or

(ii) for a second or subsequent conviction for that offence, to a fine of not more than $1,000,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences.

PART XI
MISCELLANEOUS

Capital Investment Plan Act, 1993

67 Section 51 of the *Capital Investment Plan Act, 1993* does not apply to work undertaken under this Act by or on behalf of the Minister.

Providing a document

68 (1) Any notice, order or other document that is required to be provided to a person under this Act is sufficiently provided if it is,

(a) delivered directly to the person;

(b) left at the person's last known address, in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older;

(c) sent by regular mail to the person's last known address;

(d) sent by commercial courier to the person's last known address;

(e) sent by email to the person's last known email address; or

(f) given by other means specified by the regulations.

Deemed receipt

(2) Subject to subsection (3),

(a) a document left under clause (1) (b) is deemed to have been received on the first business day after the day it was left;

(b) a document sent under clause (1) (c) is deemed to have been received on the fifth business day after the day it was mailed;

(c) a document sent under clause (1) (d) is deemed to have been received on the second business day after the day the commercial courier received it;

(d) a document sent under clause (1) (e) is deemed to have been received on the first business day after the day it was sent; and

(e) a document given under clause (1) (f) is deemed to have been received on the day specified by the regulations.

Failure to receive document

(3) Subsection (2) does not apply if the person establishes that he or she, acting in good faith, did not receive the document or received it on a later date because of a reason beyond the person's control, including absence, accident, disability or illness.

Non-application of the *Statutory Powers Procedure Act*

69 The *Statutory Powers Procedure Act* does not apply to,

(a) any decision made,

(i) in respect of permits, notices or stop-work orders under Part V,

(ii) under a process for receiving and considering comments about a proposed expropriation under section 45,

(iii) in respect of a notice under Part VII, or

(iv) in respect of compensation under this Act; or

(b) establishing a process for receiving and considering comments about a proposed expropriation under section 45.

Regulations, contracts and agreements

70 (1) The Lieutenant Governor in Council may, in order to facilitate the development, construction and operation of a sewage works under this Act, make regulations that prescribe any contract or agreement that relates to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

What regulation may contain

(2) A regulation made under subsection (1) may,

(a) terminate the prescribed contract on a date provided for in the regulation;

(b) suspend all or part of the prescribed contract on the dates provided for in the regulation; and

(c) amend all or part of the prescribed contract as specified in the regulation.

Deemed termination, suspension, amendment

(3) A contract or agreement or part of a contract or agreement prescribed under subsection (1) is deemed to have been terminated on a date or dates provided for in the regulations, or, if the regulations so provide, is deemed to have been amended or suspended, as the case may be, as provided for in the regulations.

No compensation

(4) Unless provided for in the regulations, no compensation shall be paid to any person in connection with a termination, amendment or suspension under this section.

No cause of action, Crown, etc.

71 (1) No cause of action arises against the Crown, the Agency, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown or the Agency as a direct or indirect result of,

(a) the enactment, amendment or repeal of this Act;

(b) anything done under Part III;

(c) the making, amendment or revocation of a regulation under this Act;

(d) the issuance, amendment or revocation of a permit or notice under Part V;

(e) the issuance, amendment or revocation of a stop-work order under section 38;

(f) the making, amendment or revocation of an order designating project land under section 52;

(g) the enactment or repeal of the *York Region Wastewater Act, 2021*;

(h) anything done or not done under the authority of or in reliance on the *York Region Wastewater Act, 2021*, whether before or after section 4 of that Act came into force; or

(i) any representation or other conduct that is related, directly or indirectly, to the application for the Upper York Sewage Solutions Undertaking, whether made or occurring before or after section 4 of the *York Region Wastewater Act, 2021* came into force.

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Retrospective effect

(4) Subsections (2) and (3) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (2) or (3) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day this subsection came into force.

No cause of action, certain delegates

72 (1) No cause of action arises against an entity to whom the Lieutenant Governor in Council delegates a duty or power, in whole or in part, pursuant to paragraphs 1, 2, and 3 of subsection 51 (1), or any current or former employee, director, officer, member of council or agent as a direct or indirect result of anything referred to in clause 71 (1) (d) or (e).

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Delegate not a Crown agent

73 A delegate described in paragraph 1, 2 or 3 of subsection 51 (1) is not a Crown agent for any purpose.

Crown not liable for delegate's acts

74 No action or other proceeding shall be instituted against the Crown or any current or former Member of the Executive Council or employee, officer, agent or advisor of the Crown for any act of a delegate or an employee, director, officer, member of council, agent or advisor of a delegate in the execution or intended execution of a power or duty delegated under this Act or for an alleged neglect or default in the execution or intended execution of a power or duty delegated under this Act.

Protection from personal liability

75 (1) No action or other proceeding may be instituted against the following persons for any act done in good faith in the execution or intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of such a duty or power:

1. Any current or former Member of the Executive Council or employee, officer, agent of or advisor to the Crown.
2. Any current or former employee, director, officer, member of council, agent or advisor of a delegate.

Crown not relieved of liability

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in paragraph 1 of subsection (1) to which it would otherwise be subject.

Delegates

(3) Subsection (1) does not relieve a delegate of any liability to which it would otherwise be subject to in respect of an act or omission of a person mentioned in paragraph 2 of subsection (1).

Aboriginal or treaty rights

76 Section 71 does not apply to a cause of action that arises from any aboriginal or treaty right.

No compensation or damages

77 Except as otherwise provided under sections 24, 31, 35 and 48, no person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of this Act or for anything done or any actions taken under this Act.

Environmental Bill of Rights, 1993

78 Part II of the *Environmental Bill of Rights, 1993* does not apply to the issuance, amendment or revocation of an instrument related to or necessary for the construction of the York Region sewage works project and the Lake Simcoe phosphorus reduction project, despite it having been classified under a regulation made under that Act.

***Ontario Water Resources Act*, s. 57**

79 Section 57 of the *Ontario Water Resources Act* does not apply in respect of the York Region sewage works project and the Lake Simcoe phosphorus reduction project.

Conflict with other legislation

80 In the event of a conflict between any provision of this Act or the regulations and any other Act or regulation in respect of the development, construction or operation of the projects required by Part III of this Act, the provision of this Act or the regulations shall prevail, despite anything in the other Act or regulation.

Regulation making powers re projects

81 (1) The Lieutenant Governor in Council may make regulations governing the development, construction and operation of,

(a) the York Region sewage works project; and

(b) the Lake Simcoe phosphorus reduction project.

Matters that may be included

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may include,

(a) requirements that a municipality and the Agency meet prescribed dates for completing all or part of the development, construction and operation of a project;

(b) requirements that a municipality and the Agency report to the Ministry on anything related to a project;

(c) requirements that a municipality and the Agency do anything the municipality has the power to do under this or any other Act for the purposes of developing, constructing and operating a project;

(d) requirements that the project incorporate any prescribed thing or meet any prescribed criteria;

(e) requirements that all or part of the project be within a specified area;

(f) prohibitions preventing a municipality and the Agency from doing anything in respect of the project;

(g) designations of which parts of the development, construction and operation of a project each municipality is responsible for;

(h) designations of the share of the costs of developing, constructing and operating a project each municipality is responsible for;

(i) requirements respecting the payment of costs to the Agency or to any other person or body specified by the regulations, including prescribing the amounts or the method of calculating the amounts to be paid, and governing the procedure for the payment;

(j) the prescribing of any matter that the Lieutenant Governor in Council considers necessary or advisable to ensure that the Agency can effectively carry out its powers and duties under section 11;

(k) the governance of the winding up of the Agency's role in a project and the transfer of any assets, liabilities, rights and obligations to a municipality.

Regulations, general

82 The Lieutenant Governor in Council may make regulations,

(a) respecting anything that under this Act may or must be prescribed, done or provided for by regulation or in accordance with the regulations and for which a specific power is not otherwise provided;

(b) defining or clarifying the meaning of any words or expressions used in this Act that are not defined in this Act;

(c) clarifying or modifying the definition of any defined term whose definition is expressed as being subject to the regulations;

(d) exempting any person or entity from a provision of this Act or the regulations and setting conditions for the exemption;

(e) respecting and clarifying the application of this Act with respect to a delegate;

(f) respecting the process of applying for and issuing permits, notices and orders;

(g) respecting the inclusion of terms and conditions in permits and notices;

(h) respecting the process for and payment of compensation under this Act, including,

(i) rules to be applied in determining the amount of compensation payable,

(ii) criteria that must be met or circumstances that must apply in order for compensation to be paid, and

(iii) the circumstances in which the Minister is required to make adjustments to the amount of compensation that would otherwise be required to be paid, which may include requiring the Minister to decrease the amount or prohibiting the Minister from paying any amount;

(i) prescribing documents or data required to be created, stored and submitted by any person and the methods of creating, storing and submitting the documents and data;

(j) prescribing the location at which documents or data must be created or stored;

(k) providing for the inspection and examination of documents and data;

(l) providing for the preparation and signing of documents by electronic means, the filing of documents by direct electronic transmission and the printing of documents filed by direct electronic transmission;

(m) providing for forms and their use;

(n) providing for the method of providing any document required to be provided given or served under this Act;

(o) respecting transitional matters arising from the enactment of this Act;

(p) providing for any other matters to carry out this Act.

Retroactivity

83 A regulation made under this Act is, if it so provides, effective with reference to a period before it is filed.

Adoption by reference

84 (1) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted.

Rolling incorporation by reference

(2) The power to adopt by reference and require compliance with a document includes the power to adopt a document as it may be amended from time to time.

When adopted

(3) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in The Ontario Gazette or in the registry under the *Environmental Bill of Rights, 1993*.

PART XII
AMENDMENTS TO THIS ACT

Amendments to this Act

85 (1) Subsection 44 (1) of this Act is amended by striking out "7 and 8" in the portion before clause (a) and substituting "7, 8 and 8.1".

(2) Section 61 of this Act is repealed and the following substituted:

Calling for assistance of member of police service

61 A person who enters a place to exercise a power of inspection and who is authorized by an order under 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the police service in the area where the assistance is required, and it is the duty of every member of a police service to render such assistance.

PART XIII
REPEAL

Repeal

86 The *York Region Wastewater Act, 2021* is repealed.

PART XIV
COMMENCEMENT AND SHORT TITLE

Commencement

87 (1) Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 7 to 10, subsection 11 (5) and section 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsection 85 (1) comes into force on the later of the day subsection 44 (1) of this Act comes into force and the day section 2 of Schedule 5 to the *Accelerating Access to Justice Act, 2021* comes into force.

(4) Subsection 85 (2) comes into force on the later of the day section 61 of this Act comes into force and the day section 42 of Schedule 4 to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

Short title

88 The short title of the Act set out in this Schedule is the *Supporting Growth and Housing in York and Durham Regions Act, 2022*.

Summary of Implementation Dates, Changes Approved, and County Implications
Bill 23, More Homes Built Faster Act, 2022

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
Bill 23 - Schedule 9, Planning Act					
November 28, 2022	**Site Plan Control Exemption Up to 10 Residential Units** - Residential development of up to 10 units will be exempt from Site Plan Control.	- Efficient approvals, as applicants will be able to apply for a building permit without Site Plan Control. A more detailed review of building permits will be required, such as related to zoning. - The County may not be able to review for important issues such as stormwater management and impacts to the environment. - Stormwater management may need to be addressed on a broader scale to prevent localized flooding. - Zoning provisions may need to be updated should there be important matters that would typically dealt with through Site Plan Control that could be covered through zoning. - The County may want to consider updating the Natural Heritage Zone, as a stop-gap measure, prior to finalization of a New Official Plan and considering the reduced role of Conservation Authorities (CAs). Currently, only wetlands and flooding and erosion hazards regulated by CAs are zoned Natural Heritage. If natural areas such as significant woodlands, areas of natural and scientific interest, and buffers are not within a floodplain or erosion hazard, they are typically not zoned Natural Heritage. Many municipalities have an overlay whereby an Environmental Impact Study may be required prior to considering development.	- Review County of Brant Site Plan Control By-Law 157-03 to determine whether updates are required. - Work with the Building Division to ensure detailed review of developments consisting of 10 units or less. - Work with the Development Engineering Division to ensure detailed review of lot grading and drainage and stormwater management for developments consisting of 10 units or less. - Review Zoning By-Law to determine provisions that could be added that were previously dealt with through Site Plan Control. - Review Natural Heritage Zone with respect to natural areas not included in the Zone such as woodlands, areas of natural and scientific interests and adjacent lands.	- Policy Planning Division – Review of Site Plan Control By-Law 157-03 - Review of Zoning By-Law Coordinate with: -Development Planning Division - Building Division - Development Engineering Division	- Now and ongoing into 2023
November 28, 2022	**Site Plan Control Exemption Exterior Elements** - Municipalities may no longer comment on exterior design related to the character, scale, appearance, and design of a site. This is	- Will result in more efficient approvals. - The County will not be able to include architectural design elements in Urban Design Guidelines. - To maintain the character of heritage areas, the County would need to consider creating Heritage Conservation Districts or transitioning to a Community Planning Permit System (CPPS).	- Revise the draft new official plan to remove reference to Design Guidelines as a tool to assist in with Site Plans. - Review Site Plan Control By-Law 157-03 to determine whether updates are required.	- Policy Planning Division - Development Planning Division - Parks and Forestry Division	- Ongoing 2023 - Some of these items such as HCDs and CPPS will be developed following approval

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	primarily related to architectural design and landscaping. - Exterior design elements are required for building construction where required under a by-law created under Section 97.1 of the *Municipal Act* in accordance with provisions of the *Building Code Act*. - Exterior design may apply as related to exterior access to a building with affordable housing. - The appearance of the elements, facilities and works is not subject to Site Plan Control except where related to matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands.	- Consideration should be given to developing green building standards, which would be permitted under this legislation, based on expertise at the County.	- Review internal applications, checklists, and forms utilized for Site Plan Control review to remove reference to align with revised wording on exterior design related to health, safety, accessibility, sustainable design, or the protection of adjoining lands. - Policies have been included within the County's draft new official plan to consider creating Heritage Conservation Districts (HCDs) or transitioning to a Community Planning Permit System (CPPS). - Develop green building standards, which would be permitted under this legislation, based on expertise at the County. Determine next steps in the creation of this tool.		of a new Official Plan
November 28, 2022	**Gentle Density (Additional Residential Units)** - Within fully serviced areas (Paris, St. George), 3 dwelling units per lot are permitted as-of-right wherever residential uses are permitted as a principal use, regardless of provisions in	- Property owners may apply for a building permit for up to 3 units, without triggering a Zoning By-Law Amendment. - An increase in Minor Variances is anticipated relating to front yard setbacks, landscaped open space requirements, and parking to accommodate units. - Residential zoning provisions will need to be reviewed to analyze impacts, such as side yard access and parking provisions. New subdivision design does not lend itself to accommodate additional units, so they need to be	- Future Housekeeping Amendments to update the current Official Plan and Zoning By-Law to avoid confusion. - Revisions to County brochures relating to ARU implementation to reflect changes. - Comprehensive Review of County Parking Standards. - Public education on parking permissions.	- Policy Planning Division - Building Division - Communications Division - Development Planning Division - Finance Division	- Housekeeping Amendments – 2023 Date TBD. - Revised ARU brochures – Completed December 2023. - Comprehensive Review of County

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status

	Official Plans or Zoning By-Laws.
	- Residential uses include detached houses, semi-detached houses or rowhouses.
	- 3 units may be permitted:
	  - As 3 units within a building.
	  - 2 units within a building, and 1 unit in an accessory building.
	- Only 1 parking space is required for a residential unit.
	- New units will be exempt from DCs, CBCs, and Parkland Dedication.
	- There is no appeal right in respect of policies adopted to implement these permissions.
		considered from the design stage and solutions for in-progress development will need to be clear from the outset.
		- A Housekeeping Amendment to update the Zoning By-Law to avoid confusion, will be required.
		- As part of the review of parking standards, more units will need to be considered through better design.
		- Public education on parking permissions will be required.
		- There could be greater demand in rural areas with residents wanting similar permissions, but these provisions only apply to Paris and St. George.
			- Ensure DCs, CBCs, and parkland are consistent with new rules.		Parking Standards – Ongoing/2023.
					- Public Education on Parking Permissions – 2023 Date TBA.

November 28, 2022	**Public Meetings for Plans of Subdivisions** - Public meetings will no longer be required for Draft Plans of Subdivision.	- Most Plans of Subdivisions have a related zoning application. As such, public feedback to Council may be coordinated as part of the zoning review. - Public consultation will need to focus on written comments submitted to the County and coordination with the lead Planner on the file.	- Planner on the file to coordinate all comments received on applications for Plans of Subdivisions and Zoning By-Law Amendments. - Public education on when and how to participate in the *Planning Act* Process for Plans of Subdivision and Zoning By-Law Amendment applications.	- Development Planning Division	- Ongoing – Planner on the file will continue to coordinate all correspondence received on applications.

Summary of Implementation Dates, Changes Approved, and County Implications
Bill 23, More Homes Built Faster Act, 2022

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
November 28, 2022 **TBD for regulations**	**Rental Replacement** - The Province will be able to create regulations related to the replacement of rental housing when it's proposed to be demolished or converted as part of a proposed development.	- Until any new regulations are developed, staff are unable to determine implications.	- Continue to monitor potential implications of these changes.	- Policy Planning Division	- Waiting on implementing regulation.
November 28, 2022	**Parkland Dedication** - Maximum parkland dedication conveyed and/or as cash-in-lieu has been capped. - Parks Plans must be completed prior to Parkland Dedication By-Laws, as opposed to part of the Official Plan Review process. - Municipalities must spend or allocate 60% of parkland reserve funds at the start of each year.	- Parkland changes are related to high density development, intended to cap parkland. It is not anticipated this will have an impact on parkland in the County at this time. - County will need to prepare a Parks Plan, prior to any new by-law. - Determine if there is a need for Community Benefit Charges By-law through a study to determine the need. - Establish the maximum alternative rate for parkland dedication. - Cap the alternative rate where land proposed for development or redevelopment is 5 hectares or less.	- Ensure New Official Plan policies are consistent with new parkland provisions and dedication by-law. - Prepare a County-wide Parks Master Plan. - Ensure by-law and practices are in line with changes. - Coordinate with Finance for cash in lieu of Parkland related to Parkland Dedication. - Ensure 60% of parkland reserve funds allocated in annual capital budget.	- Policy Planning Division - Development Planning Division - Parks and Recreation Division - Facilities and Special Projects Division - Finance Division	- Policy Planning following up with Community Services Dept. for amending of Parkland Dedication By-law and status of Parks Plan. - Finance Division in process of ensuring Planning Act financial changes in effect
November 28, 2022	**New Official Plans and updates to Comprehensive Zoning By-Laws** - Comprehensive Zoning By-Laws must be amended to conform to Official Plan policies within one year of coming into effect.	- **This has implications for the County's New Official Plan.** - **This has implications on the timing of updating the Comprehensive Zoning By-law** - Prior to this *Planning Act* change, after a New Official Plan was approved by the Province, there were no appeal rights for two years.	- **The County's New Official Plan will be open to appeals upon approval from the Minister** - Policy Planning Division to update the Comprehensive Zoning By-Law once a New Official Plan is approved within one year.	- Policy Planning Division. - Development Planning Division.	- Ongoing 2023 - Updates to the County of Brant Zoning By-Law are undertaken annually through Housekeeping's.

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	- Previously, once a new Official Plan, Secondary Plan or Zoning By-Law came into effect, applications could not propose to amend or request a Minor Variance to such documents unless agreed to by the municipality. These provisions are repealed.	- Once a New Official Plan is approved by the Province, either the County or applicants could submit an Official Plan Amendment or Appeal the New Official Plan. - Prior to this *Planning Act* change, after a New Official Plan or OPA/Conformity was approved by the Province, a municipality had three (3) years to update the Comprehensive Zoning By-law.			A Comprehensive Review of the County of Brant Zoning By-Law will be undertaken following approval of a new Official Plan.
TBD	**Parkland Locations** - Encumbered parkland as well as privately owned publicly accessible spaces will be eligible for parkland.	- The County will need to change any criteria relating to what an applicant may provide as parkland. - Applicants will have more say in how parkland is provided. - For larger Plans of Subdivision, the County may not be able to require parkland that is central to the community.	- Ensure New Official Plan policies are consistent with any new parkland provisions. - Prepare a County-wide Parks Master Plan.	- Policy Planning Division - Parks and Recreation Division - Facilities and Special Projects Division	- Waiting for implementation date.
Bill 23, Schedule 2 - Conservation Authorities Act amendments					
January 1, 2023	**Conservation Authorities Core Mandate** - Clear limits are proposed on what Authorities are permitted to comment on as part of the *Planning Act* process, which will keep their focus on natural hazards and flooding.	- Major implications are not anticipated, as the County has taken the lead on natural heritage since creation of the Senior Environmental Planner position. - Conservation Authorities will only be able to comment on matters related to their core mandate on natural hazards. - They may no longer comment on matters related to pollution of land, conservation of land or natural heritage. - At this time, Grand River Conservation Authority, has advised that there will no changes with respect to services provided to the County. - Many other changes to *the Conservation Authorities Act* require implementing regulations and are the focus of the discussion paper entitled "Conserving Ontario's Natural Heritage", with a commenting deadline of December 30, 2022 and posted on the EBR as 019-6161: Conserving Ontario's Natural Heritage. Given that there could be	- Senior Environmental Planner to remain as lead on Natural Heritage matters. - If role of Conservation Authorities change, work with the Development Engineering Division to ensure detailed review of lot grading, drainage and stormwater management for pollution of land.	- Policy Planning Division - Development Planning Division - Development Engineering Division	- Waiting on implementing regulation and further direction from conservation authorities.

Summary of Implementation Dates, Changes Approved, and County Implications
Bill 23, More Homes Built Faster Act, 2022

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
		changes based on consultation and an implementation date is unknown, details are not provided in this table. See Attachment 6 for details.			
Bill 23 – Schedule 3, Development Charges Act Amendments					
TBD	**Affordable & Attainable Housing Exemptions** - Affordable housing, priced at no more than 80% of the average price/rent in the year the unit is rented or sold, will be exempt from development charges and parkland dedication fees - Sale of Attainable Housing as to be prescribed will be exempt from development charges and parkland dedication fees. - To remain affordable/attainable for 25 years	- It is unknown what the financial implications will be, as it will be based on uptake on creating affordable housing. The County may need to determine alternative funding such as through grants, and/or taxes. - An administrative process will be needed to review housing rental and sale prices for eligibility. - Where parkland is dedicated as part of the Plan of Subdivision process, staff will need to determine how this is applied. - 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 - 25-year agreement between County and owner registered on title	- Ensure by-laws and practices are in keeping with new rules. - Update educational materials. - Continue to monitor potential implications of these changes with respect to ongoing and proposed affordable housing projects. - Monitor rents, sale, and resale of properties with affordable housing agreements to ensure rent and resale at 80% as determined by Provincial Bulletin for Affordable Residential Units - Staff report to determine funding for exemptions	- Policy Planning Division - Development Planning Division - Building Division - Finance Division - Legal Division	- Ongoing
November 28, 2022	**Discount for purpose built Rental Housing** - 3+ bedrooms, 25% reduction - 2 bedrooms, 20% reduction - Less than 2 bedrooms, 15% reduction	- Depended on uptake discount will need to be funded from other sources - No agreement required; concern units will stay as rental units	- Staff report to determine funding for exemptions	- Building Division - Finance Division	- Ongoing 2023

Summary of Implementation Dates, Changes Approved, and County Implications
Bill 23, More Homes Built Faster Act, 2022

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
November 28, 2022	**Phase-in of new DC rates** - 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 Jan. 1, 2022	- The County's Development Charge bylaw was passed in August 2019 and amended in December 2021. The County is <u>not currently</u> impacted by the five-year phase-in.	- Plan for phase-in in next DC update	- Finance Division - Building Division	- Ongoing now
November 28, 2022	**DC By-law Expiry** - DC By-Laws will expire every 10 years, instead of every 5 years. - By-Laws can still be updated any time.	- Bill 23 extends the expiry date of DC background studies and bylaws to 10 years. The County's current bylaw now expires August 31st, 2029. - Consistent with the existing legislation, municipalities may still amend or update their DC By-laws on a more frequent basis, but updates on a shorter term will be impacted by the new mandatory phase-in for years one through four of the DC by-law term. Municipalities are therefore incentivized to pass 10-year DC By-laws to capture full rates applied to housing units in year five onwards of the DC By-law term.	- Review implications if an early update of the bylaw is being considered; phase-in costs vs rate increase to include updated list of capital projects & costs.	- Finance Division	- Noted
November 28, 2022	**Mandatory allocation of DC reserves** Municipalities will be required to spend or allocate at least 60% of DC reserves for priority services (i.e., water, wastewater, and roads).	- DC funds are allocated to growth related projects included in the DC background study. As these are the first services required for development to proceed there is no concern with the County's ability to allocate 60% of the reserve balances.	- Ensure by-laws and practices are in line with approved changes. - Review County's Servicing Allocation Strategy for Paris and St. George	- Finance Division - Operations Department - Development Services	- Noted

Summary of Implementation Dates, Changes Approved, and County Implications
Bill 23, More Homes Built Faster Act, 2022

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
November 28, 2022	**Service Changes** - Exclude the cost of "certain" studies (including background studies) from recovery through DCs - Remove Housing as a service DCs can be collected - Level of Service calculation extended to 15 years from 10 years	- Bill 23 reduces certain types of eligible capital costs that a municipality can recover through DCs. Costs for housing services and the costs to complete the DC background study/other studies no longer qualify for recovery by municipalities through their DC by-laws. - There is also a change to the historical service level horizon used to calculate eligible capital costs from 10 years to 15 years (save for certain exceptions).	- Seek clarification of which "certain" studies are excluded - Review growth-related capital projects to determine studies included - Immediately discontinue collection of DC for Housing Service	- Policy Planning Division - Finance Division	- Ongoing
TBD	- New regulation authority to set services for which land costs would not be an eligible capital cost recoverable through DCs.	- Awaiting further direction on how this will be implemented to determine impact to funding of growth-related capital projects.	- TBD	- TBD	- TBD
Bill 23, Schedule 7 - Ontario Land Tribunal Act amendments					
November 28, 2022	**Ontario Lands Tribunal (OLT) - Third-Party Appeals** - Only the applicant, municipality, specified public bodies (e.g., utility companies), and the Minister will be permitted to appeal Minor Variance and Consent decisions. - Existing third-party appeals with no hearing date will be dismissed.	- Public consultation for Consents and Minor Variances will be restricted to commenting to the County as part of the development application review process. - Expected to result in fewer OLT appeals. - Notices need to be updated regarding appeal rights.	- Revisions to *Planning Act* Applications and notices required to amend current wording relating to appeals. - Public Education on when third party appeals are permitted and for what application types.	- Development Planning Division - Legal Division - Policy Planning Division	- Revisions to *Planning Act* Applications and notices – Completed December 2023. - Public Education – Ongoing 2023.

Summary of Implementation Dates, Changes Approved, and County Implications
Bill 23, More Homes Built Faster Act, 2022

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
All OLT Act changes not yet in force - TBD	**OLT - Awarding Costs** - OLT will have increased permissions to award costs against a party that loses a hearing.	- The County could be liable for costs, where an appeal is lost at OLT. - To mitigate losses and as part of new *Planning Act* timelines under *Bill 109*, it will be important to avoid non-decisions on applications. - To mitigate losses, it will be important to ensure that decisions on *Planning Act* applications are reviewed and assessed on planning merits as per provincial and municipal legislation, policies, and plans. - Could result in less frivolous appeals. - An example of costs awarded in the past, relate to frivolous appeals on aggregate applications where there were no expert witnesses to defend opposition of proposed operation.	- Review internal development application review processes to ensure efficiency and tight timelines are met (beginning January 1st, 2023). - Education and training on how land use decisions are made relating to municipal and provincial policies. - Review public education materials on development review and land use planning.	- Policy Planning Division - Development Planning Division - Legal Division - Communications Division - Finance Division	- Waiting on implementing regulation. - Review internal development application review process – completed Fall 2023 – Implementation of revised processes will be ongoing into 2023.
All OLT Act changes not yet in force - TBD	**OLT - Other** - The Tribunal will be able to dismiss appeals for undue delay. - Regulations may be established to give priority to hearing times for specified matters.	- Could result in less frivolous appeals. - Appeals related to important matters such as housing, could be given priority and prompt hearing dates.	- Review legal process with regards to appeals that may be related to undue delay.	- Legal Division	- Waiting on implementing regulation. - Legal Division to remain lead on all OLT appeals.
Bill 23 – Schedule 6 - Ontario Heritage Act					
Not yet in force - TBD	- When *Planning Act* applications are received on property that has potential heritage values, municipalities will not be able to issue a notice to designate unless the	- If an application under the *Planning Act* is received, the County cannot issue a notice of intention to designate as a reaction to the application. This is because the County of Brant does not have any properties 'listed' as part of the municipal heritage register.	- Review of heritage conservation program through a municipal benchmarking and audit report to the municipal heritage committee - Undertaking an Arts, Culture and Heritage strategy that considers the relationship of heritage conservation with planning and	- Policy Planning Division - Economic Development Division	- Waiting on implementing regulation. - Preliminary training and discussion in January 2023 with

In Force Date	Approved Changes	County Implications	Action Items	Action Assignment	Status
	property is listed on the municipal register. - Regulations may be established on criteria for HCD Plans, and a process is proposed that will allow amendments to such plans once approved.	- Listing a property now has similar requirements to designating a property, creating a redundancy in the process. - As a better use of limited resources, the County may want to focus on creating HCDs to protect heritage properties and provide guidance on heritage-related character rather than focusing on individual designations. - More information on this topic will be provided through the County of Brant Municipal Heritage Committee, once discussed with the committee after its inaugural meeting in January 2023.	development to help the County of Brant prioritize objectives and determine an appropriate implementation plan. - Policies have been included within the County's draft new official plan to consider creating Heritage Conservation Districts (HCDs) or transitioning to a Community Planning Permit System (CPPS). - Education will be provided to the municipal heritage committee on recent legislative changes.		the municipal Heritage Committee.

November 29, 2022

Dear Clients:

Re: *More Homes Built Faster Act*

In our continued efforts to keep our clients up to date on the legislative amendments resulting from Bill 23 (*More Homes Built Faster Act*), we are writing to inform you that Bill 23 received Royal Assent on November 28, 2022. This letter highlights the changes that were introduced with the Second Reading of the Bill and identifies the amendments that are currently in effect for the *Development Charges Act* (D.C.A.), as well as section 37 (community benefits charges (C.B.C.s)) and section 42 (parkland dedication) of the *Planning Act*.

Development Charges Act

- Second Reading of the Bill introduced two substantive modifications to the proposed changes, including:
    - For the phase-in of the charges over the first four years of a development charges (D.C.) by-law, under First Reading the transition provisions only applied to existing D.C. by-laws passed on or after June 1, 2022. These rules now apply to a D.C. by-law passed on or after January 1, 2022.
    - The discount for rental housing developments is applicable to a D.C. payable under a section 27 agreement, for prescribed developments that were entered into before the *More Homes Built Faster Act* received Royal Assent. These discounts do not apply to payments made under the agreement prior to this date.
- All sections of Schedule 3 of the *More Homes Built Faster Act* are in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
    - Subsection 4.1 of the D.C.A., which provides exemptions for affordable and attainable residential units;
    - Rules under front-ending agreements with respect to affordable and attainable residential units; and
    - Regulation powers related to defining attainable housing and criteria for arm's length transactions.

  These exceptions will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

Section 37 of the *Planning Act* – Community Benefits Charges

- Second Reading of the Bill introduced an additional change to the proposed C.B.C. amendments under section 37 of the *Planning Act*. The change allows a municipality to enter into an agreement with a landowner for the provision of in-

kind contributions. It also allows for this agreement to be registered on title of the land to which the charge applies.

- Section 10 of Schedule 9 of the *More Homes Built Faster Act* is in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
    - Subsection 37 (32.1) of the *Planning Act*, which provides reductions in the maximum charge for developments containing affordable and attainable residential units.

  This subsection of the *Planning Act* will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

Section 42 of the *Planning Act* – Parkland Dedication

- No additional changes or modifications were made since First Reading of the Bill with respect to the parkland dedication amendments under section 42 of the *Planning Act*.
- Section 12 of Schedule 9 of the *More Homes Built Faster Act* is in effect as of November 28, 2022 (date of Royal Assent) with the exception of:
    - Subsections 42 (1.1) and 42 (3.0.3) of the *Planning Act*, which provide reductions in the standard and alternative parkland dedication requirements for affordable and attainable residential unit developments; and
    - Subsections 42 (4.30) through 42 (4.39) of the *Planning Act* which allow a landowner to identify the land for parkland conveyance under the by-law.

  These subsections of the *Planning Act* will come into effect on the date of proclamation. As of the date of this letter, proclamation has not been given.

We would be pleased to discuss the changes resulting from the *More Homes Built Faster Act* with you in further detail at your convenience.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Andrew Grunda, MBA, CPA, CMA, Principal

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County of Brant Feedback on:

Review of A Place to Grow and Provincial Policy Statement

ERO Posting #019-6177; Comment period open until December 30, 2022

Discussion Questions

General Comments
Given the implications to municipalities, it is recommended that the Province commit to an enhanced municipal consultation process, such as by establishing in-person technical working groups with rural and urban municipalities, Indigenous communities, and other applicable stakeholders. At a high-level, the County of Brant supports the integration of the A Place to Grow and the Provincial Policy Statement (PPS) into one province-wide policy document, which is intended to simplify the land use planning process by eliminating duplicate policies that are often similar but conflicting and confusing to interpret. Creating one set of policies that provides clear direction on where development may or may not be permitted to create complete communities that protects the environment, cultural heritage and public health would streamline the development approvals to create more housing.

Question 1 **What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?**	
Proposed Core Elements	**County Response**
TIMELY IMPLEMENTATION OF THIS POLICY PROPOSAL	**While we appreciate the Province giving the opportunity for municipalities to provide feedback on this policy proposal, this specific proposal merging the PPS and A Place to Grow is imperative to our New Official Plan. We request that the Province make a decision and provide an updated integrated Provincial Policy document as soon as possible.**

Settlement Area Boundary Expansions	As a rural community that relies heavily on the agricultural land base for food production and the agri-food network, the County of Brant would support strict limits on the expansion of settlement are boundaries where increasing density within existing boundaries and incentivizing would address a large portion of the need for housing and mixed use developments and set growing municipalities up for efficient land use, transportation and resource protection over the long-term. Streamlined and simplified policy direction that enables municipalities to expand their settlement area boundaries in a coordinated manner with infrastructure planning, in response to changing circumstances, local contexts and market demand to maintain and unlock a sufficient supply of land for housing and future growth.
Growth Forecasting Schedules **Schedule 3, A Place to Grow**	Schedule 3 of the Growth Plan establishes minimum long-term population and employment forecasts for upper-tier and single-tier municipalities in the G.G.H. to the year 2051. The Ministry of Finance (M.O.F.) also establishes long-term population forecasts for all Ontario Census Divisions (C.D.s), which typically represent upper-tier municipalities, separated municipalities, and single-tier municipalities. The M.O.F. forecasts are not recognized as official forecasts for planning purposes in Ontario; however, they are updated annually and can be used to inform population forecasts in Official Plans. Under a consolidated Growth Plan and P.P.S., consideration would need to be given to the role and source of growth forecasts established by the Province for all Ontario municipalities. **Schedule 3 Growth Plan: Will this Schedule be kept for those GGH municipalities NOT on the Housing Target List?** Alternatively, will you be asking Outer Ring Municipalities in the GGH to provide Residential Housing numbers? This information was in our draft MCR. What about Employment Land Forecasts and job Forecasts?
Land Needs Assessment Methodology for the Greater Golden Horseshoe, 2020 **Section 2.2.1.5 A Place to Grow**	The Growth Plan requires that upper- and single-tier municipalities in the Greater Golden Horseshoe use this methodology to assess the quantity of land required to accommodate forecasted growth. This document requires to

	be referenced as our draft Municipal Comprehensive Review has been calculated on this methodology. Ensuring key growth management and Land Needs Assessment tools are available to properly plan for growth. The County of Brant has a revised Schedule 3 Forecasts to 2051 in which our draft New Official Plan has been calculated using the Provinces' Land Needs Assessment methodology, 2020. All other Ontario municipalities rely on the 1995 Provincial Projection Methodology Guidelines (P.P.M.G.) for guidance regarding the technical approach to growth forecasts and urban land need assessments. These are out of date. The methodology requires guidance on Community Area Land Needs Assessment and Employment Area Land Needs Assessment. This document cannot be forgotten with the removal of the Growth Plan. It is also tied to Housing Supply Potential and Allocation of Housing Needs. The County of Brant recommends that the municipalities in the GGH continue to utilize this methodology and the integrative policy document reference this document.
A Place to Grow, Section 2 **Where and How to Grow**	Include a new section in the integrated policy document specific for rural municipalities with limited or partial or no water/sewer infrastructure. Include a section specific to the Outer Ring Municipalities of the GGH. Acknowledge many rural municipalities do not have mass transit. Include a section on Managing Growth and where to direct the majority of growth. Include further policy direction on Complete Communities, Housing mixes and ranges, and affordable housing.
Excess Lands Policy – GGH Outer Ring Municipalities **Section 2.2.1.6 A Place to Grow**	Please advise on the intent of this policy in the lack of clear direction from the Province and no response on our draft Official Plan that declared Excess Lands. This policy states for Outer Ring Municipalities, if there is a residential surplus of land, then these municipalities WILL prohibit development on all excess lands to the horizon of this plan.

A Place to Grow, Section 2.2.2 **Delineated Built Up Areas (b)** **Density and Intensification Targets**	The Growth Plan has specific Density and Intensification Targets listed for Outer Ring Municipalities of the GGH. The County of Brant has a minimum of 40 r&j per ha; and 15% Intensification rate. Through the County's draft New Official Plan, submitted to the Province August 2021 for review, we recommended an increase Density of 50 residents and Jobs per ha; and an Intensification Target of 20% in our urban settlement areas of Paris and St. George. The P.P.S. does not prescribe minimum density targets for Ontario municipalities but does require municipalities to establish density targets for areas adjacent, or in proximity, to Major Transit and corridors. The P.P.S. also requires municipalities to establish residential intensification targets but does not prescribe minimum density targets for Ontario municipalities. Furthermore, the P.P.S. does not require municipalities to delineate built area boundaries in Official Plans. Under a consolidated Growth Plan and P.P.S., a standardized approach to minimum density requirements and residential intensification targets would be required for all Ontario municipalities. The County of Brant requests the removal of the Delineated Built Up Areas of Paris, St. George and Burford.

Rural Housing – policy direction that responds to local circumstances and provides increased flexibility to enable more residential development in rural areas, including rural settlement areas.	- The County supports permitting rural housing in rural settlement areas that are designated in Official Plans, and offers the following comments:
	  - Where housing is created on private servicing, the quality and quantity of drinking water must be protected. In support of new development, a hydrogeological study should be required. To streamline this process, the Province should develop term of reference guidelines on the preparation of such studies.
	  - To help protect the quality and quantity of groundwater and surface water in water resource systems, all key hydrologic features should be

	protected with a vegetation protection zone should be required that is no less than 30 metres. - To protect natural areas that are an important part of biodiversity and complete communities, it is recommended that development and site alteration not be permitted in key natural heritage features. Vegetation protection zones should be established to protect features based on specific features. - Public acquisition that provides for the permanent protection of natural areas should be encouraged as part of complete communities, as natural areas provide recreational opportunities that contribute to the mental and physical well-being of residents, while building resiliency to climate change. - The County of Brant supports limited rural housing in agricultural areas and offers the following comments: - Section 2.3.4.1 c) 2. of the PPS on surplus dwelling lots, appears to prohibit a residential dwelling on the retained farm parcel. The result of this policy is creating farmland where there is no housing for a farming operator and employees to live, while operating a farm. Housing should be permitted on all farmland to support agricultural operations. Housing could be located such that is would not fragment farmland near existing clusters of buildings, an existing laneway and/or by locating near the road or lot line. To prevent multiple severances and loss of farmland, surplus dwelling creation could be limited to one per farming lot. - New housing should not prevent agricultural operations from being able to expand. As such, new housing should only be permitted as infill development in an existing cluster of homes, where it would not result in further Minimum Distance Separation (MDS) restrictions. The Provincial MDS guidelines should be revised.

	- Rural subdivisions should not be permitted outside of settlement areas. Any new housing should be limited to infill within an existing cluster of non-farm residential lots, such as between two existing non-farm residential lots. The depth should be limited from the road (e.g. 100 m deep), such as not to fragment farmland. See illustration:  - As with the above, it is important to ensure the protection of the quality and quantity of water, through hydrological studies, and policies that provide for the clear protection of water resource systems and natural heritage systems.
Employment Land Area Conversions – streamlined and simplified policy direction that enables municipalities to promptly seize opportunities to convert lands within employment areas for new residential and mixed-use development, where appropriate.	An identified area of the Growth Plan and P.P.S. review is to provide policy direction to streamline and simplify the conversion of Employment Areas to new residential and mixed-use development, where appropriate**.** The County of Brant supports creating policies that would permit mixed-use development, where compatible, such as in areas that allow commercial and office type uses. In such instances, the first-storey should remain employment with residential uses being permitted above. Mixed-use development should be encouraged along arterial roads, and in urban growth centres, strategic growth areas, and downtown areas. Given the potential impacts of employment land conversions, standard criteria and principles should be developed at a provincial level to allow municipalities to evaluate proposals on a case by case basis, outside of a Municipal

	Comprehensive Review, and determine whether a conversion is appropriate.
Housing Mix – policy direction that provides greater certainty that an appropriate range and mix of housing options and densities to meet projected market-based demand and affordable housing needs of current and future residents can be developed, including ground-related housing, missing middle housing, and housing to meet demographic and employment-related needs.	- The County of Brant supports the creation of policies to provide a range and mix of housing options and densities to meet existing and future community needs, especially in the form of affordable housing, missing middle housing, and housing to meet demographic and employment-related needs. - It is suggested that clear definitions relating to both Affordable and Attainable housing be established to eliminate confusion on what it is intended when these terms are used in relation to housing. Too often these terms are used interchangeably despite having completely different meanings. We suggest that the current provincial definition of Affordable housing be maintained and remain based on household income not on market rates. Market rates fluctuate constantly and do not necessarily reflect nor support the most marginalized demographic of society, who are in the greatest need of affordable housing options. - Possible suggestion for Attainable housing definition: - **Attainable Housing:** A wider-spread equity of housing options, to allow for households to enter and graduate to successively higher levels of the local housing market, recognizing that housing prices have been growing faster than household incomes, creating opportunities for households who have been priced out of the market or are struggling with higher rents. - Consideration should be given to shifting emphasis from specific housing typologies to density, including unit size and count, to assist in providing a more flexible approach to provision of housing. Strict definitions and housing types within policy documents can be very restrictive and discouraging in achieving complete community housing options and creative solutions to housing needs. Removing these barriers would help ensure a range and mix of housing can be provided without the need for amendments and public process. Focus should be placed on developing relationships between municipal planners

	who have a strong knowledge of community needs and developers to build creative housing solutions. - We suggest including provincial minimum ratios to benchmark a mix and range of housing. Having density ratios for developments/redevelopments could help ensure a broader mix of housing is provided (not just singles and townhomes). Housing still seems to be largely segregated, with affordable housing here and high end there – whereas a true mix of affordability, density, and typologies within an area or building would help ensure communities are both complete and supported. More diverse areas, buildings, and communities (ranging in ages, densities, incomes, housing typologies, etc.) help provide important community supports (childcare, aging in place, etc.) throughout all stages of life. Diverse communities also help reduce social barriers and fears by creating a better understanding of different cultures, circumstances, and people. Policies which support updating ratios in relation to changing community needs would also be helpful to ensure an appropriate mix and range of housing options is provided. - Provision of housing that is affordable and accessible to low- and moderate-income households shall be a priority. Affordable housing definitions should be based on income, as opposed to market value which may fluctuate greatly and is often subjective. - Consideration should be given to including stronger policies relating to retaining existing affordable housing/units and rental housing/units to protect against deficits and assist in meeting community needs. Loss of affordable housing/units hinders the ability of municipalities to meet growing community needs, strategic housing goals, and provide housing options for all demographics. It is counter intuitive to establish affordable housing/units while at the same time allowing for existing affordable housing/units to be removed, often at a faster rate. Policies for the preservation of existing affordable housing/units and rental housing/units should be included to assist in provision of housing options, meeting community needs, and building complete communities.

	- Ensuring all forms of housing (accessible, supportive, etc.) are encouraged and provided throughout all areas is integral to ensuring complete community function. Creating or retaining policies which discriminate against housing forms and types, either directly or indirectly, only contribute to the housing crisis and gaps in housing options. - Housing policies should be as flexible as possible to allow for implementation based on community needs and support (not just market rates or trends) and encourage all forms of housing to be integrated within existing and proposed developments. - Equitable housing options need to be encouraged and provided. Too often and especially in the case of affordable housing equitability is an afterthought in the development, provision, or redevelopment of housing. Equitability needs to be considered when choosing the location of affordable and attainable housing, designing size of units, proximity to amenities and community support, and community need (accessible, household size, etc.). Providing equitable housing for everyone is a significant piece of the housing puzzle and can help ensure a better quality of life for all. - In terms of density, it is recommended that densities within designated greenfield areas be increased to a minimum of 60 residents and jobs combined per hectares for areas with full municipal services. The current target of 40 is low, and will not result in a mix of housing types. - Creative interventions to provide additional housing supply in rural areas should also consider supporting rural amenities and how to overcome servicing limitations in rural settlements. In prime agricultural areas, housing policies should address farm succession, appropriate clustering, strict limitations, MDS priority and opportunities for shared / condominium ownership of a farm compound with multiple clustered residences. - The County looks forward to further government funding/granting to support development of housing options (affordable, additional, attainable, etc.) within

	outer ring/rural municipalities experiencing continued population growth and migration.
Major Transit Station Areas – policy direction that provides greater certainty that major transit station areas would meet minimum density targets to maximize government investments in infrastructure and promote transit supportive densities, where applicable across Ontario.	- Recognizing the benefits of locating/integrating housing and transit, the County of Brant supports policy direction to ensure Major Transit Station Areas meet minimum density targets to capitalize on investment, infrastructure, and promote transit supportive housing options. Integrating housing and transit where possible assists in mitigating climate change and helps to meet carbon neutral goals. - Consideration should be given to how growing municipalities can consider a similar policy application prior to the creation of larger scale transit systems. For example, as the County of Brant considers how to best connect its communities and the communities of the GGH area with transit opportunities, being able to invest in certain areas to create logical transit station areas over the next 30 years would be beneficial. - The County looks forward to further government funding/granting to support development of housing options (affordable, additional, attainable, etc.) within outer ring/rural municipalities experiencing continued population growth and migration.
Urban Growth Centres – policy direction that enables municipalities to readily identify centres for urban growth (e.g., existing or emerging downtown areas) as focal points for intensification and provides greater certainty that a sufficient amount of development , in particular housing, will occur.	- The County of Brant agrees that municipalities should be able to identify centres for urban growth as focal points for intensification, including mixed-use development.
Intensification – policy direction to increase housing supply through intensification in strategic areas, such as along transit corridors and major transit station areas, in both urban and suburban areas.	- Policy direction should be included that would increase housing supply in strategic areas, such as along major arterial roads and intersections, allowing for mixed-use in commercial corridors. - The County supports policies which allow for intensification within different areas (existing and new communities) to help increase housing options,

	encourage mixed use development, and integrate rather than segregate uses.
Large and Fast-growing Municipalities – growth management policies that extend to large and fast-growing municipalities both inside and outside of the Greater Golden Horseshoe, including the coordination with major provincial investments in roads, highways and transit.	- Provincial projects on roads, highways and transit should be integrated through official plans by designating lands where needed for future use. As part of the Provincial review process, it is recommended that the Province provide specific feedback for the County to integrate community planning with provincial projects. For example, requirements of the Ministry of Transportation could be added to official plans.
Agriculture – policy direction that provides continued protection of prime agricultural areas and promotes Ontario's Agricultural System, while creating increased flexibility to enable more residential development in rural areas that minimizes negative impacts to farmland and farm operations.	- Agriculture is an important part of the economy in the County of Brant. Feedback received as part of the official plan review and through development is that existing farms need to be able to expand without being hindered by non-farm residential lots. Currently, MDS is based on agricultural structures that exist, but does not take into account future expansion plans for farming operations. As such, any new residential dwelling could hinder future operations. The MDS formulae should be updated to give permit expansions of farming operations on any farmland within the agricultural land base. - As noted above, limited flexibility could be provided for new lots in areas that are already impacted by existing strip development. Creative interventions to provide additional housing should also be considered that consider farm succession, clustering, and opportunities for shared / condominium ownership of a farm compound with multiple clustered residences. - The County supports policies that would allow housing for farm workers on-site. - Maintaining policies which direct new residential development to established residential areas (within the rural and urban areas) would also assist in protecting agricultural areas from encroaching residential development.
Natural Heritage – streamlined policy direction that applies across	- Clear direction should be implemented on where development and site alteration may or may not be

the province for Ontario's natural heritage, empowering local decision making, and providing more options to reduce development impacts, including offsetting/compensation (**Proposed Updates to the Ontario Wetland Evaluation System**)	permitted. The PPS has had long standing protection for provincially significant wetlands, which is a clear policy that results in protection of wetlands. However, the test of no negative impacts in the PPS is ambiguous, often resulting in removal of natural areas due to development pressure and differing opinions. An Environmental Impact Study often needs to completed, which may require four season surveys, adding additional review time and delay to the process. There may be differing opinions on what constitutes a significant woodland and what would be considered a negative impact, as the direction is not clear. Determining significant wildlife habitat is a complex process requiring specialized expertise and delays in the process. - In contrast, outside of the settlement areas A Place to Grow provides stronger direction, in that no development is permitted in key hydrologic features (e.g. any wetland regardless of significance, permanent streams, intermittent streams). At a minimum a 30 metre vegetation protection zone is required. In addition, development is not permitted in key natural heritage features where they are part of the Natural Heritage System for the Growth Plan. Provincial mapping of the Natural Heritage System when it was in place clearly identified areas where the policies applied. However, when the Growth Plan changed the mapping to natural heritage systems identified in an official plan, applicants have argued that woodlands not specifically called a 'natural heritage system' did not need to be protected. When policies create ambiguity, it is difficult to protect important natural areas, resulting in significant staff resources to defend terminology in policies and ultimately delaying approval of new homes. - Similar to the Growth Plan, Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan policies should be provided that do not permit development in and/or adjacent to key natural heritage and hydrologic features. The Province should identify and map core areas and linkages to be protected within and outside of settlement areas. Having policies and mapping that are easy to interpret would streamline the development process, by avoiding contentious debates

	on environmental protection and directing housing to more suitable locations. - While stronger protection for natural areas has typically been afforded to features outside of settlement areas, it is imperative to protect natural areas in settlement areas. Public access to nature contributes to the physical and mental well-being of communities while mitigating for climate change. Many settlement areas have lost the majority of natural areas, degrading the quality of life for residents and resulting in significant costs for infrastructure due to environmental damage. - The Province should set science based targets for natural area coverage for features such as wetlands, woodlands and grasslands. Environment Canada's 'How Much Habitat is Enough' recommends that a municipality have 30% to 50% forest cover, and that streams have a minimum naturally vegetated buffer of 30 metres on each side. - The new policy should incorporate minimum standards and targets. Protection should focus on protecting natural heritage systems and water resources systems. Environmental offsetting should only be considered outside of core areas and linkages and/or where a municipality is above science based targets. For example, if a municipality has less than 30% forest cover, all significant woodlands should be protected. - Direction on provincial and federal requirements should include the *Migratory Birds Convention Act.* This is federal legislation, which may have requirements beyond the PPS and *Endangered Species Act.* For example, there are 18 species that are protected all year long. To ensure that development and site alteration will not contravene this legislation, it should be added to provincial policy.
Natural and human-made hazards - streamlined and clarified policy direction for development in hazard areas, while continuing to protect people and property in areas of highest risk.	- Legislation and regulations in the *Planning Act* and *Conservation Authorities Act* should be consistent to avoid confusion on what may or may not be permitted, resulting in a more efficient review process. - The way policies in the PPS is worded, is somewhat confusing. Section 3.1.1 states that development shall 'generally' be directed outside of…, while Section 3.1.2

	states that development and site alteration shall not be permitted in… - Clear direction should be provided on when development and site alteration must be directed outside of hazardous areas. For example, new development should not be permitted within and/or adjacent to steep slopes. - Requiring minimum setbacks from the top of valley that includes an emergency access allowance of at least 6 metres, would streamline the process by providing obvious direction. As an example, some conservation authorities have set minimum setbacks of 15 metres for major valleys and 7.5 metres for minor valleys, from the top of a slope; having specific setbacks results in clear direction and a more efficient approval process while protecting natural hazards and natural areas. - While the policies do not permit development and site alteration in a floodway, the reality is, is that many conservation authorities permit site alteration and minor development such as in the form of additions, which seems contrary to this policy. Direction should be provided on when minor development could be considered. - The County has a Special Policy Area (SPA) that was created in 1987. The terminology and policies are out of date. The definition of development is very vague, and as such there are not many restrictions on density, potentially increasing risks to more lives. The policy prohibits new residential units above existing commercial, however a new residential building could be built where there was no prior commercial use. We have had businesses request to build new residential units above store fronts, which would provide income opportunities in addition to housing. However, the PPS requires any updates to a SPA to be approved by the Province, which is an expensive and lengthy process requiring technical studies without any guarantee of approvals. The County should not have to undertake such studies, if we are simply updating definitions or proposing development no greater than what would be permitted by the 1987 policies. In attempting to update the policies through the municipal comprehensive review, the County

	has received major opposition from the Ministry of Natural Resources and Forestry and the conservation authority. For example, the County wanted to permit mixed-use development up to three storeys, which will not be considered unless complex studies are completed. The County recommends updating SPA policies to create a simplified process for updating outdated policies.
Aggregates – streamlined and simplified policy direction that ensures access to aggregate resources close to where they are needed.	- The County recognizes that aggregates are an important part of building homes and associated infrastructure. - Concerns of the County relate to allowing below water extraction, as it hinders future ability to return lands to prime agricultural use. Consideration should be given to not permitting below water extraction in prime agricultural areas. Further consideration should be given to directing aggregates outside of serviced areas, such as to make the best use of municipally serviced lands for housing. - Another common concern for aggregates is building too close to existing residential areas. Typically, only a 30 metre setback is provided between operations and existing residential development, which appears to be based on Provincial Standards. The County recommends establishing minimum setbacks from existing residential subdivisions, which would streamline the process by addressing a contentious issue.
Cultural heritage – policy direction that provides for the identification and continued conservation of cultural heritage resources while creating flexibility to increase housing supply (**Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022**)	- The *Planning Act* and *Ontario Heritage Act* should be consistent to avoid confusion and provide for easy interpretation. - Policy direction must be flexible to support varying levels of available resources at municipalities. Cultural heritage, both tangible and intangible, is an important aspect of the character-defining elements of complete communities. - Improved directions should include: o An efficient and clear inventory and identification process that offers various levels of protection, prioritization, and appropriate timelines for evaluation to be completed. This evaluation should balance individual objectives (monies

	made from re-development) with community objectives (character defining elements). There should also be a clear funding mechanism and resources for this inventory process to be applied in municipalities with varying levels of resources. o Broad application that protects resource clusters in built-up areas that are seeing development pressures but is easier to implement than a Heritage Conservation District. These areas could be identified in an Official Plan as areas of potential cultural heritage value where conservation values and strategies are applied specifically (to certain resource types) or broadly (across multiple areas). This could be implemented through zoning or the community planning permit system and should incentivize the municipality's preferred interventions, fast tracking developments that meet the general conservation objectives. Ideally, the process would provide opportunities to identify and evaluate resources and offering clear protection to certain types of resources based on the identified Provincial and municipal priorities. The implementation of these policies must find a better balance between (re)development desires and the desire to conserve cultural heritage value. Consider additional resources / templates for implementation, flexibility, and pro-active evaluation opportunities. o Conservation opportunities that clearly integrate the renovation and repair of existing buildings, including incentivization through taxes and reduced fees. Consider how to incentivize developments that adapt, reuse, and convert existing building stock. Data from the Canadian Home Builder's Association shows that home renovations in Canada generate more financial investment and jobs annually than new construction. One of the main concerns expressed by the public is the importance of protecting the unique architectural design associated with existing heritage buildings, particularly in

	downtown areas and rural settlement areas. In essence, communities want to be able to manage their change (not prohibit, just manage). - It is the interpretation of the County that the recent changes to the Ontario Heritage Act through Bill 23 continue to apply a one-size fits all approach to heritage conservation. This fails to account for needs and desires of individual communities that have engaged with stakeholders to determine local objectives and does not allow municipalities enough flexibility to create locally based solutions. More specifically, - The criteria for designation have been made more difficult with Bill 23 o Requiring a property to meet two of the legislated criteria for designation, instead of one, will make it challenging to protect humble smalltown buildings/ reflect rural life and places associated with the historic contributions of Black, Indigenous, multicultural, and 2SLGBTQIA+ communities (who may have less recorded/ preserved archival materials). - The changes do not acknowledge how consideration for heritage is changing o From when the Heritage Act first appeared to today the idea of what might be considered heritage has expanded. No longer is it simply significant landmark buildings. - The *Ontario Heritage Act* and Bill 23 overly simplifies Ontario heritage, which it should not do. o We need to consider Indigenous Reconciliation, new immigrant communities and the diversity of our communities. We cannot speak to Ontario heritage without respecting the diversity that exists in our culture, and the need for dialogue on heritage values. - The recent changes to the listing process for non-designated properties on the heritage register has created a level of redundancy that does not support heritage conservation efforts. o It requires much effort that affords very little protection and as a small municipality, we need opportunities for simple implementations that offer better results. Alteration is not prohibited, demolition requests are timed, resources for

	inventorying are limited, the ability to be reactive is limited, and the system prioritizes individual desires (often rooted in economic gain) at the cost of community character objectives. The County of Brant supports heritage conservation tools that allow a municipality the flexibility to set up a clear but simple control system to address and balance the desires noted above. o If heritage properties are not properly protected in the County this will be a lead to a substantial loss of character, loss of unique identity, and therefore damage to tourism economy. - Much of the heritage work done in smaller municipalities is done by volunteers and these new updates could be discouraging to the volunteer base. The feel more restrictive and less like the community can make a difference in their local heritage preservation. Finding a balance between opportunities to conserve heritage / community character (various options to protect, preserve, rehabilitate and restore older buildings) and promoting healthy change will be key. In the words of Jane Jacobs, "new ideas need old buildings".
Infrastructure Supply and Capacity – policy direction to increase flexibility for servicing new development (e.g., water and wastewater) and encourage municipalities to undertake long-range integrated infrastructure planning.	- While municipalities must be responsible for long range planning of infrastructure to accommodate planned growth, ensuring Development Charges are collected (development pays for development) is an essential component in the provision of municipal infrastructure (ex. water, wastewater).
School Capacity – coordinated policy direction that ensures publicly funded school facilities are part of integrated municipal planning and meet the needs of high growth communities, including the Ministry of Education's proposal to support the development of an urban schools' framework for rapidly growing areas.	- The County supports policy direction that ensures school facilities form part of the community planning process at the municipal level to help meet community needs and support growing communities. - Identifying sites to accommodate school facilities early in the community planning process is essential to ensuring complete community design and community support. Locating school facilities within safe walking distance of planned communities also assists in alleviating traffic, parking, and transportation issues.

	- Integrating other community supportive uses (ex. childcare services) on the same site or in close proximity to school facilities where appropriate also assists in complete community design and support.
Outcomes-Focused – streamlined, less prescriptive policy direction requiring fewer studies, including a straightforward approach to assessing land needs, that is focused on outcomes.	- In terms of the natural environment, more prescriptive policy direction could significantly streamline the process. Less studies would be required if clear mapping and policies were provided that prevents development in natural heritage and water resource features, areas, and systems. Setting required vegetation protection zones could reduce the need for studies on adjacent lands. - Where studies are required, the Province could assist in developing templates or guidelines for Terms of References, such that there are the same standards throughout the Province. In many instances, consultants must adjust to differing requirements of municipalities. Provincial standards would expedite the process for rural municipalities that do not have staff to prepare such guidelines.
Relevance – streamlined policy direction that focuses on the above-noted land use planning matters and other topics not listed that are also key to land use planning and reflect provincial interests.	- The County agrees that clear and streamlined policy direction is needed to reflect provincial interests and meet community needs. - For example, in creating complete communities with a mix of uses, minimum ratios or targets could be established for affordable housing, different housing typologies, green space, schools, and supportive nearby commercial uses. These would help ensure complete community design.
Speed and Flexibility – policy direction that reduces the complexity and increases the flexibility of comprehensive reviews, enabling municipalities to implement provincial policy direction faster and easier.	- Updates to policy need to be simplified. While it is important to update provincial policy to be in line with emerging trends and issues, it is difficult for municipalities to be constantly updating documents such as official plans, zoning by-laws, site plan control by-laws and parkland dedication by-laws. Templates at the provincial level would assist when new changes are introduced. For example, when additional residential units were first permitted, developing official plan and zoning by-law templates for policies may have assisted municipalities in updating their planning documents. This

	would be especially helpful for as of right policy provisions.

Question 2

What land use planning policies should the government use to increase the supply of housing?

- The County supports core elements related to flexible housing policies (ex. housing within different areas and in creative forms) and employment conversions in commercial areas that would allow mixed-use development. In addition, creating policies that require higher density within strategic growth areas, along major arterial roads and intersections would assist. Similar to allowing three units per lot, as of right permissions could be created in certain areas. Policies that require greyfield and brownfield development, prior to considering settlement boundary expansions, should be considered.
- Policies should require that new developments, particularly in greenfield areas, be built to accommodate additional residential units (two to three residential units per property). In Surrey, British Columbia, many new homes are built such they can easily be converted to two to three units. For example, they have exterior stairs that go to a basement suite and/or garages that can accommodate a unit above the garage. There is also similar legislative changes which have been enacted in New Zealand within the past year to assist in providing more housing options as of right. In contrast, many homes in Ontario would require expensive renovations to add additional residential units (ex. install separate access), and in many cases would not be able to accommodate additional units (either internal or external) due to the size of the lot, which already struggle to accommodate air conditioners, parking, and proper grading and drainage. Creating policies that change the way new subdivisions are designed is one of the simplest ways to increase housing options in greenfield areas.
- Implementing a simplified process to address outdated floodplain Special Policy Areas would assist in creating limited housing options above commercial uses in downtown areas (ex. downtown Paris Ontario). Increased housing options within downtown areas would also assist in creating complete communities by contributing to walkability, live/work opportunities, and sense of place.

Question 3

How should the government further streamline land use planning policy to increase the supply of housing?

- In addition to the integration of the PPS and Growth Plan, the government could consider integrating an official plan with a zoning by-law or the community planning permit system, such that there is only one planning document at the municipal level. Multiple levels of land use planning policies increase confusion, review time, complexity in interpretation, and planning applications. For example, a person may need to amend an official plan and zoning by-law for a proposal to increase housing options, which creates duplication in process, review, costs, and

time, often affecting feasibility of the project, either resulting in the project not being constructed or priced at an extremely high rate for the potential owner or occupant.

- The Niagara Escarpment Commission has a simple planning process, which is based on the Niagara Escarpment Plan and a Development Permit System. The plan has objectives, criteria for determining designations, policies and development criteria. Through the Development Permit process, development is reviewed on meeting the general intent of the plan, as opposed to being focused on specific setbacks in a zoning by-law. A site plan for development is submitted which is reviewed in context of the Plan. It is similar to the Community Planning Permit System, however, only requires one land use planning policy document instead of two.
- Provincial mapping of strategic growth areas, with municipal input, could assist in identifying areas where mixed-use intensification could occur and should be encouraged.
- Provincial mapping and policies, inside and outside of settlement areas, that provide for the permanent protection of a natural heritage system and water resources system including natural hazards would provide clear direction on where development is not permitted and where it may be considered. By establishing where development may not be permitted, development efforts could be focused on revitalizing underutilized land.

Question 4

What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new document?

- Minimum density targets have assisted with increasing density in greenfield areas. Where specific targets are provided, it is easy to implement policy, and targets are often achieved. However, as recommended above density targets should be increased to help achieve a mix and range of housing options to address community needs.
- Strong settlement area boundaries and built-up areas are important in the balance between greenfield development and intensification as well as the protection of other resources (natural, agricultural etc.). Density is an important aspect of the provision of sufficient housing supply and the creation of complete communities and transport network options and relies heavily on limiting the ability to grow out.

Question 5

What policy concepts in the Provincial Policy Statement and a Place to Grow should be streamlined or not included in the new policy document?

- Sections 2.15 and 2.18 of the PPS that do not permit development in and/or adjacent to specified natural heritage features unless it is demonstrated that there are no negative impacts, should be re-written. Clearer policies, such as that from Sections 4.2.2, 4.2.3, and 4.2.4 in the Growth Plan should be used, inside and outside of settlement areas.

- Similarly, Section 2.2 of the PPS on Water includes vague policies on improving the quality and quantity of water. Minimum criteria should be provided such as requiring the protection of key hydrologic features with specified vegetation protection zones.
- A Place to Grow and the PPS focus on watershed and subwatershed planning, which is a long complex process that results in delays in building homes. One of the issues is, is that small municipalities do not have expertise to undertake and implement watershed and subwatershed planning. To speed up housing and protect the environment, greater assistance from the Provincial level is needed in terms of creating clearer policies and/or providing experts to lead watershed and subwatershed planning. The County recommends that conservation authorities lead the process as they are watershed based and could rely on monitoring data undertaken by the conservation authority.
- Consider integrating clear heritage conservation policies from the OHA into the new policy document in a way that prioritizes the protection of cultural heritage resources, honours existing community character, and incentivizes renovations and adaptive reuse that improves housing supply and mixes uses in existing neighbourhoods.
- Section 2.2.6 Housing of A Place to Grow provides strong direction to municipalities for inclusion of a range and mix of housing. Section 2.2.6.5 should be revised to include stronger language for inclusion of affordable and attainable housing options (as defined) when settlement areas are expanded to accommodate development within the Greenfield Areas.
- Section 2.2.7.1 should be revised to require new development within designated greenfield areas to include affordable and attainable housing (by definition) based on current and projected community needs. There could also be language included to have the developer build/provide these forms of housing/units or land to the municipality or monetary contribution to support future housing builds within the community.
- With changes to DCs through Bill 23 which will negative impact municipal affordable housing projects inclusion of policies to require mandatory provision of affordable and attainable housing/units by developers (either through developer led builds, land donation, or monetary contributions) within provincial land use planning documents would be extremely helpful.
- Section 7 Definitions “Affordable” this terminology should remain unchanged and based on annual household income not market rates. Additionally, it is suggested that a defined term for “Attainable” in relation to housing should be added to provide clear intent of what is meant when this term is used and avoid confusion in relation to Affordable and Attainable housing which are often used interchangeably, despite having two very different meanings. Section 6 Definitions of the PPS could be merged with Section 7 of A Place to Grow.
- Sections 1.1.3.6, 1.1.3.7, 1.1.3.9, 1.1.4, and 1.1.5 should be revised to include affordable and attainable housing (as defined) as part of new development within designated growth areas and targets to meet projected needs.
- Section 1.3 Employment and 1.3.2 Employment Areas may need to be revised to include clarification on mixed uses encouraged within these areas, pending proposed changes to allow residential uses within employment areas where appropriate.

- Section 1.4 Housing needs to be revised to provide direction for the mandatory inclusion of affordable and attainable housing (by definition) within new development and redevelopment to assist in meeting current and projected community needs.
- Suggested inclusion of wording to prioritize affordable and attainable housing within a new integrated provincial policy document and provide special consideration for the relief of parking and regulatory development standards (similar to the provincial approach with ARUs through Bill 23) where appropriate.

County of Brant Feedback on:

Conserving Ontario's Natural Heritage

ERO Posting #019-6161; Comment period open until December 30, 2022

We want to hear what you think about our proposals.
Which do you support or disagree with?
Do you have any suggestions that would enable Ontario to support development and the growing demand for housing while ensuring that we continue to benefit from the important role that wetlands, woodlands and other natural wildlife habitat play in our communities?

Discussion Topics

General Comments
- The County of Brant shares the concern that conserving Ontario's natural heritage has become more difficult due to development pressures, climate change and other threats that isolate and threaten wetlands, woodlands, and other natural wildlife habitat. - Planning policies play a key role in protecting natural areas. With the exception of significant wetlands, the Provincial Policy Statement (PPS) permits development in important features such as woodlands, wildlife habitat, and areas of natural and scientific interest if it is demonstrated that there will be no negative impacts. In addition, there are also no minimum vegetation protection zone for important features such as wetlands and streams. Due to pressure for development and differing opinions on the test of no negative impacts, it is difficult to protect natural features in settlement areas. Time consuming and costly environmental studies are often required, resulting in delays in the planning process, and possibly expensive OLT hearings to resolve differing opinions. In contrast, outside of settlement areas A Place to Grow does not permit new development in or within 30 metres of key hydrologic features (e.g. any wetland regardless of significance, permanent and intermittent streams). New development is also not permitted in key natural heritage features that are part of a natural heritage system, and a 30 metre buffer is required for

significant woodlands. Policies that do not permit development result in greater protection of natural heritage and hydrologic features, areas and systems.

While a net gain approach is preferred over the current test of no negative impacts in the PPS, the County is concerned that such a permissive approach would continue to result in the significant loss of natural areas, in addition to new losses on significant.

Of particular concern to the County would be the reversal of providing policy protection for significant wetlands, which was initially enacted in the PPS to stop the loss of wetlands in Ontario. Wetlands provide many important functions for wildlife, mitigating climate change and providing clean drinking water. In addition, wetlands provide economic benefits related to maintaining the quality and quantity of groundwater that is essential for safe drinking water for human, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands from 120 m to 30 m could have unintended economic impacts caused by impacts to groundwater, which will be costly to repair.

More research should be provided on the economic and environmental impacts of the proposed environmental offsetting proposal.

The County is also concerned about additional staffing resources that would be required to review offsetting proposals, find land, and monitor restoration areas.

The County recommends that the Province create stronger policies inside and outside of settlement areas, which provide for the permanent protection of key natural heritage and hydrologic features, areas and systems. This would streamline the process by directing housing to areas that are already disturbed through redevelopment.

Similar to Natural Core Areas and Natural Core Areas in the Oak Ridges Moraine Conservation Plan, natural heritage systems should be identified throughout the Greater Golden Horseshoe within and outside of settlement areas, in which policies would provide for permanent protection of a connected system by prohibiting development and site alteration.

Providing transparent policies and mapping that are easy to interpret would result in a more efficient planning process, while avoiding the need for expensive and time consuming studies and differing opinions that delay housing approvals.

The Ministry of Natural Resources and Forestry is considering development an offset policy that would require a net positive impact.

- If environmental offsetting is to be considered, the County supports a Province wide approach that sets minimum standards for offsetting. An offsetting policy must provide clear and non-ambiguous direction which is easy to implement for non-experts. Differing policies may need to be considered for different geographic areas as based on natural areas remaining.
- To better understand the province's proposal on conserving natural heritage, a draft offset policy should be provided for comment. Prior to developing such a document technical working groups

should be established with stakeholders from municipal government, conservation authorities, Indigenous communities, environmental consultants and developers.

Ontario is considering the following principles in the development of an offsetting policy:

Net Gain. The goal of the offsetting policy should be net gain with respect to the extent and quality of natural heritage features or their functions, within a reasonable period of time.

Avoidance first. Offsetting should be the last step after other options to avoid and mitigate any impacts on natural heritage are considered.

Informed. Offsetting should consider the best available science, and knowledge, including Traditional Ecological Knowledge.

Transparency and accountability. The offsetting policy should incorporate provisions for oversight, tracking and public reporting on the effectiveness of implementation.

Limits to Offsets. Some wetlands, like coastal wetlands, bogs and fens in southern Ontario, and other areas that historically have been important for recreation and tourism should be ineligible for offsetting.

- The County agrees that a net gain should be required for all development proposals. However, clearly defining such a term could be difficult. Where new terms are introduced they need to be easy to interpret and leave little room for disagreement.
- Criteria and policies should be established, based on science and best practices, on features that must be protected. If avoidance is not required and wording such as 'where feasible is used', it will be difficult to protect features through the development process.
- Environment Canada's How Much Habitat is Enough establishes targets for conserving biodiversity, which are based on science. For example, targets on forest cover range from 30% to 50% depending on the desired biodiversity to be achieved. How Much Habitat is Enough recommends that 30 metres on each side of a stream have a naturally vegetated riparian area to provide and protect aquatic habitat, in which 75% of the stream length should be vegetated. Targets are also provided on percentage wetland coverage. Similarly, minimum targets should be established for Ontario such as on percentage woodland, wetland, grassland and other habitats. Targets could be based on municipal boundaries, subwatersheds, or ecodistricts. For example, if a municipality has wetland or forest coverage above the desired percentage, then removal of the most isolated and least significant features could be considered. Different targets could be established inside and outside of settlement areas. In settlement areas with few natural areas remaining, individual trees and small urban forests may form an important role in climate change, cooling temperatures in the summer, and providing recreational and physical health benefits to the community. To streamline the process, the Province could map provincially important Natural Core Areas and Linkages inside and outside of settlement areas, which would identify areas that could not be considered for offsetting.

- New development and associated site alteration, and hence environmental offsetting, should not be permitted within:
    - Natural Heritage Systems and Water Resource Systems.
    - Life Science Areas of Natural and Scientific Interest.
    - Woodlands of a specified size based on forest cover and/or targets established by the offsetting policy. Different sizes should be established in urban settlements, rural settlements, and agricultural areas.
    - Riparian areas and valleylands.
    - Wetlands, permanent streams, intermittent streams, seepages and springs.

  In addition to the above, required vegetation protection zones should be established specific to features based on science.

  As noted above, provincial mapping of Natural Core Areas and Linkages, both inside and outside of settlement areas, would assist in identifying a connected provincial system that must be permanently protected.

  Outside of the significant features and hydrologic features listed above, criteria should be developed on significant wildlife habitat that may and may not be considered for offsetting. For example, riparian areas and vegetation protection zones could be enhanced with native species that would enhance habitat for birds and butterflies. Habitats such as grasslands and wildflowers can be established in a short amount of time. In contrast it could take decades to replace the ecological value provided by mature trees through planting of replacement trees.
- In recognition of existing development, consideration could be given to minor expansions to existing buildings subject to environmental offsetting, provided it is not in or within a specified distance of a within key hydrologic features. Accessory structures could be considered where in close proximity to existing buildings and there is no other alternative. Clear limits should be set on the maximum area of disturbance.
- Consideration should be given to permitting low-risk activities such as passive trails for recreation in certain features. Clear limits should be set on the maximum area of disturbance.
- To balance preservation of natural areas with housing, environmental offsetting could be considered for non-significant features such as individual trees and small urban forests. Criteria should be established on what could be considered for offsetting based on best practices. For example, in urban areas with few natural areas remaining, small forests could provide stepping stones needed to maintain biodiversity.
- The County agrees with accountability and transparency, however are concerned about staffing resources required to review and monitor environmental offsetting proposals.

Implementation – Assessment of Features

The first step in determining an offset is assessing the natural heritage features that would be impacted by development. The baseline assessment would consider the area, location, scale, function, and values of the feature.

Next, the policy would apply an offset ratio to achieve a net gain in natural heritage. Different ratios could be used for certain functions. For example, some functions could be offset at a different scale than others. Higher offset ratios could be required for natural heritage features that provide multiple ecological, cultural, and recreational benefits.

- To understand the proposed assessment approach, a draft policy should be provided for review. It will be challenging to develop clear direction that is not subjective and open to interpretation. Disagreements on the values of a feature could result in delays in the planning process.
- If this approach is used, a standard terms of reference should be established on information requirements. Minimum qualifications should be specified on experts that may assess features.
- The province should develop education and a certification program, similar to the Ontario Wetland Evaluation System.
- Clarification should be provided on who would be responsible for conducting and reviewing assessments. To implement the program at the County level, additional staff with specialized expertise in a variety of ecological and hydrological disciplines, would be required to review assessments and implement offsetting programs. Rather than each municipality having to have their own experts, an independent peer review body at the inter-provincial level such as through the ministry of natural resources and forestry or conservation authorities, may be of assistance. Any such reviewer must be able to conduct site visits to verify the accuracy of information.

Implementation – Compensation

In some cases, the baseline assessment and offset ratios would also be used to determine a compensation amount that would be paid to a fund that could be used to implement an offset, including construction, monitoring and adaptive management. Ideally, offsets should be located in the same watershed; however, offsets outside the watershed could be considered where there is opportunity for greater conservation outcomes.

This approach could also enable opportunities to pool funds to support large, strategic projects rather than re-creating small, isolated offsets. A fund could also invest in areas of the province where natural heritage loss has been the greatest.

- To understand the proposed assessment approach, a draft policy should be provided for review.
- While the County appreciates the benefits of such a program, the County is concerned about additional staffing that would be required in a variety of environmental disciplines, and the amount of time that would be required to administer this program. If clear direction is not provided, it is anticipated that disagreements in assessments and related compensation amounts, could result in delays in the planning process.

- Clarification should be provided on who would be responsible for determining and reviewing compensation amounts, cost estimates, locating suitable lands, conducting restoration work and monitoring.
- Will an independent body be created to oversee the pooling of funds and determine strategic projects? Consideration should be given to working with established environmental organizations such as land trusts, Ducks Unlimited and Ontario Nature.
- The County recommends that offsets be within the same subwatershed.

County of Brant Feedback on:

Updates to the regulation of development for the protection of people and property from natural hazards in Ontario

ERO Posting #019-2927; Comment period open until December 30, 2022

Discussion Topics

The ministry is proposing to make a single regulation to ensure clear and consistent requirements across all conservation authorities.
- The County of Brant supports the consolidation of the regulations pertaining to 36 conservation authority into one regulation as it will provide a consistent approach to regulating hazards.
The proposed regulation would focus permitting decisions on matters related to the control of flooding and other natural hazards, and the protection of people and property.
- The County of Brant recommends that municipalities continue to have the option through an agreed upon memorandum of understanding to use the expertise of conservation authorities on matters such as conservation of land, pollution of land, and natural heritage and water resource planning that would not fall under their core mandate. - Focusing the role of conservation authorities on natural hazards could have unintended consequences that does not result in faster decision making. The proposed changes could result in duplication of roles between conservation authorities and municipalities, with municipalities having to retain additional expertise. Having experts at the watershed level that municipalities may share, avoids the need for each municipality having to retain their own expert. Where municipalities require peer review due to lack of expertise and are unable to rely on conservation authorities, additional time may be required to coordinate the review of development applications. With labour shortages in many disciplines, municipalities could have difficulty acquiring the necessary expertise to ensure that development occurs in a sustainable manner. - There is considerable overlap between natural hazards, and natural heritage and water resource features, areas, and systems. Wetlands are considered a natural hazard, a natural heritage

feature, and a hydrologic feature. If a conservation authority is already confirming wetland boundaries for the purposes of natural hazards and has ecologists qualified in the Ontario Wetland Evaluation System, it makes sense for conservation authorities to also review for significance and wildlife habitat. Currently, conservation authorities also play a key role in reviewing stormwater management with respect to water quality and quantity impacts on wetlands. Requiring municipalities to review for natural heritage and conservation authorities to review for natural hazards will result in duplicate roles with each organization will need their own expert, at a higher cost to the development industry and/or tax payers, which could in turn result in higher housing costs. The County recommends having the option to continue with the current system whereby municipal levies may be pooled throughout a watershed to hire wetland experts at the conservation authority.

- Trees and woodlands help to stabilize steep slopes and prevent erosion. Natural areas mitigate risks to flooding, as vegetation absorbs water and slows down surface water flows. Where natural features are removed, it results in increased sediment to streams, which may negatively impact water quality and quantity, fish habitat and drinking water. Historically, conservation authorities have been able to review for natural hazards in addition to pollution and conservation of land, resulting in an efficient process. Conservation authorities should be able to review for conservation of land and natural heritage, where removal of features could impact natural hazards. Research should be provided as part of the discussion paper on the co-relation of preservation of natural heritage features to natural hazards prevention. Eliminating this role from conservation authorities and preventing the abilities of municipalities to enter into memorandums of understanding will require duplicate roles with additional staffing expertise at the municipal level.
- The County is concerned about the diminished role of conservation authorities in watershed and subwatershed planning. As conservation authorities are watershed based and monitor the watershed, it makes sense for conservation authorities to lead watershed and subwatershed planning. Financial resources could be pooled between municipalities to fund important studies. Small municipalities often don't have staffing or financial resources to complete watershed and subwatershed planning. Having these studies completed in advance of development would streamline the process while helping to ensure sustainable development.

Defining wetlands and hazardous lands and development activity as per the existing definitions in the *Conservation Authorities Act*. Updating the definition of 'watercourse' from an identifiable depression to a defined channel having a bed, and banks or sides.

- The County supports having consistent definitions for all conservation authorities.
- To provide for consistent interpretation, the County recommends that definitions in the *Conservation Authorities Act* and associated regulations be consistent with definitions in provincial land use planning documents such as the Provincial Policy Statement (PPS) and A Place to Grow. Currently, the definition of development is significantly different, resulting in a different review process and different recommendations on conservation authority permits versus *Planning Act* applications. The definition of development in the *Conservation Authorities Act*

includes the construction, reconstruction, erection or placing of a building or structure of any kind, whereas under the PPS it means the creation of a new lot, a change in land use or the construction of buildings and structure requiring approvals under the *Planning Act*. Under the *Conservation Authorities Act* development does not include the creation of a new lot. Accordingly, a conservation authority could support lot creation in a floodplain based on the *Conservation Authorities Act*, which would be contrary to the *Planning Act.*

- The definition proposed for hazardous lands is less detailed than that provided in the PPS. As such, it could be open to wide interpretation, resulting in a different review of a planning application versus a permit under the *Conservation Authorities Act*.

Updating "other areas" in which the prohibitions on development apply to within 30 metres of all wetlands.

- The County has concerns with reducing the regulatory area from 120 to 30 metres, particularly with respect to provincially significant wetlands and wetlands that have not been evaluated for significance. The 120 m distance provides an important screening tool for development that could have a negative impact on wetlands. This distance is consistent with the Growth Plan which recommends that a natural heritage and hydrology evaluation be required for development within 120 m of key hydrologic features. Many municipalities use this as a screening tool in their official plans to determine when an Environmental Impact Study may be required.
- More research should be provided on the economic and environmental impacts of the proposed reduction in the regulated area. Wetlands provide economic benefits related to maintaining the quality and quantity of groundwater that is essential for safe drinking water for human, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands from 120 m to 30 m could have unintended economic impacts caused by impacts to groundwater, which will be costly to repair.
- Outside of settlement areas, the Growth Plan requires a minimum vegetation protection zone of 30 metres for new development and site alteration adjacent to wetlands, permanent streams, intermittent streams, and seepages and springs. It is recommended that conservation authority legislation and regulations be consistent with this Growth Plan requirement. The County recommends that a minimum vegetation protection zone of 30 metres be required for new development and site alteration both inside and outside of settlement areas. In recognition of existing development, criteria could be established on permissions for minor additions and low-risk activities. Vegetation protection zones are important for wildlife habitat and to protect the quality and quantity of water in wetlands.
- Having regulations under the *Conservation Authorities Act* pertaining to wetlands that are inconsistent with the Growth Plan*,* has resulted in confusion and differing opinions on development applications issued by the County and conservation authorities. Consistent policies that protect wetlands based on best practices, is key to implementing a streamlined process.

- Establishing clear regulations on areas where development is prohibited would streamline the process, by focusing development in areas that would not impact natural areas.
- The County has historically relied on the ability of conservation authorities to screen building permits for impacts on wetlands. If approved, municipalities will need time to update their zoning by-laws.

River and stream valley limits which are impacted by erosion hazards.

- The County is unclear on what the regulated area is proposed to be for river and valley systems, such as the Grand River.
- Similar to the above comments on wetlands, legislation and regulations should be consistent with provincial policies and plans. The County recommends minimum setbacks of 30 metres for new development from key hydrologic features. In recognition of existing development, exemptions could be provided for minor addition and low-risk activities.
- The County recommends that minimum setbacks be established from the top of a valley to allow for emergency access and to mitigate risks from erosion hazards. Of concern to the County, are buildings built immediately adjacent to steep slopes, which causes erosion and slope failure, thereby enhancing risks to life and property. As an example, it is the understanding of staff that Conservation Halton specifies a minimum setback of 7.5 metres for minor valley and a setback of 15 m for major valleys, from the top of slope. Providing minimum setbacks mitigates risks with respect to natural hazards, while streamlining development activities, by providing clear direction on where development is not permitted. Within settlement areas, the setback areas are often used for trails, as part of active transportation and contributing to completed communities. Other benefits include protection of a connected natural heritage system and water resource systems, to protect wildlife habitat and the quality and quantity of water while building resiliency to climate change.

Streamlining approvals that would exempt low-risk activities from requiring a permit if certain conditions are met.

- Where low risk activities are permitted, consistent permissions should be provided in the PPS and A Place to Grow. Currently, the PPS states that development and site alteration are not permitted in a floodway. Therefore, where development constitutes a change in land use or buildings requiring authorization under the *Planning Act* (e.g. site plan control), the use would not be permitted. The proposal to permit low-risk activities could be interpreted as being inconsistent with the PPS leading to confusion in interpretation.
- The County supports proposed wording that would not permit many low-risk activities within hazardous land, watercourses and wetlands. To protect vegetation associated with streams and wetlands that enhances water quality and fish and wildlife habitat, it is recommended that vegetation protection zones be established that are science based. For example, How Much

Habitat is Enough by Environment Canada, recommends a 30 metre wide buffer on each side of a stream whereby at least 75% of the area must consist of self-sustaining vegetation.

Requiring Conservation Authorities to request any information or studies needed prior to confirmation of a complete application.

- The County agrees that information and studies, with clear information requirements should be requested early in the development process.
- The province should consider developing terms of reference documents to be used throughout the province such that there are consistent study requirements. Terms of references could be developed specific to the watershed, subwatershed, ecodistrict or ecoregion level. To streamline the process, it would help to have templates for environmental impact studies, stormwater management plans, hydrologic evaluation, slope stability assessments, geotechnical, flood plain delineation etc. Currently, much time review is spent on developing terms of reference for each development proposal and ensuring that adequate information is provided for agencies to review in the context of current legislation and regulations. Further study requirements may vary greatly based on differing municipal or conservation authority requirements.

Limiting site-specific conditions, a conservation authority may attach to a permit for matters dealing with natural hazards and public safety.

- Having a standard set of conditions throughout the province would provide transparency and predictability on costs associated with developing near and/or within hazardous lands.
- The list of site-specific conditions should be expanded to include impacts related the quality and quantity of water on valleys, streams and wetlands. More specifically, it is recommended that conservation authorities be able to continue to review stormwater management, hydrologic evaluations and similar studies with respect to both impacts on water quality and quantity where agreed upon with a municipality.

Service Delivery Standards – Mapping of areas where development or other activities are prohibited

- The County supports the proposal that would require public consultation, where regulated areas are enlarged based on new information. As part of this process, conservation authorities should be required to notify municipalities, such that municipalities can update mapping in official plans and zoning by-laws. Owners and potential purchasers often rely on zoning schedules to determine permissions on their property. Given implications for development, accurate mapping is necessary to create a transparent process and to prevent development in hazardous lands.

- Publicly accessible mapping is an imperative part of identifying and preventing development in hazardous areas. In addition to identifying the regulated boundary, mapping should illustrate the hazard for whish the mapping applies. Mapping should illustrate the approximate location of:
    - Erosion hazards including an erosion access allowance
    - Flooding hazards
    - Hazardous sites
    - Wetlands, seepages and springs
    - Permanent streams and intermittent streams
    - Regulation limits
- While mapping has historically focused on erosion and flooding hazards, there appears to be gaps in the identification of hazardous sites. It is recommended that funding be provided to fill this gap.

For Discussion: Improved coordination between *Conservation Authorities Act* regulations and municipal planning approvals.

Bill 23 provides for the ability to exempt development authorized under the *Planning Act* from requiring a permit under the *Conservation Authorities Act.* The exemption would only apply to municipalities set out in the regulation. Exemptions could be subject to certain conditions set out in regulation. Conservation authorities would continue to permit activities not subject to municipal authorization.

The Ministry has not proposed a regulation utilizing this exemption as part of this regulatory proposal, but is requesting initial feedback on how it could be used in the future to streamline the process.

Considerations for the use of this tool include:
- In which municipalities should the exemption apply? How should this be determined?
- Which *Planning Act* authorizations should be required for the exemption to apply?
- Should a municipality be subject to any requirements or conditions where this type of exemption is in place?
- Are there any regulated activities to which this exemption shouldn't apply?

- Currently as part of a subdivision that contains hazardous lands an applicant would need approval of a development application under the *Planning Act* and of a permit under the *Conservation Authorities Act*. This results in duplicate process and potentially municipalities and conservation authorities reviewing and approving different plans.
- The County agrees that development under the *Planning Act* and *Conservation Authorities Act* should be streamlined. Conditions that would be part of a permit could be implemented as part of the municipal planning process. Historically, when conservation authorities did not regulate areas adjacent to slopes and wetlands, they used the planning process to address natural hazards.

- One potential issue is that conservation authority comments may end up not being properly implemented or could be disregarded in the planning process. Political pressure for development could result in development being approved in floodplain areas.
- Another issue is that approving development in flooding and erosion hazards, could create new hazards and aggravate existing hazards beyond the development, such as increased flooding downstream. Accordingly, decisions made by one municipality could result in unintended consequences for another municipality. For this reason, conservation authorities are best equipped to review natural hazards on a watershed basis.
- Checks and balances would need to be in place to ensure conservation authority recommendations are implemented through the planning process. Unintended consequences could be conservation authorities having to appeal decisions to the Ontario Land Tribunal, resulting in additional delays and cost of development.
- One option to deal with differing opinions, is to have an appeal provision for conservation authorities whereby they could appeal municipal decisions to a conservation authority board for that watershed.
- In terms of determining which municipalities this should apply to, one option could be requiring any municipality that is interested in the option, to enter into a memorandum of understanding with the applicable conservation authority. Standard memorandums of agreement could be developed by the Province. The agreements could be reviewed on a yearly basis.

This document is available in accessible format through the County of Brant.