

York Region Response to Bill 109: More Homes for Everyone Act, 2022

The comments in the table below are in addition to comments in a memo provided to Committee of the Whole and submitted to the Province on [April 7](#), 2022.

#	Updates implemented through Bill 109	York Region Response
A: ERO 019-5284 Proposed Planning Act Changes		
A1	Require municipalities to partially refund application fees to applicants who do not receive a decision on their site plan or zoning by-law amendment applications within prescribed timeframe ¹	Not supported: <ul style="list-style-type: none"> • Development application fees are intended to cover the cost of staff to review and make recommendations on those development applications. Refunds of development fees for taking the appropriate time to adequately review and consider applications means a shortfall in revenue for the needed staff to review the applications which would ultimately lead to longer review times and more appeals which is counterproductive to speeding up approvals • Some decisions can be made within the timeframes, but large, complex applications may require longer review times • The ability for non-decision appeals by the applicants already incents timely reviews as OLT hearings are time consuming and costly • Municipal development tracking systems are not set up to track refunds – municipalities will have to dedicate staff resources and time to upgrade systems accordingly • Municipalities should not be held accountable for delays that they are not responsible for – for example, delays due to another tier of government or the proponent • Measures focus the onus on municipalities to expedite approvals but not accountability for applicants to provide complete applications and timely response to municipal comments

¹ For site plans: 50% of the fee refunded if the plans and drawings are not approved within 60 days from the date the municipality received the complete application and fee; 75% of the fee if the plans and drawings are not approved within 90 days from the date the municipality received the complete application and fee; and, 100% of the fee if the plans and drawings are not approved within 120 days from the date the municipality received the complete application and fee. For zoning bylaw amendments: 50% fee refund if a decision is not reached within 90 days (or 120 days with a concurrent official plan amendment application); 75% fee refund if a decision is not reached within 150 days (or 180 days with a concurrent official plan amendment application); and, 100% fee refund if a decision is not reached within 210 days (or 240 days with a concurrent official plan amendment application).

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		<ul style="list-style-type: none"> • Complex applications often need additional engagement with the community to resolve issues and improve the outcome of development – this extra effort is often supported by applicants • It appears that this applies to both residential and non-residential applications. It is unclear how rebates on non-residential applications would assist with improving housing supply or affordability. •
A2	<p>New Community Infrastructure and Housing Accelerator (CIHA) tool for municipal requests to expedite zoning outside of the Greenbelt area. This tool would largely resemble the municipal request for a Minister Zoning Order (MZO) and could be applied to market and affordable housing projects, and other municipal priorities such as long-term care or infrastructure initiatives. A CIHA would require public consultation undertaken by the requesting municipality, and a council vote to make a formal request to the Minister of Municipal Affairs and Housing.</p>	<p>Conditionally supported:</p> <ul style="list-style-type: none"> • The CIHA tool could be beneficial if used for affordable housing and community infrastructure projects in existing serviced areas. Over use of the tool could be contrary to the principles of comprehensive planning and maintaining financial sustainability • Without adequate consultations, there could be a disconnect between the authority granted with the CIHA tool and servicing the development that the CIHA tool wishes to accelerate. • Use of the CIHA tool should not create ‘winners’ and ‘losers’ amongst its local municipalities, where one local municipality’s requests for accelerated growth results in limiting water and wastewater servicing capacity allocation to another municipality. There should be a three-part criteria to determine whether a resolution from an upper-tier Council should be required: <ol style="list-style-type: none"> 1. The local municipality has sufficient existing servicing allocations to service the development, AND 2. It will not require a significant or unplanned extension of water/wastewater servicing, AND 3. Extension of servicing will not result in risks to drinking water quality • While the tool would require public consultation, it removes appeal rights and common planning processes set out in the Planning Act. It should only be used in limited circumstances where there is demonstrated servicing capacity and public interest is achieved, such as fast tracking legitimate affordable housing
A3	<p>Require decisions on site plan applications to be delegated to staff for applications made on or after July 1, 2022</p>	<p>Outside of regional scope:</p> <ul style="list-style-type: none"> • Site plan review is a local municipal led process and as such, response to this is deferred to the local municipalities

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		<ul style="list-style-type: none"> Delegation of site plan approval to professional staff can streamline the process and does not preclude Councils from adopting design standards and guideline parameters to guide staff approval
A4	Extend site plan application review from 30 to 60 days	Supported: <ul style="list-style-type: none"> The increase of time before an appeal can be made from 30 days to 60 days is welcomed and will help when there are more complex applications
A5	Establish regulation-making authority to prescribe complete application requirements for site plan applications.	Supported: <ul style="list-style-type: none"> This introduces complete application requirements for site plan applications similar to those already in place for zoning amendment applications and official plan amendment applications – this consistency is appropriate
A6	Establish regulation-making authority to prescribe what cannot be required as a condition of subdivision approval	Conditionally supported: <ul style="list-style-type: none"> It is unclear how this will be different from what is already set out in subsection 51(25) of the Planning Act and whether it would limit a municipality's ability to impose standard conditions under subsection 51(25) Support can be gauged once clarification is provided
A7	Establish a one-time discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years, subject to consumer protection provisions	Conditionally supported: <ul style="list-style-type: none"> Ideally plans of subdivision should move quickly so that timely construction can occur. Provision of added flexibility solely at the discretion of the municipalities can be helpful if an extension was missed and the municipality determines the approval remains appropriate. Use of the tool should be restricted to specific situations and should not be used as a general mechanism to extend the time between approvals and sale of units, increasing profit margins. In the event that policies and standards have been updated, municipalities should have the ability to update conditions
A8	Implement a tiered alternative parkland dedication rate for municipal parkland dedicated by Transit Oriented Community developments: <ul style="list-style-type: none"> For sites less than or equal to five hectares, parkland would be dedicated up to 10% of the land or its value; and, 	Not supported: <ul style="list-style-type: none"> While this recognizes that 5% parkland is not adequate for high density development areas and alternative parkland rates are appropriate, the percentage is best determined by local municipalities through broader parks and recreation master planning

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	<ul style="list-style-type: none"> For sites greater than five hectares, parkland would be dedicated up to 15% of the land or its value. 	
A9	<p>Ministerial authority provided to the Minister of Infrastructure to identify encumbered land (e.g., land with underground transit tunnels or other infrastructure) at TOC development sites that would be conveyed to a municipality as parkland. Encumbered parkland would count towards any municipal parkland dedication requirements.</p>	<p>Not supported:</p> <ul style="list-style-type: none"> Taking of encumbered parkland should be completely at the discretion of the local municipality as there can be substantial long-term costs and operational challenges.
A10	<p>Provide the Minister of Municipal Affairs and Housing with regulation-making authority to authorize landowners and applicants to stipulate the type of surety bonds and other prescribed instruments to be used to secure obligations in connection with land use planning approvals.</p>	<p>Conditionally supported:</p> <ul style="list-style-type: none"> Minister clarification that intention is for <u>pay on demand surety bonds</u> and letters of credit, as per Housing Affordability Task Force recommendation #25, and that use of pay on demand surety bonds and other prescribed instruments are optional. The types of securities to ensure developer obligations are met should continue to be at the discretion of the municipality with the goal of the obligation being met and fairly imposed. Support can be gauged once clarification is provided
A11	<p>Establish regulation-making authority to require public reporting on development applications / approvals.</p>	<p>Supported:</p> <ul style="list-style-type: none"> Regular reporting of building permits would assist with service capacity monitoring The Region currently reports on development activity twice a year outlining development activities and approvals.
A12	<p>Require municipalities with a community benefits charge (CBC) by-law to undertake and complete a review, including consulting publicly, on their by-law at least once every five years after the by-law is passed, and every five years thereafter.</p>	<p>Outside of Regional Scope:</p> <ul style="list-style-type: none"> Community benefits charges can only be used by local municipalities or single tier municipalities and not York Region. The change does align with the requirement for development charges under the Development Charges Act, however, comments on this are deferred to the local municipalities

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A13	Ministerial authority to “Stop the clock” if more time is needed to decide on all official plan matters that are subject to Minister’s approval (with transition for matters that are currently before the Minister)	Supported: <ul style="list-style-type: none"> The ability to avoid non-decision appeals is welcome, especially when considering large complex Official Plan amendments through Section 22 Municipalities also require ability to stop the clock on application approval timelines due to lack of timely response to municipal comments by applicants
A14	Ministerial authority to Refer all or part(s) of an official plan matter to the Ontario Land Tribunal for a recommendation	Not supported: <ul style="list-style-type: none"> This potentially transfers provincial planning review from MMAH to the OLT and could require municipalities to prepare for and attend lengthy and costly hearings in this regard. The expense and time requirements of hearing in terms of Counsel and expert witnesses could divert municipal resources away from review and approvals of other applications and potentially further increase backlog at the OLT. This could also mean that Official Plans that would not normally be subject to appeal could still require an OLT hearing prior to approval. This could delay approval of Regional and Local Official Plans, further delaying bringing Plans into conformity with the Growth Plan and setting the stage to accommodate growth and deliver housing.
A15	Ministerial authority to Forward all of an official plan matter to the Ontario Land Tribunal to make a decision	
B: ERO 019-5285 Community Infrastructure and Housing Accelerator – Proposed Guideline		
B1	The proposed amendments, if passed, would establish a new Community Infrastructure and Housing Accelerator tool and would require the Minister of Municipal Affairs and Housing to publish guidelines for the use of the Community Infrastructure and Housing Accelerator tool before it could be used. The Proposed Guideline is available for review and comment, and would only apply to lower and single tier municipalities.	Not supported: <ul style="list-style-type: none"> See response A2.
C: 22-MMAH006 Proposed Additional Planning Act Changes		
C1	The changes proposed through this Regulatory Registry posting are the same as the changes proposed through the Environmental Registry ERO-019-5284 outlined in Section A of this table. Please reference the comments in ERO-019-5284.	

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D: 22-MMAH007 Proposed Development Charges Act Changes		
D1	Treasurers' statements are to be made available to the public on a municipality's website, or in the municipality's office if no such website is available, and in any manner as may be prescribed in the future	Supported: <ul style="list-style-type: none"> In addition to current practice, whereby such statements are available on the Region's Council agenda, these statements will now be available on the Region's DC webpage.
E: 22-MGCS010 Proposed New Home Construction Licensing Act, 2017 Changes		
E1	The ministry is proposing amendments to the Licensing Act to help address the issue of inappropriate or unethical behaviour by vendors and to enhance the Home Construction Regulatory Authority's (HCRA) enforcement powers, among other things.	Outside of Regional scope: <ul style="list-style-type: none"> No implications on Regional operations or business Generally supportive of approaches that support consumer protection within the housing market, including steps to protect purchasers from condominium cancellations
F: 22-MGCS011 Proposed Ontario New Home Warranties Plan Act Changes		
F1	The ministry is proposing amendments to the New Homes Warranties Act to provide Tarion regulatory authority to extend the duration of statutory warranties for items in a new home that are not completed when the warranties for the home begin (i.e. when a home is completed for the homeowner's possession).	Outside of Regional scope: <ul style="list-style-type: none"> No implications on Regional operations or business
G: ERO 019-5286 Opportunities to increase missing middle housing and gentle density, including supports for multi-generational housing		
The government is seeking input on how to diversify housing choices in existing neighbourhoods. This consultation is focused on finding ways to support gentle density and increase Ontario's missing middle housing, including encouraging multigenerational housing solutions, through the following questions:		
G1	Question 1: What are the biggest barriers and delays to diversifying the	<ul style="list-style-type: none"> NIMBYism is an ongoing issue when working to diversity housing stock. It is important to allow municipalities to implement context appropriate infill to encourage missing middle housing and respond to resident concerns.

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	types of housing built in existing neighbourhoods?	<p>Provincial guidelines on infill development could be beneficial, but not prescribed approaches such as permitting 4 units on every lot, regardless of context and design.</p> <ul style="list-style-type: none"> • Notably, in York Region there is a mismatch between missing middle built form, and what mid-range income households can afford. There needs to be a focus on what size of households residents require (larger, family sized units) at affordable price points. • Education campaigns on the need for affordable housing options and good design would be helpful.
G2	Question 2: What further changes to the planning and development process would you suggest to make it easier to support gentle density and build missing middle housing and multigenerational housing, in Ontario?	<ul style="list-style-type: none"> • Zoning updates to allow for a diversified supply of housing in stable residential areas should be encouraged, coupled with strong urban design guidelines and public input opportunities • Opportunities to streamline the development process, pre-zone properties, and zone for tenure should be explored • Opportunities to require affordable housing as a condition of development approval, outside of an Inclusionary Zoning framework should be explored as well as the ability for conditional zoning, with an immediate focus on areas receiving substantial height and density bonuses.
G3	Question 3: Are you aware of innovative approaches to land use planning and community building from other jurisdictions that would help increase the supply of missing middle and multigenerational housing?	<ul style="list-style-type: none"> • Ottawa missing middle/R4 zoning is a good approach to diversifying stable residential areas
G4	Question 4: Are there any other changes that would help support opportunities for missing middle and multigenerational housing?	<ul style="list-style-type: none"> • The Federal Budget proposes a Multigenerational Home Renovation Tax Credit which in 2022 would provide \$7,500 in support for constructing a secondary suite for a senior or an adult with a disability, and in 2023 would allow families to claim 15 per cent of up to \$50,000 in eligible renovation and construction costs incurred to construct a secondary suite. The Province could take a similar approach.
H: 22-MMAH010 Seeking Feedback on Access to Provincial Financing for Not-for-Profit Housing Providers		

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Ontario is interested in whether federal, provincial and private lender sources of capital adequately address not-for-profit housing providers' needs, as well as whether there are opportunities to better support not-for-profit providers in accessing financing. The Province is seeking input on tools to increase the supply of not-for-profit housing through the following questions:		
H1	Question 1: Could easier or less costly access to lending increase the supply of not-for-profit housing?	<ul style="list-style-type: none"> • Changes that make access to less costly financing for not-for-profit housing providers are welcome and strongly recommended, as not-for-profit providers are critical stakeholders in local housing and homelessness systems and demand for affordable housing options continues to outpace supply
H2	Question 2: What are the key barriers and gaps that prevent not-for-profit housing providers in accessing the capital financing needed to build and repair more housing (for example, through commercial and government loans or through capital financing and funding provided by federal and provincial programs)?	<ul style="list-style-type: none"> • Application processes are complex and navigating the existing system of available financing programs is challenging and time-consuming for not-for-profit providers. Many providers do not have dedicated resources or the necessary expertise to develop and manage applications to various financing programs. • Existing rules under the <i>Housing Services Act, 2011</i> prevent Part VII providers from borrowing while their mortgage is in effect. Most not-for-profit providers do not have significant equity that can be leveraged to secure financing. In most cases, debt financing would require government subsidies to be sustainable
H3	Question 3: Do the issues around access to financing differ for not-for-profit development of affordable rental housing compared to home ownership or other types of development? Are they different for private sources of financing (e.g., commercial lending) compared to government sources?	<ul style="list-style-type: none"> • Ownership developments can be easier to finance than rental. There is less financial risk as ownership developments are less capitally intensive and have faster returns on investment than rental • These realities make it difficult for not-for-profit providers to secure private sources of financing for rental developments
H4	Question 4: What role could government play in addressing those barriers? Is there an opportunity for various levels of government to work together to address barriers?	<ul style="list-style-type: none"> • All levels of government can provide capital loans and/or grants to help reduce upfront development costs and reduce financial risk for not-for-profit providers • The Federal government can introduce CRA-level tax incentives to make development less costly and more sustainable. The Province can provide provincial guarantees to housing providers for amortization payments, and provide Service Managers permanent and predictable capital funding transfers to allocate in alignment with local 10-year housing and

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		<p>homelessness plan priorities. Municipalities can introduce or expand incentives for rental developments such as development charge waiver, reduction or deferrals, reducing or waiving planning fees or parkland dedication when affordability provisions are met</p> <ul style="list-style-type: none"> • A streamlined, one-door approach is needed to access all Provincial and Federal financing programs
H5	Question 5: How could the government prioritize its financial assistance to not-for-profit housing providers?	<ul style="list-style-type: none"> • Any prioritization for not-for-profit providers, such as a dedicated funding stream, must consider alignment with other existing financing programs, allow for stacking of programs and include consultation with the Service Manager
H6	<p>Question 6. For not-for-profit developers: does your not-for-profit organization have long-term financing need for capital expenditure? If yes, then:</p> <ol style="list-style-type: none"> Does your organization have surplus cash flows to service loan repayment? Does your organization have a third-party entity, such as a municipal government, that can provide a financial guarantee? 	<ul style="list-style-type: none"> • If providers' capital requirement is reduced through a grant or forgivable loan, revenues from units rented at market rates can help support operational needs for units with deeper subsidies • Municipalities may prefer to contribute an upfront capital investment tied to affordability provisions rather than a financial guarantee due to the number of housing providers and size and scale of their local housing and homelessness systems
H7	Question 7: Do you have other suggestions for ways to improve non-profits housing providers' ability to build and repair more housing?	<ul style="list-style-type: none"> • Financing programs must align with new regulations under the <i>Housing Services Act, 2011</i> related to service agreements and access systems to retain existing providers and incent new providers to enter the system. Available rent subsidies should be allocated through Service Managers' subsidized housing wait lists • The Province may consider leveraging the existing mortgage backed security pool as a vehicle to provide low-cost financing for new development
I: ERO 019-5287 Seeking Feedback on Housing Needs in Rural and Northern Municipalities		
<p>This consultation seeks feedback on approaches to support the government's commitment to provide more housing options and increase overall housing supply in rural and northern municipalities.</p>		

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<p>The government recognizes that these examples are not a one size fits all approach. However, initial examples of opportunities to support rural and northern municipalities' housing needs could include affordable and appropriate worker housing (e.g., on- and off-farm housing for domestic and international farm workers, seasonal, hospitality, and recreation workers), lot creation in rural areas, lot creation in agricultural areas (e.g., additional support for family-owned farms), additional residential units, affordable rental housing, including on-site housing for seasonal hospitality and recreational workers, more options for vulnerable populations (e.g., seniors housing), additional flexibility or supports to facilitate municipal infrastructure or servicing expansion for hamlets and villages.</p>		
I1	<p>Question 1: What are the key barriers impacting your municipality in meeting its housing needs that may be unique to northern and rural communities?</p>	<ul style="list-style-type: none"> • Housing growth in rural areas should be limited to minor infilling and rounding out. In the GTHA, growth should be directed to settlement areas where full municipal servicing exists, rather than building new servicing infrastructure to service a small number of residents. • “Intensification” should not be applied to rural areas; it should be applied to existing settlement areas with available servicing capacity. It is critical that provincial planning approaches work in concert with long-term municipal infrastructure plans. • NIMBY issues remain a concern to directing growth and intensification to areas that are already serviced, there is a need for enforceable policies that cannot get appealed
I2	<p>Question 2: What kind of flexibility is needed to address housing needs in your municipality?</p>	<ul style="list-style-type: none"> • It is important to recognize that new lot creation policies for rural and agricultural areas are not appropriate for all municipalities, particularly those near large urban areas that include a mix and range of housing options • Innovative approaches to housing affordability such as rent to own, life lease and modular housing should be encouraged
I3	<p>Question 3: What potential tools or policies could the government consider to address housing needs in your municipality while balancing other provincial priorities?</p>	<ul style="list-style-type: none"> • Amending the Growth Plan for the Greater Golden Horseshoe to require growth to be directed to areas that are already serviced or have municipal servicing planned. • The Provincial approach of adding supply to the market requires full municipal servicing to be effective as this is the only solution that can service rapidly increasing supply. • There are limited rural areas within the GTAH and their rural nature should be preserved by targeting growth to settlement areas. • The province could support their housing goals by providing timely and predictable provincial approvals of environmental assessments for municipal infrastructure.

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		<ul style="list-style-type: none"> York Region has experienced repeated delays in receiving approvals of a decade or more, which severely constrains the Region's ability to provide the infrastructure required to support provincial growth targets.
I4	Question 4: Do you have other suggestions for ways to improve housing supply and needs in rural and northern municipalities?	<ul style="list-style-type: none"> Municipalities need strong non-appealable policies to permit more intensified forms of housing in existing settlement areas Update of Ontario Building Code to allow alternative forms of housing to make it more attractive and feasible for builders/homeowners to construct
J: Other Initiatives Tied to the Ontario More Homes for Everyone Plan		
J1	Funding to support improvements to planning and approvals processes has been provided through: <ul style="list-style-type: none"> Municipal Modernization Program (\$68M) Streamline Development Approval Fund (\$45M) Audit and Accountability Fund (\$23M) 	Supported: York Region has received support through these funding streams as follows and supports continuous improvement of planning and approvals processes: <ul style="list-style-type: none"> Audit and Accountability Fund (\$150,000) – provided recommendations for a digital and data centric approach to development review process Streamline Development Approval Fund (\$500,000) – funding will be used to establish a data standard for development applications, investigate the customer experience, increase transparency through dashboards, design and implement system improvements (YorkTrax) and pilot data exchange with a local municipality
J2	Proposed changes to the Building Code: <ul style="list-style-type: none"> Allow 12-storey mass timber buildings Streamline modular multi-unit residential building approvals Facilitate more infill and low-rise multi-unit housing by exploring opportunities to allow for single means of egress in 4-6 storey residential buildings, while continuing to protect public health and safety Explore safe ways to allow residents and commercial tenants 	Conditionally supported: <ul style="list-style-type: none"> The region is supportive of innovative and intrinsically affordable design and construction approaches. The safety of the occupants and community must be prioritized.

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	of the lower floors of super-tall buildings under construction to move into their units earlier, so they can find a home and open the doors of their business sooner.	
J3	<p>Improved Data Quality and Collection:</p> <ul style="list-style-type: none"> • Report to municipalities on the results of Ministry of Finance’s annual population projections • Work with municipalities and industry on development of a development approvals data standard • Connect transit ridership forecasts to population growth 	<p>Supported:</p> <ul style="list-style-type: none"> • Data standards support future data sharing • Ensures a consistent customer experience • Need to recognize that not all municipalities have a digital tracking system/portal • Transit ridership forecasts should also consider job growth
J4	Investing over \$19 million to help the Ontario Land Tribunal and the Landlord and Tenant Board speed up decisions and reduce the backlog of cases.	<p>Conditionally supported:</p> <ul style="list-style-type: none"> • Efforts to address backlogged cases are supported, however, broader issues with the OLT need to be resolved • On February 24, 2022, Regional Council resolved that the Province be requested to immediately engage municipalities to determine an alternative land use planning appeals process in order to dissolve the OLT and eliminate one of the most significant sources of red tape delaying the development of more attainable housing in Ontario
J5	<p>Establish Housing Related Working Groups:</p> <ul style="list-style-type: none"> • Housing Supply Working Group will engage with municipal and federal governments, partner ministries, industries and associations to monitor progress and support improvements to annual housing supply action plans 	<p>Conditionally supported:</p> <ul style="list-style-type: none"> • Collaborative partnership approaches and information sharing is supported by the Region. There are a number of Housing tables that have already been convened. Opportunities to leverage these existing tables should be explored (Regional Planning Commissioners of Ontario Affordable Housing Group, GTHA Housing Table, etc.) • Council has approved assessing the viability of a Vacant Homes Tax (VHT) in York Region. All VHT approaches will need to consider the proposal in the Federal Budget to table legislation for Canada’s first national vacant housing tax on non-Canadian non-resident owners

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	<ul style="list-style-type: none"> Municipal Housing Working Group to facilitate sharing of information and best practices regarding Vacant Homes Taxes 	
J6	Making surplus and underutilized government owned properties available for housing	Supported: <ul style="list-style-type: none"> The Province announced it will be providing over four acres of surplus provincial land at the corner of Dufferin and Centre Streets in Vaughan for non-profit housing development This is an exciting opportunity, and the Region is awaiting further information from the Province, including any details about the development and how this opportunity may work with the Region's role as Service Manager
J7	Increase the Non-Resident Speculation Tax from 15% to 20% and applying it Province-wide	Supported: <ul style="list-style-type: none"> This is the only demand focused approach to addressing the housing crisis through the initial phase of the More Homes for Everyone Plan Potential for limited impact due to Federal Budget proposed restrictions that would prohibit foreign commercial enterprises and people who are not Canadian citizens or permanent residents from acquiring nonrecreational, residential property in Canada for a period of two years. The Region has requested that a share of the NRST be shared with municipalities to support housing initiatives such as opportunities to increase missing middle housing and gentle density

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