

November 17, 2022

Kate Manson-Smith, Deputy Minister
Ministry of Municipal Affairs and Housing
777 Bay Street, College Park - 17th floor
Toronto, Ontario M7A 2J3
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RE: York Region's preliminary comments on [ERO #019-6172](#) – Proposed *Planning Act and Development Charges Act* Changes: Providing Greater Cost Certainty for Municipal Development-related Charges

On October 25, 2022, the Province introduced Bill 23, *More Homes Built Faster Act, 2022* (Bill 23). Bill 23 proposes amendments to 9 statutes and forms the third plank of the government's Housing Supply Action Plan. All levels of government have a shared interest and duty in ensuring Ontarians can find a home that meets their needs and budgets.

On November 10, 2022, in a response to an update on Bill 23, Regional Council requested that the Government of Ontario halt Bill 23 and convene the [Housing Supply Action Plan Implementation Team \(HSAPIT\)](#) to ensure municipalities can work in consultation with the Province to address the housing affordability crisis in our communities.

This letter provides our preliminary responses and recommendations to the above noted environmental registry posting. The short consultation period, coupled with the recent municipal election, prevented timely Council endorsed comments and recommendations prior to the Standing Committee submission deadline. Regional Council is expected to consider this matter at its meeting on December 8, 2022 and may have further comments at that time.

York Region staff support the Province's efforts to increase the supply of affordable, attainable and rental housing, however the exemptions and discounts proposed will result in a transfer of costs to municipal tax and ratepayers and may not address housing affordability

Bill 23 introduces several exemptions to the *Development Charges Act, 1997* (Act) in support of affordable and attainable housing as well as discounts for rental housing. While staff are supportive of efforts to encourage these types of housing, the proposed changes need additional clarification.

Under Bill 23, affordable ownership, defined as 80% of the average purchase price of a home, would be eligible for a full exemption of development charges (it must also be maintained as affordable for 25 years). Using the Province's definition of affordable home ownership, a York Region household that earns approximately \$120,000 annually can only afford a home priced at \$536,000. In 2021, 80% of the average purchase price for homes sold in York Region ranged from \$520,000 for a condominium to \$1,282,000 for a single detached dwelling (or an average of \$1,034,000 for all unit types). Having a threshold at 80% of the average purchase price for a home is too high to be considered an affordable ownership option for many residents in the Region.

Bill 23 also proposes to exempt attainable housing. It prescribes that this type of housing is not an affordable or a rental unit, with additional information to be prescribed. Unlike affordable housing, the tenure of an attainable housing development is not guaranteed. Staff cannot comment further on this change without additional information.

Changes to the Act also propose that rental housing would be provided with development charges discounts ranging from a 15% reduction for units with less than 2 bedrooms, a 20% reduction for units with 2 bedrooms, and a 25% reduction for those units with 3 bedrooms or more. Unlike the proposed affordable housing exemptions, where municipalities can secure the tenure for 25 years by way of agreements registered on title, the discounts for rental housing do not provide similar guarantees.

York Region shares the Province's desire to see more purpose-built rental with family-sized units, evidenced by our 5-20 year, interest free, development charges deferrals. The Region's deferral program, like the Province's discounts, currently provide the greatest benefits (10-20 year deferrals) to buildings with more family-sized rental units (2 bedrooms or more). This program has helped bring over 500 new rental units to the Region since 2020. These units are guaranteed, by way of a covenant on title, to operate as rentals for at least 20 years. Assuming a rental building with 200 units was eligible for its 20-year deferral program, this would represent almost a 40% discount from the total Regional development charges owed¹. Under the proposed provincial discount, the same building would receive the equivalent of a 20% discount².

Recommendation 1: The Province define affordable ownership as a percentage of household income for the municipality, rather than as a percentage of the average purchase price

Recommendation 2: The Province provide municipalities with the ability to secure the tenure of rental and attainable housing for a period of 25 years

¹ Assumes 50% of the units are 700 sq.ft. or more, and 50 % are smaller than 700 sq.ft; and an inflation rate of 2.5%. If the deferral was for 10 years, the discount would be equivalent to nearly 22% of the development charges owed.

² Assume 50% of the units would be less than 2 bedrooms, 25% would be 2 bedrooms and 25% would be 3 bedrooms or more.

The phase-in of development charges rates should only apply to increases

Staff understand that the goal of the proposed phase-in of development charges rates is to reduce development costs and provide cost certainty which would enable more housing to be built faster. While we support this objective, the proposed phase-in of development charges also appears to apply even when there are no change to the rates, when there is a reduction of rates, and when a municipality amends a development charges bylaw policy solely to make a policy change. This could, for example, create a disincentive for municipalities who may wish to amend their development charges bylaw to introduce a policy in support of building more homes, faster, but would have no impact to the development charges rates being charged. Therefore, if the desired objective is to mitigate cost increases, the phase-in provisions should only apply when there is an increase in the development charges rates.

The current phase-in provisions in Bill 23 also apply to both residential and non-residential development. Since these changes will reduce development charges collections, and given the desired objective is to facilitate more housing, faster, limiting the phase-in provision to only residential development is recommended.

Recommendation 3: The Province prescribe that the phase-in of development charges rates would only apply to an increase in the development charges rates

Recommendation 4: The Province prescribe that the phase-in of development charges rates only apply to residential development

The removal of housing services, as a development charges-eligible service, will reduce York Region’s fiscal capacity to deliver complete communities

York Region is committed to providing complete communities, with a full range of housing options to meet the needs of residents of all ages, abilities, income levels and stages of life. In this regard, the provision of housing services is vital, both now and in the future, for helping those most vulnerable members of the community. The Region’s 2022 Development Charges Bylaw, passed by Council on May 26, 2022, would have helped fund the construction of over 2,700 new community housing units during the next 20 years, which is an objective aligned with the Province’s Housing Supply Action Plan.

Bill 23 proposes that, at Royal Assent, municipalities will no longer be eligible to collect development charges for housing services. The removal of this vital funding source will severely impact the ability of the Region to deliver affordable housing. Without new Provincial funding, the approximate \$180 million that would have been collected from development charges will have to be funded from the tax levy, which still impacts ownership and rental affordability. The tax levy increase required to make up this shortfall would equate to approximately 0.7% for 20 years.

Should the Province proceed with this change, it is recommended that housing services be afforded the same transition provision that is contemplated for the other newly ineligible capital costs for studies and land, which will be removed as part of a municipality's next bylaw.

The Federal government's housing supply programs, like the Canada Mortgage and Housing Corporation Co-Investment Fund, requires municipal cost-sharing. The Region may be challenged to access this funding without development charges or renewed provincial funding.

Recommendation 5: Should the Province proceed with this change, and to be consistent with the transition provided to the newly development charges-ineligible capital costs of studies and land (for prescribed services), housing services should remain a development charges-eligible service until a municipality next update their development charges bylaw

Recommendation 6: The Province provide increased and long-term capital funding, under the Ontario Priorities Housing Initiative, to support York Region's goal to increase the supply of community housing

Without additional provincial funding, any development charges shortfall resulting from the proposed changes will need to be funded from other sources

Shortfalls of development charges collections due to the phase-ins, exemptions and discounts proposed by Bill 23 will need to be funded by either the tax levy or user rates. Any significant increase to the tax levy or rates would impact housing affordability, both for owners and renters. Municipalities would benefit if the Province provides that the phase-ins, exemptions and discounts would not be subject to the rules under section 5(6)3 of the Act, which requires that the shortfall be funded from other sources.

In addition, Bill 23 proposes that costs for studies and land, for prescribed services, would also be ineligible for development charges. It does not clarify whether Master Plans and Environmental Assessments, both of which are required for growth, would remain eligible for development charges. Without additional funding, any infrastructure capital costs not collected from development charges would also need to be made up from the tax levy or user rates.

To support the changes to the Act contemplated in Schedule 3 of Bill 23, and for municipalities to continue to deliver the infrastructure our partners in the development industry need to build housing, staff request the Province provide additional, dedicated infrastructure funding.

Recommendation 7: The Province clarify that the recovery of any revenue shortfalls, as a result of the phase-ins, exemptions or discounts, like those proposed by Bill 23, are not subject to the rules under section 5(6)3 of the Act

Recommendation 8: The Province clarify that Environmental Assessments and Infrastructure Master Plans remain eligible for development charges recovery

Recommendation 9: The Province provide municipalities with additional, dedicated funding to help support the infrastructure required to achieve the goals of Bill 23

To help unlock and build housing faster across the Region, unfunded legislated infrastructure needs, required as a result of Schedule 10 to Bill 23, should be exempt from the changes to the Act

Schedule 10 of Bill 23 requires significant infrastructure investments on the part of the Region, necessitating additional provisions to manage costs. Presently this project is unfunded, which could delay its construction. To get shovels in the ground quicker and deliver the project in a timely fashion, it is recommended that all related projects, associated with Schedule 10, be exempted from changes to the Act.

Recommendation 10: The Province exempt all projects required as a result of Schedule 10 to Bill 23 from the changes proposed by Schedule 3 of Bill 23

Additional clarification is needed related to the new requirement to annually spend or allocate 60% of the monies in the water, wastewater, and roads reserves

While the objective to have municipalities spend their development charge monies in a timely fashion is understood, additional clarification is needed. Key areas staff have identified are: how 'allocate' is defined, what happens if there is non-conformity to this requirement, and what additional services may be prescribed.

Recommendation 11: The Province define "allocate", clarify what happens when there is nonconformity with this requirement, and commit to consulting municipalities should additional services be prescribed

Staff would appreciate the opportunity to work with the Province and the development industry to consider other changes to the Act that could help facilitate more housing

Schedule 3 of Bill 23 does not change how municipalities calculate development charges. Development charges are a cost recovery tool that help fund vital growth-related infrastructure required to accommodate provincially mandated growth targets. The setting of development charges rates is a highly prescribed process under the Act which reflects the anticipated draw on services. As a result, the proposed exemptions, discounts, and phase-ins must be subsidized by other revenue sources. Further changes to the Act could allow municipalities to apportion these costs among other types of development, thereby mitigating the downward pressures on development charges collections.

Staff would appreciate the opportunity to work with the Province, and our partners in the development industry to determine what changes to the Act, not envisioned through Schedule 3 of Bill 23, could be made to help address the housing affordability challenges the Province is currently facing and facilitate the building of more homes, faster.

Recommendation 12: The Province consult with all stakeholders involved in the delivery of housing supply, including its municipal partners, to determine other potential changes to the Act that further support the building of more homes, faster

For questions regarding the above, please contact me at: Laura.Mirabella@york.ca

Sincerely,



Laura Mirabella, FCPA, FCA
Commissioner of Finance and Regional Treasurer
The Regional Municipality of York

November 22, 2022

Debbie Scanlon
Manager
Ministry of Natural Resources and Forestry
Conservation Authority Office
40 St. Clair Ave W. 14th Floor
Toronto, ON M4V 1M2

Submitted via email: mnrwaterpolicy@ontario.ca

Dear Ms. Scanlon:

RE: York Region Preliminary Response – ERO 019-6141 – Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0 and ERO 019-2927 - Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

The Regional Municipality of York (York Region) provides the following comments and recommendations for the Ministry of the Natural Resources and Forestry (the Ministry) to consider in advancing legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0 (Schedule 2).

On November 10, 2022, in response to an update on Bill 23, Regional Council requested that the Government of Ontario halt Bill 23 and convene the Housing Supply Action Plan Implementation Team (HSAPIT) to ensure municipalities can work in consultation with the province to address the housing affordability crisis in our communities.

This letter provides preliminary responses and recommendations to the above noted environmental registry postings. The short consultation period, coupled with the recent municipal election prevented timely Council endorsed comments and recommendations, prior to submission deadline. We expect Regional Council consideration of these comments on December 15, 2022.

Comments and recommendations captured herein will inform future collaborative discussions, which may include additional Council direction.

Delay consideration of Schedule 2 until after modernization process is completed in 2024

York Region works in partnership with conservation authorities to effectively deliver services required to enable growth. Conservation authorities assist the Region in protecting residents and infrastructure from flooding, erosion and other natural hazards while protecting natural heritage systems and drinking water sources. York Region requests the Ministry allow municipalities to complete the *Conservation Authorities Act* modernization process already underway and delay consideration of Schedule 2 under Bill 23 until 2024 after the modernization process is complete.

Continue ability for conservation authorities to deliver programs if requested by a municipality to support service delivery

York Region staff rely on conservation authorities to support Regional service delivery, including protecting and supporting Regional planning approvals, infrastructure development, and source water protection. Conservation authorities' jurisdictions span beyond municipal boundaries to encompass watershed boundaries, providing a helpfully comprehensive watershed perspective. Schedule 2 places significant limitations on services a conservation authority can provide a municipality by preventing many of these services from being included under a Category 2 agreement under the regulations.

Region staff support conservation authorities providing greater transparency on non-mandatory services, which can be managed under an agreement between individual municipalities and conservation authorities. Non-mandatory services provide important benefits to municipalities from functionality and cost savings perspectives and should remain an option. It is recommended that Schedule 2 be amended to maintain the ability for conservation authorities to deliver non-mandatory services under an agreement with municipalities.

Schedule 2 erodes conservation authorities' ability to support the municipal planning process and mitigate risks

Conservation authorities support municipalities by limiting liability risks, supporting healthy watersheds, and coordinating source protection efforts. As the frequency and intensity of storms and snow melt events increase, so does the importance of conservation authorities' focus on watershed protection and natural hazard management. A watershed approach to assessing downstream impacts from development proposals is important to support servicing and sustainable growth.

Conservation authorities perform an important role in the planning process on behalf of municipalities including York Region for environmental protection and natural hazard management. Limiting conservation authorities' ability to provide their expertise impacts the municipality's capacity to execute its duties, may increase risks to public health and safety, leaves important environmental features unprotected, and could result in delaying approvals.

Limitations on conservation authorities' powers to assess natural hazards creates risk

Land conservation has been an important function of conservation authorities to protect the watershed. Natural areas, like wetlands, act as a buffer and absorb contaminants and reduce runoff to surface water while mitigating flooding risk. Hurricane Hazel provides a case study of the risk to life associated with development in floodplains. With the increasing severity of storms due to climate change, these risks will heighten in the future.

Conservation authorities were developed to manage risks related to flooding and natural hazards. This role appears to be minimized through requirements to approve any permit under a Community Infrastructure and Housing Accelerator order. If development were to occur in hazard lands such as floodplains, it creates risk and insurance implications for both occupants and the Region. Conservation authorities approve permits for development within regulated areas when appropriate to do so and with appropriate conditions imposed; this authority should not be removed.

Maintain “conservation of land” and “pollution” under the Act to reduce risk to the watershed

Removal of “conservation of land” and “pollution” from consideration by conservation authorities in exercising permitting powers presents a risk to the watershed. Land conservation is a fundamental aspect of conservation authorities' mandate under the Act. Removal of “conservation of land” will negatively impact the ability of conservation authorities and municipalities to address natural hazards and climate change. Conservation authorities have a mandated and critical role to protect the health of water bodies. Removal of “pollution” from their permitting role puts water quality at increased risk and should be maintained to support their watershed and source water protection roles.

Disposition of natural lands for housing impacts servicing and the ability to manage flood risks

Conservation authority owned lands should remain in public ownership and remain greenspace. Requiring conservation authorities to review lands that could be sold for housing development has several potential negative impacts, including limiting greenspace in urban areas. Beyond benefits of having greenspace in urban areas, this amendment will reduce the ability of these lands and natural vegetation to absorb rainfall, which will magnify flooding because of more frequent and intense storms. This is counter to the mandate of conservation authorities to manage flood risks.

ERO 019-6216 *Proposed Amendments to the Greenbelt Plan* will remove additional natural lands from the Greenbelt. There is a cumulative impact associated with the loss of lands from this proposal and Schedule 2 that requires more detailed analysis.

Sale of lands may result in development in areas not suitable for development (e.g. flood or erosion prone areas, environmentally protected areas), or outside settlement areas not contemplated within the land use planning and servicing contexts. Providing development in areas not contemplated previously will add to already constrained infrastructure and debt servicing cost. Any land identified that could support housing development, should be in existing settlement areas appropriate for such purposes and have servicing, access to amenities and be located outside of hazard lands and environmental features.

Changes to conservation authorities erode benefits to municipalities and are unlikely to improve housing affordability

While Region staff support modernization of conservation authorities' role and a re-focus on their core mandate of source water protection, flood management, and natural hazard land management, changes proposed in Schedule 2 further limit conservation authorities in executing their mandated duties. It is unclear how proposed changes improve housing affordability or build housing faster. Region staff recommend that Schedule 2 be paused to allow municipalities and conservation authorities to complete the modernization process.

York Region staff thank the Ministry for considering these comments. If you have any questions regarding this response or would like to discuss these recommendations, please contact Jennifer Khemai, at Jennifer.Khemai@york.ca.

Sincerely,

Original signed

Erin Mahoney
Commissioner
Public Works
The Regional Municipality of York

YORK-#14372206

November 18, 2022

Kate Manson-Smith
Deputy Minister
Ministry of Municipal Affairs and Housing
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M7A 2J3

**RE: York Region Response – ERO 019-6163 – Proposed Planning Act Changes
(Schedule 9 of Bill 23 – the proposed More Homes Built Faster Act)**

On October 25, 2022, the Province introduced Bill 23, More Homes Built Faster Act, 2022 (Bill 23). Bill 23 proposes amendments to 9 statutes and forms the third plank of the government's Housing Supply Action Plan. All levels of government have a shared interest and duty in ensuring Ontarians can find a home that meets their needs and budgets.

On November 10, 2022, in a response to Bill 23, Regional Council requested that the Government of Ontario halt Bill 23 and convene the [Housing Supply Action Plan Implementation Team \(HSAPIT\)](#) to ensure municipalities can work in consultation with the Province to address the housing affordability crisis in our communities.

This letter provides preliminary responses and recommendations to the above noted environmental registry posting. The short consultation period, coupled with the recent municipal election prevented timely Council endorsed comments and recommendations, prior to the Standing Committee submission deadline. Regional Council will consider these comments on December 8, 2022 following which additional Council comments will be submitted to the Province.

The intent of proposed changes to the Planning Act to stimulate residential development is supported and will benefit the economy. Increasing housing options and affordability is also supported and essential to support growth within York Region and beyond.

The proposed changes also aim to streamline approval processes. The Region has been leading advancement in streamlining with tools like YorkTrax, and delegated approval authority. While streamlining is supported, some proposed changes to the Planning Act go too far as discussed in this response.

Coordination to address cross-boundary, public and Regional interests need to be considered

Regional and Provincial planning has been strengthened over the last 20 years, with changes to the Growth Plan as recently as 2019, recognizing the need for comprehensive planning of matters including but not limited to transportation, transit, water and wastewater services and a financially sustainable means to provide them. *Planning Act* changes risk uncoupling growth management planning from comprehensive and financially sustainable infrastructure and service planning. The current process of planning and prioritizing Regional infrastructure and service delivery must continue.

Planning Act changes create the risk that comprehensive policies in the Regional Official Plan will be removed or amended through local official plans resulting in an inconsistent policy approach. Lack of policy coordination across boundaries could impact traffic congestion and goods movement, transit planning and ridership, source water protection, and natural systems protection.

Regional services and systems will be impacted if not comprehensively considered when planning for growth and approving development. Impacts include diminished services and amenities to support residents, diminished municipal financial sustainability, and increased risk and liability.

Recommendation 1: A transition towards local-level decision-making needs to ensure that progress in coordinated, comprehensive planning and environmental protection is maintained.

Increased local municipal and Provincial responsibilities may delay development approvals and housing construction

Changes to the Planning Act necessitate additional expertise and resources at both the local and provincial levels by taking on responsibility for Regional planning and Conservation Authority approvals. Considerable time may be required to put these resources in place which may delay approvals and reduce the number of homes being built, at least in the short term.

Minister's approval of lower-tier municipal official plans may slow decisions given the increased number of approvals and less familiarity with the upper-tier plans, which may result in subsequent delay of housing construction.

Local municipalities will be taking on a greater role with increased approval authority for applications previously approved by upper-tier municipalities. This may, at least in the short term, have the unintended consequence of slowing planning approvals and increasing appeals to the Ontario Land Tribunal. This risk is further compounded by deadlines and the potential application fee refund regime of Bill 109, and with their greater role with respect to the Conservation Authority regulation for planning matters. Local municipal resources are not in place to address increased responsibilities, and some smaller municipalities do not have the resources or revenue from applications to take on this role. This could result in unintended inefficiencies and delays in the planning review and development approval process and subsequent delay of housing construction.

Recommendation 2: Consider longer transition timeframes to develop effective implementation plans that ensure an expedited and streamlined development review process.

Supporting missing middle housing through additional residential units is supported and encouraged

Increasing housing options and affordability is supported and essential to support growth and employees working within York Region and beyond. York Region is supportive of the proposed changes to strengthen the existing “additional residential unit” framework. The allowance of up to three residential units per urban residential lot as-of-right could result in the potential positive increase in rental supply and affordable housing. This allowance also has the potential to help increase transit ridership.

Recommendation 3: Monitoring and reporting of units and prior confirmation of water and wastewater servicing capacity should be a requirement for new units built under this permission.

Appeal mechanisms should be provided to address comprehensive planning matters and to address public interests in the planning process

Proposed changes to the Planning Act would result in the Region losing the right to seek party status on appeals of local plans and amendments and other Planning Act decisions. It is recommended that appeal mechanisms be provided to address matters related to natural systems, Regional roads, human services and infrastructure delivery, including appeal mechanisms to address urban expansion where there is no Regional servicing infrastructure.

Limiting third-party appeals would also reduce public appeal rights and public participation in the planning process. Appeal mechanisms should be provided to maintain public participation and maintain public interests in land use planning decisions.

Recommendation 4: Appeal mechanisms should be provided to address comprehensive planning matters and to address public interests in the planning process.

Conservation Authority- owned land should remain in public ownership and remain essential greenspace

Changes to the Planning Act to broaden the ability of Conservation Authorities to use streamlined processes to sever and dispose of land for development would reduce greenspace available to the public. COVID-19 confirmed that urban greenspace is essential in higher density communities, and existing greenspace was inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility.

Reduced greenspace would also have climate mitigation and adaptation implications including increased flooding risk due to more impervious land use. Reduced greenspace will also likely reduce the ability to meet forest canopy and woodland cover targets, along with reductions in the Region's Vision goal to increase greenspace per 100,000 residents. It is recommended that conservation authority-owned lands remain in public ownership and remain greenspace.

Additionally, sale of lands may result in development in areas outside settlement areas or not contemplated by water, wastewater and transportation master plans. Increasing servicing needs in these areas is likely to add to already constrained infrastructure without the ability to add additional capacity in the near-term. Meeting servicing needs would require a concerted effort from multiple levels of government.

Any land identified that could support housing development should be appropriate for such purposes, have servicing, access to amenities and services, and be located outside of hazard lands and environmental features. Any new housing should have criteria including affordability and density.

Recommendation 5: Conservation Authority- owned land should generally remain in public ownership as greenspace and should only be considered if adequate environmental lands can continue to exist and the removal could address greater depths of affordability in perpetuity.

Major Transit Station Areas should be protected from appeal

Proposed changes to the Planning Act require municipalities to establish minimum densities and heights around transit Major Transit Station Areas (MTSA) and Protected MTSA, however these minimums can be appealed one year following approval. This could have potential impacts on ridership and could jeopardize the best use of transit infrastructure if these minimum densities are appealed following only 1 year of protection. Unnecessary appeals only add a strain on limited municipal resources.

Recommendation 6: Major Transit Station Area (MTSA) and Protected MTSA boundaries and densities should be afforded full in perpetuity protection from appeal.

Parkland dedication should maintain accessible and equitable allocation of green spaces for all types of housing units and in higher density communities.

Reduction of parkland dedication could result in reduced greenspaces and increased pressure on existing greenspaces, including Regional forests. Greenspaces play an important role in quality of life, recreation, and climate mitigation and adaptation, benefits that could be impacted by reduced greenspaces. COVID-19 confirmed that urban greenspace is essential in higher density communities, and existing greenspace was inadequate in addressing demand. Reduced greenspace will exacerbate inaccessibility. Reduction of parkland dedication may make it difficult for municipalities to provide enough greenspace to meet resident demands

Recommendation 7: Parkland dedication should prioritize accessible and equitable allocation of green spaces for all types of housing units, including affordable and attainable housing units, and in higher density communities.

Market housing must be delivered alongside other components of complete communities, including services, amenities, parks, and high-quality urban design

A focus on delivering market housing in isolation of other components of complete communities (including transit options, walkability, parks and human services) may increase demand and costs for other programs. Changes to the Planning Act focus on supporting the private market in building more homes faster and includes changes that will hinder Regional and local municipal ability to provide services and amenities to

support residents. The result may be pressure on other Provincial and Regional services including health care and subsidized housing.

Changes to the Planning Act also limit the scope of site plan control which may have implications on the right-of-way, access control, tree planting, drainage, and high-quality urban design. These changes will also risk the loss of sustainability measures obtained through site plan approval.

Recommendation 8: Market housing must be delivered alongside other components of complete communities, including services, amenities, parks, and high-quality urban design.

The Region will continue programs and initiatives that support streamlining approvals and building more homes faster

York Region has been at the forefront of streamlining the development approval process through automation and transparency. The Region regularly collaborates with the development industry and other stakeholders to implement land use policy, manage growth and promote a more efficient approval process.

The collection and management of real-time growth data across the Region is essential to effectively prioritize and allocate servicing, essential to meet the Province's objective to build more homes faster. There continues to be a need to monitor and forecast growth and development to plan for infrastructure efficiently and sustainably. Data collection, monitoring and collaborative analysis facilitated through YorkTrax will allow for informed decision-making on infrastructure prioritization and servicing allocation, which remain critical decisions of York Region Council.

If you have questions regarding this response or would like to discuss these recommendations, please contact Paul Freeman, Chief Planner, Planning and Economic Development Branch at Paul.Freeman@york.ca.

Sincerely,



Paul Freeman, MCIP, RPP
Chief Planner

14368483

November 18, 2022

Kate Manson-Smith
Deputy Minister
Ministry of Municipal Affairs and Housing
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RE: Preliminary response to ERO 019-6171 – 2031 Municipal Housing Targets; ERO 019-6173 – Proposed Amendment to O. Reg 232/18: Inclusionary Zoning; 22-MMAH018 – Seeking Input on Rent-to-Own Arrangements; 22-MMAH017 – Seeking Feedback on Municipal Rental Replacement By-Laws; ERO 019-6197 – Proposed Changes to Ontario Regulation 299/19: Additional Residential Units

On October 25, 2022, the Province introduced Bill 23, *More Homes Built Faster Act, 2022* (Bill 23). Bill 23 proposes amendments to 9 statutes and forms the third stage of the government's Housing Supply Action Plan. All levels of government have a shared interest and duty in ensuring Ontarians can find a home that meets their needs and budgets.

On November 10, 2022, in a response to an update on Bill 23, York Region Council requested that the Government of Ontario to halt Bill 23 and convene the [Housing Supply Action Plan Implementation Team \(HSAPIT\)](#) to ensure municipalities can work in consultation with the province to address the housing affordability crisis in our communities.

This letter provides preliminary responses and recommendations to the above noted environmental and regulatory registry postings. The short consultation period, coupled with the recent municipal election prevented timely Council endorsed comments and recommendations, prior to the Standing Committee submission deadline. Regional Council will consider these comments on December 8, 2022 following which additional Council comments will be submitted to the Province.

Beyond just housing supply, demand-based factors have to be analyzed to impact housing affordability in Ontario

There is a compelling need for a more fulsome analysis to examine all material supply and demand side factors in Ontario that affect housing availability and affordability,

Preliminary response to ERO 019-6171 – 2031 Municipal Housing Targets; ERO 019-6173 – Proposed Amendment to O. Reg 232/18: Inclusionary Zoning; 22-MMAH018 – Seeking Input on Rent-to-Own Arrangements; 22-MMAH017 – Seeking Feedback on Municipal Rental Replacement By-Laws; ERO 019-6197 – Proposed Changes to Ontario Regulation 299/19: Additional Residential Units

measures to address them and responsible parties and timing. York Region alone has an annual supply of 47,000 housing units and another 15,000 units under construction. If all the factors affecting affordability are not considered, relief for home buyers and renters will not be achieved.

Municipal housing targets should be tied to servicing capacity, affordability and elements of the development review and approval process within municipal control

Recently approved York Region Official Plan forecasts are aggressive and exceed Growth Plan expectations. While short term housing targets can be accommodated in some instances, infrastructure capacity must be in place to support this growth. Servicing capacity in central and northern York Region will be constrained until the servicing solution proposed through the *Supporting Growth and Housing in York and Durham Regions Act, 2022* is in place. It is for this reason that Regional planning for growth management is essential to ensure alignment between growth and infrastructure.

Recommendation 1: Housing Targets be aligned with a municipalities ability to achieve them, including availability and management of servicing infrastructure capacity

While housing supply is needed to support growth, market forces alone will not provide the housing needed to shelter residents throughout the income spectrum. In 2021, the average price of a resale home in York Region was almost \$1.3 million and was only affordable to the top earning 10% of households.

Recommendation 2: Housing Targets have regard for affordability, household size and tenure to meet the needs of all Ontarians and align with growth management, infrastructure and fiscal planning models

As of year-end 2021, York Region had a housing supply of 47,607 units that were draft approved or registered, and an additional 15,200 units under construction. While municipalities have some control over making land available for development and processing development applications, they have very little control over the actual development of the units once approvals are granted.

Recommendation 3: Municipal Housing Targets and Pledges be tied to elements of the development review and approval process within municipal control

The Region has initiated work on an Affordable Private Market Housing Implementation Plan, which has the objective to identify actions, advocacy, and partnership approaches to address private market housing gaps in the short, medium, and long term. The approaches identified through this initiative could be used to help implement housing pledges.

Preliminary response to ERO 019-6171 – 2031 Municipal Housing Targets; ERO 019-6173 – Proposed Amendment to O. Reg 232/18: Inclusionary Zoning; 22-MMAH018 – Seeking Input on Rent-to-Own Arrangements; 22-MMAH017 – Seeking Feedback on Municipal Rental Replacement By-Laws; ERO 019-6197 – Proposed Changes to Ontario Regulation 299/19: Additional Residential Units

Inclusionary Zoning should be flexible and tied to prices that people can afford

York Region has a long-standing history of supporting Inclusionary Zoning, and commented on Provincial approaches in [September 2016](#), [January 2018](#), [June 2018](#) and [June 2019](#). These reports highlight the need for municipal flexibility when developing inclusionary zoning frameworks, with minimum or maximum baselines provided by the province in some cases.

Recommendation 4: The depth, duration, and percent of affordability within an inclusionary zoning development be within Provincial ranges and determined within local contexts

The impact of incentives on the ability of a development proponent to provide affordability is important. The province should determine whether the value of the mandatory offsets for affordable units, such as development charge, community benefit charge and parkland dedication exemptions, is commensurate to the value of the number of units secured and the duration of affordability. This would ensure good value for money in the provision of mandatory municipal incentives in exchange for a public benefit.

Recommendation 5: Mandated parameters for inclusionary zoning frameworks must consider mandated offsets to ensure the public interest is maximized

Administration of inclusionary zoning units, including eligibility may be best administered by Service Managers in a two-tiered environment, but additional funding is required to do so. Consideration should be given to transitioning units at the end of the term to market value over time to allow tenants to adjust to increased rates.

Increasingly the housing market has become divorced from what people can afford based on their incomes. It is estimated that fewer than 10% of households on York Region's subsidized housing waitlist would be able to afford rents at the thresholds proposed. While we acknowledge inclusionary zoning is not meant as a replacement to rent-gear-to-income units, housing affordability definitions based on market prices, and not on household incomes are problematic. The need to align affordability thresholds with what households can actually afford also applies to ownership units. Applying the proposed definition of 80% of market rate to an ownership unit in York Region results in a price point of over \$1 million for all structure types and is only affordable to the highest earning 10% of households.

Recommendation 6: Affordability thresholds should be tied to what people can afford to pay, and not what the market can bear

Preliminary response to ERO 019-6171 – 2031 Municipal Housing Targets; ERO 019-6173 – Proposed Amendment to O. Reg 232/18: Inclusionary Zoning; 22-MMAH018 – Seeking Input on Rent-to-Own Arrangements; 22-MMAH017 – Seeking Feedback on Municipal Rental Replacement By-Laws; ERO 019-6197 – Proposed Changes to Ontario Regulation 299/19: Additional Residential Units

Rent-to-own agreements may support housing attainability, but consumer protections must be embedded

Please see Appendix 1 for answers to the questions posed in the Ontario Regulatory Registry Proposal Number 22-MMAH018 related to the role that the "rent-to-own" home financing model may have in supporting housing attainability in the province.

There is a role for rent to own models to support housing attainability. In addition to this approach, ongoing efforts to support housing affordability, including purpose built rental housing is also important. Should the Province assume a role for municipalities (i.e., Service Managers) in the delivery of a rent to own program, administration funding must be provided, and eligibility criteria should align with the priorities and needs within the service area. Any programs should also align with Federal rent to own initiatives as committed to in the 2022 Federal budget.

Recommendation 7: The Province should consider setting a legal framework for rent-to-own agreements which housing providers must follow when entering into agreements with households, to ensure consumer protections. Examples of consumer protections include ensuring fair market value for the tenant/owner over the long term, including in cases where the property is ultimately not purchased; and clarity of roles and responsibilities to do with property maintenance.

Municipal rental replacement by-laws are important to help mitigate against the net loss of affordable units

Please see Appendix 1 for answers to the questions posed in the Ontario Regulatory Registry Proposal Number 22-MMAH017 related to future legislative amendments to standardize and clarify municipal powers to regulate the demolition and conversion of residential rental properties.

Recommendation 8: Work with municipalities to establish rental replacement and conversion standards that prioritize the continuity of existing communities through the redevelopment and gentrification of neighbourhoods

Additional residential units facilitate complete communities by expanding housing opportunities

Additional residential units in existing residential areas and new community areas have the potential to increase rental and affordable housing supply and to help increase transit ridership. They could assist with housing affordability by lowering the financial

Preliminary response to ERO 019-6171 – 2031 Municipal Housing Targets; ERO 019-6173 – Proposed Amendment to O. Reg 232/18: Inclusionary Zoning; 22-MMAH018 – Seeking Input on Rent-to-Own Arrangements; 22-MMAH017 – Seeking Feedback on Municipal Rental Replacement By-Laws; ERO 019-6197 – Proposed Changes to Ontario Regulation 299/19: Additional Residential Units

barrier to building a secondary suite or garden suite that family members could live in. Any programs should align with the Federal Multigenerational Home Renovation Tax Credit as committed to in the 2022 Provincial budget. To ensure that these units are used to house Ontarians, mechanisms to prohibit their use as short term rentals should be considered.

Recommendation 9: Consider mechanisms to prohibit the use of additional residential units as short-term rentals

As additional residential units are promoted, monitoring and reporting of units and prior confirmation of water and wastewater servicing capacity will be important.

Recommendation 10: Mandate reporting of additional residential units for service confirmation

If you have questions regarding this response or would like to discuss these recommendations, please contact Paul Freeman, Chief Planner, Planning and Economic Development at Paul.Freeman@york.ca

Sincerely,



Paul Freeman, MCIP, RPP
Chief Planner

14362453

APPENDIX 1

Answers to provincial questions regarding the role that the "rent-to-own" home financing model may have in supporting housing attainability in the province.

1. *Do you think that rent-to-own arrangements are a viable way to support housing attainability in Ontario?*

Rent to own agreements are one approach to support housing attainability in Ontario. However, it is important that consumer protections be in place.

2. *Are there any barriers with rent-to-own arrangements that you think may be discouraging providers from offering this type of housing?*

An education campaign to housing providers on how these agreements work may be beneficial. Additionally, it is important to balance consumer protections with risk mitigation for the housing provider when drafting the agreements.

3. *Are there any issues with existing rent-to-own arrangements that make it difficult or unfavourable for clients, such as renters, to engage in them?*

An education campaign to clients on how these agreements work may be beneficial.

4. *Are there measures the government could consider to facilitate these agreements, such as making them more viable for housing providers, increasing client protections, raising awareness and public education on this alternate form of home ownership, etc?*

All suggestions posed in the question should be further explored in partnership with housing providers and other stakeholders. Viability for housing providers will be dependent on market conditions over time and approaches to risk mitigation should be explored to help increase take up

APPENDIX 2

Answers to provincial questions related to future legislative amendments to standardize and clarify municipal powers to regulate the demolition and conversion of residential rental properties.

1. What types of requirements should municipalities be able to set around residential rental demolition and conversion?

Municipalities should be able to determine conditions when demolition or conversion is permitted. For example, the York Region Official Plan prohibits demolition or conversion of purpose-built rental buildings if the rental vacancy rate is less than 3% for a period of more than three consecutive years in the local municipality.

When demolition or conversion does occur, protections should be afforded to existing tenants that they are able to continue to live affordably within their communities.

2. What types of requirements should municipalities not be able to set (e.g., are there requirements that pose a barrier to creating new or renewed housing supply or limit access to housing)?

Through rental replacement, public benefits should not be discounted. Rental replacement should involve a 1:1 replacement agreement to ensure the continued shelter of existing residents. Community benefits should be negotiated through separate processes where appropriate.

3. What impact do you think municipal rental replacement bylaws might have on the supply and construction of new housing?

Rental replacement bylaws help ensure a mix and range of housing options and a diversified and more affordable housing supply. New construction proformas and viability assessments need to incorporate rental replacement costs when redeveloping in desirable areas with improved infrastructure and overall marketability.

Preliminary response to ERO 019-6171 – 2031 Municipal Housing Targets; ERO 019-6173 – Proposed Amendment to O. Reg 232/18: Inclusionary Zoning; 22-MMAH018 – Seeking Input on Rent-to-Own Arrangements; 22-MMAH017 – Seeking Feedback on Municipal Rental Replacement By-Laws; ERO 019-6197 – Proposed Changes to Ontario Regulation 299/19: Additional Residential Units

4. *What impact do you think municipal rental replacement bylaws might have on renter protections and access to housing?*

Rental replacement bylaws ensure the continuity of existing communities through the redevelopment and gentrification of neighbourhoods. As cities evolve over time, it is important that existing residents and workers are not displaced and economically pushed from living in the city core where there is access to transit, amenities and service

November 18, 2022

Craig Brown
Assistant Deputy Minister
Policy Division
Ministry of Natural Resources and Forestry
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Public Input Coordinator
MNRF - PD - Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South tower
Peterborough, ON
K9J 3C7

RE: York Region Response – ERO 019-6161 – Conserving Ontario’s Natural Heritage

On October 25, 2022, the Province introduced Bill 23, *More Homes Built Faster Act, 2022* (Bill 23). Bill 23 proposes amendments to 9 statutes and forms the third stage of the government’s Housing Supply Action Plan. All levels of government have a shared interest and duty in ensuring Ontarians can find a home that meets their needs and budgets.

On November 10, 2022, in a response to Bill 23, York Region Council requested that the Government of Ontario halt Bill 23 and convene the [Housing Supply Action Plan Implementation Team \(HSAPIT\)](#) to ensure municipalities can work in consultation with the province to address the housing affordability crisis in our communities.

This letter provides preliminary responses and recommendations to the above noted environmental registry posting. The short consultation period, coupled with the recent municipal election prevented timely Council endorsed comments and recommendations, prior to the Standing Committee submission deadline. Regional Council will consider these comments on December 8, 2022 and additional Council comments will be submitted to the Province.

Ecological offsetting should only be considered after all other options for protecting natural heritage and hydrologic features have been evaluated

In alignment with the “avoidance first” principle, ecological offsetting is a tool that should only be used as a “last resort”, being an option only where federal, provincial and municipal

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requirements do not protect the feature, and only after all other options to avoid and mitigate any impacts on the feature have been evaluated.

Recommendation 1: Ecological offsetting is not used as justification for the removal of already established natural heritage features or systems.

The result of an offsetting policy should be both a net gain in natural heritage area and a net gain in ecological function

The result of an offsetting policy should be both a net gain in natural heritage area and ecological function. Offsetting an established and mature natural heritage feature such as a woodland or wetland with a new natural heritage area without the equivalent ecosystem functions would create a loss in the important ecological function provided such as flood mitigation, habitat for flora and fauna, climate regulation, nutrient cycling, and soil retention.

Recommendation 2: Compensation outcomes strive to fully replace the feature and its functions.

The ecological offsetting policy should require offsetting to occur locally

An ecological offsetting policy may result in natural heritage loss within the region since there is not a principle that requires the offsetting to occur locally. Any offsetting should result in a net gain in natural heritage features and functions within the local area.

Recommendation 3: Offsets only be located within the same watershed to support watershed plan objectives and maintain watershed health.

A mechanism for transparency and accountability for offsetting should be incorporated into the development application process

The ecological offsetting policy requires transparency and accountability to ensure implementation of a net gain in natural heritage area and a net gain in ecological function is achieved on the ground. Terms of reference through the planning process should require designation of a responsible party for undertaking the offset through ecological restoration or new feature creation. Terms of reference should also require identification of offset location, a concept design and plan for the natural heritage area, a monitoring program with an adaptive management approach to achieve offsetting targets, and a mechanism for reporting publicly on implementation.

Recommendation 4: Establish terms of reference clearly outlining offsetting implementation requirements.

Market housing must be delivered alongside other components of complete communities, including natural heritage systems and features

A focus on delivering market housing in isolation of other components of complete communities including natural heritage systems and features may increase demand and costs for other programs. Greenspaces including natural heritage systems and features play an important role in quality of life, mental health, recreation, and climate mitigation and adaptation, benefits that could be impacted by reduced greenspaces within residential developments and communities if they are offset elsewhere. COVID-19 confirmed that urban greenspace is essential in higher density communities, and existing greenspace was inadequate in addressing demand. Reduced greenspace within communities will exacerbate inaccessibility if they are removed and offset elsewhere.

Recommendation 5: Approval of new housing developments should ensure adequate protection of greenspace to meet the needs of the community.

If you have questions regarding this response or would like to discuss these recommendations, please contact Paul Freeman, Chief Planner, Planning and Economic Development Branch at Paul.Freeman@york.ca.

Sincerely,



Paul Freeman, MCIP, RPP
Chief Planner

14368494

November 18, 2022

Craig Brown
Assistant Deputy Minister
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Public Input Coordinator
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RE: York Region Response – ERO 019-6160 – Proposed Updates to the Ontario Wetland Evaluation System

On October 25, 2022, the Province introduced Bill 23, More Homes Built Faster Act, 2022 (Bill 23). Bill 23 proposes amendments to 9 statutes and forms the third stage of the government's Housing Supply Action Plan. All levels of government have a shared interest and duty in ensuring Ontarians can find a home that meets their needs and budgets.

On November 10, 2022, in a response to an update on Bill 23, York Region Council requested that the Government of Ontario to halt Bill 23 and convene the [Housing Supply Action Plan Implementation Team \(HSAPIT\)](#) to ensure municipalities can work in consultation with the Province to address the housing affordability crisis in our communities.

This letter provides preliminary responses and recommendations to the above noted environmental registry posting. The short consultation period, coupled with the recent municipal election prevented timely Council endorsed comments and recommendations, prior to the Standing Committee submission deadline. Regional Council will consider these comments on December 8, 2022 and additional Council comments will be submitted to the Province.

The Ontario Wetland Evaluation System (OWES) should continue to ensure that development is not permitted in areas where it would present a risk to homeowners

When considered in the context of the broader changes proposed in Bill 23, changes to the evaluation system opens the possibility of development on wetlands and in floodplains. The proposed changes could make it more difficult for new wetlands to meet the criteria for identification as provincially significant wetland and easier for existing wetlands to be re-evaluated as not significant, allowing development to occur in these areas. Such a change has the potential to reduce natural functions in these areas including flood control, filtration of pollutants, and source water protection, while also presenting greater flooding risks.

Recommendation 1: The wetland evaluation system should continue to ensure development is not permitted in areas where it would present a risk to homeowners.

The OWES should maintain a systems approach to wetland evaluation criteria

Re-evaluation of existing provincially significant wetlands including previously evaluated wetland complexes under the new scoring system could result in wetlands losing the status of being significant, allowing these wetlands to be potentially lost to development. Such a change has the potential to reduce habitat and natural functions including flood control, groundwater recharge and filtration of pollutants. The OWES should maintain a systems-approach to evaluating wetland complexes, evaluating ecosystem functions and significance as a whole rather than evaluated as individual units, to comprehensively determine significance. Although a wetland offsetting program is also open for consultation, it currently does not indicate whether wetlands can be offset within the same area. Offsetting is not an effective solution for wetland loss unless it results equal or greater ecosystem function within the same area.

Recommendation 2: The wetland evaluation system should continue to place strong emphasis on maintaining wetland complexes and associated species at risk habitat.

Local municipal resources are not in place to address increased responsibilities

The results of evaluations made under this system will now be primarily used by local municipalities as part of the municipal planning process. Given the context of the broader changes proposed in Bill 23, local municipalities will be taking on a greater role with increased approval authority role for applications previously approved by upper-tier municipalities or Conservation Authorities. Local municipal resources are not in place to address increased responsibilities, and this could result in unintended inefficiencies and delays in the planning review and development approval process, leading to a subsequent delay in housing construction. Local municipalities may also not have the capacity and expertise to independently consider all these matters, including wetland evaluation results, when reviewing planning applications, which could elevate municipal risk and liability.

Recommendation 3: Consider longer transition timeframes to develop effective implementation plans that ensure an expedited and streamlined development review process.

Market housing must be delivered alongside other components of complete communities, including wetlands

A focus on delivering market housing in isolation of other components of complete communities including natural heritage systems and features such as wetlands may increase demand and costs for other programs. Greenspaces including natural heritage systems and features such as wetlands play an important role in quality of life, mental health, recreation, and climate mitigation and adaptation, benefits that could be impacted by reduced greenspaces within residential developments and communities if they are offset elsewhere. COVID-19 confirmed that urban greenspace is essential in higher density communities, and existing greenspace was inadequate in addressing demand. Reduced greenspace within communities will exacerbate inaccessibility if they are offset elsewhere.

Recommendation 4: Approval of new housing developments should ensure adequate protection of greenspace to meet the needs of the community.

If you have questions regarding this response or would like to discuss these recommendations, please contact Paul Freeman, Chief Planner, Planning and Economic Development Branch at Paul.Freeman@york.ca.

Sincerely,



Paul Freeman, MCIP, RPP
Chief Planner

14368486

November 18, 2022

Cristina DaSilva
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th floor
Toronto, Ontario M7A 2J3

Jane N Mallen
Assistant Deputy Minister
Ministry of the Attorney General
Corporate Policy Unit
720 Bay Street, 3rd Floor
Toronto, ON M7A 2S9

RE: York Region Response to:

**22-MMAH017 – Proposed Municipal Act and City of Toronto Act Changes;
22-MAG011 – Proposed Amendments to the Ontario Land Tribunal Act,
2021; ERO 019-6167 – Proposed Revocation of the Parkway Belt West Plan**

On October 25, 2022, the Province introduced Bill 23, *More Homes Built Faster Act, 2022* (Bill 23). Bill 23 proposes amendments to 9 statutes and forms the third stage of the government's Housing Supply Action Plan. All levels of government have a shared interest and duty in ensuring Ontarians can find a home that meets their needs and budgets.

On November 10, 2022, in a response to an update on Bill 23, York Region Council requested that the Government of Ontario to halt Bill 23 and convene the [Housing Supply Action Plan Implementation Team \(HSAPIT\)](#) to ensure municipalities can work in consultation with the province to address the housing affordability crisis in our communities.

This letter provides preliminary responses and recommendations to the above noted environmental registry posting. The short consultation period, coupled with the recent municipal election prevented timely Council endorsed comments and recommendations, prior to the Standing Committee submission deadline. Regional Council consideration of these comments will occur on December 8, 2022 following which additional Council comments will be submitted to the Province.

Proposed Municipal Act and City of Toronto Act Changes

Proposed changes to the Municipal Act would impose limits and conditions on municipalities' ability to prohibit and regulate the demolition and conversion of residential rental properties. Please see the York Region response to the Ontario Regulatory Registry Proposal # 22-MMAH017 – *Municipal Rental Replacement By-Laws* for related comments.

Further changes to the Municipal Act are proposed to require municipalities to spend or allocate at least 60 per cent of the monies in their reserve funds on a yearly basis. Please see the York Region response to ERO #019-6172 – Proposed *Planning Act and Development Charges Act* Changes for related comments.

Proposed Revocation of the Parkway Belt West Plan

The Parkways Belt West Plan was intended to protect transportation and utility corridors for highway projects decades ago. York Region supports the proposed revocation of the Parkway Belt West Plan but recommends consideration be given to adding beneficial active transportation aspects under the plan to another provincial guidance document to facilitate the 407 Transitway and connections between mobility hubs that will help reduce east-west traffic issues in the GTA.

Proposed Amendments to the Ontario Land Tribunal Act, 2021

York Region supports the proposal to allow the Tribunal to dismiss proceedings without a hearing if undue delay or failure to comply is recognized. It is recommended the Ontario Land Tribunal be adequately resourced to eliminate the existing backlog. Further clarification around the definition of “undue delay” as stated in the proposed amendment would be helpful. Further clarification is also required surrounding the rationale behind the proposal stipulating that a municipality will have to dedicate property tax dollars to pay the successful party's cost if its case renders to be unsuccessful at the Ontario Land Tribunal.

If you have questions regarding this response or would like to discuss these recommendations, please contact Paul Freeman, Chief Planner, Planning and Economic Development Branch at Paul.Freeman@york.ca.

Sincerely,



Paul Freeman, MCIP, RPP
Chief Planner

14368225

November 24, 2022

Blair Rohaly
Environmental Assessment and Permissions Division
Ministry of the Environment and Climate Change
135 St Clair Avenue West
14th Floor
Toronto, ON
M4V 1P5

Dear Blair Rohaly:

RE: York Region Response ERO 019-6192 – *Supporting Growth and Housing in York and Durham Regions Act, 2022*

The Regional Municipality of York (York Region) provides the following initial comments for the Ministry of the Environment, Conservation and Parks (the Ministry) to consider for the proposed *Supporting Growth and Housing in York and Durham Regions Act, 2022* (Schedule 10). York Region, together with Durham Region, are the stakeholders directly identified by this proposed legislation, with overall responsibility to implement the York Region sewage works project under Schedule 10 of Bill 23.

On November 10, 2022, in response to an update on Bill 23, York Regional Council resolved that further consideration of Bill 23 be halted to allow the government to appoint membership and receive advice from the Housing Supply Action Plan Implementation Team and collaborate with the Association of Municipalities Ontario. All levels of government have a shared interest and duty in ensuring Ontarians can find a home that meets their needs and budgets. Comments captured here should be considered preliminary as they have not benefitted from these collaborative discussions.

While we are proceeding in the context of our Council direction, we strongly recommend continuing staff dialogue to define needed modifications to Schedule 10 as these broader planning and finance discussions occur on Bill 23 overall. York Region is still reviewing the full implications of Schedule 10, the assumptions and analysis summarized by the York Region Wastewater Advisory Panel in its report, and consulting with Durham Region. While this analysis has not been completed, because Bill 23 has been moving quickly through the Legislature this submission was prepared to ensure that York Region's initial comments and recommendations may be adequately considered by the provincial government prior to the Bill reaching third reading. These comments and recommendations do not represent the Region's agreement with draft provisions of Schedule 10 or overall responsibilities assigned to the Region because several key matters remain uncertain at this time and require further clarity.

To ensure sufficient servicing to accommodate growth and as Schedule 10 directly impacts York Region and its ability to meet projected growth targets, it is imperative that the Ministry consider and respond to recommendations and comments in this response prior to the proposed legislation reaching third reading. In addition, the comment period did not allow for the inclusion of comments from the newly elected York Region Council. Timing and consideration of additional comments from York Region Council should be factored into this proposed legislation before it is finalized.

This preliminary submission does not represent, and should not be taken as, agreement with, endorsement of or acquiescence to the unilateral action by the Province in respect of York Region's Upper York Environmental Assessment that Schedule 10 and associated Panel Report represent.

Servicing Impacts

Provincial changes to population projections fundamentally change Advisory Panel recommendations, reassessment is now necessary to identify legislated projects to accommodate forecasted growth

Under Bill 23, the Province released revised housing projections for areas serviced by the York Durham Sewage System (YDSS). Projections are double for southern York Region and quadruple for central York Region compared to projections in the Region's 2022 Water and Wastewater Master Plan to 2031.

The Province's York Region Wastewater Advisory Panel (Advisory Panel) relied on the 2051 growth assumptions from the Region's 2022 Water and Wastewater Master Plan to reference infrastructure identified in the north and central portions of the Region to meet servicing demand. While the Advisory Panel had projected sufficient capacity to 2041 for the co-owned Duffin Creek Plant, based on forecasted growth outlined in the Region's master plan and draft population projections from Durham, the Advisory Panel recommended option did not consider new provincial intensification requirements as a part of Bill 23. As a result, assumptions need to be reassessed based on these new Provincial higher growth projections. It is imperative that the Province work collaboratively with York and Durham Regions to reassess population and resultant capacity assumptions.

In addition to the higher flows associated with the higher growth stipulated under Bill 23, ERO 019-6216 *Proposed Amendments to the Greenbelt Plan* will further increase wastewater flows to Duffin Creek. Proposed Greenbelt Plan changes increase future development within York (Map 1) and Durham Regions (Map 6 and 7) that had not previously been considered for servicing. Proposed Greenbelt land designation changes will increase required capacity for the proposed wastewater servicing solution, particularly in Newmarket, Pickering and Ajax. This cumulative impact needs to be considered to identify all needed infrastructure to accommodate provincially forecasted growth. A summary of required infrastructure now resulting from higher forecasted growth and flow will be included in the project report and should be granted exemption

status proposed within Schedule 10 for all aspects of servicing including the Durham and York secondary systems.

Section	Recommendation
1	Ministry to work in collaboration with York Region and Durham Region staff, to reassess population and capacity assumptions and reconsider feasibility of legislated projects to realize updated forecasted growth, in alignment with updates to York Region's Water and Wastewater Master Plan. An expanded list of projects is now required for implementation of the Province's recommended approach and should be developed for inclusion in Schedule 10.

Definition of *York Region sewage works project* to include all required conveyance, pumping and additional treatment capacity needed to service projected growth

As outlined above, total sewage flows will be much higher than those estimated by the Advisory Panel. A complete solution needs to encompass all elements of the full pumping, conveyance and treatment infrastructure system to enable servicing of growth targets set by the Ministry of Municipal Affairs and Housing. The proposed high sewage flows require a comprehensive servicing solution encompassing required conveyance, pumping and treatment components.

Currently, it is unclear if the definition in Schedule 10 Section 1 “York Region sewage works project” specifically includes treatment capacity increases at the Duffin Creek Water Pollution Control Plant and other required works. It is recommended that the definition be updated to explicitly state that Duffin Creek Plant capacity expansion, the new primary trunk sewer, along with any other required works necessary to service new projected growth are included in this definition to allow for implementation of a fully viable system solution.

Near-term servicing capacity is also critical and additional capacity needs to be implemented immediately. In the eight years since York Region submitted the Upper York Sewage Solutions project for approval, the Region has been stretching its infrastructure to maximize servicing capacity within existing infrastructure and processes, which has reached its limit. New wastewater treatment is required in central York Region to accommodate immediate growth needs.

Section	Recommendation
Definitions	Proposed amendment: “York Region sewage works project” means the improvement, enlargement, extension and any other modifications of the York Durham Sewage System and secondary systems in York and Durham Regions to pump, convey and treat 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 all associated or connected infrastructure including the Duffin Creek Water Pollution Control Plant, ancillary equipment, systems and technologies or thing that may be prescribed.
	Exemptions for all works in the Master Plan related to growth serviced by the Duffin Creek plant and other works that are in the process of being identified which will be evaluated and defined in the project report to be submitted to the Minister once required studies, financial analysis and background are complete.

Drinking water servicing projects need to be included within the scope of Schedule 10 to provide a full servicing solution

Schedule 10 provided expedited approvals for wastewater conveyance, but this is only one part of the necessary servicing requirements to facilitate the Province’s growth targets for the northern part of York Region. Increased drinking water servicing will also be required to meet servicing needs within the same timeframe as wastewater.

The existing environmental assessment process is slow, cumbersome, and plagued by delays that hinder timely implementation of needed infrastructure. Drinking water servicing projects need to be included within the scope of Schedule 10. It is recommended that a clear process be implemented with cost and schedule certainty for water and wastewater projects supporting desired growth. The Region requires an explicit Provincial commitment to work together and expedite identified projects required to unlock provincially approved growth and housing.

Section	Recommendation
Definitions	Add a definition for “Drinking water systems” that provide corresponding required water servicing to support implementation of the “York Region sewage works project.”
3	Add “Drinking Water Systems” to the scope to allow required drinking water projects to be completed in lockstep with the sewage works.

Cost and Process

Highly urbanized Yonge Street route recommended by Advisory Panel is not likely to be financially or technically feasible

Sewer route recommendations made by the Advisory Panel were based on a high-level review and constructability assumptions that do not align with the Region’s experience and knowledge of the service areas. Bayview Avenue and Leslie Street route options warrant more detailed feasibility analysis. The Yonge Street recommendation cannot proceed based on the high-level analysis completed by the Panel. Anticipated sewage flows are now much higher than estimates contained in the environmental assessment submitted in 2014 and there are downstream bottlenecks that eliminate the Yonge Street route as a technically feasible option.

The Panel’s proposed Yonge Street route requires construction through some of the most densely populated areas of the Region and is not a financially feasible or responsible option. This conflicts with requirements under Section 3(2)e of Schedule 10, requiring the Region to expand the York Durham Sewage System in an efficient and cost-effective manner. Routes along Bayview or Leslie may provide for a more cost-effective solution and full costing needs to be assessed for these options.

The Region requires additional provisions to manage costs related to the projects necessary to enable the provincially directed solution outlined in Schedule 10. Regional projects related to Schedule 10 should be eligible for full cost recovery via development charges without discounts to enable delivery. An amendment should be made to Schedule 3 to exclude this project from pending changes to development charges.

The Region also urges the Province to make a cost contribution to jointly-owned York and Durham critical infrastructure required to be expanded as part of this project. These elements include the Duffin Creek expansion, the Primary Trunk Sewer and all other related projects. This cost contribution should meet or exceed the \$100M invested to date by York Region.

Section	Recommendation
1, 3(2), Part III (11)	<p>Projects within the proposed legislative solution should include pumping, conveyance and treatment infrastructure with realistic cost estimates and proper verification. Greater cost and schedule certainty is required in legislation. In addition, water and wastewater Projects required to service growth needs to 2051 will require exemptions and must be named in the legislation.</p> <p>The Province to make a cost contribution to jointly-owned York and Durham critical infrastructure required to be expanded as part of this project. Aligned with the Province’s objective to advance affordable housing, this cost contribution should meet or exceed the \$100M invested to date by York Region.</p>
Schedule 3 of Bill 23	Amend Schedule 3 to allow the York Region Sewage Works Project to be eligible for full-cost recovery via development charges without discounts.

Project report to Minister must be scoped and rely on pre-existing information on identified route to accelerate implementation process

Although Schedule 10 includes an exemption from the *Environmental Assessment Act*, Schedule 10 requires the Regions to complete a Project report on the York Region sewage works project. Sections 3, 4, and 5 of Schedule 10 place significant onus on the Region to complete a process that is not well defined and comes without any certainty of approval or provincial support in the process. This uncertainty will lead to project delays. It is recommended that certainty be provided to obtain necessary exemptions, permits, approvals and amendments for required projects within Schedule 10. Given the

extensive existing geotechnical data and modelling information available in this area, the Region proposes to use this preexisting information to produce the requested project report. This streamlined project report will contain a level of detail similar to what is completed under a typical water and wastewater master plan process. This approach will help to accelerate the report development and ensure construction of the project begins in a timely manner.

Section	Recommendation
4 (1) 2	Project report requirements be similar to what is completed under a typical water and wastewater master plan where a preferred solution is recommended based on existing field data and modeled scenarios.
4(3) 5(5)	Sections do not allow for changes to a report to be requested by York or Durham Regions. Typically, a project proponent should be able to request a change, which should be added as sub-sections to these respective sections. An approved change should also be exempted from the <i>Environmental Assessment Act</i> because the change is connected to the works required to implement the project.
13, 14	The application, review and issuing of supporting permits and approvals can result in delays for project implementation e.g., ECA, ESA, PTTW, Excess Soil, etc. Schedule 10 should be amended to provide an expedited process for securing these exemptions, permits, approvals and amendments.
46	Delegate Ministerial authority to staff to require a utility to move its infrastructure if it is necessary for the project.

Governance and Responsibilities

York Region recommends the Province establish a dedicated multi-disciplinary team to work in direct partnership with the Regions

Based on initial assessments, the Region will need to add servicing capacity to southern York Region by 2031 to meet increased servicing needs resulting from removal of density restrictions around Major Transit Station Areas and Transit Oriented Communities. This is a very short amount of time to design, build, and commission several very large infrastructure projects. The proposed study in Section 3 of Schedule 10 requires much of the same requirements as a traditional environmental assessment. To get shovels in the ground faster and help support the Province's target of 1.5 million homes over 10-years, a whole of government approach will be required. York Region recommends a multi-disciplinary team be established to directly support the Regions to accelerate the York Region sewage works project in an efficient and cost-effective manner.

To build the scale of infrastructure required within Schedule 10, the projects will require a true partnership approach between the Regions and provincial ministries, otherwise the growth will not be realized within timelines prescribed by the Province. It is recommended that decision-makers from the Ministries of Municipal Affairs and Housing; Environment, Conservation and Parks; and Indigenous Affairs be represented

on this team. Decision-making powers will be crucial to success, it is recommended that any authorities required to proceed with the project be delegated from the Ministers to representatives on this team.

Section	Recommendation
4(1) 4(3), 4(5), 4(7)	York Region recommends the Province establish a dedicated multi-disciplinary team to work in direct partnership with the Region to: <ol style="list-style-type: none"> 1. Define the scope and requirements of the project report 2. Determine the exemptions, amendments, approvals and permits that are required to implement the projects 3. Facilitate and enable the project planning and implementation Amend to add the Ministries of Municipal Affairs and Housing; Environment, Conservation and Parks; and Indigenous Affairs as responsible parties, along with the Regions, to complete the Report.
4(3)	Add sub-section to delegate the authorities of the Minister to Ministry staff to provide decision-making authority to accelerate delivery.
4(2)	Require the three Ministries listed above to work in partnership with the Regions to develop terms of engagement that includes roles and responsibilities of the Province and the Region in delivering the project to accelerate the process, including review and approval timeline targets.

Province must lead Duty to Consult process as a treaty partner

This important consultation process needs to be led by the Province as the Crown to leverage its substantial experience and treaty status to facilitate an effective Indigenous engagement process and needs to be based on reasonable best efforts. The Ministry of Indigenous Affairs should take lead responsibility for the timely completion of this process due to the urgency and significance of this servicing solution.

Section	Recommendation
3(3), 4(3), 5(5), 5(3)(4)	At a minimum, it is recommended that the province establish: <ol style="list-style-type: none"> 1. Provincially led team to facilitate the consultation based on reasonable best efforts 2. A Provincial Protocol be developed to guide the timely completion of this consultation process, including agreed scope of work and areas of consultation, review and comment time commitments, communication channels, etc. 3. Clearly defined standard to determine when consultation is deemed to be complete, should a First Nation or Indigenous community choose not to participate

OCWA lead the Lake Simcoe Phosphorus Reduction Project

On April 25, 2022, the Province announced that it would provide \$24M in funding to develop the Lake Simcoe phosphorus reduction project. The Advisory Panel report

specifically recommended Ontario Clean Water Agency (OCWA) design, build and operate the Holland Marsh Polder Project. As the entire Lake Simcoe watershed benefits from this project, costs should be appropriately shared across all 20 municipalities in the Lake Simcoe watershed.

York Region urges the Province to fulfill its commitments following recommendations of the Advisory Panel and its own commitment to provincially fund, design, build and operate this facility without any further cost to the Region. This will show strong Provincial leadership aligned with responsibilities under the *Lake Simcoe Protection Act, 2008* and Plan.

Section	Recommendation
7, 11	York Region recommends that the province leverage powers in Section 11 of Schedule 10 to assign responsibility for implementing the phosphorus reduction project to OWCA (the Agency). A strong governance framework will be key to success. Having a Provincial agency fully responsible for leading this process would be beneficial and align with recommendations from the Advisory Panel. It is recommended that the Agency design, build and operate this facility.

The Province's active leadership is critical to expedite implementation of this solution by incorporating the Region's recommendations outlined in this preliminary response. The Region intends to submit fulsome responses later this month as part of the Standing Committee and Environmental Registry processes. If you have any questions regarding this response or would like to discuss these recommendations, please contact Mike Rabeau, Director of Capital Planning and Delivery, Environmental Services, at Mike.Rabeau@york.ca.

Sincerely,

Erin Mahoney
 Commissioner
 Public Works
 The Regional Municipality of York

CC: Lisa Trevisan, ADM, Environmental Assessment and Permissions Division, Ministry of the Environment, Conservation and Parks
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