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November 10, 2022

Chris Raynor, Regional Clerk
Regional Municipality of York
17250 Yonge Street
NEWMARKET ON L3Y 6Z1

via email: regional.clerk@york.ca

Dear Mr. Raynor,

**RE: King Township
– Bill 23 – More Homes Built Faster Act**

At its meeting of November 7, 2022, Council received and supported the following recommendations, in Growth Management Services Department – Planning Division Report Number GMS-PL-2022-39 with respect to the Township's response to the Province's Bill 23 proposed *More Home Built Faster Act*:

1. Report Number GMS-PL-2022-39 be received; and
2. That Council endorse Planning Division Staff comments as outlined in Report GMS-PL-2022-39 and Appendix B; and
3. That Council direct Staff to submit this Report and any additional comments arising from the November 7, 2022, Committee of the Whole Meeting to the applicable Ministers before the applicable commenting deadlines; and
4. That copies of Council's comments be provided to the Regional Municipality of York, local Conservation Authorities, and to all York Region local Municipalities, for their information; and
5. That Council direct Staff to bring forward a Report on the remaining amendments and proposed amendments to A Place to Grow Plan and the Provincial Policy Statement to a future Committee of the Whole Meeting.

A copy of Growth Management Services Department Report GMS-PL-2022-39 is attached for your information.

Yours truly,

Denny Timm
Township Clerk

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Kristen Harrison, Manager of Policy Planning, King kharrison@king.ca



**THE CORPORATION OF THE TOWNSHIP OF KING
Report to Committee of the Whole**

Monday, November 7, 2022

**Growth Management Services Department - Planning Division
Report Number GMS-PL-2022-39
Bill 23, More Homes Built Faster Act, 2022
Review of Proposed Amendments
Policy Planning File PP-2022-05**

RECOMMENDATION(S):

The Director of Growth Management Services respectfully submits the following recommendation(s):

1. Report Number GMS-PL-2022-39 be received; and
2. That Council endorse Planning Division Staff comments as outlined in Report GMS-PL-2022-39 and Appendix B; and
3. That Council direct Staff to submit this Report and any additional comments arising from the November 7, 2022, Committee of the Whole Meeting to the applicable Ministers before the applicable commenting deadlines; and
4. That copies of Council's comments be provided to the Regional Municipality of York, local Conservation Authorities, and to all York Region local Municipalities, for their information; and
5. That Council direct Staff to bring forward a Report on the remaining amendments and proposed amendments to A Place to Grow Plan and the Provincial Policy Statement to a future Committee of the Whole Meeting.

REPORT HIGHLIGHTS:

- The Province of Ontario tabled Bill 23 on October 25, 2022, which proceeded to a second reading on October 26, 2022, and referred to the Standing Committee of Heritage Infrastructure and Cultural Policy with a commenting deadline of November 17, 2022.
- Bill 23 is intended to support Ontario's Housing Supply Action Plan, with the stated objective of increasing housing supply in the Province.
- Bill 23 proposes significant changes for upper- and lower-tier municipalities and conservation authorities, including proposed amendments to third-party appeals to the OLT, and changes to Site Plan Control.
- The postings have a variety of commenting deadlines, ranging from November 24, 2022, to December 30, 2022. This Report focuses on postings with commenting deadlines before December 12, 2022.

PURPOSE:

The purpose of this Report is to provide a summary of the changes proposed through Bill 23, the More Homes Built Faster Act, 2022, and to provide Planning Staff's comments on the most significant of the proposed changes. Staff note that the Report focuses on the proposed amendments and corresponding Provincial postings with commenting deadlines before December 12, 2022. An additional Report will be brought forward (anticipated to be at the December 12, 2022, Committee of the Whole Meeting) to provide additional comments on postings with a commenting deadline of December 30, 2022.

BACKGROUND:

The Province of Ontario has introduced Bill 23, the More Homes Built Faster Act, 2022, to support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. The development of an annual Housing Supply Action Plan was announced through Bill 109, the More Homes for Everyone Act, 2022, as a tool to implement the recommendations of the Ontario Housing Affordability Task Force Report. The Province plans to issue a Housing Supply Action Plan every year over four years, beginning with 2022-2023. The Task Force Report outlined 55 recommendations that they felt would positively impact housing supply in Ontario. Recommendations 1 and 2 of the Report set a goal of adding 1.5 million homes in Ontario by 2031, which is the primary goal of Bill 23, the More Homes Built Faster Act, 2022.

Bill 109, the More Homes for Everyone Act, received royal assent in April 2022 and amended several Acts, including the City of Toronto Act, the Planning Act, New Home Construction Licensing Act, Development Charges Act and Ontario New Homes Warranties Plan Act. Bill 23 proposes amendments to 10 Acts, including the Planning Act, Development Charges Act, Ontario Heritage Act, Conservation Authorities Act and Ontario Land Tribunal Act, as well as several Ontario Regulations. The Province is also undertaking a review of various housing and land use policies. This includes the Provincial Policy Statement, A Place to Grow Plan and The Ontario Wetland Evaluation System.

Planning Division Staff brought forward [a Report](#) summarizing the amendments through Bill 109 and providing Staff's comments on April 25, 2022. Staff also provided [a Report](#) to Council on September 12, 2022 outlining Staff's proposed response to Bill 109 including establishing a new Pre-Consultation Process, and related changes to procedures and requirements as outlined in Report GMS-PL-2022-30. Staff note that these approaches may need to be further revised as a result of the proposed amendments through Bill 23, which will also be detailed in Staff's next Report.

ANALYSIS:

The Province has made a number of postings on the Environmental Registry of Ontario (ERO) and Ontario Regulatory Registry (ORR) for the consultations on the proposed legislative, regulatory and policy changes as part of More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023 and Bill 23. A summary of the consultations and the postings can be found in Appendix A of this Report.

The following sections provide a summary of the key Provincial postings with commenting deadlines before December 12, 2022, together with Staff's comments.

ERO Title:	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0
ERO number:	019-6141
Posted by:	Ministry of Natural Resources and Forestry
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	Schedule 2 (<i>Conservation Authority Act</i>)

Summary

The proposed legislative changes to the *Conservation Authority Act*, if passed as currently drafted would:

- Enable the exemption of development authorized under the *Planning Act* from requiring a permit under the *Conservation Authorities Act* in certain municipalities as proposed to be set out in a future regulation and could be subject to certain conditions also as set out in regulation.
- Remove “conservation of land” and “pollution” as factors that can be considered by a Conservation Authority (CA) when making decisions related to permissions or permitting and add “unstable soils and bedrock” to the matters considered in permit decisions.
- Update the timeframe after which the applicant may appeal the failure of the conservation authority to issue a permit to the OLT from 120 days to 90 days.
- Require CA’s to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order (created through Bill 109 under section 34.1 of the *Planning Act*), and allowing the Minister to review and amend any conditions attached to those permits.
- For permits issued where a Minister’s Zoning Order has been made:
- extend the existing regulation making authority of the Minister to prescribe conditions on a permit issued by a CA where there is a Minister’s Zoning Order, to enable the Minister to also prescribe limits on what conditions may be included; and
- specify that where the Minister has made a regulation allowing development to begin prior to an ecological compensation agreement being signed and has set a date by which it must be signed, the development may not continue if the agreement has not been reached within the time period outlined in regulation.

A regulatory notice has also been proposed in addition to these changes for further changes related to natural hazards. This posting has a commenting deadline of December 30, 2022, and will be reviewed in a subsequent report.

Additional amendments are also proposed to the *Conservation Authorities Act* to review the role of the Conservation Authority when reviewing and commenting on matters related to development and land use conservation. These legislative amendments would scope the Conservation Authorities’ review and commenting role to matters within their core mandate as set out in O. Reg. 686/21. The legislation is also proposed to prescribe Acts under which a Conservation Authority could not perform this review and commenting role as a “municipal” or “other” program or service under Sections 22.1.1 and 21.1.2 of the *Conservation Authorities Act*. The Acts prescribed in the draft legislation are the *Condominium Act*, *Drainage Act*, *Endangered Species Act*, *Environmental Assessment Act*, *Environmental Protection Act*, *Niagara Escarpment Planning and Development Act*, *Ontario Heritage Act*, *Ontario Water Resources Act*, and *Planning Act*.

Further, amendments are proposed to limit Conservation Authority appeals, when acting as a public body, for land use planning decisions under the *Planning Act* to matters related to natural hazard policies in Provincial policies. (Note: This provision would not apply to CA’s where they are the owner of the subject lands) Conservation Authorities can continue as a party to any appeal commenced prior to the proclamation of these provisions.

Amendments are also proposed to both the *Planning Act* and the *Conservation Authority Act* to streamline the severance process for CA’s regardless of whether the severance is provincially funded. Currently, the *Planning Act* only enables expedited severance processes in association with a provincially funded project approved by the Minister under the *Conservation Authorities Act*.

In addition to the legislative amendments proposed above, an amendment is proposed to the *Conservation Authorities Act* to enable the Minister to direct a conservation authority to freeze its fees and charges for programs and services, including the fees charged for review and comment on development related proposals and for permits issued by the Conservation Authorities.

Staff Comments:

The Township relies on the expertise of the Toronto and Region Conservation Authority (TRCA) and Lake Simcoe Region Conservation Authority (LSRCA) to inform review on various development applications and to provide input into key policies documents such as the Township’s Official Plan. The Conservation Authorities undertake science-based research that informs better decision making that helps to protect natural environment and adapt to the impact of climate change.

The Township’s Our King Official Plan outlines Council’s goal to continue to be a leader in environmental conservation and excel as stewards of Ontario’s environmental landscape. One of the key ways of achieving this goal is to work closely with key stakeholders including Conservation Authorities. The Plan also recognizes that we are in the midst of a climate emergency and that we need to work closely with both York Region and Conservation Authorities to understand, mitigate and plan for climate change.

The Township relies on partnerships with Conservation Authorities to support day-to-day work on various *Planning Act* matters. If the mandate of the Conservation Authorities is limited, as proposed in the legislation to natural hazards and flooding, the Township may need to consider alternative approaches to obtain natural heritage review and expert advice for development applications as the Township still has an obligation under Provincial Plans, such as the Oak Ridges Moraine Conservation Plan, to ensure the ecological integrity of the Plan Area is maintained.

As a result of the recent changes proposed to the Conservation Authorities Act, King Township, like many other Municipalities, have entered into discussions with CA Staff to discuss ways in which the organizations can better work together, how the organization can support the other and how development applications can be processed more efficiently. These discussions are on-going and are intended to be supported through a future Memorandum of Understanding (MOU).

Finding efficiencies within the development review process can certainly be done within the current regulatory framework and with keeping all key stakeholders, including Conservation Authorities at the table. Staff request the Province reconsider the components of the Bill 23 that limit the Conservation Authorities from commenting on planning and infrastructure projects under the various prescribed Acts, and allow the discussions leading to MOU’s with municipalities be advanced and concluded. Conservation Authorities are key stakeholders in creating sustainable, healthy and livable communities who’s contributions should not be lost in the development process moving forward.

ERO Title:	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges
ERO number:	019-6172
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	3 (Development Charges Act) and 9 (Planning Act)

Summary:

Amendments are proposed to both the Development Charges Act and Planning Act under Bill 23 for parkland dedication requirements and development charges. The Province has cited that the changes are aimed at reducing the cost of developing housing and to create cost savings for new home buyers and renters.

The parkland dedication amendments propose:

- The following maximum alternative parkland dedication rate, which is the maximum amount of parkland that can be required for higher density developments:
 - For the purposes of land conveyed, the current maximum rate is one hectare for each 300 dwelling units. The proposed amendment would be to limit the maximum to one hectare for each 600 dwelling units (50% reduction).
 - For the purposes of cash-in-lieu of parkland, the current maximum rate is one hectare for each 500 dwelling units. The proposed amendment would be to limit the maximum to one hectare for each 1000 dwelling units (again a 50% reduction).
- In addition to the above, for cash-in-lieu of parkland, that no more than 15% of the amount of developable land, or equivalent value, could be required for parks or other recreational purposes for sites with an area greater than 5 hectares, and no more than 10% for sites with an area of 5 hectares or less.
- That parkland dedication rates be set at the time of submission for a Site Plan Development or Zoning By-law Amendment Applications (if there is no Site Plan requirement) and that they remain frozen at those rates for two years from the date that the relevant application is received. If a Building Permit is issued following the two year period the current rates at that time will be applied.
- To allow for developers to identify land, including encumbered land and privately owned public spaces as counting towards municipal parkland dedication requirements if defined criteria are met. The defined criteria are proposed to be set out in future regulation and are not included within the proposed amendments.
- That the municipality would have the ability to enter into agreements with the owners of the land, which may be registered on title, to enforce parkland requirements.
- The requirement for a Parks Plan to be developed by the municipality before a Parkland Dedication By-law can be passed (however existing By-laws can continue to be implemented).
- That municipalities are proposed to be required to allocate or spend at least 60% of their parkland reserve balance at the start of each year (beginning in 2023).

The amendments are proposed to come into effect immediately should Bill 23 receive Royal Assent as currently presented, and would apply to all developments and development applications that have not yet received a Planning Act approval, and which have not yet received a building permit.

In cases where disputes arise about the suitability of land for parks and recreational purposes, the matter may be appealed to the Ontario Land Tribunal (OLT).

The amendments to the Development Charges Act propose:

- A maximum interest rate for development charge freezes and deferrals.
- Development Charge By-laws are to be required to be updated once every 10 years compared to the current requirement of once every 5 years.
- Municipalities would also be required to phase-in development charge rates set out in new DC By-laws over a 5-year period for any By-law passed as of June 1, 2022.
- A historical service level of 15 years would be required to be used, compared to the current 10 years, to calculate capital costs that are eligible to be recovered through development charges.
- Housing services is proposed to be removed from the list of eligible services, and eligible capital costs are proposed to be limited to ensure greater cost certainty. Limiting eligible capital costs would include:
 - Studies would no longer be an eligible capital cost that could be recovered through development charges.

- A regulation making authority would be provided to prescribe specific services for which the cost of land would not be an eligible capital cost that could be recovered through development charges.
- Further, at least 60% of a municipality's development charge reserve is to be required to be spent or allocated towards water, wastewater and roads at the start of each year (beginning in 2023).

Amendments are also proposed to encourage rental housing, attainable housing, affordable housing and gentle density, as follows:

- A tiered discount rate for development charges is proposed for purpose-built rental housing (i.e., 15% for a 1-bedroom unit, 20% for a 2-bedroom unit, 25% for a 3+ bedroom unit)
- Development subject to inclusionary zoning (a land use planning tool that municipalities may use to require affordable housing units for certain residential developments in Protected Major Transit Station Areas or in Community Planning Permit System Areas), as well as non-profit housing developments, would be exempt from development charges, community benefits charges and parkland dedication requirements.
- The definition for affordable housing unit is also proposed to be amended. For all other developments, an affordable housing unit would be any unit that is no greater than 80% of the average resale purchase price for ownership, or 80% of the average market rent for rental, for a period of 25 years.
- Attainable housing may also be exempt from development charges, community benefit charges and parkland dedication requirements when located in a development designated through regulation. Attainable housing shall be considered if it meets the following criteria:
 - The residential unit is not an affordable residential unit.
 - The residential unit is not intended for use as a rented residential premises.
 - The residential unit was developed as part of a prescribed development or class of developments.
 - The residential unit is sold to a person who is dealing at arm's length with the seller.
 - Such other criteria as may be prescribed.
- A second residential unit in a primary residential building and up to one unit in an ancillary building would be exempt from DCs and parkland dedication requirements.
- A third residential unit in the primary residential building would be exempt from DCs and parkland requirements as long as there are no residential units in an ancillary building.

Staff Comments:

With respect to the development charge amendments to encourage rental housing, attainable housing, affordable housing, the policies of the Our King Official Plan already allow reductions and/or exemptions for development charges for new affordable housing, including secondary residential units, to be considered through the review and updating of the Development Charges Background Study and By-laws. Under Bill 23 these reductions and/or exemptions are mandatory.

The proposed amendments will result in financial impacts due to the loss of revenue from development charges and parkland rates. Any shortfall in funds caused by Bill 23 will need to be addressed through alternative mechanisms, possibly including within the tax levy. Further, the proposed reduction in parkland dedication rates (both land and cash-in-lieu) will have a negative impact on the Township's ability to acquire adequate parkland under the Planning Act, as forecast in the Official Plan and Parks and Forestry Master Plan.

Parkland is an important component of building healthy communities and contributes to a high quality of life in the Township. While the proposed amendments to the parkland dedication rates may be well intentioned to reduce costs for home renters or buyers, it is unknown whether the savings will be passed

onto them. In addition, it may not be creating the parkland amenities that people inhabiting these neighborhoods envisioned.

ERO Title:	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) – the Proposed More Homes Built Faster Act, 2022
ERO Number:	019-6196
Posted by:	Ministry of Citizenship and Multiculturalism
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	6 (Ontario Heritage Act)

Summary:

Regulatory and legislative amendments are proposed to the Ontario Heritage Act to remove barriers to housing development by updating how heritage properties are identified and conserved by municipalities and the Province. The proposed amendments would result in changes to the Standards and Guidelines for Conservation of Provincial Heritage Properties, and introduces new requirements for municipal registers and the inclusion of non-designated properties on the municipal register. The following legislative changes are proposed to municipal registers:

- Requiring municipalities to have an up-to-date version of information on their municipal register available on a publicly-accessible municipal website. Should the amendments be passed, this amendment would come into effect after 6 months to allow municipalities time to make the necessary changes.
- Allow for property owners to use the existing process under the OHA for objecting to the inclusion of their non-designated property on the municipal register (“listed”) regardless of when it was added to the municipal register.
- Increasing the standard for including a non-designated property on a municipal register by requiring that the property meet prescribed criteria. The criteria would be those currently set out in Ontario Regulation 9/06 – Criteria for determining cultural heritage value or interest, and is proposing that the property must meet one or more of the criteria to be included.

Legislative changes are also proposed to the process for removal from the register. The changes are as follows:

- If Council advises of its intention to designate a listed property, but a designation by-law is not passed within 120 days or is repealed on appeal, the property must be removed from the municipal register.
- Non-designated (listed) properties currently included on a municipal register would have to be removed if Council does not issue a notice of intention to designate (NOID) within two years of the Bill 23 amendments coming into force.
- Non-designated properties included on the register after the proposed amendments come into force would have to be removed if Council does not issue a NOID within two years of the property being added to the register.
- If removed from the register under any of the above circumstances, the property cannot be re-listed for five years.

In addition to properties being required to meet a minimum of one criterion to be included on a municipal register, amendments are also proposed to the designation process to require that a property meet two or more criteria as prescribed through O. Reg 9/06 for properties where the NOID is published on or after the date of the proposed regulatory amendment comes into force. Further the amendments made to the Ontario Heritage Act through the More Homes, More Choice Act, 2019, also require that Councils would have to issue a NOID, to initiate the designation process, when a Planning Act Application

(“prescribed event”) is filed. If the NOID is not issued in this 90 day period the Municipality loses its opportunity to designate the property in the future. This restriction would only apply where the prescribed event occurs on or after the date the legislative amendment comes into force.

Amendments are also proposed to the legislation for Heritage Conservation Districts (HCDs) by requiring HCD plans to explain how the HCD meets the prescribed criteria. Similar to the above amendments, the criteria currently included in O. Reg 9/06 are proposed to apply to HCDs, and the HCD must meet two or more of the criteria in order to be designated, which would be achieved through a regulatory amendment. These changes would only apply where the NOID is published on or after the date the amendments come into force. A regulatory authority is also proposed to be introduced to prescribe processes for municipalities to amend or repeal existing HCD designations and by-laws to allow for opportunities to align existing HCDs with current government priorities. This is identified as including facilitating development, specifically smaller scale development and missing middle housing.

Staff Comments:

Heritage Staff have reviewed the proposed changes to the Ontario Heritage Act and regulations as per Bill 23 (Schedule 6) under the More Homes Built Faster Act, 2022. At this time, Staff are concerned about the requirements for current and new non-designated properties to be designated within a two (2) year timeframe. Currently, the Township Heritage Register contains over 150 “non-designated” properties and 35 Designated properties.

Should the proposed amendments be passed and come into effect, Heritage Staff are currently not adequately resourced to review and potentially consider designation of all “non-designated” properties on the Heritage Register within the mandated two (2) year timeframe. Additional resources would be required in order to attempt to meet the proposed requirements within the proposed two year timeframe.

Failure to designate all current and new “non-designated” properties as proposed within the timeframe would result in the mandatory requirement to remove any remaining non-designated properties from the Heritage Register and the inability to include these same properties again on the Heritage Register for a minimum period of five (5) years. This could enable potential removal of buildings with cultural or heritage potential and/or redevelopment of listed non-designated properties within the Township.

Staff have not had adequate opportunity to review the other proposed amendments in detail, but note that the changes reflect existing practices that have been ongoing and used by the Township prior to these proposed changes including the ability to object to an existing “non-designated property”. Other proposed amendments include increasing a higher standard of evaluation of a property or Heritage Conservation District for designation as set out by Ontario Regulation and when a designation of a property can occur if a prescribed event is triggered.

Staff request that the Province reconsider the proposed changes to the Ontario Heritage Act outlined in Bill 23 to promote and enable the continued preservation of vital and irreplaceable cultural heritage resources across the Township and Province.

ORR Title:	Proposed Amendments to the Ontario Land Tribunal Act, 2021
Proposal number:	22-MAG011
Posted by:	Ministry of the Attorney General
Comment period:	October 25, 2022 - November 25, 2022 (31 days)
Bill 23 Schedule(s)	7 (Ontario Land Tribunal Act, 2021)

Summary:

Several amendments are proposed to the Ontario Land Tribunal Act to:

- Eliminate third-party appeals from all appeal processes including Official Plan and/or Zoning By-law Amendment Plans of Condominium, Site Plans and Consents and Minor Variances. This is similar to what is currently in effect for Plans of Subdivision. This would mean that individual citizens, and citizen groups, would no longer have the right to appeal land use decisions to the OLT. Staff interpretation is that this appeal power would be lost for any applications that have been appealed, but have not had a Hearing scheduled, by October 25, 2022.
- Allow the OLT to dismiss appeals due to unreasonable delay caused by the Party's.
- Allow the OLT to order an unsuccessful party to pay the successful party's costs. This amendment is proposed to encourage parties to reach an agreement without going through the Tribunal.
- Enable criteria to be established through regulation to ensure that priority OLT cases are resolved as quickly as possible. This may include housing, but is proposed to be specified through legislation following additional consultation.
- Enable service standards, including timelines, for specific case resolution activities at the OLT to be set out in regulation following additional consultation.

Staff Comments:

The proposed amendments detailed above, in addition to the proposed amendments to the *Planning Act* (discussed below) regarding who can submit an appeal may result in substantial changes to the OLT process. Through the limitation on third party appeals, there will likely be fewer appeals, especially on Township-initiated processes like Official Plans and Zoning By-laws. It is difficult to ascertain if the proposed amendments to establish priority criteria and service standards will have impacts until the regulations are proposed at a later date.

ERO Title:	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 – the proposed More Homes Built Faster Act, 2022)
ERO number:	019-6163
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	1 (City of Toronto Act) and 9 (Planning Act)

Schedule 9 of Bill 23 proposes a number of amendments to the Planning Act. The amendments are focused on the following areas, summarized below:

- Gentle density and missing middle housing
- Higher density near transit
- Changes to planning responsibilities for certain upper-tier municipalities
- Limiting third party appeals on planning matters
- Changes to public meeting requirements – Plans of Subdivision
- Site Plan exemptions
- Facilitating aggregate applications
- Changes to responsibilities for Conservation Authorities

Gentle Density and Missing Middle Housing

Amendments are proposed to the *Planning Act* to allow for up to three residential units per lot, with no minimum unit size. These amendments are proposed to apply to detached, semi-detached or row houses on a parcel of urban residential land, and to detached, semi-detached or row houses where the parcel of land permits a residential use. A parcel of urban land is proposed to be added as a defined

term, and would include all lands within the Villages that are serviced by municipal water and sewage, and that are not within hazard lands. The three residential units can be structured as:

- Three units in the main dwelling and none in an ancillary building;
- Two units in the main dwelling and one in an ancillary building;

The proposed amendments provide for the following:

- Three residential units as-of-right (no land use approval necessary) on parcels of urban residential land.
- Subsection 16(3) of the *Planning Act* is proposed to be repealed and substituted with provisions that would prohibit official plans from containing any policy prohibiting three residential units on a lot.
- The three residential units per lot appears to only apply to lands that are defined as a parcel of urban residential land by the *Planning Act*.

However, other proposed amendments state that the permissions for additional residential units would apply to any parcel of land on which a residential use is permitted. The proposed amendments to the subsections are also inconsistent as the proposed language in (a) and (b) for all subsections state “a parcel of land on which a residential use is permitted” whereas (c) in the subsections refers to a parcel of urban residential land. Due to these inconsistencies, it is difficult to confirm whether the permissions for additional residential units apply only to parcels of urban residential land as defined in the proposed amendments, or on any parcel of land on which a residential use is permitted. If the intent of the amendments is to permit additional residential units on any parcel of land that permits a residential use then Staff would have questions as to how these provisions interface with provincial plans, specifically the Oak Ridges Moraine Conservation Plan as it restricts the number of additional dwelling units.

The subsections above not only include the permission for additional residential units, but remove opportunities to appeal policies that implement these provisions of the *Planning Act*. Further, the proposed amendments also prohibit municipalities from passing a by-law under Section 34 of the *Planning Act* that prohibits additional dwelling units as set out above.

Staff Comments:

Staff have generally no concerns with the permissions for up to three (3) dwelling units on a property as it generally aligns with the Our King Official Plan and the direction in the Township’s Zoning By-law for the Countryside. However, there may be servicing constraints associated with the increase in the number of residential units within a parcel of land. As such it may be beneficial to have a tool or system to track the number of additional residential units in the Township. Further Staff request clarification from the Province as to how these amendments interface with other Provincial Plans, particularly in rural areas within the Oak Ridges Moraine where the Oak Ridges Moraine Conservation Plan currently prohibits additional residential units for the majority of the Plan area, particularly where located within an accessory building or structure.

Higher Density Near Transit

Changes are proposed to require municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit stations, known as “major transit station areas” (MTSAs), and “protected major transit station areas” (PMTSAs) that have been approved by the Minister.

- If passed, the changes would require municipalities to update their zoning by-laws to permit transit-supportive densities as-of-right within 1 year of MTSA or PMTSA approval; if zoning updates are not undertaken within the 1-year period, the usual protection from appeals to the Ontario Land Tribunal for PMTSAs would not apply.

Staff Comments:

While Staff generally do not object to pre-zoning lands surrounding the Township's Major Transit Station (King City GO Station) to support transit-oriented development, the proposed timeframe to complete the work is very short and does not factor in the limited municipal resources. Planning Staff suggest that the Province consider extending the one-year timeframe to support municipalities and mitigate additional resource requirements.

Changes to planning responsibilities for certain upper-tier municipalities

The proposed amendments to the *Planning Act* would introduce significant changes to the structure of planning authorities and responsibility across upper-tier and lower-tier municipalities.

The amendments propose two different classes of upper-tier municipalities, those which have planning responsibilities and those that do not. To facilitate these changes, the amendments propose definitions for "upper-tier municipality without planning responsibilities" and "upper-tier municipality with planning responsibilities". Upper-tier municipality without planning responsibilities is defined as meaning 7 Regional Municipalities, including York Region, and any other upper-tier municipality that is prescribed under subsection (6).

The proposed amendments outline that upper-tier municipalities without planning responsibilities (i.e. York Region) would no longer constitute a "public body" and no longer have the rights of appeal regarding Official Plans, Zoning By-laws, Interim Control By-laws, Minor Variances, Draft Plans of Subdivisions, and Consents.

Amendments are proposed to provide lower-tier municipalities with planning functions that currently form part of an upper-tier municipality's planning responsibilities and functions and approval authority similar to those of single-tier municipalities. The amendments also propose a new subsection, 70.13 which provides for transition policies for upper-tier municipalities without planning responsibilities. These transition provisions state that the portion of any in force official plan of an upper-tier municipality without planning responsibilities would be deemed to be an official plan of the lower-tier municipality to which that part applies. In the event of a conflict with the Municipality's current Official Plan policies, the upper-tier official plan would prevail.

For upper-tier municipalities with planning functions, the upper-tier municipality, on conditions as agreed upon with the Council of the lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature. Regardless of whether the upper-tier municipality has planning functions, the Council of the upper-tier municipality can agree with the Council of the lower-tier municipality to provide advice and assistance to the lower-tier municipality in respect of planning matters generally.

Future regulations are also proposed which would identify which official plans and amendments would not require approval by the Minister of Municipal Affairs and Housing (i.e., which lower-tier plans and amendments would no longer require further approval).

Staff Comments:

Township Planning Staff works very closely and collaboratively with York Region Staff on processing development applications and the formulation of key policy documents such as the Our King Official Plan. Staff highly value the knowledge, insights, contributions of York Region Planning Staff in assisting the Township to build healthy, sustainable, age-friendly communities.

The York Region Official Plan provides coordinated planning oversight on growth management for population and employment across the Region, policies for the protection of the natural environment and agricultural system, and policies that guide servicing and transportation infrastructure investments.

York Region currently reviews and approves certain development applications and is responsible to ensuring Provincial planning regulations and Regional interest are protected through the implementation of the Regional Official Plan.

The proposed legislation would download the responsibility of implementing the Regional Official Plan onto local municipalities.

As York Region is identified as an upper-tier municipality without planning responsibilities, the Township would experience the following changes:

- York Region would no longer be the approval authority for Township Official Plans and Official Plan Amendments;
- The Township would be tasked with implementing policies of the in-effect York Region Official Plan and need to incorporate additional aspects of planning into the Township's review process to ensure conformity is addressed;
- York Region's planning role on development applications would be as a commenting agency rather than a regulatory approval authority.
- Township Council could consider requesting staff explore the potential for continued planning support by York Region to provide advice and assistance on Planning matters;

Coordinated land use planning across the Region during this anticipated high growth period will be essential. Planning Staff continue to find significant value in York Region implementing its Official Plan and requests the Province reconsider the proposed changes to the Planning Act introduced through Bill 23 reducing the planning role of upper-tier municipalities. If the Province has a concern with respect to the current development review process and the possible delays to secure Regional approvals, the Province could review efficiency concerns while retaining the benefits of a regional approach to planning, infrastructure construction and population allocation.

Limiting third party appeals on planning matters

Several different amendments are proposed to the Planning Act to limit the ability for appeals to the Ontario Land Tribunal (OLT). The proposed amendments are as follows:

- Restrict who can appeal Official Plans, Official Plan Amendments, Zoning By-laws, Zoning By-law Amendments, Committee of Adjustment Applications (Minor Variances and Consents) and to add the requirement that the person submitting the appeal must be a "specified person". This restriction removes the ability of third parties, like individual ratepayers and ratepayer groups, to file an appeal against a land use decision made by Council or the Committee of Adjustment.
- "Specified person" is proposed to mean corporations and companies that operate electric utilities, natural gas utilities or oil or natural gas pipelines within the local municipality or planning area where the relevant planning matter applies, Ontario Power Generation Inc., Hydro One Inc., a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01, companies operating railway line which is located within 300 m of the planning matter and companies operating telecommunication infrastructure in the area.
- The amendments also specify that references to person or public body (including "specified person") does not include a Conservation Authority under the *Conservation Authorities Act* except where an appeal relates to natural hazards, except for hazardous forest types for wildland fire, and for lands that the CA owns.
- The amendments also specify that references to person or public body (including "specified person") does not include an upper-tier municipality without planning responsibilities.

- Where a conservation authority was party to an appeal on the day before the day the Act comes into effect they may continue as a party to the appeal until the final disposition of the appeal in most circumstances.
- Where an upper-tier municipality without planning responsibilities was party to an appeal on the day before the day the Act comes into effect they may continue as a party to the appeal until the final disposition unless the appeal is deemed to be dismissed.
- Appeals will be dismissed unless:
 - A hearing on the merits of the appeal had been scheduled before October 25, 2022; or
 - A notice of appeal was filed by a specified person or public body. As noted above, a person and/or public body does not include Conservation Authorities or upper-tier municipalities without planning responsibilities.

Staff Comments:

The proposed amendments would have the following impacts:

- Active appeals without a scheduled hearing date as of October 25, 2022, that were not filed by a specified person or public body will be dismissed. This would include appeals to the Zoning By-law for the Countryside, and appeals to the Zoning By-law for the Schomberg and King City Urban Areas, that were not scheduled for a Hearing before October 25, 2022.
- Moving forwards, neighbours and residents would not be able to appeal applications, where they do not constitute a specified person.
- York Region and Conservation Authorities would not be able to appeal the above-noted applications, new Official Plans or Zoning By-laws.

Public participation is a critical component of the planning process. Without the ability for third parties to appeal decisions of Council or the Committee of Adjustment, they will need to rely on public engagement opportunities throughout the planning process.

Changes to public meeting requirements – Plans of Subdivision

Subsections 51 (20 to (21.1) and (48.3) of the Planning Act are proposed to be repealed. These subsections apply to the provisions for public meetings for applications for plans of subdivision. Based on the proposed amendments, a public meeting would not be required for Applications for Plans of Subdivision. It appears though that Public Meetings can still be held at the discretion of the Municipality.

Staff Comments:

A public meeting will no longer be required for Applications for approval of a Draft Plan of Subdivision. As such the Applications can proceed directly to Council for a decision regarding the approval of the draft plan. Public participation is a critical component of the planning process and opportunities to secure public input should be encouraged to inform planning decisions through the subdivision process.

Site Plan Exemptions

Bill 23 also proposes a number of amendments to Section 41 of the Planning Act with respect to site plan control areas. New subsections are proposed to be added to amend the definition of “development” to specify the following:

- Development does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units; and
- Development includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1) of the Planning Act, on a parcel of land that will contain any number of residential units.

Section 41 of the Planning Act is further amended to qualify what can be reviewed and considered as part of a site plan application. Specifically, exterior design review has been removed as an item to be considered by the Municipality, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units, or to any part of such a building. Further, the appearance of the elements, facilities and works from the land or from any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety and accessibility or the protection of adjoining lands.

Staff Comments:

Staff have concerns regarding the above-noted amendment as currently the majority of multi-unit residential developments, including developments with less than 10 units are subject to Site Plan Approval. The Township also uses Site Plan Control as a tool to review applications for conformity with the Oak Ridges Moraine Conservation Plan (ORMCP) and Greenbelt Plan, including for residential uses. As such, should the proposed amendments come into effect, Staff will need to look at other tools and methods for ensuring that the ORMCP and Greenbelt Plan policies are complied with for all new development as it is the municipality's responsibility to ensure that the Provincial Plans are complied with. Staff request the Province to confirm whether the proposed amendments were intended to remove a critical tool used to implement the Provincial Plans. If it was not intended, Staff suggest the Province amend the legislation to specify that the exemption of Site Plan Control for less than 10 units be limited to "parcels of urban residential land" as proposed to be defined in the *Planning Act*.

The Township's Site Plan Control By-law currently identifies that the Established Neighbourhoods and Hamlet Residential areas would become subject to Site Plan Control on January 1, 2023. Staff note that should the proposed amendments come into effect the Township's Site Plan Control By-law would not be able to require Site Plan Control in these areas.

Planning Staff have significant concerns with the proposed amendments as site plan approval is a useful tool to review a number of aspects regarding new developments, including the architectural design and sustainability. Based on the proposed amendments, the Township's architectural design guidelines and green development standards would appear not be able to be applied to the review of any site plan development applications. Staff will review possible other options, and the impacts of the proposed legislation on the Urban Design Guideline Review and Green Development Standards and will report back to on these projects specifically in the coming months.

Changes to Responsibilities for Conservation Authorities

As identified above, amendments are proposed to the Conservation Authority Act in addition to amendments to the Planning Act to amend what CA's are allowed to comment on and the extent of their mandate. The amendments include:

- limiting where permits are required from the Conservation Authority where the development is authorized under the Planning Act
- Implementing limits for what Conservation Authorities are allowed to comment on through the planning approval process. Specifically, the amendments limit the mandate of Conservation Authorities to natural hazards and flooding.
- Removing/limiting the ability of Conservation Authorities to appeal by not recognizing the authorities as a specified person or public body.

Staff Comments:

As noted above, the impacts to the Township resulting from the proposed amendments are multi-faceted. The Township generally relies on the CA's to undertake the natural heritage and ecology reviews for planning act applications and contribute to key policy documents in the Township. As the mandate of the Conservation Authorities is proposed to be limited to natural hazards and flooding, the

Township will need to consider alternative approaches to obtain natural heritage review for development applications.

Staff request that the Province reconsider the components of the Bill 23 that limit the Conservation Authorities role on planning and infrastructure projects under the various prescribed Acts. Conservation Authorities are key stakeholders in creating sustainable, healthy and livable communities and Staff encourage continued efforts to drive efficiencies within the development review process that keep all key stakeholders, including Conservation Authorities at the table moving forward.

ERO title:	Supporting Growth and Housing in York and Durham Regions Act, 2022
ERO number:	019-6192
Posted by:	Ministry of the Environment, Conservation and Parks
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule(s)	10 (Supporting Growth and Housing in York and Durham Regions Act, 2022)

Summary:

This posting proposes new legislation that, if passed would require the expansion of wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The Act would require York and Durham Regions to work together to enlarge and improve the existing York Durham Sewage System to convey sewage from communities in Upper York service area to the Duffin Creek Water Pollution Control Plant in Durham Region for treatment and discharge. Specifically, the legislation is proposed to apply to servicing of approved growth in Aurora, East Gwillimbury and Newmarket.

The proposed Act would also require prescribed municipalities to work together to implement the Lake Simcoe phosphorus reduction project, and to develop, construct and operate a new treatment facility that will remove phosphorus from drainage water that flows from the Holland Marsh ultimately into Lake Simcoe. The prescribed municipalities are not identified in the ERO posting. The proposed legislation would exempt both projects from the *Environmental Assessment Act* and end the existing environmental assessment process for the Upper York Sewage System Solutions Environmental Assessment application. York, Durham and other proponent municipalities would instead be required to prepare environmental impact reports about the project and consult with the public and Indigenous communities about the projects and those reports. Required consultation with Indigenous communities will commence once the Minister of the Environment, Conservation and Parks provides the regions with a list of potentially impacted Indigenous communities.

The proposed legislation details the requirements of what the reports must contain, including details about the sewage works, and the anticipated cost. The reports would be required to be provided to the Minister and made available to the public and Indigenous communities. The proposed Act would allow for the Regions to move forward to apply for the required Environmental Compliance Approvals for their projects once the Minister is satisfied with the report and consultation, and the Act would also repeal the York Region Wastewater Act, 2021.

Staff Comments:

Servicing infrastructure is a critical component of building more homes. The additional infrastructure to service growth in the Upper York service area will also help to facilitate future growth requirements in the Township, particularly in King City, which is currently connected to the York-Durham Sanitary System. Staff are in support of increasing infrastructure to service approved growth, although at this

point, are still unclear on the proposed time lines or future framework for assigning servicing capacity from newly constructed infrastructure to local municipalities.

FINANCIAL CONSIDERATIONS:

Financial implications are discussed at high levels throughout the report. The proposed amendments through Bill 23 will result in significant financial impacts due to the loss of revenue from development charges, reduced parkland contributions, and the potential transfer of various responsibilities currently delivered by York Region and the Conservation Authorities to local municipalities. Township Staff resources will also be impacted based on the compounding effects of Bill 109, this proposed Bill 23 and future anticipated further Bills. Funding shortfalls will need to be managed and may impact tax levy rate based charges or service level adjustments to ensure sufficient funding and staff resources are available for infrastructure, parkland and service delivery.

ALIGNMENT TO STRATEGIC PLAN:

The 2019-2022 Corporate Strategic Plan was formally adopted by Council on September 21, 2020 which emphasizes all of the ICSP Pillars (Financial, Economic, Socio-Cultural and Environmental) and is also aligned with the long-term vision defined in the Official Plan. The 2019-2022 Corporate Strategic Plan aims to ensure staff initiatives focus on current Term of Council priorities in support of the Township's long-term vision to 2031.

This report is in alignment with the CSP's Priority Area(s), associated Objective(s) and/or Key Action(s):



Service Delivery Excellence and Innovation

- Developing Innovative “King-Centric” Policy Frameworks
- Respond to Emerging Municipal Trends and Pressures

The purpose of this Report is to provide a summary of the changes proposed through Bill 23, the More Homes Built Faster Act, 2022, and to provide Staff's comments on the most significant of the proposed changes. Bill 23 is intended to support Ontario's Housing Supply Action Plan, with the stated objective of increasing housing supply in the Province. Bill 23 proposes significant changes for upper- and lower-tier municipalities and conservation authorities, including proposed amendments to third-party appeals to the OLT, and changes to Site Plan Control.

CONCLUSION:

Bill 23 proposes significant changes with the aim to increase housing supply across Ontario. The Bill, as proposed, will have considerable impacts on local municipalities. It is unclear whether the proposed changes will achieve the intended outcomes of constructing more homes faster or improving affordability. Approvals do not always equate to shovels in the ground, as there are several factors that impact construction timing.

Staff recommend that the comments outlined in this Report and summarized in Appendix B, in addition to any comments of Council be submitted to the Province before the commenting deadlines.

ATTACHMENTS:

[Appendix A to GMS-PL-2022-39 \(002\)](#)

[Appendix B to GMS-PL-2022-39 - Final](#)

[Appendix C for GMS-PL-2022-39 - Bill 23](#)

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Appendix A to GMS-PL-2022-39

Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings
 Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
Postings Summarized in Planning Report GMS-PL-2022-39:				
1	ERO: 019-6141	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0.	30 days November 24, 2022	Legislative and regulation changes under the Conservation Authorities Act to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate. https://ero.ontario.ca/notice/019-6141
2	ERO: 019-6172	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges	30 days November 24, 2022	To reduce the cost of building homes, the government is proposing changes to the <i>Planning Act</i> and the <i>Development Charges Act</i> through Bill XYZ "More Homes Built Faster Act, 2022" introduced in support of Ontario's More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. https://ero.ontario.ca/notice/019-6172
3	ERO: 019-6196	Proposed changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) – the Proposed More Homes Built Faster Act, 2022	30 days November 24, 2022	A proposal to make legislative and regulatory amendments to the <i>Ontario Heritage Act</i> to help remove barriers to housing development by updating how heritage properties are identified and conserved by municipalities and the Province of Ontario. https://ero.ontario.ca/notice/019-6196
4	22-MAG011	Proposed Amendments to the Ontario Land Tribunal Act, 2021	31 days November 25, 2022	https://www.ontariocanada.com/registry/view.do?language=en&postingId=42913
5	ERO: 019-6163	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X – the proposed More Homes Built Faster Act, 2022)	30 days November 24, 2022	The government is proposing changes to the <i>Planning Act</i> and the <i>City of Toronto Act, 2006</i> to make it easier and faster to build new homes for Ontarians as part of its commitment to build 1.5 million homes over the next ten years. https://ero.ontario.ca/notice/019-6163

Appendix A to GMS-PL-2022-39

Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings
 Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
6	ERO: 019-6192	Supporting Growth and Housing in York and Durham Regions Act, 2022	30 days November 24, 2022	The province is proposing new legislation that, if passed, would require the expansion of crucial wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The ministry is seeking comments on the proposed legislation. https://ero.ontario.ca/notice/019-6192
Additional Postings Summarized in Appendix B to Report Number GMS-PL-2022-39:				
7	ERO: 019-6197	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units	45 days December 9, 2022	Changes are being proposed to Ontario Regulation 299/19: Additional Residential Units. These are consequential amendments resulting from changes to the Planning Act proposed through Bill X to make it easier to build new homes for Ontarians as part of the government's commitment to build 1.5 million homes over the next ten years. https://ero.ontario.ca/notice/019-6197
8	ERO: 019-6173	Proposed Amendment to O. Reg 232/18: Inclusionary Zoning	45 days December 9, 2022	Proposing amendments to O. Reg. 232/18 (Inclusionary Zoning) to provide more certainty/clarity and make inclusionary zoning rules more consistent across the province by setting maximum affordability period at 25-years, limiting the number of affordable units to 5%, and standardizing the approach to determining the price/rent of the affordable units. https://ero.ontario.ca/notice/019-6173
9	ERO: 019-6160	Proposed updates to the Ontario Wetland Evaluation System	30 days November 24, 2022	In support of Ontario's Housing Supply Action Plan 3.0 and the government's commitment to support the construction of 1.5 million new housing units over the next ten years, the province is proposing updates the Ontario Wetland Evaluation System that would remove duplicate requirements and streamline the evaluation process.

Appendix A to GMS-PL-2022-39

Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings

Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
				https://ero.ontario.ca/notice/019-6160
10	ERO: 019-6211	Proposed Changes to Sewage Systems and Energy for the Next Edition of Ontario's Building Code	45 days December 9, 2022	The Ministry of Municipal Affairs and Housing is entering its third and final phase of consultation on the next edition of Ontario's Building Code. As part of this phase, changes to an energy requirement and sewage system provisions (Part 8 of the Building Code) are proposed. https://ero.ontario.ca/notice/019-6211
11	22-MMAH017	Seeking Feedback on Municipal Rental Replacement By-laws	30 days November 24, 2022	https://www.ontariocanada.com/registry/view.do?postingId=42808&language=en
12	22-MGSC021	Amendments to the New Home Construction Licensing Act, 2017 to protect purchasers of new homes	45 days December 9, 2022	https://www.ontariocanada.com/registry/view.do?postingId=42927&language=en
13	22-MMAH018	Seeking Input on Rent-to-Own Arrangements	45 days December 9, 2022	https://www.ontariocanada.com/registry/view.do?postingId=42827&language=en
Postings with Comment Deadlines After December 12, 2022:				
14	ERO: 019-6177	Review of A Place to Grow and Provincial Policy Statement	66 days December 30, 2022	The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the Provincial Policy Statement. MMAH is seeking input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply. https://ero.ontario.ca/notice/019-6177
15	ERO: 019-6161	Conserving Ontario's Natural Heritage	66 days December 30, 2022	In support of Ontario's Housing Supply Action Plan 3.0 and the government's commitment to support the construction of 1.5 million new housing units over the next ten years, the

Appendix A to GMS-PL-2022-39

Summary of Environmental Registry Ontario (ERO) and Ontario Regulatory Review (ERO) Postings
 Bill 23 - More Homes Faster Act, 2022

#	ERO # or Regulatory #	Title	Commenting Deadline	Proposal Summary
				province is seeking feedback on the discussion paper entitled Conserving Ontario’s Natural Heritage. https://ero.ontario.ca/notice/019-6161
16	ERO: 019-2927	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario	66 days December 30, 2022	The ministry is proposing a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety. https://ero.ontario.ca/notice/019-2927
17	ERO: 019-6167	Proposed Revocation of the Parkway Belt West Plan	66 days December 30, 2022	The Ministry of Municipal Affairs and Housing is seeking feedback on a proposal to revoke the Parkway Belt West Plan, 1978, under the <i>Ontario Planning and Development Act, 1994</i> . https://ero.ontario.ca/notice/019-6167
18	ERO: 019-6162	Consultations on More Homes Built Faster: Ontario’s Housing Supply Action Plan 2022-2023	Bulletin (no commenting period)	The government is seeking feedback on potential legislative changes, regulatory changes, policy and other matters to help the government achieve its goal of building 1.5 million homes over the next ten years as part of More Homes Built Faster: Ontario’s Housing Supply Action Plan: 2022-2023. https://ero.ontario.ca/notice/019-6162
19	ERO: 019-6171	2031 Municipal Housing Targets	Bulletin (no commenting period)	The Province has assigned housing targets to 29 selected lower- and single-tier municipalities in Southern Ontario. These selected municipalities will work towards achieving these targets by 2031. https://ero.ontario.ca/notice/019-6171

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

ERO title:	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units
ERO number:	019-6197
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - December 9, 2022 (45 days)
Bill 23 Schedule	N/A – related to Schedule 9 (Planning Act)

Summary:

The proposed legislative changes to the Planning Act for additional residential units are intended to:

- Accelerate the implementation of an updated “additional residential unit” framework to allow “as-of-right” (without the need to apply for a rezoning) 3 units per lot in many existing residential areas (i.e., up to 3 units allowed in the primary building, or up to 2 units in the primary building and 1 in an ancillary building).
- Supersede local official plans and zoning to automatically apply province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands).
- Remove barriers and incent these types of units by prohibiting municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements, applying minimum unit sizes or requiring more than one parking space per unit.

Staff Comments:

The proposed amendments to the Planning Act through Schedule 9 of Bill 23 provide a definition for “parcel of urban residential land” which would apply to all the lands within the Villages that permit residential uses with full municipal water and sewage services, with the exception of lands that permit residential uses within hazard lands.

The Township’s Our King Official Plan currently provides a policy framework to permit additional residential, including policies for two additional residential units, one within the dwelling and one in an accessory, or ancillary building, for a total of three units on a property in both the urban and rural areas of the Township. The proposed amendments to the Planning Act and Regulation 299/19 differ slightly from the policies of Our King by allowing for all three units within the primary dwelling. The Urban Areas Zoning By-laws have not yet been updated to reflect the policies of Our King. At this time, The Nobleton Urban Area By-law (2016-71) (does not include provisions for additional residential units and the King City and Schomberg Urban Areas By-law (2017-66) only includes provisions for a second dwelling unit within the primary dwelling. These Zoning By-laws would be superseded by the proposed legislation. All other provisions of the Zoning By-laws (setbacks, lot coverage, height, etc.) would still continue to apply.

As noted above, the Our King Official Plan also permits for additional residential units within the rural area, subject to the policies of provincial plans, namely the Greenbelt Plan and Oak Ridges Moraine Conservation Plan. The new Zoning By-law for the Countryside, By-law 2022-053, implements the policies of the Our King by permitting additional residential units as-of-right, outside of the Oak Ridges Moraine Conservation Plan ORMCP Area where additional residential units are extremely restricted by the Provincial Regulation.

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

The proposed amendments generally align with current Township policies. If enacted, the amendments will supersede the Our King Official Plan and Urban Areas Zoning By-laws to provide additional flexibility as to the location of the three dwelling units, and eliminate the need for a Zoning By-law Amendment process.

Staff have generally no concerns with the permissions for up to three (3) dwelling units on a property as it generally aligns with the Our King Official Plan and the direction in the Township's Zoning By-law for the Countryside. However, there may be servicing constraints associated with the increase in the number of residential units within a parcel of land. As such it may be beneficial to have a tool or system to track the number of additional residential units in the Township. Further Staff request clarification from the Province as to how these amendments interface with other Provincial Plans as the additional dwelling units may not always be appropriate in a rural context, such as within the Oak Ridges Moraine where the Oak Ridges Moraine Conservation Plan currently prohibits additional residential units for the majority of the Plan area, particularly where located within an accessory building or structure.

Should the amendments come into effect, Staff will incorporate these changes through the next update to Our King Official Plan and Urban Area Zoning By-laws to be reflective of the increased flexibility in the location and number of additional residential units. It is anticipated that the future Zoning Review will examine whether any zone standards are required to be changed (i.e. parking requirements) to conform with the legislation, and whether there are any additional provisions that Township may want to add or modify to support the vision and policies of Our King.

ERO title:	Proposed Amendments to Ontario Regulation 232/18: Inclusionary Zoning
ERO number:	019-6173
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 - December 9, 2022 (45 days)
Bill 23 Schedule	N/A – related to Schedule 9 (Planning Act)

Summary:

Inclusionary zoning is a land use planning tool that municipalities may use to require affordable housing units to be included in residential developments of 10 or more units in identified Protected Major Transit Station Areas or in Community Planning Permit System areas. The Minister also has the authority to prescribe municipalities to adopt official plan policies authorizing the use of inclusionary zoning. Inclusionary zoning can be a useful tool to facilitate the supply of affordable housing in areas that generally have characteristics such as growth pressures, high housing demand and availability of higher order transit. Amendments are proposed to Ontario Regulation 232/18 (Inclusionary Zoning) that are intended to:

- Establish an upper limit on the number of units that would be required to be set aside as affordable (5% of the total number of units, or 5% of the total gross floor area of the residential units).
- Establish a maximum period of 25 years that the affordable housing would be required to remain affordable.
- Prescribe the approach to determining what is defined as affordable housing (generally set at 80% of the average resale purchase price or 80% of the average market rent).

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

These proposed amendments also tie in to proposed amendments to the *Planning Act* and *Development Charges Act* which intend to:

- Exempt affordable housing units from development charges, community benefits charges and parkland dedication requirements.
- Introduce a category for “attainable housing” which is proposed to be defined through future regulations. Attainable housing units are also proposed to be exempt from development charges, parkland dedication requirements and community benefit charges.

Staff Comments:

The Our King Official Plan provides policies to support affordable housing in King Township and includes direction to explore the use of inclusionary zoning in the Transit Station Area, subject to the required studies and an amendment to the Plan. The proposed changes could have

The Township does not currently have an identified Protected Major Transit Station Area or a Community Planning Permit System area. As such Inclusionary Zoning is not currently a tool that the municipality utilizes. The proposed amendments to the O. Reg would have minimal impacts on the Township, at this time.

ERO title:	Proposed Updates to the Ontario Wetland Evaluation System
ERO number:	019-6160
Posted by:	Ministry of Natural Resources and Forestry
Comment period:	October 25, 2022 - November 24, 2022 (30 days)
Bill 23 Schedule	N/A – related to Schedule 2 (Conservation Authorities Act)

Summary:

The province is proposing to update the Ontario Wetland Evaluation System (OWES) on the basis of removing duplicate requirements and to streamline the evaluation process. Under the current policy framework, an evaluated wetland is a wetland that has been assessed according to the OWES system. The OWES is the official procedure to determine significant wetlands and their boundaries. The OWES consists of two manuals, the Southern OWES, used to evaluate wetlands in Ecoregions 6 and 7, and the Northern OWES which is used to evaluate wetlands in Ecoregions 2, 3, 4 and 5. Through the proposed amendments, changes are proposed to the content in the OWES manuals to add new guidance related to the re-evaluation of wetlands and updates to mapping of evaluated wetlands. Changes are also proposed to allow for the recognition of wetland evaluators and to recognize the role of municipalities as local decision makers. Housekeeping edits are also proposed to the manuals to ensure consistency.

Staff Comments:

Wetlands have many benefits including but not limited to slowing floodwaters, replenishing groundwater, supporting biodiversity and sequestering carbon. Wetlands positively contribute the wellbeing of communities and should continue be protected. The Township relies on experts at the Conservation Authorities to assist in the review and protection of wetlands. The proposed changes to the OWES together with the changes to the Conservation Authorities Act and Planning Act will make wetlands vulnerable to development pressures.

The Province is downloading responsibilities in determining wetland features to municipalities through the development review process, without any additional funding or supports to assist.

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

Staff recommend that the Province revise the proposed OWES to continue to include the expert role of Conservation Authorities.

ORR title:	Seeking Feedback on Municipal Rental Replacement By-laws
ORR number:	22-MMAH017
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 – November 24, 2022 (30 days)

Summary:

Under s.99.1 of the Municipal Act, municipalities may enact by-laws to regulate the demolition or conversion of multi-unit residential rental properties of six units or more. Rental replacement by-laws vary among municipalities and may include requirements about number, size, type and cost of rental units, as well as first right of refusal for existing tenants.

The Province is seeking feedback in order to propose to enact a Minister's regulation making authority to enable the Minister to make regulations to standardize and clarify municipal powers to regulate the demolition and conversion of residential rental properties to provide for consistency between municipalities. To inform the future regulation the Province has provided the following questions:

1. What types of requirements should municipalities be able to set around residential rental demolition and conversion?
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)?
3. What impact do you think municipal rental replacement bylaws might have on the supply and construction of new housing?
4. What impact do you think municipal rental replacement bylaws might have on renter protections and access to housing?

Staff Comments:

The Township does not currently have a rental replacement by-law. The proposed regulation may afford renters additional protections by introducing additional requirements. The regulations may also provide for additional clarity regarding the replacement of residential rental units and may encourage the construction of new housing.

Due to the limited time available to comment on all the proposed legislation, Planning Staff are not able to provide detailed answers to the questions proposed in this ORR posting. These will be presented as further information is provided.

ORR title:	Amendments to the New Home Construction Licensing Act, 2017 to protect purchasers of new homes
ORR number:	22-MGCS021
Posted by:	Ministry of Public and Business Service
Comment period:	October 25, 2022 – December 9, 2022 (45 days)

Summary:

The proposed amendments to the New Home Construction Licensing Act include the following:

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

- Increasing the maximum allowable amount for an Administrative Monetary Penalty (AMP) from \$25,000 to \$50,000.
- Increasing the maximum fines for a person or entity that has previously been convicted of an offence to \$100,000 for an individual and to \$500,000 for a person or entity that is not an individual.
- Allow for AMPs to be imposed retroactively for contraventions that occurred on or after April 14, 2022.
- Enabling the Home Construction Regulatory Authority (HCRA) to use the proceeds from AMPs and fines to provide funds to adversely impacted consumers and develop a related regulation.
- Clarify the Code of Ethics to prescribe the purpose of AMPs and to allow the funds to be provided to adversely impacted consumers.
- Clarify that the purpose of the AMP is to ensure compliance with legislation and licensing requirements as well as to prevent a person from deriving an economic benefit as a result of violating legislation or conditions of a license.
- Clarify when AMPs can be imposed and the two year limitation period for AMPs.
- Housekeeping amendments to ensure consistent terminology.

Staff Comments:

The proposed amendments to the New Home Construction Licensing Act are not anticipated to affect the Township. The amendments also should not create a burden on the new home construction industry as builders and vendors should already be adhering to the requirements and regulations of the legislation. The proposed amendments are intended to deter misconduct and to provide the HCRA with tools to increase compliance and better protect consumers.

ORR title:	Seeking Input on Rent-to-Own Arrangements
ORR number:	22-MMAH018
Posted by:	Ministry of Municipal Affairs and Housing
Comment period:	October 25, 2022 – December 9, 2022 (45 days)

Summary:

The Province is exploring the “rent-to-own” financing model and the role it may have in supporting housing attainability in the province. Rent-to-own arrangements generally involve an agreement with a housing provider with the intention that the client will rent the home for a period of time and eventually purchase it at the end of the rental term. Rent-to-own agreements generally involve two contracts:

1. Rental agreement (standard lease agreement)
2. Rent-to-Own Agreement (allows parties to determine the details of the purchase of the property at the end of the lease term)

The Province has proposed the following four questions to inform future legislation or regulations regarding Rent-to-Own Agreements. Do you think that rent-to-own arrangements are a viable way to support housing attainability in Ontario?

1. Are there any barriers with rent-to-own arrangements that you think may be discouraging providers from offering this type of housing?
2. Are there any issues with existing rent-to-own arrangements that may it difficult or unfavourable to clients, such as renters, to engage in them?

Appendix B to GMS-PL-2022-39

Summary of Additional Postings and Staff Comments

3. 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.?

Staff Comments:

The Township does not administer rent-to-own agreements. However, rent-to-own arrangements may provide for additional flexibility and approve housing attainability for residents of the Township.

Due the limited time available to comment on all the proposed legislation, Planning Staff are not able to provide detailed answers to the questions proposed in this ORR posting at this time; however, we will continue to explore the questions with York Region Staff and the Local Municipal Housing Working Group. These will be presented as further information is provided.