

The Regional Municipality of York

Committee of the Whole
Planning and Economic Development
May 4, 2023

Report of the Commissioner of Corporate Services and Chief Planner

Bill 97 Proposed Legislative Changes

1. Recommendations

1. Council endorse this report, for submission to the Province on May 6, 2023 in response to the Bill 97 legislative changes as outlined in ERO postings [019-6821](#) and [019-6822](#).
2. The Regional Clerk forward this report to the local municipalities.

2. Summary

This report seeks Council endorsement of comments in response to time-sensitive Environmental Registry of Ontario (ERO) postings ([019-6821](#) and [019-6822](#)) related to Bill 97 *Helping Homebuyers, Protecting Tenants Act, 2023* released on April 6, 2023.

Key Points:

- On April 6, 2023 the Province proposed a new Provincial Planning Statement 2023 (PPS) and Bill 97 that contains legislative changes to a number of Acts
- This report provides comments on the legislative changes proposed through Bill 97, due to the Province by May 6, 2023
- A separate report will be provided to Council on May 18, 2023 to address the proposed new Provincial Planning Statement. The intent is to replace the current Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe with this single Province-wide document. Comments on the PPS are due to the Province by June 5, 2023
- Bill 97 legislative amendments propose to:
 - Delay implementation of the “Bill 109 fee refund regime” to July 1, 2023 (currently January 1, 2023)
 - Restore the right of appeal to initial passing of an interim control by-law
 - Allow the Minister to make regulations to require site plan approval for less than 10 residential units that were exempted from approval by Bill 23. This

- presents an opportunity to request that site plan approval be required on Regional roads so access for road operations and safety can be addressed
- Change the definition of Employment Area to exclude office buildings which has potential to impact how office uses are protected in current and future business parks

3. Background

On April 6, 2023, the Province released Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* which proposes legislation and policy amendments

On April 6, 2023, the Province released [Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023*](#). Bill 97 is the fourth in a series of statutes following Bill 23 *More Homes Built Faster Act, 2022*; Bill 109, *More Homes for Everyone Act, 2022* and Bill 108, *More Homes, More Choice Act, 2019*. These statutes are intended to increase housing supply by targeting municipal processes and implementing extensive changes to Ontario's planning practices. The changes also impact upon the funding of growth-related infrastructure under the premise of implementing recommendations from the Ontario Housing Affordability Task Force.

Bill 97 proposes to amend a number of Acts as outlined in Appendix A. Some changes have a short, one month comment period (due May 6th) that are the subject of this report. These include comments on proposed amendments to the *City of Toronto Act* (Schedule 2), the *Ministry of Municipal Affairs and Housing Act* (Schedule 4) and *the Planning Act* (Schedule 6) as outlined in ERO postings 019-6821 and 019-6822.

Comments on the proposed new Provincial Planning Statement will be provided in a separate report to Council

Bill 97 includes a new Provincial Planning Statement which is proposed to replace the current Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Details of this proposal are outlined in [ERO posting 019-6813](#) which has a comment deadline of June 5, 2023. The proposed Provincial Planning Statement will be the subject of a separate report to Council on May 18, 2023.

4. Analysis

Several proposed legislative changes are administrative and relatively minor to the Region

Of the proposed changes summarized in Appendix A, a number are minor with no Regional comments recommended. These include editorial changes, and modifications to legislation allowing the Minister to appoint inspectors under the Building Code (Schedule 1) and Deputy Land and Development Facilitators (Schedule 4).

Site plan control should be a tool to ensure safe access to Regional roads

Bill 23 removed the requirement of site plan approval for residential developments of less than 10 units. Bill 97 includes proposed legislative changes to allow the Minister to prescribe circumstances where site plan control may be used for residential developments of less than 10 units. The accompanying draft regulation only proposes to use this power for developments within 120 metres of a shoreline or 300 metres of a railway corridor.

It is recommended site plan control be required for developments proposing direct access to a Regional road. This will ensure safe access to Regional roads for all travelers. It is also recommended legislative changes address opportunities to secure additional road right-of-way required to deliver essential planned transportation and transit services.

There are potential consequences of the proposed Employment Area definition on economic viability

Bill 97 proposed legislative changes include a fundamental change to the definition of employment areas to implement changes being contemplated through the proposed new Provincial Planning Statement. Specifically, the definition is proposed to only include heavy industry and employment uses that cannot be located near sensitive uses, and associated office uses or associated retail uses. This would mean many of the Region's business parks and major office developments may no longer be within designated employment areas.

If office buildings are removed from existing employment area designations, this has the potential to encourage redevelopment of office buildings for residential developments. It also has potential to impact the cost of land for office development and could affect the Region's ability to achieve employment forecasts and maintain a strong employment to population ratio to provide a diverse range of local jobs for residents. In addition, this and other employment policy changes proposed through the new Provincial Planning Statement have the potential to change land use patterns and demands on infrastructure and servicing that may require additional investment.

More information regarding these implications will be presented to Council through the May 18th report addressing the proposed Provincial Planning Statement.

In the interim, the Province is requested to defer any changes to the definition of employment area until the policy framework is finalized to ensure there aren't unintended consequences on the office sector and/or the economic viability of the Greater Golden Horseshoe area.

5. Financial

Some of the changes proposed through Bill 97 as well as the proposed new Provincial Planning Statement, could impact the Region's future fiscal position, including those noted in this report. More information on areas of potential financial impact is expected to be included in the May 18 report to Council.

6. Local Impact

Protecting existing and planned employment areas to ensure economic viability of the Region is important to local municipalities. Given the short comment window of 30 days, this report was shared with local municipalities but they were not involved in its development.

7. Conclusion

Opportunities to protect the Regional transportation system, Regional infrastructure, the economic viability of the office sector and existing and planned business parks will be pursued through submitting comments to the Province as outlined in this report.

For more information on this report, please contact Sandra Malcic, Long Range Planning, Director at 1-877-464-9675 ext.75274. Accessible formats or communication supports are available upon request.

Recommended by:



Paul Freeman, MCIP, RPP
Chief Planner



Dino Basso
Commissioner of Corporate Services

Approved for Submission:



Bruce Macgregor
Chief Administrative Officer

April 23, 2023

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Appendix A – Summary of Bill 97 legislative changes

SCHEDULE	ACT	SUMMARY OF CHANGES
Schedule 1	Building Code Act, 1992	Re-enacts provisions requiring the Deputy Minister of Municipal Affairs and Housing to appoint inspectors
Schedule 3	Development Charges Act, 1997	Amends subsections 2 (3.2) and (3.3) by replacing “parcel of urban residential land” with “parcel of land”
Schedule 4 (ERO posting 019-6821, comments due May 6, 2023)	Ministry of Municipal Affairs and Housing Act	Re-enacts provisions authorizing Minister to appoint a Facilitator and up to four Deputy Facilitators, fix their terms of reference, and require Deputy Facilitators to perform specified functions at the direction of the Minister
Schedule 5	Municipal Act, 2001	Amends section 99.1 of the <i>Municipal Act, 2001</i> by providing the Minister with authority to make regulations with respect to a variety of matters including governing the powers of local municipalities and authorizing certain local municipalities to require certain owners of land to make payments and provide compensation
Schedule 6 (ERO posting 019-6821, comments due May 6, 2023) (ERO posting 019-6822, comments due May 21, 2023)	Planning Act	<p>Modify the definition of area of employment to only include heavy industry and other employment uses that cannot be located near sensitive uses to scope the applicability of existing provisions which limit appeals of municipal refusals and non-decisions</p> <p>Delay the requirement for municipalities to refund zoning by-law and site plan application fees so that it only applies to applications submitted on or after July 1, 2023</p> <p>Create Minister’s regulation-making authority to be able to exempt municipalities from the fee refund provisions in the future if needed (no exemptions are being proposed at this time).</p> <p>Clarify that the existing provisions regarding parking spaces for additional residential units apply only to the second and third units on a property</p>

SCHEDULE	ACT	SUMMARY OF CHANGES
		<p>Create regulation-making authority to prescribe specific circumstances where site plan control could be used for residential developments of 10 units or less</p> <p>ERO Posting 019-6822 proposes that site plan control apply to residential developments of 10 units or less within 120 metres from a shoreline and 300 metres from railway lines</p> <p>Restores the right of appeal to the initial passing of an interim control by-law- and amends notice and appeal timelines</p> <p>Provide the Minister of Municipal Affairs and Housing with the authority to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders from having to align with provincial plans or policies</p> <p>Provide the Minister of Municipal Affairs and Housing with the authority to require landowners to enter development agreements in relation to lands that have been assigned to the Provincial Land and Development Facilitator</p>
Schedule 7	Residential Tenancies Act, 2006	<p>Permits tenants to install and use a window or portable air conditioner in a rental unit for which the landlord does not supply air conditioning</p> <p>Proposes to enhance tenant protections related to notice of termination of tenancy as a result of extensive repairs and renovations</p> <p>New provisions to require status updates and notices to the tenant to permit the tenant to exercise their right to move back into the unit following repairs or renovations</p> <p>Increases minimum fines for not providing notice of termination</p>