

**Report PDR-CW-37-22
County Comments on
Bill 23 & Associated Consultations
Committee of the Whole
November 10th, 2022**

Bill 23 More Homes Built Faster Act

1. General Overview
2. Development Charges Act
3. Planning Act
4. Conservation Authorities Act
5. Ontario Land Tribunal Act
6. Other Legislative & Regulatory Changes

- The County wants to work with the province, municipalities, and the development community to address housing issues in Ontario.
- There are some positive changes in Bill 23.
- Other changes that could create unintended consequences and/or be problematic at the county / municipal levels, or not result in achieving the goal of more homes built quicker.
- There are existing workforce and infrastructure deficit issues that compound the ability to build more homes quicker.
- One of the keys to success will not just be building more homes, but the right kind of homes i.e. affordable and attainable homes.

- Exempting DCs for affordable and attainable residential units will have significant impacts on DC revenues. If such DCs are exempted, these funds will need to come from the general levy, or projects could get delayed or cancelled.
- Tracking such exemptions is onerous on staff and could require additional staffing or tools.
- New definitions for affordable rental and owned housing where affordable equals rent or purchase prices at no greater than 80% average market value or purchase price. Attainable ownership definition is still to follow. This could mean greater incentives for housing which is still unaffordable to large portions of the population. Affordability should be tied back to income levels.
- Provincial bulletin on pricing will need to be granular and frequent to account for regional price differences over time.

Development Charges (DCs)

- Discounts on DCs for purpose built rental housing, where rental housing is defined as 4+ units. Municipal flexibility is requested here to define when such discounts may be warranted.
- Reduction in DCs via a mandatory phase-in of DCs for new DC by-laws. DCs charged during the first four years of a by-law could then result in less revenue than the last year of the former by-law.
- Requirements for municipalities to spend or allocate at least 60% of the monies in a DC reserve fund at the beginning of the year for water supply services, wastewater services, and roads. 'Allocate' needs to be clarified here, as funds are already allocated through the DC background study.
- New regulatory authority to set services for which land costs would not be eligible for DC recovery, notably housing services and background studies. This appears contrary to the goal of getting more housing built and may have a significant impact on the County's ability to undertake future housing builds.

- New limits on third-party appeals to the Ontario Land Tribunal for official plans, official plan amendments, zoning by-laws, zoning by-law amendments, consents, and minor variances. This change has the potential to put more pressure on municipal councils and staff and may result in delays at the pre-appeal level.
- As-of-right permissions for up to three residential units per property in a settlement area that is serviced by municipal water and sewer services, may cause some implementation hiccups or challenges.
- Inclusionary zoning is still limited to communities with major transit stations or a development permit system. Staff request the ability to apply inclusionary zoning across the province.

- Changes to parkland dedication allow developers the ability to identify land they intend to convey for parkland purposes. If the municipality refuses to accept, the developer may appeal to the OLT. This may result in delays and/or municipalities having to accept land that is not ideal for parks.
- Removal of upper tier planning responsibilities for the Regions and Simcoe County and any other upper-tier municipality that is prescribed. It may be preferable to define planning roles in these upper tiers rather than completely removing them i.e. maybe limit roles in development approvals, but maintain upper tier official plans and coordination on roles such as growth management and natural heritage system planning.

- Changes to site plan control including;
 - exempting developments of 10 residential units or less,
 - making land lease developments of any size subject to site plan control,
 - revised wording on road widening, and
 - not able to apply site plan control to architectural or sustainable design details.
- These could result in less ability to address green initiatives including implementing green development standard.

- Focusing conservation authorities' role in reviewing development related proposals and applications to natural hazards. CAs are no longer able to comment on natural heritage for development proposals and applications. This will mean that counties and municipalities will need to hire staff with ecological expertise.
- Having such services at a CA level through 36 CAs, may be more efficient than having 444 municipalities do so.
- Natural hazard and natural heritage matters are not mutually exclusive, having two review bodies could create duplication and delays here.
- Province should consider allowing such natural heritage services to be offered through non-mandatory MOUs.

- Exempting CA permits where there's a planning application, creates more implementation burden on municipalities who may not be equipped to do so.
- Freezing CA fees could result in slower service delivery and/or greater requests for municipal levy funding.
- Request to reinitiate the former multi-sector working group to review these changes prior to passing.

- The OLT will have increased abilities to order costs against a party who loses a hearing, dismiss an appeal and/or prioritize the scheduling of hearings.
- Changes to the Municipal Act will limit municipal abilities with respect to the conversion or demolishing of rental units.
- *Ontario Heritage Act* – There are several changes which include how properties get listed on a municipal heritage register, criteria for listing a property, process and timeline for de-listing a property, and changes to heritage conservation districts.
- Ontario Wetland Evaluation System - the deletion of conservation authority roles and references to wetland complexes are concerning regarding climate change mitigation / adaptation.

- Comments on legislation to the Standing Committee due November 17, 2022
- More ERO postings comments due November 24, 2022
- Future housing oriented review of the Provincial Policy Statement & Place to Grow – planning staff are planning a report to December 8, 2022
Committee of the Whole

- We want to work with the province to look for further opportunities to streamline the process to get more housing built.
- Some of the proposed changes in Bill 23 will create more administrative burden for municipalities and potentially delays.
- We are concerned that the proposed changes are not sufficient to ensure that new housing will be either affordable or attainable.
- Changes will also result in less revenue to support growth related capital projects which will result in further delays for future housing projects as well as future commercial and industrial developments.
- We are happy to discuss further with the province and identify other opportunities that achieve our collective goal of creating more housing throughout the Province. We need to ensure that the housing created is truly addressing the housing needs we are seeing in our communities across the income spectrum.

1. That report PDR-CW-37-22 regarding an overview of the 'Bill 23: More Homes Built Faster Act, 2022' be received; and
2. That report PDR-CW-37-22 be forwarded onto the Province of Ontario as the County of Grey's comments on Bill 23 More Homes Built Faster Act, 2022 and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry through postings # 019-2927, 019-6141, 019-6160, 019-6162, 019-6163, 019-6172, 019-6173, 019-6197, 019-6211, 22-MAG011, 22-MMAH017, and 22-MMAH018; and
3. That report PDR-CW-37-22 be forwarded onto the Standing Committee on Heritage, Infrastructure and Cultural Policy as the County of Grey's comments on Bill 23, More Homes Built Faster Act, 2022; and
4. That the County request that the province extend the commenting period on Bill 23 More Homes Built Faster Act, 2022 to allow for additional review and consultation time; and
5. That the report be shared with member municipalities and conservation authorities having jurisdiction within Grey County; and
6. That staff be authorized to proceed prior to County Council approval as per Section 25.6(b) of Procedural By-law 5003-18.