200/22
CII

Corporate Services Department
City Clerk Services

April 28, 2022

DELIVERED BY E-MAIL

Regional Municipality of Durham
Email: clerks@durham.ca

Re: City Comments on Proposed Amendments to the Planning Act Under Bill 109, the "More Homes For Everyone Act, 2022", and the Province's proposed Community Infrastructure and Housing Accelerator Guideline (All Wards)

Oshawa City Council considered the above matter at its meeting of April 25, 2022 and adopted the following recommendation of the Development Services Committee:

"1. That Report DS-22-83 dated April 6, 2022, including Attachments 4 and 5, be endorsed as the City's comments on the Province's proposed amendments to the Planning Act under Bill 109, "More Homes For Everyone Act, 2022", and the Province's proposed Community Infrastructure and Housing Accelerator Guideline; and,

2. That staff be authorized to submit the comments contained in Report DS-22-83 dated April 6, 2022 relating to the proposed amendments to the Planning Act under Bill 109 and the proposed Community Infrastructure and Housing Accelerator Guideline in response to the associated proposals posted on the Environmental Registry of Ontario website; and,

3. That staff be authorized to forward a copy of Report DS-22-83 dated April 6, 2022 and the related Council resolution to the Association of Municipalities of Ontario, Ontario's Big City Mayors, the Region of Durham, Durham area municipalities, Durham area M.P.P.s and the City's Building Industry Liaison Team, which includes the Durham Chapter of the Building Industry and Land Development Association and the Durham Region Home Builders' Association."

If you need further assistance concerning the above matter, please contact Warren Munro, Commissioner, Development Services Department at the address listed below or by telephone at 905-436-3311.

Mary Medeiros
City Clerk

/rr

c. Development Services Department

Public Report

To:	Development Services Committee
From:	Warren Munro, HBA, RPP, Commissioner, Development Services Department
Report Number:	DS-22-83
Date of Report:	April 6, 2022
Date of Meeting:	April 11, 2022
Subject:	City Comments on Proposed Amendments to the Planning Act Under Bill 109, the "More Homes For Everyone Act, 2022", and the Province's proposed Community Infrastructure and Housing Accelerator Guideline
Ward:	All Wards
File:	12-03

1.0 Purpose

The purpose of this Report is to obtain Council approval of City comments on:

- The Province's proposed amendments to the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act"), under Bill 109, "More Homes For Everyone Act, 2022" ("Bill 109" – see Attachment 1); and,

- The Province's proposed Community Infrastructure and Housing Accelerator Guideline (the "Accelerator Guideline" – see Attachment 2).

Bill 109 consists of proposed amendments to the following legislation:

- City of Toronto Act, 2006, S.O. 2006, c. 11, Schedule A;
- Development Charges Act, 1997, S.O. 1997, c. 27;
- New Home Construction Licensing Act, 2017, S.O. 2017, c. 33, Schedule 1;
- Ontario New Home Warranties Plan Act, R.S.O. 1990, c. O.31; and,
- Planning Act.

Additional information on Bill 109 and the proposed amendments to the various Acts can be found at the following link: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-03/b109_e.pdf.

For the purposes of this Report to the Development Services Committee and Council, staff are only providing comments on the Province's proposed amendments to the Planning Act under Bill 109.

One of the proposed amendments to the Planning Act, if passed, would establish a new Community Infrastructure and Housing Accelerator tool (the "Accelerator Tool"). Such a tool would enable local municipalities to request a Community Infrastructure and Housing Accelerator in order to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development. The Province released the proposed Accelerator Guideline in support of their new proposed Accelerator Tool.

The Province's proposed amendments to the Planning Act and details regarding the proposed Accelerator Guideline were posted on the Environmental Registry of Ontario's ("E.R.O.") website on March 30, 2022 with comments due April 29, 2022:

- E.R.O. number 019-5284: Proposed Planning Act Changes (link: https://ero.ontario.ca/notice/019-5284).

- E.R.O. number 019-5285: Community Infrastructure and Housing Accelerator – Proposed Guideline (link: https://ero.ontario.ca/notice/019-5285).

Attachment 1 is a copy of Bill 109, which was introduced into the Ontario Legislature with first reading on March 30, 2022.

Attachment 2 is a copy of the proposed Accelerator Guideline.

Attachment 3 is a Report of the Ontario Housing Affordability Task Force. Owing to the size of the document, it is not attached to this Report but a copy of the Report of the Ontario Housing Affordability Task Force can be viewed at the following link: https://files.ontario.ca/mmah-housing-affordability-task-force-report-en-2022-02-07-v2.pdf.

Attachment 4 presents staff comments on the proposed amendments to the Planning Act.

Attachment 5 presents staff comments on the proposed Accelerator Guideline.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That Report DS-22-83 dated April 6, 2022, including Attachments 4 and 5, be endorsed as the City's comments on the Province's proposed amendments to the Planning Act under Bill 109, "More Homes For Everyone Act, 2022", and the Province's proposed Community Infrastructure and Housing Accelerator Guideline.

2. That staff be authorized to submit the comments contained in Report DS-22-83 dated April 6, 2022 relating to the proposed amendments to the Planning Act under Bill 109 and the proposed Community Infrastructure and Housing Accelerator Guideline in response to the associated proposals posted on the Environmental Registry of Ontario website.

3. That staff be authorized to forward a copy of Report DS-22-83 dated April 6, 2022 and the related Council resolution to the Association of Municipalities of Ontario, Ontario's

Big City Mayors, the Region of Durham, Durham area municipalities, Durham area M.P.P.s and the City's Building Industry Liaison Team, which includes the Durham Chapter of the Building Industry and Land Development Association and the Durham Region Home Builders' Association.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Commissioner, Finance Services
- Commissioner, Community Services
- City Solicitor

5.0 Analysis

5.1 Ontario Housing Affordability Task Force

The Ontario Housing Affordability Task Force was formed by the Provincial government and tasked with the goal of formulating a number of actionable and concrete solutions to address the housing affordability and supply crisis in Ontario.

On February 8, 2022, a Report of the Ontario Housing Affordability Task Force was released publicly and presented to the Honourable Steve Clark, Ontario Minister of Municipal Affairs and Housing (see Attachment 3).

The Report of the Ontario Housing Affordability Task Force contains a number of recommendations aimed to address housing affordability for Ontarians, and sets an ambitious target of 1.5 million new homes to be built in Ontario in the next ten years.

On March 28, 2022, City Council considered a notice of motion (Item DS-22-56) concerning the release of the Report of the Ontario Housing Affordability Task Force, and passed the following resolution:

“1. City Council supports the need to increase the supply of housing within the Province of Ontario and within the City of Oshawa, where appropriately planned at a local municipal level and advanced through a public process that involves City Council in the decision-making process and supports any recommendations of the Task Force that would lead to increases in the planning department capacity of municipalities and preserves the utmost public participation in the planning process; and,

2. City Council opposes those recommendations of the Ontario Housing Affordability Task Force related to such matters as limiting appeal rights, reducing public participation, limiting decision-making at the local municipal level, limiting heritage preservation efforts, reducing or eliminating minimum

parking requirements, removing barriers to construction that may compromise health and safety, limiting fiscal responsibility by requiring mandatory development charge and cash in lieu of parkland exemptions and permitting increased density as-of-right without local review of appropriate locations, servicing capacities and zoning by-law standards for intensification; and,

3. Mayor Carter, on behalf of City Council, be authorized to send a letter to the Premier of the Province of Ontario and the Minister of Municipal Affairs and Housing to express the City's concerns, as generally noted in this resolution, with respect to those recommendations of the "Report of the Ontario Housing Affordability Task Force" which seek to limit public input and local decision-making power by municipalities concerning residential intensification in their respective communities; and,

4. Development Services staff report through the Development Services Committee on any subsequent recommendations or legislative changes being advanced by the Province with respect to this matter when posted on the Environmental Bill of Rights or released publicly; and,

5. A copy of this Council resolution be sent to the Region of Durham, Durham area municipalities, Durham area M.P.P.s, the Association of Municipalities of Ontario and Ontario's Big City Mayors."

5.2 More Homes for Everyone Plan

On March 30, 2022, the Ministry of Municipal Affairs and Housing released a bulletin on the E.R.O. website entitled "Consultations on the More Homes for Everyone Plan", which can be viewed at the following link: https://ero.ontario.ca/notice/019-5283.

The Report of the Ontario Housing Affordability Task Force is considered the Province's long-term housing roadmap, and the Province will work with its partners to develop a new housing supply action plan every year over four years starting in 2022/2023 to implement the Task Force's recommendations and deliver real, long-term solutions.

The Province's proposed "More Homes for Everyone Plan" is the first of four action plans to be released. It proposes targeted policies for the immediate term and includes, among other matters:

- The launch of a series of public consultations through the E.R.O. and Ontario Regulatory Registry ("O.R.R.") websites on the following topics, with comments due April 29, 2022:

  - the unique housing needs for rural and northern Ontario municipalities (E.R.O. number 019-5287, link: https://ero.ontario.ca/notice/019-5287).

  - opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing (E.R.O. number 019-5286, link: https://ero.ontario.ca/notice/019-5286).

- access to financing for not-for-profit housing developers (O.R.R. Proposal Number 22-MMAH010, link: https://www.ontariocanada.com/registry/view.do?postingId=41451&language=en).

- Proposed amendments to various statutes (including the Planning Act) through the introduction of Bill 109 concerning housing, development and various other matters, intended to streamline and speed up the approval process for new housing.

- Introduction of a new Accelerator Tool and associated Accelerator Guideline to speed up approvals for housing and community infrastructure such as hospitals and community centres,

- The establishment of a Housing Supply Working Group which will engage with the federal and municipal governments, partner ministries, industry and associations to monitor progress and support improvements to their annual housing supply action plans.

- Continued and ongoing funding to help municipalities streamline and modernize their planning approval processes, through the Province's Streamline Development Approval Fund, the Audit and Accountability Fund and the Municipal Modernization Program.

- Proposed amendments to Ontario regulations under various statues, including regulatory amendments under the Planning Act concerning municipal reporting requirements for Community Benefits Charges and Parkland.

5.3 Planning Act Changes resulting from Bill 109, More Homes For Everyone Act, 2022

As previously noted, Bill 109 will result in amendments to various statutes, and is intended to help Ontarians find a home that meets their needs and make it faster to build the homes that people need.

For the purposes of this Report to the Development Services Committee and Council, staff are only providing comments on the Province's proposed amendments to the Planning Act under Schedule 5 of Bill 109.

The proposed amendments, if passed, would, among other matters, support:

- **Building homes faster by expediting approvals including:**

- Making changes to zoning which would:

  - Require municipalities to partially refund application fees to applicants who do not receive a decision on their zoning by-law amendment applications within 90 days (or 120 days if submitted concurrently with an official plan amendment application) and on a graduated basis thereafter for applications made on or after January 1, 2023; and,

  - Establish a new Community Infrastructure and Housing Accelerator ("C.I.H.A.") tool for municipal requests to expedite zoning outside of the Greenbelt area.

- Streamlining development approvals processes and facilitate faster decisions by:

  - Requiring decisions on site plan applications to be delegated to staff for applications made on or after July 1, 2022;

  - Extending site plan application review from 30 to 60 days;

  - Establishing regulation-making authority to prescribe complete application requirements for site plan applications;

  - Requiring municipalities to partially refund site plan application fees to applicants who do not receive a decision within the 60-day timeframe and on a graduated basis thereafter for applications made on or after January 1, 2023;

  - Establishing regulation-making authority to prescribe what cannot be required as a condition of subdivision approval; and,

  - Establishing a one-time discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years, subject to consumer protection provisions.

- **Providing increased certainty of parkland requirements for Transit-Oriented Communities ("T.O.C.s") by:**

  - Implementing a tiered alternative parkland dedication rate for municipal parkland dedicated by T.O.C. developments.

  - This would ensure that land continues to be made available for parks for T.O.C. developments, while providing greater certainty of development costs on the particular sites.

  - The structure of the tiered alternative parkland dedication rate would be based on a percentage of the development land or its value:

    - For sites less than or equal to five hectares, parkland would be dedicated up to 10% of the land or its value; and,

    - For sites greater than five hectares, parkland would be dedicated up to 15% of the land or its value.

  - Transit-oriented community lands subject to the proposed tiered alternative parkland dedication rates would be identified pursuant to subsection 2 (1) of the Transit-Oriented Communities Act, 2020, S.O. 2020, c. 18, Schedule 20.

  - Ministerial authority would also be provided to the Minister of Infrastructure to identify encumbered land (e.g., land with underground transit tunnels or other infrastructure) at T.O.C. development sites that would be conveyed to a municipality as parkland. Encumbered parkland would count towards any municipal parkland dedication requirements. This would help ensure that T.O.C. developments can provide new homes and parkland for use by the community.

- **Provide increased certainty of development costs by:**

    - Providing the Minister of Municipal Affairs and Housing with regulation-making authority to authorize landowners and applicants to stipulate the type of surety bonds and other prescribed instruments to be used to secure obligations in connection with land use planning approvals.

Other proposed changes would increase transparency in the planning process and support dispute resolution by:

- Requiring municipalities with a community benefits charge ("C.B.C.") by-law to undertake and complete a review, including consulting publicly, on their by-law at least once every five years after the by-law is passed, and every five years thereafter.

- Providing the Minister with new discretionary authorities when making decisions to:

    - "Stop the clock" if more time is needed to decide on all official plan matters that are subject to Minister's approval (with transition for matters that are currently before the Minister);

    - Refer all or part(s) of an official plan matter to the Ontario Land Tribunal for a recommendation; and,

    - Forward all of an official plan matter to the Ontario Land Tribunal to make a decision.

The Province released Bill 109 on March 30, 2022, and is providing the opportunity for comment on the proposed Planning Act changes through E.R.O. posting number 019-5284, with comments due April 29, 2022 (see Attachment 1).

Attachment 4 provides a detailed list of all proposed amendments to the Planning Act through Bill 109 and corresponding staff comments.

5.4 Community Infrastructure and Housing Accelerator Guideline

As part of the More Homes for Everyone Act, 2022, Schedule 5 of Bill 109 proposes to make changes to the Planning Act. The proposed amendments, if passed, would establish a new Community Infrastructure and Housing Accelerator tool and would require the Minister of Municipal Affairs and Housing to publish guidelines for the use of the Community Infrastructure and Housing Accelerator tool before it could be used.

Once the Community Infrastructure and Housing Accelerator guidelines have been published, the Community Infrastructure and Housing Accelerator tool would enable local municipalities to request a Community Infrastructure and Housing Accelerator order to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development. The Minister may impose conditions on the issuance of a Community Infrastructure and Housing Accelerator order that must be addressed before the zoning can come into effect. The proposed Community

Infrastructure and Housing Accelerator tool also has municipal requirements for matters like public consultation, public notice and making the order available to the public.

Under the proposed legislation the Community Infrastructure and Housing Accelerator tool would not be available for use in the Greenbelt Area. However, staff note that a Community Infrastructure and Housing Accelerator order would not be required to be consistent with any Provincial Policy Statement issued under Subsection 3(1) of the Planning Act or conform to a Provincial Plan or a municipal Official Plan.

The Community Infrastructure and Housing Accelerator Guideline may include matters such as:

- the types of priority developments a Community Infrastructure and Housing Accelerator order could be used for (e.g., community infrastructure, housing, including affordable housing);
- where the Community Infrastructure and Housing Accelerator order may or may not be used (e.g., certain geographically defined areas); and,
- other matters related to the use of the Community Infrastructure and Housing Accelerator tool.

The Province released the proposed Accelerator Guideline on March 30, 2022, and is providing the opportunity to comment through E.R.O. posting number 019-5285, with comments due April 29, 2022 (see Attachment 2).

Attachment 5 provides highlights of the Accelerator Guideline and corresponding staff comments.

5.5 Next Steps

Staff are seeking Council's endorsement of the staff comments contained in Attachments 4 and 5 of this Report as City comments to the E.R.O. postings concerning proposed Planning Act changes through Bill 109 and the proposed Accelerator Guideline.

Once endorsed by Council, City staff will share the City's comments with the Province through the respective postings on the E.R.O. website.

If Bill 109 receives royal assent, Development Services staff would report back to the Development Services Committee with any necessary amendments to City by-laws to implement the Bill 109 Planning Act changes, including potential amendments to the City's General Fees and Charges By-law 13-2003, as amended, where refunds on development applications are contemplated.

6.0 Financial Implications

There are no financial implications associated with the recommendations in this Report.

It is not clear how the proposed amendments under Bill 109 will impact taxpayers and the City's financial resources. However, if Bill 109 receives royal assent, there is a high probability that the City will be impacted financially.

These anticipated financial implications may be as a result of development application fee refunds to developers where their applications are not approved within a specific timeframe by the City, regardless of the cause of the delays.

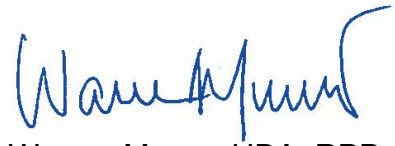
Development application fees are intended to help cover staffing costs related to the review of development applications. If a developer is refunded their application fees, regardless of whom caused the delay, the cost to refund the developer would be borne entirely by the City and its taxpayers.

If the legislation is enacted, the City would not be able to collect parkland dedication using the alternative rate. This would have the effect of transferring the burden for land acquisition from the developer to the taxpayers.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendations advance the Accountable Leadership goal of the Oshawa Strategic Plan.

Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Legislative Assembly of Ontario

Assemblée législative de l'Ontario

2ND SESSION, 42ND LEGISLATURE, ONTARIO
71 ELIZABETH II, 2022

Bill 109

An Act to amend the various statutes with respect to housing, development and various other matters

The Hon. S. Clark
Minister of Municipal Affairs and Housing

Government Bill

1st Reading	March 30, 2022
2nd Reading	
3rd Reading	
Royal Assent	

EXPLANATORY NOTE

SCHEDULE 1
CITY OF TORONTO ACT, 2006

The Schedule makes various amendments to section 114 of the *City of Toronto Act, 2006*. Here are some highlights:

1. Subsection (4) is replaced with a number of subsections that set out the rules respecting consultations with the City before plans and drawings are submitted for approval and respecting completeness of applications made under this section.
2. New subsection (5.1) provides for the appointment of an authorized person for the purposes of subsection (5). Various related amendments are made to section 114.
3. New subsection (14.1) provides for rules respecting when the City is required to refund fees paid to it pursuant to the *Planning Act*.

An associated provision respecting regulations is also added to the Act as section 122.2.

SCHEDULE 2
DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997* with respect to the publication of the statement of the treasurer under section 43 of the Act.

SCHEDULE 3
NEW HOME CONSTRUCTION LICENSING ACT, 2017

The Schedule amends the *New Home Construction Licensing Act, 2017* as follows:

1. Section 38 is amended to provide that the registrar may consider whether the activities of an applicant are, or will be if issued a licence, in contravention of the Act, the regulations or prescribed legislation.
2. Section 56 is amended to preserve the registrar's powers to receive complaints, request information from licensees about complaints and mediate or resolve complaints. Section 56.1 is added to give certain powers to the registrar if the registrar believes a licensee has contravened the Act, the regulations or prescribed legislation.
3. Section 57 is amended to increase the maximum fine to $50,000 if a licensee is an individual and $100,000 if a licensee is not an individual. Also, the discipline committee may impose a fine above the maximum amount if the licensee received a monetary benefit from failing to comply with the code of ethics. Last, the committee must consider any prior determination of the committee that a licensee failed to comply with the code of ethics and, subject to the maximum fine amount, may impose a more severe fine on the licensee.
4. Section 71 is amended to provide that in addition to any other penalty imposed by the court and despite the maximum fine, the court that convicts a person or entity of an offence may increase a fine imposed on the person or entity if the person or entity received a monetary benefit as a result of the commission of the offence.
5. Section 76 is amended to provide that an assessor may impose an administrative penalty if a person has contravened or is contravening a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it. This section is also amended to increase the maximum administrative penalty to $25,000 and to provide that an assessor may impose a penalty against a person above the maximum amount if the person received a monetary benefit as a result of a contravention.
6. Section 84 is amended to grant the Minister the power to make regulations governing fines that the discipline committee or the appeals committee may impose.

SCHEDULE 4
ONTARIO NEW HOME WARRANTIES PLAN ACT

The Schedule amends the *Ontario New Home Warranties Plan Act*.

Clause 22.1 (1) (j) is amended to provide that the Lieutenant Governor in Council may make regulations extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3).

Section 23 is amended in two ways with respect to the by-law making power of the Corporation designated under the Act. First, clause 23 (1) (j) is amended to provide that the Corporation may specify warranties under clause 13 (1) (c) and the time of expiration of those warranties. Second, clause 23 (1) (j.1) is added to provide for a similar amendment as in clause 22.1 (1) (j), but the Corporation's power is subject to a regulation made under clause 22.1 (1) (j) and the approval of the Minister.

Technical amendments to update cross-references in the Act are also made.

SCHEDULE 5
PLANNING ACT

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. New subsections 17 (40.1) to (40.1.3) provide rules respecting when the Minister as an approval authority can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan.
2. New subsections 17 (55) to (64) provide a process for the Minister as an approval authority to refer plans to the Ontario Land Tribunal for a recommendation or a decision.
3. New subsection 34 (10.12) provides rules respecting when municipalities are required to refund fees in respect of applications under that section.
4. An additional type of Minister's order is added to the Act in section 34.1. These orders are made by the Minister at the request of a municipality. This section sets out the process and rules respecting such orders.
5. New subsections 37 (54) to (59) require regular reviews of community benefits charge by-laws and provide rules respecting such reviews.
6. A number of amendments are made to section 41. A number of subsections are added that set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications made under this section. New subsection (4.0.1) provides for the appointment of an authorized person for the purposes of subsection (4). New subsection (11.1) provides for rules respecting when municipalities are required to refund fees.
7. Amendments are made to sections 42 and 51.1 with respect to parkland requirements on land designated as transit-oriented community land under the *Transit-Oriented Communities Act, 2020*.
8. New rules are added to section 51 with respect to extensions of approvals by approval authorities.
9. New section 70.3.1 provides the Minister with authority to make certain regulations respecting surety bonds and other instruments in connection with approvals with respect to land use planning.

Bill 109 **2022**

An Act to amend the various statutes with respect to housing, development and various other matters

CONTENTS

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *More Homes for Everyone Act, 2022*.

SCHEDULE 1
CITY OF TORONTO ACT, 2006

1 (1) Subsection 114 (4) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Consultation

(4) The City may, by by-law, require applicants to consult with the City before submitting plans and drawings for approval under subsection (5).

Same

(4.1) Where a by-law referred to in subsection (4) does not apply, the City shall permit applicants to consult with the City as described in that subsection.

Prescribed information

(4.2) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the City.

Other information

(4.3) The City may require that an applicant provide any other information or material that the City considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.

Refusal and timing

(4.4) Until the City has received the plans and drawings referred to in subsection (5), the information and material required under subsections (4.2) and (4.3), if any, and any fee under section 69 of the *Planning Act*,

(a) the City may refuse to accept or further consider the application; and

(b) the time period referred to in subsection 114 (15) of this Act does not begin.

Response re completeness of application

(4.5) Within 30 days after the applicant pays any fee under section 69 of the *Planning Act*, the City shall notify the person or public body that the plans and drawings referred to in subsection 114 (5) of this Act and the information and material required under subsections (4.2) and (4.3) , if any, have been provided, or that they have not been provided, as the case may be.

Motion re dispute

(4.6) Within 30 days after a negative notice is given under subsection (4.5), the applicant or the City may make a motion for directions to have the Ontario Land Tribunal determine,

(a) whether the plans and drawings and the information and material have in fact been provided; or

(b) whether a requirement made under subsection (4.3) is reasonable.

Same

(4.7) If the City does not give any notice under subsection (4.5), the applicant may make a motion under subsection (4.6) at any time after the 30-day period described in subsection (4.5) has elapsed.

Final determination

(4.8) The Ontario Land Tribunal's determination under subsection (4.6) is not subject to appeal or review.

(2) Subsection 114 (5) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Approval of plans or drawings

(5) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (5.1) or, where an appeal has been made under subsection (15), the Ontario Land Tribunal has approved one or both, as the authorized person may determine, of the following:

. . . . .

(3) Section 114 of the Act is amended by adding the following subsection:

Authorized person

(5.1) If the City passes a by-law under subsection (2), the City shall appoint an officer, employee or agent of the City as an authorized person for the purposes of subsection (5).

(4) Section 114 of the Act is amended by adding the following subsection:

Refund

(14.1) With respect to plans and drawings referred to in subsection (5) that are submitted on or after the day subsection 1 (4) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force, the City shall refund any fee paid pursuant to section 69 of the *Planning Act* in respect of the plans and drawings in accordance with the following rules:

1. If the City approves the plans or drawings under subsection 114 (5) of this Act within the time period referred to in subsection 114 (15) of this Act, the City shall not refund the fee.
2. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within the time period referred to in subsection 114 (15) of this Act, the City shall refund 50 per cent of the fee.
3. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within a time period that is 30 days longer than the time period referred to in subsection 114 (15) of this Act, the City shall refund 75 per cent of the fee.
4. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within a time period that is 60 days longer than the time period referred to in subsection 114 (15) of this Act, the City shall refund all of the fee.

(5) Subsection 114 (15) of the Act is amended by striking out "30" and substituting "60".

(6) Subsection 114 (17) of the Act is repealed and the following substituted:

Classes of development, delegation

(17) Where the City has designated a site plan control area under this section, the City may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (5).

(7) Subsection 114 of the Act is amended by adding the following subsection:

Transition

(18) This section as it read immediately before the day subsection 1 (7) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (5) of this Act before that day.

(8) Subsection 114 of the Act is amended by adding the following subsection:

Same

(19) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (5) on or after the day subsection 1 (7) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022.

2 The Act is amended by adding the following section:

Regulations re s. 114 (4.2)

122.2 The Minister of Municipal Affairs and Housing may make regulations prescribing information and materials for the purposes of subsection 114 (4.2).

Commencement

3 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Subsections 1 (2), (3), (6) and (8) come into force on the later of July 1, 2022 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(3) Subsection 1 (4) comes into force on the later of January 1, 2023 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 2
DEVELOPMENT CHARGES ACT, 1997

1 Subsection 43 (2.1) of the *Development Charges Act, 1997* is repealed and the following substituted:

Statement available to public

(2.1) The council shall ensure that the statement is made available to the public,

(a) by posting the statement on the website of the municipality or, if there is no such website, in the municipal office; and

(b) in such other manner and in accordance with such other requirements as may be prescribed.

2 Subsection 60 (1) of the Act is amended by adding the following clause:

(t.0.1) prescribing the manner in which a statement is to be made available and other requirements for the purposes of clause 43 (2.1) (b);

Commencement

3 This Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 3
NEW HOME CONSTRUCTION LICENSING ACT, 2017

1 Clause 38 (1) (c) of the *New Home Construction Licensing Act, 2017* is repealed and the following substituted:

(c) neither the applicant, nor any interested person in respect of the applicant, has carried on or is carrying on activities,

(i) that are in contravention of this Act or the regulations, or that will be in contravention of this Act or the regulations if the applicant is issued a licence, or

(ii) that are in contravention of prescribed legislation, or that will be in contravention of prescribed legislation if the applicant is issued a licence;

2 Section 56 of the Act is repealed and the following substituted:

Complaints

56 (1) The registrar may,

(a) receive complaints concerning conduct that may be in contravention of this Act, the regulations or prescribed legislation;

(b) make written requests to licensees for information regarding complaints; and

(c) attempt to mediate or resolve complaints, as appropriate, concerning any conduct that comes to the registrar's attention that may be in contravention of this Act, the regulations or prescribed legislation.

Request for information

(2) A request made under clause (1) (b) shall indicate the nature of the complaint.

Duty to comply

(3) A licensee who receives a request made under clause (1) (b) shall provide the requested information to the registrar.

Registrar's powers

56.1 If the registrar is of the opinion, whether as a result of a complaint or otherwise, that a licensee has contravened any provision of this Act, the regulations or prescribed legislation, the registrar may do any of the following, as the registrar considers appropriate:

1. Give the licensee a written warning, stating that if the licensee continues with the activity that led to the alleged contravention, action may be taken against the licensee.
2. Require the licensee to take further educational courses.
3. Require the licensee, in accordance with the terms, if any, that the registrar specifies, to fund educational courses for persons that the licensee employs or to arrange and fund the courses.
4. Refer the matter, in whole or in part, to the discipline committee.
5. Take an action under section 40, subject to section 43.
6. Take further action as is appropriate in accordance with this Act.

3 (1) Paragraph 3 of subsection 57 (4) of the Act is repealed and the following substituted:

3. Impose such fine as the committee considers appropriate, subject to subsections (4.1), (4.2) and (4.3), to be paid by the licensee to the regulatory authority or, if there is no regulatory authority, to the Minister of Finance.

(2) Section 57 of the Act is amended by adding the following subsections:

Maximum fines

(4.1) Subject to subsection (4.2), the maximum amount of the fine mentioned in paragraph 3 of subsection (4) is,

(a) $50,000, or such lesser amount as may be prescribed, if the licensee is an individual; or

(b) $100,000, or such lesser amount as may be prescribed, if the licensee is not an individual.

Same, monetary benefit

(4.2) The total amount of the fine referred to in subsection (4.1) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the licensee as a result of a failure to comply with the code of ethics.

Same, prior determination

(4.3) In making its order to impose a fine under paragraph 3 of subsection (4), the discipline committee shall consider any prior determination of the committee that the licensee failed to comply with the code of ethics and, subject to the maximum amount of the fine referred to in subsection (4.1), may impose a more severe fine having regard to the prior determination.

4 Section 71 of the Act is amended by adding the following subsection:

Same, monetary benefit

(4.1) In addition to any other penalty imposed by the court and despite the maximum fine referred to in subsection (4), the court that convicts a person or entity of an offence under this section may increase a fine imposed on the person or entity by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person or entity as a result of the commission of the offence.

5 (1) Subsection 76 (1) of the Act is repealed and the following substituted:

Order

76 (1) An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

(a) a prescribed provision of this Act or the regulations;

(b) a condition of a licence, if the person is the licensee;

(c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or

(d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it.

(2) Subsection 76 (4) of the Act is repealed and the following substituted:

Amount

(4) Subject to subsection (4.1), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed $25,000.

Same, monetary benefit

(4.1) The total amount of the administrative penalty referred to in subsection (4) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

6 Subsection 84 (1) of the Act is amended by adding the following clause:

(g.1) governing fines that the discipline committee or the appeals committee may impose, including the criteria to be considered in determining the amount, the procedure for making an order for a fine and the rights of the parties affected by the procedure;

Rebuilding Consumer Confidence Act, 2020

7 Section 17 of Schedule 4 to the *Rebuilding Consumer Confidence Act, 2020* is repealed.

Commencement

8 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Section 5 comes into force on the later of the day section 76 of Schedule 1 to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 4
ONTARIO NEW HOME WARRANTIES PLAN ACT

1 Clause 22.1 (1) (j) of the *Ontario New Home Warranties Plan Act* is repealed and the following substituted:

(j) extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3);

2 (1) Clause 23 (1) (g) of the Act is amended by striking out "22.1 (l) or (v)" and substituting "22.1 (1) (l) or (v)".

(2) Clause 23 (1) (j) of the Act is repealed and the following substituted:

(j) subject to the approval of the Minister, specifying warranties under clause 13 (1) (c) and the time of expiration of those warranties;

(3) Subsection 23 (1) of the Act is amended by adding the following clause:

(j.1) subject to a regulation described in clause 22.1 (1) (j) and to the approval of the Minister, extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3);

(4) Clause 23 (1) (m.1) of the Act is amended by striking out "22.1 (t)" and substituting "22.1 (1) (t)".

Commencement

3 This Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 5
PLANNING ACT

1 Section 17 of the *Planning Act* is amended by adding the following subsections:

Notice to suspend time period

(40.1) If the approval authority in respect of a plan is the Minister, the Minister may suspend the time period described in subsection (40) by giving notice of the suspension to the municipality that adopted the plan and, in the case of a plan amendment adopted in response to a request under section 22, to the person or public body that requested the amendment.

Same

(40.1.1) The effect of a suspension under subsection (40.1) is to suspend the time period referred to in subsection (40) until the date the Minister rescinds the notice, and the period of the suspension shall not be included for the purposes of counting the period of time described in subsection (40).

Same

(40.1.2) For greater certainty, the Minister may make a decision under subsection (34) in respect of a plan that is the subject of a notice provided under subsection (40.1) even if the notice has not been rescinded.

Same, retroactive deemed notice

(40.1.3) If a plan was received by the Minister on or before March 30, 2022, a decision respecting the plan has not been made under subsection (34) before that day and no notice of appeal in respect of the plan was filed under subsection (40) before that day,

(a) the plan shall be deemed to have been received by the Minister on March 29, 2022; and

(b) the Minister shall be deemed to have given notice under subsection (40.1) on March 30, 2022.

. . . . .

Referral to Tribunal for recommendation

(55) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer all or part of the plan to the Tribunal for a recommendation.

Record to Tribunal

(56) If the Minister refers all or part of a plan to the Tribunal under subsection (55) or (61), the Minister shall ensure that a record is compiled and provided to the Tribunal.

Recommendation

(57) If the Minister refers all or part of a plan to the Tribunal under subsection (55), the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the plan or part of the plan, make modifications and approve the plan or part of the plan as modified or refuse the plan or part of the plan and shall give reasons for the recommendation.

Hearing or other proceeding by Tribunal

(58) Before making a recommendation under subsection (57), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

(a) the municipality that adopted the plan; and

(b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council.

Copy of recommendation

(59) A copy of the recommendation of the Tribunal shall be sent to each person who appeared before the Tribunal and to any person who in writing requests a copy of the recommendation.

Decision on plan

(60) After considering the recommendation of the Tribunal, the Minister may proceed to make a decision under subsection (34).

Referral to Tribunal for decision

(61) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer the plan to the Tribunal for a decision.

Hearing by Tribunal

(62) If the Minister refers a plan to the Tribunal under subsection (61), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

(a) the municipality that adopted the plan; and

(b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council.

Decision by Tribunal

(63) Subsections (50) and (50.1) apply, with necessary modifications, to a referral for a decision made under subsection (61).

Referral of matters in process

(64) For greater certainty, a plan that was submitted to the Minister for approval prior to the day section 1 of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force may be the subject of a referral under subsection (55) or (61) if a decision respecting the plan has not yet been made under subsection (34).

2 Section 19.1 of the Act is amended by striking out "34 to 39" and substituting "34, 35 to 39".

3 Subsection 21 (3) of the Act is repealed and the following substituted:

Exception

(3) Subsection 17 (36.5) applies to an amendment only if it is,

(a) an amendment that has been the subject of a referral to the Tribunal for a recommendation pursuant to subsection 17 (55); or

(b) a revision that is adopted in accordance with section 26.

4 (1) Clause 34 (10.3) (b) of the Act is amended by adding "or (11.0.0.0.1), as the case may be," after "subsection (11)".

(2) Section 34 of the Act is amended by adding the following subsection:

Refund of fee

(10.12) With respect to an application received on or after the day subsection 4 (2) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the application in accordance with the following rules:

1. If the municipality makes a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall not refund the fee.
2. If the municipality fails to make a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 50 per cent of the fee.
3. If the municipality fails to make a decision on the application within the time period that is 60 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 75 per cent of the fee.
4. If the municipality fails to make a decision on the application within the time period that is 120 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund all of the fee.

5 The Act is amended by adding the following section:

Minister's order at request of municipality

Request for order

34.1 (1) The council of a municipality may pass a resolution requesting that the Minister,

(a) make an order that involves the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law; or

(b) amend an order made under subsection (9) of this section.

No delegation

(2) A council may not delegate its powers under subsection (1).

Content of resolution

(3) A resolution referred to in clause (1) (a) shall identify,

(a) the lands to which the requested order would apply; and

(b) the manner in which the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law, would be exercised in respect to the lands.

Same

(4) A resolution referred to in clause (1) (b) shall identify the requested amendments to the order.

Same

(5) For greater certainty, the inclusion of a draft by-law with the resolution shall be deemed to satisfy the requirements of clause (3) (b) or subsection (4), as the case may be.

Consultation

(6) Before passing a resolution referred to in subsection (1), the municipality shall,

(a) give notice to the public in such manner as the municipality considers appropriate; and

(b) consult with such persons, public bodies and communities as the municipality considers appropriate.

Forwarding to Minister

(7) Within 15 days after passing a resolution referred to in subsection (1), the municipality shall forward to the Minister,

(a) a copy of the resolution;

(b) a description of the consultation undertaken pursuant to clause (6) (b);

(c) a description of any licences, permits, approvals, permissions or other matters that would be required before a use that would be permitted by the requested order could be established; and

(d) any prescribed information and material.

Other information

(8) The Minister may require the council to provide such other information or material that the Minister considers necessary.

Orders

(9) The Minister may make an order,

(a) upon receiving a request from a municipality under subsection (1), exercising the municipality's powers under section 34, or that may be exercised in a development permit by-law, in the manner requested by the municipality with such modifications as the Minister considers appropriate; and

(b) upon receiving a request from the municipality or at such other time as the Minister considers advisable, amending the order made under clause (a).

Lands covered by orders

(10) An order under subsection (9) shall apply to the lands requested by the municipality with such modifications as the Minister considers appropriate.

Non-application to Greenbelt Area

(11) An order under subsection (9) may not be made in respect of any land in the Greenbelt Area.

Non-application to order

(12) Despite any Act or regulation, the following do not apply to the making of an order under subsection (9):

1. A policy statement issued under subsection 3 (1).
2. A provincial plan.
3. An official plan.

Conditions

(13) The Minister may, in an order under subsection (9), impose such conditions on the use of land or the erection, location or use of buildings or structures as in the opinion of the Minister are reasonable.

Same

(14) When a condition is imposed under subsection (13),

(a) the Minister or the municipality in which the land in the order is situate may require an owner of the land to which the order applies to enter into an agreement with the Minister or the municipality, as the case may be;

(b) the agreement may be registered against the land to which it applies; and

(c) the Minister or the municipality, as the case may be, may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Application of subs. (12) to licences, etc.

(15) If a licence, permit, approval, permission or other matter is required before a use permitted by an order under subsection (9) may be established and the resolution referred to in subsection (1) includes a request that the Minister act under this subsection, the Minister may, in an order under subsection (9), provide that subsection (12) applies, with necessary modifications, to such licence, permit, approval, permission or other matter.

Coming into force

(16) An order made under subsection (9) comes into force in accordance with the following rules:

1. If no condition has been imposed under subsection (13), the order comes into force on the day the order is made or on such later day as is specified in the order.
2. If a condition has been imposed under subsection (13), the order comes into force on the later of,
    i. the day the Minister gives notice to the clerk of the municipality that the Minister is satisfied that all conditions have been or will be fulfilled, and
    ii. the day specified in the order.

Copy of order to clerk

(17) After making an order under subsection (9), the Minister shall provide a copy of the order to the clerk of the municipality in which the land in the order is situate.

Same, conditions fulfilled

(18) When the Minister gives notice to the clerk for the purposes of subparagraph 2 i of subsection (16), the Minister shall provide a copy of the order that does not include the conditions imposed under subsection (13).

Same, not revocation

(19) For greater certainty, the provision of a copy of the order that does not include the conditions imposed under subsection (13) is not a revocation of the order originally provided to the clerk.

Publication and availability

(20) The following publication rules apply with respect to an order under subsection (9):

1. Within 15 days after receiving a copy of the order pursuant to subsection (17) or (18), as the case may be, the clerk shall,
    i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
    ii. make the order available to the public in accordance with the regulations, if any.
2. The clerk shall ensure that the order remains available to the public until such time as the order is revoked.
3. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website.

Revocation order

(21) The Minister may, by order, revoke an order under subsection (9).

Copy of revocation order to clerk

(22) The Minister shall provide a copy of an order under subsection (21) to the clerk of the municipality in which the land is situate.

Publication of revocation order

(23) The following publication rules apply with respect to an order under subsection (21):

1. Within 15 days after receiving a copy of the order pursuant to subsection (22), the clerk shall,
    i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
    ii. make the order available to the public in accordance with the regulations, if any.
2. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website.

Conflict

(24) In the event of a conflict between an order under subsection (9) and a by-law under section 34 or 38 or a predecessor of those sections, the order prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect.

Guidelines

(25) Before an order may be issued under subsection (9), the Minister must establish guidelines respecting orders under subsection (9) and publish the guidelines in accordance with subsection (26).

Same, publishing

(26) The Minister shall publish and maintain the guidelines established under subsection (25) on a website of the Government of Ontario.

Same, content

(27) Guidelines under subsection (25) may be general or particular in application and may, among other matters, restrict orders to certain geographic areas or types of development.

Non-application of *Legislation Act, 2006*, Part III

(28) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order under subsection (9) or (21) or to a guideline under subsection (25).

Deemed zoning by-law

(29) An order under subsection (9) that has come into force is deemed to be a by-law passed under section 34 for the purposes of the following:

1. Subsections 34 (9), 41 (3) and 47 (3) of this Act.
2. Sections 46, 49, 67 and 67.1 of this Act.
3. Subsection 114 (3) of the *City of Toronto Act, 2006*.
4. The *Building Code Act, 1992*.
5. Any other prescribed Act, regulation or provision of an Act or regulation.

6 Section 37 of the Act is amended by adding the following subsections:

Regular review of by-law

(54) If a community benefits charge by-law is in effect in a local municipality, the municipality shall ensure that a review of the by-law is undertaken to determine the need for a revision of the by-law.

Same, consultation

(55) In undertaking the review required under subsection (54), the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Resolution re need for revision

(56) After conducting a review under subsection (54), the council shall pass a resolution declaring whether a revision to the by-law is needed.

Timing of review

(57) A resolution under subsection (56) shall be passed at the following times:

1. Within five years after the by-law was first passed.
2. If more than five years have passed since the by-law was first passed, within five years after the previous resolution was passed pursuant to subsection (56).

Notice

(58) Within 20 days of passing a resolution pursuant to subsection (56), the council shall give notice, on the website of the municipality, of the council's determination regarding whether a revision to the by-law is needed.

Failure to pass resolution

(59) If the council does not pass a resolution pursuant to subsection (56) within the relevant time period set out in subsection (57), the by-law shall be deemed to have expired on the day that is five years after the by-law was passed or five years after the previous resolution was passed pursuant to subsection (56), as the case may be.

7 (1) Subsection 41 (3.1) of the Act is repealed and the following substituted:

Consultation

(3.1) The council may, by by-law, require applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4).

Same

(3.2) Where a by-law referred to in subsection (3.1) does not apply, the municipality shall permit applicants to consult with the municipality as described in that subsection.

Prescribed information

(3.3) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the municipality.

Other information

(3.4) A municipality may require that an applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.

Refusal and timing

(3.5) Until the municipality has received the plans and drawings referred to in subsection (4), the information and material required under subsections (3.3) and (3.4), if any, and any fee under section 69,

(a) the municipality may refuse to accept or further consider the application; and

(b) the time period referred to in subsection (12) of this section does not begin.

Response re completeness of application

(3.6) Within 30 days after the applicant pays any fee under section 69, the municipality shall notify the person or public body that the plans and drawings referred to in subsection (4) and the information and material required under subsections (3.3) and (3.4), if any, have been provided, or that they have not been provided, as the case may be.

Motion re dispute

(3.7) Within 30 days after a negative notice is given under subsection (3.6), the applicant or municipality may make a motion for directions to have the Tribunal determine,

(a) whether the plans and drawings and the information and material have in fact been provided; or

(b) whether a requirement made under subsection (3.4) is reasonable.

Same

(3.8) If the municipality does not give any notice under subsection (3.6), the applicant may make a motion under subsection (3.7) at any time after the 30-day period described in subsection (3.6) has elapsed.

Final determination

(3.9) The Tribunal's determination under subsection (3.7) is not subject to appeal or review.

(2) Subsection 41 (4) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (4.0.1) or, where an appeal has been made under subsection (12), the Tribunal has approved one or both, as the authorized person may determine, of the following:

. . . . .

(3) Section 41 of the Act is amended by adding the following subsection:

Authorized person

(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4).

(4) Subsection 41 (6) of the Act is amended by striking out "the council of".

(5) Section 41 of the Act is amended by adding the following subsection:

Refund

(11.1) With respect to plans and drawings referred to in subsection (4) that are submitted on or after the day subsection 7 (5) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the plans and drawings in accordance with the following rules:

1. If the municipality approves the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall not refund the fee.
2. If the municipality has not approved the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall refund 50 per cent of the fee.
3. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 30 days longer than the time period referred to in subsection (12), the municipality shall refund 75 per cent of the fee.
4. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 60 days longer than the time period referred to in subsection (12), the municipality shall refund all of the fee.

(6) Subsection 41 (12) of the Act is amended by striking out "30" and substituting "60".

(7) Subsection 41 (13) of the Act is repealed and the following substituted:

Classes of development, delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5).

(8) Section 41 of the Act is amended by adding the following subsection:

Transition

(15.1) This section as it read immediately before the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) of this section before that day.

(9) Section 41 of the Act is amended by adding the following subsection:

Same

(15.2) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) on or after the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022.

8 Section 42 of the Act is amended by adding the following subsections:

Exception, transit-oriented community land

(3.2) Subsections (3.3) and (3.4) apply to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

Same, alternative requirement

(3.3) A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,

(a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and

(b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.

Deemed amendment of by-law

(3.4) If a by-law passed under this section requires a conveyance or payment in lieu that exceeds the amount permitted by subsection (3.3), the by-law is deemed to be amended to be consistent with subsection (3.3).

. . . . .

Encumbered land, identification by Minister of Infrastructure

(4.27) The Minister of Infrastructure may, by order, identify land as encumbered land for the purposes of subsection (4.28) if,

(a) the land is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*;

(b) the land is,

(i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane only,

(ii) subject to an easement or other restriction, or

(iii) encumbered by below grade infrastructure; and

(c) in the opinion of the Minister of Infrastructure, the land is capable of being used for park or other public recreational purposes.

Same, conveyance of described land

(4.28) If land proposed for development or redevelopment includes land identified as encumbered land in an order under subsection (4.27), the encumbered land,

(a) shall be conveyed to the local municipality for park or other public recreational purposes; and

(b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement, set out in the by-law, applicable to the development or redevelopment.

Same, non-application of *Legislation Act, 2006*, Part III

(4.29) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (4.27).

9 (1) Section 51 of the Act is amended by adding the following subsection:

Same, exception

(25.1) With respect to an application made on or after the day a regulation made pursuant to this subsection comes into force, despite subsection (25), the approval authority may not impose conditions respecting any prescribed matters.

(2) Subsection 51 (33) of the Act is repealed and the following substituted:

Extension

(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1).

Deemed not to have lapsed

(33.1) If an approval of a plan of subdivision lapses before an extension is given, the approval authority may deem the approval not to have lapsed unless,

(a) five or more years have passed since the approval lapsed;

(b) the approval has previously been deemed not to have lapsed under this subsection; or

(c) an agreement had been entered into for the sale of the land by a description in accordance with the draft approved plan of subdivision.

Same

(33.2) Before an approval is deemed not to have lapsed under subsection (33.1), the owner of the land proposed to be subdivided shall provide the approval authority with an affidavit or sworn declaration certifying that no agreement had been entered into for the sale of any land by a description in accordance with the draft approved plan of subdivision.

Same, new time period

(33.3) If an approval authority deems an approval not to have lapsed under subsection (33.1), the approval authority shall provide that the approval lapses at the expiration of the time period specified by the approval authority.

10 Section 51.1 of the Act is amended by adding the following subsections:

Conveyance of described land

(2.4) If land proposed for a plan of subdivision includes land identified as encumbered land in an order under subsection 42 (4.27), the encumbered land,

(a) shall be conveyed to the local municipality for park or other public recreational purposes; and

(b) despite any provision in a by-law passed under section 42, shall be deemed to count towards any requirement applicable to the plan of subdivision under this section.

. . . . .

Exception, transit-oriented community land

(3.3) Subsection (3.4) applies to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

Limits on subs. (2) re conveyance percentage

(3.4) The amount of land a municipality may require to be conveyed under subsection (2) or the amount of a payment in lieu a municipality may require under subsection (3.1) shall not exceed,

(a) if the land included in the plan of subdivision is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; or

(b) if the land included in the plan of subdivision is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.

11 The Act is amended by adding the following section:

Reporting on planning matters

64 A council of a municipality or planning board, as the case may be, shall,

(a) if requested by the Minister, provide such information to the Minister on such planning matters as the Minister may request; and

(b) report on the prescribed planning matters in accordance with the regulations.

12 Subsection 70.1 (1) of the Act is amended by adding the following paragraphs:

26. prescribing conditions for the purposes of subsection 51 (25.1);

. . . . .

30.0.1 for the purposes of section 64,

i. prescribing the planning matters in respect of which municipalities and planning boards must report and the information about the planning matters that must be included in a report,

ii. identifying the persons to whom a report must be provided,

iii. specifying the frequency with which reports must be produced and provided, and

iv. specifying the format in which a report must be provided;

13 The Act is amended by adding the following section:

Regulations re surety bonds and other instruments

70.3.1 (1) The Minister may make regulations,

(a) prescribing and defining surety bonds and prescribing and further defining other instruments for the purposes of this section;

(b) authorizing owners of land, and applicants for approvals in respect of land use planning matters, to stipulate the specified types of surety bond or other instrument to be used to secure an obligation imposed by the municipality, if the municipality requires the obligation to be secured as a condition to an approval in connection with land use planning, and specifying any particular circumstances in which the authority can be exercised.

Definition

(2) In this section,

"other instrument" means an instrument that secures the performance of an obligation.

Commencement

14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Subsections 4 (2) and 7 (5) come into force on the later of January 1, 2023 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(3) Subsections 7 (2), (3), (7) and (9) come into force on the later of July 1, 2022 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(4) Section 13 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Community Infrastructure and Housing Accelerator – Proposed Guideline

Proposal Overview:

Bill 109, the More Homes for Everyone Act, 2022 was introduced in the Legislature on March 30, 2022. If passed, section 5 of Schedule 5 to the Bill would amend the Planning Act to establish a new "community infrastructure and housing accelerator" tool. The Minister of Municipal Affairs and Housing would have the power to make orders to respond to municipal council resolutions requesting expedited zoning outside of the Greenbelt Area.

Subsection 34.1 (25) of the Planning Act would require the Minister to establish guidelines governing how community infrastructure and housing accelerator orders may be made. The guidelines may, among other matters, restrict orders to certain geographic areas or types of development. The guidelines would have to be in place before a community infrastructure and housing accelerator order could be issued and would need to be published on a website of the Government of Ontario.

The draft guidelines outlined below have been prepared for consultation purposes. This consultation draft of proposed guidelines is intended to facilitate dialogue and stimulate feedback. The comments received during consultation will be considered during the final preparation of the guidelines.

Caution: The content, structure, form and wording of the consultation draft are subject to change.

Draft Guidelines: Minister's Orders at Request of Municipalities (Community Infrastructure and Housing Accelerator Tool)

Where the tool may be used

Subsection 34.1 (11) of the Planning Act provides that a community infrastructure and housing accelerator order cannot be made in the Greenbelt Area (as defined in Ontario Regulation 59/05 "Designation of Greenbelt Area") which includes specified lands within:

- the Oak Ridges Moraine Area
- the Niagara Escarpment Plan Area
- the Protected Countryside plan areas

- the Glenorchy Addition plan area
- the 2017 Urban River Valley Area Additions plan area
- Any additional Urban River Valley Areas that may be added through the current Growing the Greenbelt phase II consultation

Local municipalities (lower and single tier only) may request a community infrastructure and housing accelerator order relating to lands within their geographic boundaries.

Community infrastructure and housing accelerator orders

The Minister will consider making a community infrastructure and housing accelerator order on the request of the council of a local municipality (lower or single tier) where the Minister believes it is in the public interest to do so.

A community infrastructure and housing accelerator order can be used to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development.

The requesting municipality is responsible for providing public notice, undertaking consultation and ensuring the order, once made, is made available to the public.

In issuing an order, the Minister is able to:

- provide an exemption for other necessary planning-related approvals from provincial plans, the Provincial Policy Statement and municipal official plans, but only if this is specifically requested by the municipality, and
- impose conditions on the municipality and/or the proponent.

Types of development

The Minister may make a community infrastructure and housing accelerator order to expedite the following types of priority developments:

- community infrastructure that is subject to Planning Act approval including: lands, buildings, and structures that support the quality of life for people and communities by providing public services for matters such as health, long-term care, education, recreation, socio-cultural activities, and security and safety
- any type of housing, including community housing, affordable housing and market-based housing
- buildings that would facilitate employment and economic development, and
- mixed-use developments.

For greater clarity, a community infrastructure and housing accelerator order will address zoning matters and will not address environmental assessment matters related to infrastructure.

Subsequent approvals

When making a community infrastructure and housing accelerator order, subsection 34.1 (15) of the Planning Act would allow the Minister, upon request of a local municipality, to provide that specific subsequent approvals are not subject to provincial plans, the Provincial Policy Statement and municipal official plans. Subsequent approvals are licences, permits, approvals, permissions or other matters that are required before a use permitted by a community infrastructure and housing accelerator order could be established, such as plans of subdivision and site plan control.

The Minister will only consider an exemption from provincial policy requirements if the subsequent approval is needed to facilitate the proposed project, and the municipality provides a plan that would, in the opinion of the Minister, adequately mitigate any potential impacts that could arise from the exemption. This includes, but is not limited to, matters dealing with:

- Community engagement
- Indigenous engagement
- Environmental protection/mitigation

Conditions

The Minister may impose conditions on the approval of a community infrastructure and housing accelerator order. Conditions could be imposed to ensure that certain studies, assessments, consultations and other necessary due diligence associated with any proposed development that would be subject to the community infrastructure and housing accelerator order would be adequately addressed before construction or site alteration can begin. The lifting of a Minister’s condition is at the sole discretion of the Minister.

Existing Aboriginal or treaty rights

This guideline shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982.

Staff Comments on the Proposed Changes to the Planning Act Under Schedule 5 of Bill 109

No.	Section(s)	Description	Staff Comments
1.	17(40.1) to (40.1.3)	Proposed new Subsections 17(40.1) to (40.1.3), related to Official Plan approvals, provide rules respecting when the Minister as an approval authority can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan.	This amendment does not affect the City given that the current approval authority for Oshawa's Official Plans and Amendments thereto is the Region of Durham in its role as an upper-tier municipality, pursuant to Subsection 17(2) of the Planning Act. It should be noted that the authority being afforded to the Minister through the addition of Subsections 17(40.1) to (40.1.32) is not being given to other approval authorities such as upper-tier or lower-tier municipalities. Staff note that appeals of the failure to make a decision can at times cause further delays in the approval of applications under Section 17 of the Planning Act than would have otherwise occurred if the application had simply run its course through the approval process. For this reason, staff recommend that authority to provide notice, with the consent of the applicant, to suspend the period of time after which there may be an appeal of the failure to make a decision in respect of a plan also be provided to upper-tier municipalities for non-exempt Official Plan Amendments in their role as an approval authority pursuant to Section 17(2) of the Planning Act. The same rationale applies to exempt Official Plan amendments and staff therefore recommend that lower-tier municipalities also be given the ability to provide notice to suspend the period of time for exempt amendments, with the consent of the applicant.
2.	17(55) to (64)	Proposed new Subsections 17(55) to (64), related to Official Plan approvals,	This amendment does not affect the City given that the current approval authority for Oshawa's Official Plan and Amendments

No.	Section(s)	Description	Staff Comments
		provide a process for the Minister as an approval authority to refer plans to the Ontario Land Tribunal ("O.L.T.") for a recommendation or a decision.	thereto is the Region of Durham in its role as an upper-tier municipality, pursuant to Subsection 17(2) of the Planning Act. This amendment is applicable only where the Minister is the approval authority of a plan. It provides the Minister with the authority to refer all or part of a plan to the O.L.T. for a recommendation, prior to making its own decision on the plan. In the event the Minister chooses to refer part or all of a plan to the O.L.T., the O.L.T. may, but is not required to, hold a hearing or other proceeding prior to making its recommendation to the Minister. Staff note that the referral of all or a part of a plan to the O.L.T. for a recommendation or decision may actually result in further delays. No details are provided as to what the O.L.T. process to make a recommendation would involve. Accordingly, it is recommended that clarity be provided with respect to the O.L.T. process and procedural requirements for making a recommendation.
3.	34(10.12)	Proposed new Subsection 34(10.12), related to Zoning By-law amendments, provides rules respecting when municipalities are required to refund fees in respect of applications under that section. Any applications made under Section 34 of the Planning Act on or after Subsection 34(10.12) comes into force, will be subject to refunds of any fee paid pursuant to Section 69 with respect of the application in accordance with the following rules:	Staff note that this amendment will only be applicable to any planning application under Section 34 of the Planning Act concerning Zoning By-law amendments, where it is received by a municipality on or after the day the new Subsection 34(10.12) comes into force. This amendment will not require refunds of application fees paid prior to Subsection 34(10.12) coming into force. Staff have significant concerns with this proposed amendment to the Planning Act. It appears that this amendment is being advanced under the assumption that any delays in the approval of an application under Section 34 of the Planning Act are as a result of delays caused by the approval authority. This amendment does not take into consideration the fact that a

No.	Section(s)	Description	Staff Comments
		1. If the municipality makes a decision on the application within the time period referred to in Subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall not refund the fee. 2. If the municipality fails to make a decision on the application within the time period referred to in Subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 50 per cent of the fee. 3. If the municipality fails to make a decision on the application within the time period that is 60 days longer than the time period referred to in Subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 75 per cent of the fee. 4. If the municipality fails to make a decision on the application within the time period that is 120 days longer than the time period referred to in Subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund all of the fee.	large proportion of applications that are delayed are delayed for reasons that are outside of the approval authority's control. It should be noted that municipalities are obligated to address various matters of provincial interest as part of their decision-making process. A number of rezoning applications are very complex and are related to proposed draft plans of subdivision which themselves are complex and involve multiple matters of provincial interest. It is not uncommon for municipalities to issue draft plan approval in phases in order to permit developers to advance part of a proposed draft plan of subdivision while dealing with complex issues affecting other parts of the proposed plan. However, if, as a result of proposed new Subsection 34(10.12), a municipality is put in a position where it may be compelled to deny the associated rezoning application, the entire proposed draft plan of subdivision is affected and phasing is not possible. It should be noted that City of Oshawa staff have been very successful in processing complex-related development applications, including complex zoning by-law amendment and Official Plan amendment applications by taking the time up-front to thoroughly investigate and assess all pertinent matters, including matters of provincial interest and addressing public comments. In doing so, staff have largely avoided having to go to the O.L.T., ultimately saving time and securing approvals more expeditiously. This underscores the rationale behind staff's recommendations with respect to Item 1 under this Attachment, and highlights the benefits of providing upper- and lower-tier municipalities the ability to provide notice, with the consent of the applicant, to suspend the period of time after which there may be appeals of the failure to make a decision in

No.	Section(s)	Description	Staff Comments
			respect of an Official Plan amendment. This should also apply to zoning by-laws. Development application fees are collected by the City as a means of offsetting staffing costs associated with the processing and reviewing zoning by-law amendment applications. City staff often rely on others to respond in a timely manner in order to advance a recommendation report on an application to City Council for a decision. These "others" include, but are not limited to, the applicants themselves and their consultants, external commenting agencies such as the Central Lake Ontario Conservation Authority ("C.L.O.C.A.") and other government agencies such as the Region of Durham or Provincial ministries. The result of this amendment will be that regardless of who else may be causing a delay in the planning approval process, the City and its taxpayers will be made financially responsible for those delays. This is unfair to the taxpayers of the City of Oshawa. City staff are also concerned that this amendment may unintentionally provide an incentive for an applicant to delay the process themselves through various means, in order to receive a full refund of their application fees prior to receiving a decision by the approval authority or prior to appealing to the O.L.T. for the approval authority's failure to make a decision on the application. In the event this amendment comes into force, a municipality may be compelled to put forward a recommendation for denial prior to the prescribed timeframe in the Planning Act in order to avoid any refund costs being borne by the municipality, especially in instances where the delays are being caused by others. This will result in more appeals to the O.L.T. and more delays in the approval process.

No.	Section(s)	Description	Staff Comments
			Finally, City staff would like to note that the City of Oshawa Development Services Department has been formally recognized in recent years for its quick approval timelines. In September 2020, a municipal benchmarking study completed by the Altus Group was released by the Building Industry and Land Development Association. This study examined several factors related to housing affordability in the Greater Toronto Area (G.T.A.) including municipal approval processes and timelines for approvals. The City of Oshawa ranked first overall for benchmarked municipalities by having the shortest development approval timeline. It is important to note that despite ranking first overall, the average development approval timeline was well beyond the timelines contemplated by Bill 109. The City's Development Services staff take pride in advancing development applications in an efficient and timely manner in order to increase housing supply in the City of Oshawa, and strive to remain a leader in this respect amongst G.T.A. municipalities.
4.	34.1	An additional type of Minister's order is proposed to be added to the Planning Act in Section 34.1. These orders (referred to in this Report as the Accelerator Tool) are made by the Minister at the request of a municipality to expedite zoning, on lands outside of the Provincial Greenbelt Area. This new subsection sets out the process and rules respecting such orders. Before requesting such an order of the Minister, a municipality must first pass a resolution requesting that the Minister	It would appear that the intent of this amendment is to allow a municipality to defer its approval authority on certain applications made under Section 34 of the Planning Act, to the Minister. It would appear that the process contemplated by the legislation is similar in kind to that of a Minister's Zoning Order. The amendment includes new subsections which require any municipality requesting an order of the Minister under Subsection 34.1 to identify in their council resolution the manner in which the exercise of the municipality's powers under Section 34 of the Planning Act would be exercised in respect of the lands. The onus is therefore on the municipality to outline a program for what constitutes appropriate public and stakeholder

No.	Section(s)	Description	Staff Comments
		make an order that involves the exercise of the Municipality's powers under Section 34 of the Planning Act. The resolution must identify the lands to which the requested order would apply and the manner in which the exercise of the municipality's powers under Section 34 would be exercised in respect to the lands. Before passing such a resolution, a municipality must give notice to the public in a manner as the municipality considers appropriate, and must consult with such persons and public bodies and communities as the municipality considers appropriate.	consultation, and be responsible for the outcome of any order issued by the Minister. It is unclear to staff whether a municipality can request a Minister's order under new Section 34.1 on publicly or privately-owned lands, as a municipally-initiated endeavor and not necessarily in response to an application submitted to the City under Section 34 of the Planning Act. City staff seek further clarification on this particular matter. This amendment does not require a municipality to request a minister's order, but it does provide an option to a municipality in circumstances where it is anticipated that a particular application could generate political debate or public opposition concerning potentially critical uses such as affordable or subsidized housing for marginalized groups or community assets such as hospitals or community centres. It is important to note that if a request is made by a municipality for a Minister's order under this proposed new Section 34.1 of the Planning Act, the Minister has the sole authority to make modifications to the municipality's request with respect to the land involved or even the manner in which the Minister exercises their power under Section 34, including imposing such conditions on the use of the land or location of buildings on the land. Staff are unsure whether this new "Accelerator Tool" will in fact result in reduced approval times or 'more homes for everyone'. City staff seek further clarification as to whether the Province will be providing the necessary resources to accommodate an unknown number of requests that they may receive as a result of this amendment. Staff note that in the event public opposition to a proposal becomes evident (such as through a statutory Planning Act public meeting), there may be increased pressure from developers on municipalities to request an order.

No.	Section(s)	Description	Staff Comments
			Finally, Subsections 34(11) and 34(12) appear to contradict each other. While Subsection 34(9) authorizes the Minister to make an order that involves the exercise of the municipality's powers upon request for the municipality, Subsection 34(11) clarifies that such an order may not be made in respect of any land in the Greenbelt Area. This is in apparent conflict with Subsection 34(12) which states that "a provincial plan" does not apply to the making of an order. It is staff's understanding that the Greenbelt Plan is a provincial plan and further clarity is needed on that dichotomy. In addition, further clarity is needed on the term "Greenbelt Area" versus the "Greenbelt Plan".
5.	37(54) to (59)	Proposed new Subsections 37(54) to (59), related to Community Benefits Charges, require regular reviews of Community Benefits Charge By-laws and provide rules respecting such reviews. The new rules will require a municipality to review its Community Benefits Charge By-law every five (5) years, and pass a resolution declaring whether a revision to the by-law is needed. Within 20 days of passing the resolution, a municipality is required to give notice on its website of Council's determination as to whether a revision to the by-law is needed. If a municipality does not pass a resolution within five (5) years from when its Community Benefits Charge By-law was first passed, the by-law shall be deemed to have expired on the day that is five (5) years after the by-law was	City staff do not have any concerns with this amendment, as it is good practice for a municipality to review its by-laws on a regular basis.

No.	Section(s)	Description	Staff Comments
		passed or five (5) years after the previous resolution was passed.	
6.	41	A number of amendments are proposed to be made to Section 41 concerning Site Plan Control. In this regard, several new subsections are added that set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications made under this section. A municipality will now be required under proposed new Subsection 41(3.6) of the Planning Act to, within 30 days after the applicant pays any fee under Section 69, notify the person or public body that the plans and drawings referred to in Subsection (4) and the information and material required under Subsections (3.3) and (3.4), if any, have been provided, or that they have not been provided, as the case may be. Within 30 days of a negative notice being given by a municipality to an applicant advising that an application is incomplete, the applicant or municipality may make a motion for directions to have the O.L.T. determine whether the plans and drawings and the information and material have in fact been provided to a municipality, or whether a requirement made by the municipality in terms of	City staff note that the City of Oshawa already has a robust pre-consultation process whereby City staff meet with applicants prior to a submission of an application made under Section 41 of the Planning Act, to discuss any required drawings, plans or other information as may be deemed appropriate pursuant to the City's Site Plan Control By-law, the Planning Act and the City's Oshawa Official Plan policies. Staff are unclear whether the proposed amendments will in fact result in faster more streamlined site plan review processes, given that the determination of what constitutes a complete application under Section 41 of the Planning Act is now subject to a potential determination by the O.L.T. This appears to be adding even more red tape and road blocks, which could otherwise be resolved in most cases through discussions between the municipality and the applicant. City staff note that the City of Oshawa already delegates the approval of site plan applications, including the approval of plans and drawings, to the Commissioner of Development Services or Director of Planning Services, pursuant to the City's Delegation of Authority By-law 29-2009, as amended. As it relates to the proposed amendments under new Subsection 41(11.1) of the Planning Act concerning refunds of application fees, City staff have the same concerns as noted above under staff comments for the proposed new Subsection 34(10.12). Staff note that the amendments under Section 41 of the Planning Act include an extension to the timeframe in which a municipality is required to approve the plans submitted be an applicant as part of a complete application, from 30 days to 60

No.	Section(s)	Description	Staff Comments
		additional necessary materials or information is reasonable. The O.L.T.'s determination is not subject to appeal or review. Proposed new Subsection (4.0.1) provides for the appointment of an authorized person for the purposes of Subsection (4), as it relates to approval of plans or drawings. Proposed new Subsection (11.1) provides for rules respecting when municipalities are required to refund fees. Any applications made under Section 41 of the Planning Act, concerning Site Plan Control, on or after Subsection 41(11.1) comes into force, will be subject to refunds of any fee paid pursuant to Section 69 in respect of the plans and drawings in accordance with the following rules: 1. If the municipality approves the plans or drawings under Subsection (4) within the time period referred to in Subsection (12) (i.e. the proposed new time frame of 60 days), the municipality shall not refund the fee. 2. If the municipality has not approved the plans or drawings under Subsection (4) within the time period referred to in Subsection (12), the	days. Although this appears to be an improvement, City staff often have site plan applications that require multiple resubmissions by an applicant, and approvals of those plans and drawings can take longer than 60 days. Accordingly, similar to staff's comments with respect to Item 1 under this Attachment, it is recommended that municipalities be given the ability to provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of an application for site plan approval, with the consent of the applicant.

No.	Section(s)	Description	Staff Comments
		municipality shall refund 50 per cent of the fee. 3. If the municipality has not approved the plans or drawings under Subsection (4) within a time period that is 30 days longer than the time period referred to in Subsection (12), the municipality shall refund 75 per cent of the fee. 4. If the municipality has not approved the plans or drawings under Subsection (4) within a time period that is 60 days longer than the time period referred to in Subsection (12), the municipality shall refund all of the fee.	
7.	42 and 51.1	Amendments are proposed to be made to Sections 42 and 51.1, both concerning the conveyance of parkland, with respect to parkland requirements on land designated as transit oriented community land under the Transit-Oriented Communities Act, 2020. Proposed new Subsection 42(3.3) stipulates that where a by-law that provides for alternative parkland dedication requirements authorized by Subsection (3) shall not require a conveyance or payment in lieu that is greater than:	Staff note that the two new planned GO Train stations planned for the City of Oshawa at Thornton's Corners and the former 'Knob Hill Farms' site are both considered transit-oriented community land under the Transit-Oriented Communities Act, 2020. City staff have concerns with proposed new Subsection 42(3.3) as it may result in less parkland being conveyed to the City than what it would otherwise be entitled to today. The restrictions imposed by new Subsection 42(3.3.) are tied to the overall size or value of the land, rather than the number of units or anticipated population resulting from a development. When planning for future parkland needs, City staff always review and assess existing and future population projections to ensure that there is sufficient parkland to serve the needs of the residents of Oshawa now and in the future. The formula being proposed,

No.	Section(s)	Description	Staff Comments
		(a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and, (b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be. Any by-law which is passed by a municipality containing alternative parkland requirements at a rate greater than the proposed restrictions under new Subsection 42(3.3) will be deemed to be amended to be consistent with the new Subsection 42(3.3.). The Minister of Infrastructure may also identify land as encumbered land, and require such land to be conveyed to a municipality for park or other public recreational purposes under new Subsections 42(4.27) and (4.28). However, the encumbered land would continue to count towards any requirement, set out in the by-law, applicable to the development or redevelopment.	which is based on land area and not on population, is not appropriate and should be revised. Further, given that significant time may pass prior to the construction of an actual station, staff recommend the proposed new provisions should only apply if the station is built and operational. It should be noted that City staff are currently in the process of preparing a new parkland dedication by-law to comply with the Planning Act changes as a result of Bill 197, COVID-19 Economic Recovery Act, which will be subject to appeal. These latest Bill 109 amendments to the Planning Act may result in further amendments required to the City's parkland dedication by-law. Staff also note that the City is currently advancing a land use and urban design study for the Central Oshawa Major Transit Station Area, which will identify potential parkland needs. City staff have concerns with enabling the Minister through the proposed amendments to both Sections 42 and 51.1 of the Planning Act, to require that encumbered lands be conveyed to the municipality for public recreational purposes and count towards the parkland dedication requirements pursuant to a City's parkland dedication by-law. Parkland acquired through development applications are not always used for passive recreation, and depending on the needs of the respective communities within which the development is located, may be required for more active recreational uses included splash pads and sports fields. If encumbered land is conveyed to the City, it may not be possible for the City to develop and program the parkland for these more active parkland uses. This is unfair to the City and Oshawa residents, and staff do not support this proposed amendment.

No.	Section(s)	Description	Staff Comments
			If the legislation is enacted, the City would not be able to collect parkland dedication using the alternative rate. This would have the effect of transferring the burden for land acquisition from the developer to the taxpayers.
8.	51	New provisions are proposed to be added to Section 51, concerning Plan of Subdivision approvals, with respect to establishing regulation-making authority to prescribe what cannot be required as a condition of subdivision approval, and also with respect to extensions of approvals by approval authorities. Specifically, proposed new Subsection (25.1) specifies that with respect to subdivision applications that are made on or after the day a regulation made pursuant to this subsection comes into force, the approval authority may no longer impose conditions respecting any prescribed matters. Section 51 is further proposed to be amended by replacing Subsection (33) with new subsections that would establish a one-time discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years, subject to consumer protection provisions.	Proposed new Subsection 51(25.1) speaks to approval authorities no longer being able to impose conditions respecting any prescribed matters on subdivision approvals, once a regulation is passed by the Province which would trigger this. Depending on the nature of the prescribed matters, the implications could be significant. Currently approval authorities may impose conditions to the approval of a plan of subdivision to address a variety of matters, including the dedication or cash-in-lieu of parkland, the dedication of roads, road widenings and pathways for active transportation, and the requirement to enter into appropriate agreements with a municipality to deal with such matters as the approval authority considers necessary, such as for the provision of services. The proposed new Subsection (25.1) would circumvent this ability, potentially resulting in the delivery of subdivisions without appropriate provisions being made for the delivery/accommodation of necessary infrastructure, parkland or other important matters. Accordingly, staff do not support proposed new Subsection (25.1). Given that the new subsections proposed to replace existing Subsection (33) are discretionary in nature and have minimal applicability in the case of Oshawa, staff have no concerns in this regard.
9.	70.3.1	Proposed new Section 70.3.1 provides the Minister with regulation-making authority to authorize landowners and	City staff have already considered the merits of surety bonds through a presentation by the Surety Association of Canada to the Mayor's Economic Task Force on June 19, 2020. As a

No.	Section(s)	Description	Staff Comments
		applicants to stipulate the type of surety bonds and other prescribed instruments to be used to secure obligations in connection with land use planning approvals.	result of the presentation, City staff from Finance Services, Economic Development Services and Engineering Services participated in a webinar on the merits of sureties. On July 17, 2020, City staff reported back to the Mayor's Economic Task Force that, after reviewing the available information, the risks to the taxpayer were too great and the use of surety bonds could not be supported. Identified risks included the potential for Oshawa taxpayers to bear the costs that would fall to the City to complete works that were intended to be the developer's responsibility, in the event circumstances arise such that the developer no longer has the financial wherewithal to undertake the required work. In addition, Letters of Credit, which are the equivalent of cash and can be liquidated immediately, are preferential when compared to a surety.

Staff Comments on the Proposed Community Infrastructure and Housing Accelerator Guideline

The Province's proposed draft Community Infrastructure and Housing Accelerator Guideline (the "Accelerator Guideline") was prepared for consultation purposes, to facilitate dialogue and stimulate feedback. The comments received by the Province during the consultation will be considered during the final preparation of the guidelines.

The Accelerator Guideline is meant to provide guidance on where and how the Province's proposed new Community Infrastructure and Housing Accelerator Tool (the "Accelerator Tool") is to be used.

The following are staff's comments on the Accelerator Guideline contained in Attachment 2 of this Report:

- It would appear that the process contemplated by the legislation is similar in kind to that of a Minister's Zoning Order.

- Staff agree that the Accelerator Tool should not be used for lands in the Greenbelt Area as defined in Ontario Regulation 59/05, "Designation of Greenbelt Area". Staff recommend that the Accelerator Tool should also not be used for lands within any Provincially Significant Wetland or component of a municipality's Natural Heritage System including any associated buffer.

- Staff recommend that the Accelerator Tool should not be used for lands in a Heritage Conservation District.

- Staff note that a Community Infrastructure and Housing Accelerator order would not be required to be consistent with any Provincial Policy Statement issued under Subsection 3(1) of the Planning Act or conform to a Provincial Plan or a municipal Official Plan. This could potentially result in municipal requests to the Minister to issue an order to permit Settlement Area boundary expansions into the Whitebelt, contrary to the policies of municipal official plans. Such requests could originate from the municipalities themselves. Such action could unbalance the intent of municipal official plans and negatively impact key goals relating to orderly growth and development and the protection of Prime Agricultural lands.

- Staff do not agree with the Accelerator Tool being used for market-based housing. Rather, it should be reserved for housing developments which are either community or affordable housing projects. The provision of market-based housing represents a substantial portion of the typical annual development in a municipality, and use of the Accelerator Tool on a widespread basis could undermine the holistic development of a municipality as guided by its official plan and zoning by-law(s).

- Staff agree with the Accelerator Tool being used to facilitate employment and economic development, where the project would result in a significant amount of jobs or economic development. Staff recommend that the Accelerator Guideline be more

specific in identifying what level of employment or economic development must be achieved as a result of the order (e.g. define major employment uses or include a minimum job threshold on a per hectare basis in order to qualify for a Minister's order).

- Staff recommend that the Accelerator Tool not be used to further restrict or hinder a municipality's ability to acquire parkland through the development approval process following the issuance of a Minister's order. Clarity in this regard should be added to the Accelerator Guideline.

- It is not clear in the Accelerator Guideline whether the consultation undertaken by a municipality prior to requesting a Minister's order is to be considered by the Minister prior to issuing its order.

- The Accelerator Guideline provides guidance on the Minister's ability to provide that specific subsequent approvals (e.g. site plan approvals, building permits, licences etc.) are not subject to provincial plans, the Provincial Policy Statement and municipal official plans, where the subsequent approvals are required before a use permitted by the Accelerator Tool could be established. The Accelerator Guideline indicates that the Minister will only consider exemptions for subsequent approvals where a municipality provides a plan that would mitigate any potential impacts that could arise from the exemption, including community engagement and indigenous engagement. Community and Indigenous engagement should be part of the Minister's Accelerator Tool process, and should be an integral component of the Minister's decision-making process, rather than an afterthought.