

Town of Whitby
575 Rossland Road East,
Whitby, ON L1N 2M8
905.430.4300
whitby.ca

183/22
CII



April 26, 2022

Via Email:
Honourable Steve Clark
Minister of Municipal Affairs and Housing
steve.clark@pc.ola.org

Honourable Doug Ford
Premier of Ontario
premier@ontario.ca

Honourable Lorne Coe
M.P.P., Whitby
lorne.coe@pc.ola.org

Re: Planning and Development (Planning Services), Legal and Enforcement Services, Financial Services, and Community Services Department Joint Report, PDP 31-22
Re: Ontario Bill 109 – More Homes for Everyone Act, 2022

Please be advised that at a meeting held on April 25, 2022, the Council of the Town of Whitby adopted the following as Resolution # 104-22:

1. That Report PDP 31-22 be endorsed as the Town's comments on Provincial Bill 109 – the More Homes for Everyone Act, 2022, and other associated proposed changes.
2. That the Clerk forward a copy of Report PDP 31-22 to the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Premier of Ontario, Doug Ford, MPP Lorne Coe, Leader of the Official Opposition, Andrea Horwath, Leader of the Ontario Liberal Party, Steven Del Duca, Leader of the Ontario Green Party, Mike Schreiner, and the Association of Municipalities of Ontario.
3. That the Clerk forward a copy of the Report for information to the Council of the Regional Municipality of Durham and its area municipalities.

Should you require further information, please do not hesitate to contact the Planning and Development Department at 905-430-4306.

Chris Harris
Town Clerk

Attachment: [PDP 31-22, Ontario Bill 109 – More Homes for Everyone Act, 2022](#)

Copy: Association of Municipalities of Ontario (AMO) - amo@amo.on.ca

Ministry of Municipal Affairs and Housing - planningconsultation@ontario.ca

A. Horwath, Leader of the Official Opposition - horwatha-gp@ndp.on.ca

S. Del Duca, Leader of the Ontario Liberal Party - info@ontarioliberal.ca

M. Schreiner, Leader of the Ontario Green Party - Mschreiner@ola.org

N. Cooper, Director of Legislative and Information Services, Town of Ajax - clerks@ajax.ca

F. Lamanna, Clerk/Deputy CAO, Township of Brock - fernanddo.lamanna@brock.ca

J. Gallagher, Municipal Clerk, Municipality of Clarington - clerks@clarington.net

M. Medeiros, City Clerk, City of Oshawa - clerks@oshawa.ca

S. Cassel, City Clerk, City of Pickering - clerks@pickering.ca

B. Jamieson, Director of Corporate Services/Municipal Clerk, Township of Scugog - bjamieson@scugog.ca

D. Leroux, Clerk, Township of Uxbridge - dleroux@town.uxbridge.on.ca

R. Saunders, Commissioner of Planning and Development - saundersr@whitby.ca

Town of Whitby Staff Report

whitby.civicweb.net



Report Title: Ontario Bill 109 – More Homes for Everyone Act, 2022

Report to: Council

Date of meeting: April 25, 2022

Report Number: PDP 31-22

Department(s) Responsible:

Planning and Development Department
(Planning Services)
Legal and Enforcement Services
Financial Services Department
Community Services Department

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell, Chief
Administrative Officer**

For additional information, contact:

Lori Tesolin, MCIP, RPP
Principal Planner, Policy and Heritage
Planning, x. 2858

Ed Belsey, MCIP, RPP
Senior Manager, Policy and Heritage
Planning, x. 2805

1. Recommendation:

1. That Report PDP 31-22 be endorsed as the Town's comments on Provincial Bill 109 – the More Homes for Everyone Act, 2022, and other associated proposed changes.
2. That the Clerk forward a copy of Report PDP 31-22 to the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Premier of Ontario, Doug Ford, and MPP Lorne Coe.
3. That the Clerk forward a copy of the Report for information to the Council of the Regional Municipality of Durham and its area municipalities.

2. Highlights:

- The Province adopted Bill 109, the More Homes for Everyone Act, 2022 on April 13, 2022, and it received Royal Assent on April 14, 2022 (refer to Attachment #1).

- The Province has also introduced a number of associated legislative and regulatory changes (refer to Attachments #2 through #8).
- The changes intend to address increasing housing costs, protect homebuyers, and create more housing options for homeowners and renters, including accelerated development timelines, as an attempt to have more homes built faster.
- The legislation amends the Planning Act, the Development Charges Act, the City of Toronto Act, the New Home Construction Licensing Act, the Ontario Home Warranties Plan Act, and the Rebuilding Consumer Confidence Act.
- In principle, the Town of Whitby supports the Ministry of Municipal Affairs and Housing's efforts to address housing needs in Ontario, including affordable housing.
- However, the Town of Whitby has significant concerns with aspects of the legislative changes, including:
 - The development application fee refund structure will have substantial negative financial impacts on the municipality. It will erode funding for staff levels to review applications, and rush the review and consultation process, thereby limiting the ability to build sustainable, complete communities.
 - The Community Infrastructure and Housing Accelerator provisions permits proponents to ignore local Official Plan policies. Official Plans are critical for managing long term population and employment growth in a sustainable manner, and are developed in consultation with the community they serve.
 - Prescribing what a municipality may apply as conditions to a plan of subdivision, may limit the ability to hold proponents accountable to appropriate development, design, and construction practices. It may also impact the municipality's ability to achieve the goals set out in local/regional Official Plans, as well as Provincial Plans and Policy Statements related to affordable housing, climate change, etc.
 - The parkland dedication rate should not be based on land values. Parks planning should focus on the amount of population generated and residential units proposed, to ensure adequate access to parks across a municipality.
 - Allowing landowners and applicants to stipulate the type of surety bonds and other prescribed instruments used to secure obligations, will potentially undermine the municipality's ability to ensure these instruments are appropriate. It could also undermine the municipality's ability to hold proponents accountable to fulfilling their obligations, increase the cost and difficulty of administering these securities, and result in negative impacts to the community.

- Prescribing requirements for reporting on development applications may result in upfront costs for additional workload and technology needed to update practices and procedures. The Province should provide funding for municipalities to meet the requirements. Any additional administrative burden takes up time and resources, which could delay approval processes.
- The changes to reporting on variances on capital projects in the Development Charges background study may be administratively burdensome and impractical for some municipalities, and counterintuitive to streamlining processes. The Town of Whitby recommends that the requirement be a high-level statement on each of the defined development charge service levels.
- Bill 109 does not recognize that local flexibility is essential to implementing actions that address housing options and affordability, in order to ensure that the unique and different challenges facing large and small, urban, rural, and northern municipalities are appropriately addressed.
- Reducing barriers to allow for greater uptake of affordable housing and gentle intensification should not be at the expense of the natural environment, food systems, cultural heritage resources, and other critical infrastructure and services that allow residents to live a healthy, sustainable and affordable lifestyle.
- Although Bill 109 appears to reduce time, costs, and obligations for developers and builders, there are no mechanisms to ensure, and it is unclear how, such savings are passed on to the homebuyer to ensure long-term affordability. An increase in supply does not necessarily mean an increase in affordability.
- Providing financial savings to development proponents will place a greater burden on taxpayers having to compensate for municipal services.
- Provincial permitting processes are also responsible for delaying projects from receiving a municipal building permit (e.g. approvals required under the Environmental Protection Act, the Public Transportation and Highway Improvement Act, the Endangered Species Act. etc.) The Province should streamline its own processes and timelines through a one-window approach for a development proponent to obtain these permits and approvals.
- The comment period for Bill 109 is insufficient for municipalities, other stakeholders, and the general public to fully review, analyze, and understand its long term impacts on local communities. More adequate consultation needs to be undertaken for such substantial changes to support affordable housing.

3. Background:

- The Province of Ontario tabled Bill 109, the More Homes for Everyone Act, 2022 on March 30, with a 30-day public commenting period ending on April 29.
- Despite the 30-day comment period, the Province adopted Bill 109, the More Homes for Everyone Act, 2022 on April 13, 2022 and it received Royal Assent on April 14, 2022.
- Some provisions are immediately in force, while others will wait for a later proclamation or come into force as of July 1, 2022, or January 1, 2023.
- The Province is also seeking comments on proposals to address “missing middle” housing, as well as expand permissions for housing in northern and rural areas.
- Bill 109 and its related proposals are in response to the [Ontario Housing Affordability Task Force Report](#), which was released on February 08, 2022.
- The Task Force Report was developed in consultation with real estate and building industry experts, academics, Indigenous representatives and other stakeholders. It had limited consultation with municipalities. The Task Force itself, had no municipal representation. The report provided 55 recommendations to potentially address the housing needs in Ontario and have more homes built faster.
- Bill 109 implements certain changes recommended by the Task Force to incentivize the timely processing of certain applications to bring housing to market faster and increase transparency. This includes changes to the Planning Act, the City of Toronto Act, 2006, the Development Charges Act, 1997, the New Home Construction Licensing Act, 2017, the Ontario New Home Warranties Plan Act, and the and the Rebuilding Consumer Confidence Act. Details are provided below.

4. Discussion:

In principle, the Town of Whitby supports the Ministry of Municipal Affairs and Housing’s efforts to address Ontario’s housing needs. However, the Town of Whitby is concerned that the proposed legislation would have significant negative financial impacts on the municipality and would result in negative impacts to building sustainable, complete communities.

Although it appears that the proposed changes could reduce time, costs, and obligations for developers and builders, there are no mechanisms to ensure, and it is unclear how, such savings are passed on to the homebuyer to ensure long-term affordability.

Key changes to each Act impacted by Bill 109 are described below, and detailed comments are provided.

4.1. Planning Act

Refunds for Development Application Fees

The proposed legislative changes would require municipalities to gradually refund Planning Act application fees to applicants who do not receive a decision on a zoning by-law amendment application, or site plan application, within the legislated timelines. The proposed refund structure is summarized below in Table 1:

Table 1: Proposed Application Fee Refund Structure	
Refund Amount	Days following no decision on zoning/Zoning & OPA/failure to approve site plan
50%	90 days (Zoning), 120 days (Zoning & OPA), 60 days (site plan)
75%	150 days (Zoning), 180 days (Zoning & OPA), 90 days (site plan)
100%	180 days (Zoning), 240 days (Zoning & OPA), 120 days (site plan)

The new refund requirements will come into force on January 1, 2023.

Comments:

- Introducing the proposed fee refund system would significantly impact the Town’s budgets and the ability to provide an appropriate level of service. Fees are based on the principle of cost recovery to support the staff and resources required to complete the review of development applications.
- This change would potentially force staff (and agencies) to rush the review of applications. The shorter review windows remove the municipality’s ability to conduct a comprehensive risk and due diligence for things like flood risk, natural heritage, cultural heritage, existing infrastructure age and capacity, public consultation, etc.
- Planning Applications are iterative processes between the developer and the municipality, and the developer often makes changes to their application in response. This process is very difficult to achieve within the legislative timeframes.
- Applications that are not “ripe” for approval within the legislative timeframes could be rejected, leading to lengthy and costly appeals for the developer and municipality.

- Taxpayers should not subsidize the costs of processing development applications where refunds are provided – growth should pay for growth, including the costs associated with appropriately processing development applications.

Site Plan Control

Provisions would be amended to allow for mandatory Pre-Consultation meetings for Site Plan applications, as well as a 30-day complete application review requirement, in line with other development application types (e.g., Zoning Amendment, etc.).

Regulation-making authority will prescribe complete application requirements for Site Plan applications.

It would be prescribed that all Site Plan approval be delegated to municipal staff for applications made on or after July 1, 2022.

The approval deadline for Site Plans would be extended to 60 days from 30.

Comments:

- Extending the Site Plan approval timeline extension is generally a positive proposed change.
- Formalizing complete application requirements for Site Plan applications, similar to other development applications, would help to ensure all necessary information is provided before applications are circulated for review.
- However, formally prescribing that Site Plan approval be delegated to staff would eliminate Council's ability to review site plan applications. Currently, Council has delegated to the Commissioner of Planning and Development site plan approval authority, which Council may rescind, or "bump-up", for Council's approval.

Community Infrastructure and Housing Accelerator

New provisions allow the Minister of Municipal Affairs and Housing the power to make orders to respond to municipal Council resolutions requesting expedited zoning, outside of the Greenbelt Area.

The Minister is required to establish guidelines governing how community infrastructure and housing accelerator orders may be made.

Draft Guidelines indicate that provisions may be included related to:

- the types of priority developments a Community Infrastructure and Housing Accelerator order could be used for (e.g., community infrastructure, housing, including affordable housing, buildings that facilitate employment and economic development, and mixed use developments);

- 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.

When making a Community Infrastructure and Housing Accelerator order, the Minister would be allowed, 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 (e.g. subsequent permits, licences, plans of subdivision, site plans).

Comments:

- The Community Infrastructure and Housing Accelerator provisions appears to codify the current process for “Minister’s Zoning Order” style powers, which are only exercised at the request of the municipality, but subject to Minister approval and any conditions as applicable.
- The exercise of this power is limited to certain types of priority developments that will be identified in Regulation.
- While the provisions would accelerate housing development, the Town is concerned where approvals would not be required to meet local policies outlined in a local Official Plan. Official Plans are developed with extensive community consultation, and are a critical guide for the municipality to manage long-term population and employment growth in a manner that respects the local urban design, cultural, economic, environmental, and overall sustainability goals of the community.
- To ensure critically sensitive environmental lands are protected for the benefit of biodiversity, and climate risk reduction, we encourage the Province also to consider excluding the following lands:
 - Headwaters;
 - Lands within an identified flood plain;
 - Sensitive ecoregions including coastal and provincially significant wetlands; and,
 - Areas that include significant populations of Species at Risk.
- Any changes in regulation should not further limit public consultation.
- Any conditions requested by the municipality for an order under the accelerator should be included in the approval as a matter of course.

Plans of Subdivision

The amendments establish a regulation-making authority for the Minister to prescribe what can or cannot be included as conditions of subdivision approval.

There is also be a new discretionary authority given to municipalities to re-instate Draft Plan of Subdivision approvals that have lapsed within the past 5 years.

Comments:

- A municipality may apply conditions to a plan of subdivision approval, as a way to ensure protection of natural environmental features, or the conservation of cultural heritage resources. Conditions could also be included to hold development proponents accountable to sound design and construction practices.
- Depending on what the Minister would prescribe as what can, or cannot be included as conditions of a subdivision approval, it should not limit the ability for a municipality to obtain the best planning outcomes for a local community.

Parkland Dedication

The proposed amendments would introduce a tiered alternate Parkland Dedication method for lands designated as Transit-Oriented Community Land under the Transit-Oriented Communities Act.

For lands 5ha or less, 10% of the land or value is to be provided. For lands greater than 5ha, 15% of the land or value is to be provided.

Comments:

- The Town of Whitby currently does not have lands designated as Transit-Oriented Community Land. However, such Transit-Oriented Community Projects have been undertaken around major rapid transit station areas, like Whitby GO.
- A parkland dedication rate based solely on land values is not supported. The basis the Town's parks planning, whether policy or site specific development, focuses on the amount of population generated and residential units proposed or identified for an area, to ensure adequate access to park space for all residents across our municipality, regardless of whether a neighbourhood has a higher land value compared to others.
- Parks are critical for the health and well-being of community members. They are also essential for flood management, water quality, air quality, providing vegetative and replacing habitat for wildlife, while also beautifying a community, and attracting economic development to an area.

Community Benefits Charge and Parkland O.Reg 509/20

The proposed amendments to O. Reg. 509/20 intends to set out how “reporting on community benefits charges (CBCs) and parkland dedication levies are to be made public”, with a view to requiring this information to be posted on the municipality’s website.

Municipalities would also be required “to report on how the municipal needs for parks, set out within their parks plans, is being addressed through parkland dedication levies.”

Comments:

- The Town of Whitby has no objection in principle to the proposal to post reports on CBC’s and parkland dedication levies on the Town’s municipal website, provided that it does not come with additional administrative requirements or costs. While the Town currently does not have any CBC levies, the annual Treasurer’s statement for development charges and parkland dedication revenues and expenditures are posted on the Town’s website annually.
- The Town of Whitby supports the long-term planning for parks, but has a concern that the disclosure of parkland dedication levies set aside for future parkland acquisitions, may compromise future land negotiations.
- Comments related to this regulation were due earlier than April 29, 2022. Refer to Attachment #8 for a copy of the Town of Whitby comments on O.Reg 509/20 to the Ministry of Municipal Affairs, Municipal Finance Policy Branch, on April 06, 2022.

Regional Official Plans and Official Plan Amendments - Referral of Minister’s Decisions to the Ontario Land Tribunal

The changes allow the Minister to suspend the 120-day appeal period for Regional Official Plan approval and amendments to the Region’s Official Plan, as well as refer all or part(s) of an Official Plan Matter to the Ontario Land Tribunal (OLT) for a recommendation.

The legislation now allows the Minister to refer decisions they could make on Official Plans and Official Plan Amendments under the Planning Act to the OLT for review and recommendation.

Comments:

- As the Minister is the Approval authority for Regional Official Plans and Official Plan Amendments, this change would not affect the Town directly.
- However, if a Regional Official Plan or Official Plan Amendment were referred to the OLT, it would provide the Town the opportunity to make recommendations to the Tribunal regarding the Minister’s decision.

- Conversely, if there is a Regional policy direction that the Town supports that would have not otherwise been appealable, this process would result in a longer and costly process of justifying that policy through an OLT hearing. This change would be counterintuitive to the Province's stated goal of streamlining and accelerating development approvals.

Other

The proposed legislative changes would also:

- Require municipalities with a community benefits charge (CBC) by-law to undertake and complete a review, including consulting publicly, on their by-law at least once every five years.
- Establish 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
- Introduce a new regulation-making authority to allow the Minister to require reporting on municipal planning matters including development applications.

Comments:

- The Town currently accepts letters of credit as financial securities for obligations. Allowing landowners and applicants to stipulate the type of surety bonds (an insurance product) and other prescribed instruments in place of an irrevocable letter of credit (cash security), could potentially undermine the Town's ability to ensure these instruments are appropriate, and present an increased administrative burden on the Town to enforce those bonds. It also undermines the Town's ability to hold proponents accountable to fulfilling their obligations and limit negative impacts to achieving the best planning outcomes for the community.
- While the Town currently collects data and provides reporting, prescribing reporting requirements on development applications in Regulation, may result in upfront costs associated with additional workload and technology needed to update internal practices and procedures to meet the content requirements and reporting deadlines.

Additional administrative costs or requirements may have the unintended consequence of delaying development approvals due to added administration.

4.2. Development Charges Act O.Reg 82/98

The legislation amends the Act to require a Treasurer's statement be made publicly available, either posted on a website, or (if no website), in the municipal

office. The section also gives authority to the Province to pass regulations prescribing how the statement is to look.

O.Reg. 82/98 requires a “municipal treasurer, in their annual Treasurer’s statement, to set out whether the municipality still anticipates incurring the capital costs projected in the municipality’s Development Charge (DC) background study for a given service. If not, an estimate of the anticipated variance from that projection would be provided along with an explanation for it,

The proposed amendment would apply to Ontario municipalities that have a development charge by-law. Whitby’s Development Charges By-law [# 7748-21](#) came into effect on July 01, 2021.

Comments:

- The Town of Whitby currently prepares and posts, on the Town’s website, an annual Treasurer’s report/statement for development charges.
- The requirement to report on variances to growth-related capital projects in the DC background study may be administratively burdensome and impractical for some municipalities. The detailed reporting may consume resources that would otherwise be dedicated to processing/ streamlining the development finance process.
- Whitby is a rapidly growing municipality, with hundreds of growth related capital projects in the Town’s DC Background Study and Capital Forecast.
- The Town of Whitby recommends that the requirement be a high-level statement on each of the defined development charge service levels. Such a statement could also include an update on the rate of collection and spending/expenditures in relation to the forecast in the DC Study for the municipality.
- Comments related to this regulation were due earlier than April 29, 2022. Refer to Attachment #8 for a copy of the Town of Whitby comments on O.Reg 82/98 to the Ministry of Municipal Affairs, Municipal Finance Policy Branch, on April 06, 2022.

4.3. Building Permit Process

Bill 109 appears to be mainly focused on municipal processes, fees, and obligations related to the planning and development of housing in Ontario.

Comments:

- Provincial and other agency permitting processes are also responsible for delaying projects from receiving a municipal building permit to move forward (e.g. permits and other approvals required from respective Ministries related to the Environmental Protection Act, the Public Transportation and Highway Improvement Act, the Endangered Species Act, etc.).

- The Province should review how it can streamline its own processes to provide a one-window approach for a development proponent to obtain these approvals, which impacts the ability for a municipality to issue a building permit for housing.

4.4. Missing Middle and Gentle Density

Through ERO Posting 019-5286 (refer to Attachment #) the province is also seeking feedback on the Housing Supply Action Plan's recommendations regarding increasing the "missing middle" portion of housing supply. According to the Province, "missing middle" is a type of "gentle density" used to describe a wide range of multi-unit housing types compatible in scale with single-detached neighbourhoods, and that have gone 'missing' from many cities, and includes laneway housing, garden suites, duplexes, triplexes, fourplexes, rowhouses, townhouses, and low and mid-rise apartments. According to the Province, this "gentle density" and would have minimal impact on existing neighbourhoods while providing additional housing options. Neighbourhoods that offer a variety of housing choices can accommodate people of all ages and abilities, such that: young adults can stay in the neighbourhoods they grew up in (close to parents); older people can age-in-place and stay in their preferred community; and, multigenerational families including people with disabilities and/or other care needs can live together to offset the high costs of housing, childcare and/or long-term care.

For example, the Province is seeking comments on the Affordable Housing Task Force's report recommendations such as permitting "as-of-right" on a single residential lot:

- up to four residential units;
- a structure of up to four storeys; and,
- secondary suites, garden suites, and/or laneway houses.

Comments:

- Staff support opportunities to provide a variety of housing options to serve multi-generational residents. However, the Province should not prescribe (through Planning Act changes or Regulations) that certain types of housing be permitted as of right in all neighbourhoods. Rather, lower tier municipalities should be empowered, and enabled, to determine the appropriate amount and type of housing that should be permitted within existing neighbourhoods where it would have the greatest impact.
- The "missing middle" should be based on local context. For instance, the Town's ongoing Mature Neighbourhoods Study has been undertaken to specifically determine how best to accommodate this type of "missing middle"

housing (e.g. through appropriate Official Plan policies and zoning provisions) within existing, mature neighbourhoods.

- Based on a review of recent building permits, almost half (48%) of all new residential building permits were for “missing middle” type housing, including townhouses, apartments, and accessory apartments.
- The Province is seeking comments regarding the biggest barriers and delays to diversifying the types of housing in these neighbourhoods. In the experience of Town Staff, most of the resistance to “gentle density” is a result of what residents see as incompatible development proposals within stable neighbourhoods. As local municipalities are tasked with creating and building the neighbourhood context in which these applications arise, local municipalities should be empowered to determine the appropriate scale and type of “gentle density” to be allowed within stable neighbourhoods.

4.5. Next Steps

Staff will continue to review and monitor the changes under Bill 109 and its related proposals/regulations, to determine potential local impacts and identify any administrative actions that may be needed if and when the new legislation comes into effect.

5. Financial Considerations:

There are no financial implications at this time. Staff will continue to monitor as Bill 109 comes into force, and related regulations are released.

6. Communication and Public Engagement:

Communication and public engagement on Bill 109 is the responsibility of the Province of Ontario.

7. Input from Departments/Sources:

Review and input has been provided by the Planning and Development Department, as well as Financial Services, Legal Services, Community Services, and Strategic Initiatives.

Staff have also reviewed comments from other municipalities and related sources such as the Municipal Finance Officers Association of Ontario, and the Association of Municipalities of Ontario. Staff will continue to monitor for information from such sources as it is made available.

8. Strategic Priorities:

The comments presented in this report align with Council Goals to remain the community of choice for families and become the community of choice for seniors and job creators; and to focus new growth around the principles of strong, walkable and complete neighbourhoods that offer mobility choices.

The comments presented in this report align with the Town's Corporate Strategic Plan Priority to be a high performing, innovative, effective and efficient organization, and aligns with Council Goals for affordability and sustainability.

9. Attachments:

- Attachment #1 - [Bill 109, More Homes for Everyone Act, 2022](#)
- Attachment #2 - [Regulatory Registry of Ontario: Proposed Planning Act changes \(the proposed More Homes for Everyone Act, 2022\)](#)
- Attachment #3 - [Regulatory Registry of Ontario: Proposed amendments to O. Reg. 509/20 under the Planning Act in support of the proposed More Homes for Everyone Act, 2022 \(Community Benefits Charges and Parkland\)](#)
- Attachment #4 - [Regulatory Registry of Ontario: Proposed Development Charges Act changes \(the proposed More Homes for Everyone Act, 2022\)](#)
- Attachment #5 - [Regulatory Registry of Ontario: Proposed amendments to O. Reg. 82/98 under the Development Charges Act, 1997 in support of the proposed More Homes for Everyone Act, 2022](#)
- Attachment #6 - [Environmental Registry of Ontario 019-5285: Community Infrastructure and Housing Accelerator Guideline](#)
- Attachment #7 - [Environmental Registry of Ontario 019-5286: Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing](#)
- Attachment #8 - [Town of Whitby comments in response to the proposed amendments to O. Reg. 82/98 and O. Reg. 502/20 in support of proposed More Homes for Everyone Act, 2022, sent to the Ministry of Municipal Affairs, Municipal Finance Policy Branch, on April 06, 2022.](#)

Town of Whitby
575 Rossland Road
East Whitby, ON L1N
2M8 905.430.4300
whitby.ca



To: Ruchi Parkash, Director Municipal Finance Policy Branch

Via email

April 6, 2022

Re: The Corporation of the Town of Whitby's Response to the proposed amendments to O. Reg. 82/98 and O. Reg. 502/20 in support of proposed More Homes for Everyone Act, 2022

This memo is to address proposed changes to O. Reg. 82/98 and O. Reg. 502/20 outlined in the Ontario Regulatory Registry proposal number 22-MMAH008 and 22-MMAH009, posted on March 30, 2022. Although, comments are generally due for Bill 109 on April 29, 2022, we note that comments related to the proposed changes to O. Reg. 82/98 and O. Reg. 502/20 are requested by April 6, 2022.

Overall, the Town of Whitby supports the Ministry of Municipal Affairs and Housing's efforts to address the current housing crisis and the Town is working on projects such as streamlining the development approval process.

Comments on Proposed Changes to O. Reg. 82/98 (22-MMAH008)

The proposed amendment to O. Reg. 82/98 requires a "municipal treasurer, in their annual treasurer statement, to set out whether the municipality still anticipates incurring the capital costs projected in the municipality's Development Charge (DC) background study for a given service. If not, an estimate of the anticipated variance from that projection would be provided along with an explanation for it".

- Depending on the interpretation of the terms "variance" and "service", the scale of impact to municipalities varies.
- If the intent is for a detailed project by project reporting on timing and cost changes, then the changes to O. Reg. 82/98 may be administratively burdensome and impractical for some municipalities. The detailed reporting may consume resources that would otherwise be dedicated to processing/streamlining the development finance process. Whitby is a rapidly

growing municipality and as such there are hundreds of growth related capital projects in the Town's DC Background Study and Capital Forecast.

- If this is to be implemented, the Town of Whitby recommends that the requirement be a high-level statement on each of the defined development charge service levels. Such a statement could also include an update on the rate of collection and spending/expenditures in relation to the forecast in the DC Study for the municipality.

Comments on Proposed Changes to O. Reg. 509/20 (22-MMAH009)

The proposed amendments to O. Reg. 509/20 intends to set out how “reporting on community benefits charges (CBCs) and parkland dedication levies are to be made public”, with a view to requiring this information to be posted to the municipality’s website. Further municipalities would be required “to report on how the municipal needs for parks, set out within their parks plans, is being addressed through parkland dedication levies”

- The Town of Whitby supports the proposal to post reports on CBC’s and parkland dedication levies on the Town’s municipal website. While the Town currently does not have any CBC levies, the annual Treasurer’s statement for development charges and parkland dedication revenues and expenditures are posted on the Town’s website annually.
- The Town of Whitby supports the long-term planning for parks but has a concern that the disclosure of parkland dedication levies set aside for future parkland acquisitions, may compromise future land negotiations.

The Town of Whitby appreciated the opportunity to provide comments. Should you have any questions please contact Fuwing Wong, Commissioner of Financial Services / Treasurer (wongf@whitby.ca).