



Subject: Bill 109: More Homes for Everyone Act, 2022

To: Council

From: Development and Legislative Services Department

Report Number: 2022-94

Meeting Date: May 24, 2022

Recommendation:

That Development and Legislative Services Department Report 2022-94 be received for information.

Purpose:

The purpose of this report is to provide Council with information on Bill 109: More Homes for Everyone Act, 2022 and the potential implications the Bill has on the City.

Background:

Ontario's Affordability Task Force Report

In December of 2021, the Ontario provincial government appointed the Housing Affordability Task Force with a mandate to propose recommendations for addressing affordability by increasing the supply of housing. A report that included 55 recommendations was released by the task force in February 2022. The recommendations were aimed at expediting processes to produce more housing while cutting red tape. The report can be found on the provincial government's website at <https://www.ontario.ca/page/housing-affordability-task-force-report>.

On May 30, 2022, the province released Bill 109, More Homes for Everyone Act. The Bill was made available on the Environmental Registry with requests for comments by April 29, 2022. Prior to the closing of the commenting period, the Bill received Royal Assent on April 14, 2022.

Discussion:

Bill 109 More Homes for Everyone Act

Bill 109 contains legislative amendments to:

- The Planning Act
- The City of Toronto Act
- The Development Charges Act
- The New Home Construction Licensing Act
- The Ontario New Home Warranties Plan Act

Below is a summary of the changes and how they will impact the City of Port Colborne.

Planning Application Refunds

Section 34 of the Planning Act is revised to include new rules that require municipalities to refund application fees if a decision on a site plan application, zoning by-law amendment (ZBA), or combined ZBA and official plan amendment (OPA), is not reached within the legislated timeframes, as outlined below:

Application Type	0% Refund	50 % Refund	75% Refund	100% Refund
Zoning Bylaw Amendment	Decisions made within 90 days	Decisions made within 91 to 149 days	Decisions made within 150 to 209 days	Decisions made 210 days or more
Combined Official Plan Amendment and Zoning Bylaw Amendment	Decisions made within 120 days	Decisions made within 121 to 179 days	Decisions made within 180 to 239 days	Decisions made 240 days or more
Site Plan	Decisions made within 60 days	Decisions made within 61 to 89 days	Decisions made within 90 to 119 days	Decisions made 120 days or more

The requirement to return fees if applications are not processed within the specified timeframes will take effect January 1, 2023.

Planning staff strive to process development applications in a timely manner, however the requirements to refund applicants do not factor in delays that occur as a result of the applicant, the public and commenting agencies. The changes also do not consider the quality of the submissions and the time that passes when staff are awaiting resubmission of applications. Once a site plan has been deemed complete and reviewed by staff, comments on required modifications are returned to the applicant.

From that point forward there is no control over when a subsequent re-submission is made.

Planning staff are in the process of reviewing the development application process to ensure that delays are not a result of City staff inefficiencies. The most concerning timeline for staff is the 60-day requirement for approving site plan applications. Changes to processes will need to include requiring applicants to obtain the required permits and approvals from commenting agencies, before an application can be submitted.

Site Plan Applications

Bill 109 now requires that approval of site plan applications be delegated to staff. This would not be a change to the current practice in the City of Port Colborne as site plan approval is already delegated to staff.

Plan of Subdivision Applications

One of the notable changes to Section 51 of the Planning Act (Plan of Subdivision Approvals) is the ability for municipal councils to reinstate draft plan of subdivisions that have lapsed within five years.

There are two subdivisions in the City that staff are aware of that have lapsed within the past five years; Chippawa Estates and Rosemount Estates. Council did not approve the extension of Chippawa Estates in 2021 and the proponent for Rosemount Estates did not request an extension to the draft plan of subdivision.

Development Securities

The Minister of Municipal Affairs and Housing now has the power to determine what type of securities a developer/applicant can provide to the municipality. Securities are commonly used to ensure that what is approved through the plan of subdivision process or site plan approval process is what is built. The City requires applicants/developers to post Letters of Credit (LOC) as security. If work is not completed or is not completed to City staffs' satisfaction, the City has the ability to use the LOC to complete the work. LOCs are issued by financial institutions and are a secured method of providing securities.

With the change to the Planning Act, the Minister now could permit the use of Surety Bonds as security for a development project. Surety Bonds are issued through a third party with no assurance that accessing the bond won't be disputed by the bonding company. As such, staff are not supportive of this change to the Planning Act through Bill 109.

Community infrastructure and housing accelerator tool and guidelines

The province also introduced a new tool, the Community Infrastructure and Housing Accelerator (CIHA) order. The CIHA order permits local or single-tier municipalities the

ability to submit a request to the Minister to expedite approvals for projects related to community infrastructure and housing (including affordable housing).

The CIHA order is similar to a Minister's Zoning Order but must be requested by the municipality through a resolution of Council. A CIHA order can be used to regulate land use(s) and the location, use, height, size and spacing of buildings and structures to permit certain types of development.

Staff are of the opinion that the CIHA can be a useful tool to expedite the approval process of priority projects in the City.

Internal Consultations:

A presentation was given to the Corporate Leadership Team on April 26 regarding the changes discussed in this report.

Financial Implications:

The financial impact is not known at this time.

Staff will be reviewing processes and making necessary changes to limit the risk of having to refund planning fees in the coming months, before the change takes effect January 1, 2023. A subsequent report will be brought forward to Council in Q4 with details on the steps staff will be taking to limit the risk.

Public Engagement:

Not applicable.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
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Conclusion:

This report is for information purposes only.

Appendices:

Respectfully submitted,

Denise Landry, MCIP, RPP
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.