



The City of Niagara Falls, Ontario

Resolution

No. 13

November 22, 2022

Moved by: Councillor Lori Lococo

Seconded by: Councillor Wayne Campbell

The Council of the City of Niagara Falls, at its November 22, 2022 meeting, adopted all of the following motions and approved as one motion to read as:

NOW THEREFORE BE IT RESOLVED That Council receive staff report PBD-2022-73 for information; and

That a copy of this report be sent to the Minister of Municipal Affairs and Housing, Region of Niagara and its local area municipalities; and

FURTHER THEREFORE, That Council strongly recommends that substantial Provincial investment be provided to support municipalities to fund anticipated infrastructure upgrades to accommodate new intensification goals and compensate for decrease of development charge funding opportunities as outlined in the proposed legislation; and

FURTHER THEREFORE, That Council authorize staff to provide comments to the Environmental Registry of Ontario regarding proposed Bill 23, prior to November 24, 2022; and

FURTHER THEREFORE, That staff also forward the report to the Premier and local Members of Provincial Parliament; and

FURTHER THEREFORE, That discussions be had in the near future with the Minister of Municipal Affairs and Housing to keep the dialogue of these changes moving forward.

AND The Seal of the Corporation be hereto affixed.

Carried Unanimously

~~WILLIAM G. MATSON, CITY CLERK~~

Margaret B.C. Corbett, Acting Clerk

JAMES M. DIODATI, MAYOR

Report

Report to: Mayor and Council

Date: November 22, 2022

Title: **Bill 23, The More Homes for Everyone Act, 2022**

Recommendation(s)

It is recommended:

1. That Council receive this report for information; and
That a copy of this report be sent to the Minister of Municipal Affairs and Housing, Region of Niagara and its local area municipalities.

Executive Summary

The City agrees with the goal of increasing the overall supply of housing to address the housing crisis. The Province's Bill 23, More Homes Built Faster Act, 2022 provides a framework to address this key issue of providing more housing faster through a number of measures. These measures do not come without changes to current municipal systems and impact to the financial position of the municipality. The City will need to assess these changes over the coming months and pivot our current practices and expectations to make sure we can assist in the overall goal of providing more homes faster.

This new legislation will modify the current planning process, the current levels of protection of natural and cultural heritage and the current financial model of growth pays for growth that has historically been utilized. The timing of the commenting period for the Bill has limited the ability of the City and other stakeholders to fully comprehend the implications and unintended consequences of the proposed changes which may include:

- a significant loss of incoming municipal funds through development charges, parkland dedication and Community Benefit Charges which will, in turn, place greater burden on the City to fund services and infrastructure projects - that are necessary to support future residential development, this loss of revenue will be made up by an increase in tax levy
- the reduction in green spaces and suitable parklands for an increasingly dense City
- increased cost to the taxpayer due to the need for additional Staff or outside consulting to assume the review functions of the technical staff at the NPCA and Planning Staff at the Region.
- the elimination of good building design and the ability to comment on the exterior appearance of the development in all site plan control applications.

This is a large piece of legislation, and clarification is needed on some sections of this legislation so that the City can truly assess the ultimate impact on its planning process and on its ability to fund current and future infrastructure needs.

Overall, the City is supportive of the direction of the legislation to increase the supply of housing, however staff have some concerns and reservations. Specifically, staff have concerns as to whether the increased costs passed onto the City associated with this proposed legislation (as well as Bill 109 impacts), will lead to housing cost reductions. Staff are also concerned as to whether the quality of the developments will be maintained at a high standard for all residents and if those developments will continue to protect important natural heritage features. Staff will continue to work in a cooperative manner with the Province and the development community if this legislation is passed to ensure that cost of housing is decreased, that development happens in a timely manner and that the developments are ones that the community can be proud of. We will continue to update Council on the development of this legislation.

Background

On October 25, 2022, the Province introduced Bill 23, More Homes Built Faster Act, 2022 with associated regulations and legislative changes. The Bill is advancing quickly through the Legislature and is currently in its second reading at the Standing Committee.

Bill 23 introduces amendments to multiple statutes including: the Municipal Act, the Conservation Authorities Act, Development Charges Act, 1997, Ontario Heritage Act, Ontario Land Tribunal Act, 2021 and the Planning Act with the stated intent to create conditions that will result in the construction of more new residential units, faster, to address the housing supply crisis.

The changes put forth to date by the Province through Bill 23 are discussed in this report.

Analysis

Through Bill 23, the Province has outlined a number of changes to several Provincial Acts to support their efforts to accelerate the provision of more housing across the Province. Intended to streamline the process to build new homes, these changes will also have an impact on the City's environmental, social and fiscal health with the downloading of responsibilities related to growth.

A more detailed outline of the Province's initiatives and the changes proposed through Bill 23, as well as their potential impact on the City, is attached as Appendix A to this report. A general analysis is provided below.

Key Initiatives and Changes

The Province has set a 2031 housing target of 1.5 million new housing units in Ontario. The City has been allotted 8,000 of these units. With over 7,800 unbuilt, approved units currently available, the City is in a good position to meet this target provided the new South Niagara Falls wastewater treatment is built by the Region of Niagara in the next few years and provided developers construct these approved units. Staff's concern is that Bill 23 does not go far enough to set out requirements or penalties to ensure developers construct these approved developments to bring more supply online.

Another key initiative is the removal of planning policy and approval responsibilities from the Niagara Region. The Province granted approval to the Region's Official Plan on November 4, 2023. It is not subject to appeals and is in effect. The City will now be required to assume those policies as the City's Official Plan until the City's Plan is updated. Staff will be impacted as they will be required to include a review of the Region's OP, in lieu of regional staff participation, in addition to the City's Planning documents through each application review and report. This will add additional workload to an already lean planning division and this will need to be considered as part of future budget deliberations.

The Region would not be the approval authority for any local amendments or new Plans. The Province will be forwarding future information regarding what approvals, if any, the City will require from the Ministry of Municipal Affairs and Housing.

Removal of Regional Planning responsibilities may cause a disconnect between planning approvals and the timing and location of water/wastewater infrastructure which may further delay or limit the supply of serviced land for future housing. Should this Bill be approved, City Planning staff will need to work closely with the Region Public Works or Regional Growth team to make sure development servicing allocation is considered in their planning short, medium and long term planning models.

At a Provincial Plan level, the Province is initiating a review to integrate the Places to Grow Plan: Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement. The impact of an integrated Provincial Plan on the City's Planning documents will need to be reviewed and implemented at some future date.

With the approval of the Region's Official Plan, the City's Downtown area is now identified as a Major Transit Station Area and as such can apply Inclusionary Zoning. Inclusionary Zoning would allow a maximum of number of affordable units, being 5% of units or gross floor area within an inclusionary zoning development. The City will need to finalize approval of the housing policies amendment into the Official Plan and initiate a zoning by-law update to incorporate new inclusionary zoning provisions.

Regulation Changes under Bill 23

Process Changes

A variety of current review and processing practices under the Planning Act, Conservations Authority Act, Heritage Act and Ontario Land Tribunals Act are identified for modification under Bill 23:

- **Environmental Review:** The NPCA would no longer review and provide comments on development applications or supporting studies outside the protection of hazard lands, pollution or the conservation of land. The Ontario Wetland Evaluation System is proposed to be removed from Ministry of Natural Resources and Forestry (MNRF) review and classification and will now be the responsibility of the developer's environmental consultant. The City will be tasked with ensuring the proper review and protection of significant natural heritage features, how the changes will affect water and air quality and the impact on climate change as a whole. Whereas, the review of natural heritage is currently prepared by technical experts at the NPCA , MNRF and the Region and the City will need to seek additional staffing or procure qualified consultants to ensure that proper review is performed through the development process.
- **Cultural Heritage:** The City will need to proceed with the designation of its 100 listed properties on its Municipal Register within 2 years. Staff will need to implement a program of review and designation recommendations based on a more limited set of conservation tools. The City will need to direct the proper level of staffing resources towards meeting the 2 year deadline.
- **Public Participation:** The public's right to appeal has been removed – only applicants, the City and certain public bodies and the Minister may appeal a decision under the Planning Act, which includes variances, severances, subdivisions/condominiums, site plans, zoning and official plan amendments. As a consequence, Council will need to more proactive in considering the potential concerns of citizens in its decision making process. The incentive for good design and compatibility within neighbourhoods is reduced.
- The Bill also contains wording that would also dismiss existing appeals that have not yet been scheduled for a hearing at the Ontario Land Tribunal (OLT) as of October 25, 2022. This change may affect up to 3 City files currently under appeal.
- In addition, public meetings are no longer required for plans of subdivisions. Reduced public participation will place more responsibility on Council to anticipate and mitigate resident's concerns through subdivision design.
- **Appeals:** The Ontario Land Tribunal can award costs against an unsuccessful appellant and dismiss appeals without a full hearing where an appellant has contributed to undue delay. This would serve to discourage appeals based on potential financial consequences and would give the advantage to those who can afford the financial risk only. There may also be an awards cost risk to the City where the City is not in support of a developer's choice of parkland location - this is furthered discussed in the Parkland Dedication paragraph below.

- **Regional Planning:** In Niagara, unlike other areas in Ontario, the Region only approves new Official Plans and major amendments for the lower tier municipalities. Under Bill 23, the approval of Official Plans or amendments to the Plan is no longer required from the Region and may instead be the responsibility of the Minister, however further details are outstanding regarding which documents will require direct Ministerial approval. Regional oversight of development applications regarding overarching issues such as water/wastewater, infrastructure planning, phasing and capacity allocations; cross-jurisdictional transportation and environmental policies will be affected. The City will need to assume the responsibilities of Provincial review, previously prepared by Regional Staff, once again affecting City Staffing levels and review timelines. Further details regarding the impact of Regional changes is needed through Bill 23 to better understand its full implications.
- **Good Design:** Site plan control would no longer apply to residential development of up to 10 units. In addition, staff's ability to comment on building design and exterior appearance for site plans with more than 10 units will be removed except for the purposes of accessibility. Further, a site plan cannot control the appearance of elements, facilities and works adjoining the City's roads unless it impacts health, safety, accessibility or the protection of adjoining lands. As a result, there may not be an opportunity for the City to control or mitigate any adverse impacts of new development on the streetscape or on adjacent properties including: drainage onto adjacent properties or City streets, landscaping, lighting directed offsite, visible waste disposal facilities within a front or side yard, parking layout and building design. Instances of bad design by the developer will be left to the Municipality to deal with through residents complaints and without a site plan control agreement there would be limited actions the City can take. Should the Bill be passed the City will need to adapt its processes to encourage developers to continue to utilize the City's urban design standards and take up the challenge to propose projects that contribute to good urban design. The City will monitor and report on the success of the developers projects over the next few years to see if projects are adhering to good urban design principles without the Planning Act controls in place.
- **Parkland dedication:** Bill 23 reduces the amount of parkland and cash-in-lieu of parkland received by the City through development approval. The decrease of parkland available to an increasingly dense neighbourhood can reduce the quality of life in the City. In addition, parkland rates to be applied to development would remain in place for 2 years after approval, after which the rate that applies at the time of building permit issues will be applied. The impact of the frozen rates would vary depending on rising or lowering of property values over that period of time.
- The Bill also allows a developer to identify the specific location of parklands within their development plan areas. As a result, the City may be forced to accept and maintain parkland that: is not consistent with the City's approved Parks Plan, may be encumbered by easements, or may not properly serve the residents in the community. The City's refusal to accept parkland could result in

an appeal to the OLT and an award of costs against the City if the developer's appeal is successful.

- The City will be required to spend or allocate 60% of its cash-in-lieu funds at the beginning of the year, starting in 2023 and on an annual basis. This part of the legislation puts pressure on the City to build parks faster by either: adding additional staff; requiring developers to construct parks that are designed by the City; or having developers design and construct parks on the City's behalf.

Financial Impacts

The Province is aiming to reduce housing costs by reducing municipal fees and charges. This bill will freeze, reduce and exempt Development Charges (DCs), Community Benefit Charges (CBCs) and Parkland Dedication Fees for prescribed developments. The changes to the collection of development charges (DCs) include exemptions on a range of new units; a phasing of DC rate increase, reductions in DCs for affordable housing and a requirement to spend or allocate at least 60% of Water, Wastewater and Roads DC reserves, and parkland cash-in-lieu annually. All of these changes will have a material impact on the financial operations of the City. The exclusion of Studies in future DC Background Studies will limit the detailed planning activities the City can undertake to support future growth needed to meet provincial guidelines. Prescribing a rate of prime +1% to be updated quarterly, creates a large administrative workload for staff to constantly update adjust amounts owing from Developers. As DCs are based on the costs of providing infrastructure and services (water, sewer, transit, fire protection, parkland, etc) the source of income for the infrastructure and services required for the amount of development set out by the Province is unknown. Without Provincial funding to cover these costs, the City may need to look at the tax levy to fund new development, which means that growth will not pay for growth and the entire community will bear the cost of growth-related investments. The “Housing Accelerator Fund” – might present an opportunity to compensate municipalities to pay for critical growth-related infrastructure, but details regarding eligibility are not available at this time.

There are also some changes to Community Benefit Charges Exemptions. The City was proactive in its by-law to provide exemptions for attainable and affordable units, but now there is a prescribed approach to the calculation and application.

The Province will issue bulletins to establish market rents and purchase prices where affordable is deemed to be 80% of market rent, or 80% of average purchase price. “Select Attainable” housing has not yet been defined.

Summary

The City’s 2022 Housing Strategy identified the need for a more diverse supply of housing types to address affordable and attainable housing needs for our growing population. Bill 23 aims to increase the pace of new housing builds over the next 10 years but is silent on the types and forms of that housing and how affordability will be addressed.

The general intent of Bill 23 can be supported, however the impacts of the Bill on the taxpayer, environment, good city building and cultural heritage may be felt in the years to come.

Operational Implications and Risk Analysis

The changes proposed through Bill 23 will have an impact on processes and staffing in several departments within the City including those related to:

- the increased Planning review functions and decreased review timelines presented through Bill 109. Without increased Planning staff to deal with the changes, the City could be facing the refund of application fees as outlined in Bill 109, More Homes for Everyone Act.
- the increased rate of building permit review, inspections and issuance in the Building Department.
- the requirement for legal agreements for all development that includes exemptions from development charges.
- the administration and updates of development charges, phasing of charges, interest caps through the Finance Department.

Financial Implications/Budget Impact

It is anticipated that the implementation of Bill 23 will require the City to address staffing needs on an anticipatory basis through its operational budget to ensure that new housing can be provided at the rate envisioned by the Province.

The City will also need to consider the impacts of decreased funds through development charge exemptions and reductions, the new Community Benefit Charge rates and decreased parkland rates. Without Provincial funding, the City will need to compensate for the lost income through an increased tax levy to fund the studies (such as master servicing plans and secondary plans), services and new infrastructure that is necessary to meet housing targets.

List of Attachments

[Appendix A - Bill 23](#)

Written by:

Francesca Berardi, Planner 2
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Submitted by:

Kira Dolch, Director of Planning, Building & Development

Jason Burgess, CAO

Status:

Approved
- 17 Nov
2022

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Appendix A - PBD-2022-73			
Key Initiatives and Changes			
		Notes	Potential Impact on City
2031 Housing Targets			
	<ul style="list-style-type: none"> 1.5 million new housing units required to be built by 2031 in Ontario. A housing target of 8,000 new units is required for Niagara Falls by the year 2031. The City will need to develop a municipal housing pledge that will provide details on how the City will enable/support housing development to achieve the 8,000 unit target through a range of planning, development approvals and infrastructure related initiatives. The housing pledge is not intended to replace the City’s current Official Plan and is not intended to impact the City’s 2051 population or employment forecasts. 	<ul style="list-style-type: none"> The targets do not provide details regarding housing form, density or structure type. The costs associated in the implementation of the housing pledge and new required infrastructure is not discussed by the Province. The City’s 30 year housing target to accommodate our 2051 population is 20,220 units, which is approximately 674 units built per year. The Provincial target of 8,000 units in 10 years will require 800 units per year. In 2021, Niagara Falls issued 860 permits, with a 10 year average of 500/year. As of November 2022, the City has a supply of 7,800 approved and unbuilt housing. Included in the total is 725 units within draft approved plans of subdivision. 	<ul style="list-style-type: none"> The 800 units to be constructed annually is above our annual housing target of 674 units assigned to the City by Niagara Region. To accommodate the increase in units per year, the City will require addition staffing in both Planning and Building thereby impacting operational costs for the City. The ability to provide the needed infrastructure needs to be assessed by the City Staff The City is close to the target issued by the Province plus intensification anticipated within the Transit Station Area and Grand Niagara Secondary Plan Areas. The issue is not supply, guidance is need to get developers to build and the building infrastructure needed to service the development. Preparation of the Municipal Housing Pledge will require Staff time in planning and infrastructure sections. The pledge does not ensure that the development industry will be able to proceed with the actual construction of the new units affecting the City’s ability to meet that pledge.
Potential Changes to Provincial and Regional Planning Framework			
Streamlining Municipal Planning Responsibilities	<ul style="list-style-type: none"> Niagara Region’s planning policy and approval responsibilities have been removed. Regulations have not been released to identify which official plans and amendments would require/not require Provincial approval. 	<ul style="list-style-type: none"> see upper tier municipalities changes under Planning Act 	<ul style="list-style-type: none"> Official Plan and comprehensive official plan amendments will no longer be approved by the Region. It is unclear if the Province (via Ministry of Municipal Affairs and Housing) will now be the approval authority for the City’s official plan and all official plan amendments.
Review of Potential Integration of Place to Grow and PPS			
Potential key elements	<ul style="list-style-type: none"> Intention is to merge both the Provincial Policy Statement (PPS) and Provincial Growth Plan (Places to Grow) into one overarching new policy document at a future date. New proposed Provincial policy document will simplify the policy direction on settlement area boundary expansions, rural housing and employment area conversions that better reflect local market demand and supply considerations to expand housing supply opportunities. 		<ul style="list-style-type: none"> Future changes will need to be made to the City's planning documents including the new Official Plan.
Inclusionary Zoning	<ul style="list-style-type: none"> Maximum number of affordable units in an inclusionary zoning development based on 5% of total units or gross floor area. Establish a maximum period of 25 years for the affordable units to be maintained. 		<ul style="list-style-type: none"> The Inclusionary Zoning provision would limit the amount of affordable housing that can be required and may not be reflective of local needs or housing targets. Places a limit on the choice of developers to provide more affordable units if they wish. Inclusionary Zoning only applicable to the Major Transit Station Area as identified in the new Niagara Region Official Plan. Official Plan and Zoning Amendment needed to utilize zoning within the City’s MTSA. Additional height and density could be added at the same time.

Proposed Regulation Changes under Bill 23			
		Current Process	Potential Impact on City
<i>Municipal Act</i>			
	<ul style="list-style-type: none"> The Minister can revoke the ability for local municipality to prohibit the loss of residential rental units through demolition and conversions 	<ul style="list-style-type: none"> A City could require a developer to retain the same number of units as rentals post demolition/conversion and redevelopment 	<ul style="list-style-type: none"> Loss of affordable rental unit stock with the redevelopment of properties
<i>Conservation Authorities Act</i>			
	<ul style="list-style-type: none"> Removal of ability to review and comment on development applications or supporting studies under a prescribed Act (Aggregate Resources Act; Condominium Act; Drainage Act; Endangered Species Act; Environmental Assessment Act; Environmental Protection Act; NEC Act; Ontario Heritage Act; Ontario Water Resources Act; Planning Act) and to collect fees for the service Rights of appeal of zoning decisions removed CA fees may be frozen for a time not specified CA ability to prohibit the change of water channels, wetlands or work within hazard lands do not apply if: the activity is part of a Planning Act approval; or if the activity meets the prescribed conditions and restrictions; or under the Aggregate Resources Ac CA decision to sell, lease or otherwise dispose of land in respect of which the Minister may a grant will require public consultation if it contains significant natural heritage features unless it is for utility purposes, an affect government/agency affected has approved it or the CA informs the Minister of the disposition (rather than obtain approval) The Minister can limit the conditions the CA may place on a Zoning order Cannot consider pollution control and conservation of lands with regards to a prohibited activity but can consider the control of unstable soil or bedrock Appeals to non-decision of the CA must be made within 90 days instead of 120 days The disposition of certain land requires the CA to provide a notice to the Minister and 45 days for public consultation Minister's zoning orders require CA permits when made at request of the municipality A program to offset wetlands which will require a net positive impact on wetlands. The Wetland Evaluation System is also being revised, and the proposed changes would eliminate the concept of wetland complexes 	<ul style="list-style-type: none"> NPCA comments are provided to the City and Region under a Memorandum of Understanding The NPCA can prohibit activities that effect flooding, erosion, dynamic beaches, pollution or the conservation of land Currently the Minister's approval is required for the disposition of certain lands Offsetting of wetlands is not permitted. Wetland review was under the NPCA and OWES system and rating calculated by the Province and will instead be submitted by the developer. 	<ul style="list-style-type: none"> Expectation of City to assume review of environmental studies or outsource review CA is currently reviewed in the relocation of a watercourse for Uppers Lane Quarry – City to assume that duty – lack of qualified Staff to complete the review There appears to be no review function for OWES evaluations submitted by a developer. This creates uncertainties for Staff regarding reviews or peer reviews. Less protection of natural heritage features and consideration of their part in drainage control, human health and climate change initiatives

<i>Development Charges Act, 1997</i>			
		Current Process	Potential Impact on City
Full exemption of DCs	<ul style="list-style-type: none"> Rental units in an existing building of 4 or more units, of either 1 unit or 1% of the existing residential units, whichever is greater Second or third units in existing or new build single, semi or rowhouse (ancillary units) Affordable residential units – rented (defined as no greater than 80% of the average price/rent in the year a unit is rented or sold) or ownership (defined as no greater than 80% of average purchase price) Attainable residential unit (i.e. not affordable, not rental, under a prescribed class) Non-profit housing Inclusionary units 	<ul style="list-style-type: none"> 2022 rental for 2 bedroom was \$1185 - an 80% exemption would apply to any affordable rental at \$948 2022 average sale price was \$486,666 (includes single, townhouse and apartment sales, not necessarily new, across Region, source: Niagara Realtors) - an 80% exemption would apply to any new dwelling of up to \$486,666. *This figure is expected to be higher when applied to new units only. 	<ul style="list-style-type: none"> It is uncertain what figure (local/regional/provincial) will be used for affordable – there is disparity across the province regarding average rental/purchase prices The definition of ‘attainable’ is unclear and the impact on the City cannot be measured There will be additional financial burdens on the City to fund exemptions without the financial participation of senior levels of government
Registered Agreements	<ul style="list-style-type: none"> affordable units exempted from DCs will require an agreement to remain affordable for 25 years attainable units exempted from DCs will require an agreement to be attainable when it is sold 		<ul style="list-style-type: none"> There will be greater administrative burden and costs on the City to enter into the required agreements
Mandatory Phasing	<ul style="list-style-type: none"> a 5 year phase in of DC rate increases, beginning with a 20% reduction in the first year, with the reduction decreasing by 5% each year until year five when the full new rate applies. This is proposed to apply to all new DC by-laws passed since June 1, 2022. 		<ul style="list-style-type: none"> Financial implications to the Secondary Plan program to be ‘shovel ready’ to expedite approvals as it restricts us from using DC’s for study work Departing from the principle that “growth is to pay for itself”, there will be significant impacts on City finances (reduction in DC revenues by approximately 10%) which may result in a delay where certain infrastructure projects cannot be financed and built. The shifting of paying for growth to the individual taxpayer through increases in water/wastewater rates and property taxes would directing impact housing affordability for the existing rate/tax payer.
Interest Cap	<ul style="list-style-type: none"> A cap placed on the interest paid on phased DCs for rental, institutional and non-profit housing to prime plus 1% 		
Reductions	<ul style="list-style-type: none"> Reduce DCs for rental housing with 3 or more bedrooms by 25%, for 2 bedrooms by 20% and 15% for all other rental units. 		
DC Reserve Spending	<ul style="list-style-type: none"> Require Municipalities to spend at least 60% of DC reserves for priority services (i.e. water, wastewater and roads) 		<ul style="list-style-type: none"> Staffing to ensure 60% of the DC reserve for priority services can be realized.
DC By-law Term	<ul style="list-style-type: none"> Increase the expiration date for DC by-laws from 5 to 10 years 		<ul style="list-style-type: none"> Growth related studies such as the Development Charges background study, Official Plans and secondary plans which are required to establish when and where a municipality will grow will no longer be an eligible capital cost for DC funding.
Capital Costs	<ul style="list-style-type: none"> The definition of capital costs may be revised to prescribed services for which land or an interest in land will be restricted. Costs of studies, including the preparation of the D.C. background study, will no longer be an eligible capital cost for DC funding. 		

Ontario Heritage Act			
		Current Process	Potential Impact on City
Focusing the use of Municipal Registers with:	<ul style="list-style-type: none">• New thresholds for listing a property in line with the designation of a property; it is unclear what recourse a property owner may have if they disagree with the criteria• Properties must be delisted if a notice of intention to designate is given and: Council withdraws the notice; the designating by-law is not passed with 120 days; there is a successful appeal of the designation• Properties must be designated within 2 years of being listed otherwise it is removed from the Register (2 years start when Bill 23 comes into force). It cannot be relisted for another 5 years.• Provincial designations do not need to comply with guidelines or standards if it involves Transit, Housing, Health & Long Term Care or Infrastructure (or others as prescribed)• Designations can't be initiated if a development proposal has been submitted.• City must publish its notice of intent to designate within 90 days (exceptions may be set out in a forthcoming regulation)• New criteria to be met to designate a Heritage Conservation District (HCD). The criteria is to be issued through regulation as well as process of how to amend or repeal a HCD.		<ul style="list-style-type: none">• The City has over 100 properties on the register which will have to be considered for designation within 2 years,• Anticipated impacts with regards to costs, staffing, consultant, and sharing of resources, etc. as well as loss of Heritage resources• The clerk will need to keep an up to date municipal register on the City's website within 6 months of proclamation. Will need to be added to the Planning Work Program
Planning Act			
Parcel of urban residential land	<ul style="list-style-type: none">• A new definition added for a fully serviced residential lot within the urban area where there is a residential use (other than ancillary residential use).	<ul style="list-style-type: none">• Used in association with accessory structures	<ul style="list-style-type: none">• No action needed
Third Party Appeals	<ul style="list-style-type: none">• NPCA and Region cannot appeal OP, ZB and Committee of Adjustment decisions• General Public cannot appeal OP, ZB and Committee of Adjustment decisions• Appeals cannot be launched when Bill comes into effect, even if the decision was before that date• Current appeals by NPCA, Region and public will be dismissed unless the OLT set a hearing date before Oct 25, 2022		<ul style="list-style-type: none">• Reduced public participation in the Planning process• Council will have to be more sensitive and representative to residents/public concerns.• It reduces the incentive for developers to provide good design and to consider/mitigate resident concerns• The timelines on appeals and dismissals may affect up to 3 current files under appeal
Accessory/Secondary Units	<ul style="list-style-type: none">• OPs and ZBs cannot prohibit up to 2 additional residential units in a single unit single, semi-detached or rowhouses either all in the dwelling or 1 in an accessory building.• Parking requirements cannot be more than one spot per unit.• No minimum unit size per unit• No appeals of OP or ZB amendments implementing the additional units	<ul style="list-style-type: none">• The City's current provision is for up to one additional unit per property (Owner occupied) on urban residential lands and a parking space requirement of 1/unit, no tandem parking.	<ul style="list-style-type: none">• Planning documents will be updated to confirm with Act changes (not a technical requirement to do so, but will provide clarification to public/developers)• Possible increase in parking enforcement if parking overflows onto streets.• Possible servicing concerns associated with the introduction of a large number of accessory units into established neighbourhoods.
Aggregate Projects (pits and quarries)	<ul style="list-style-type: none">• Aggregate projects will not need to wait 2 years after OP, Secondary Plan or Comprehensive Zoning By-law approvals to amend those Plans	<ul style="list-style-type: none">• The City has one application before it - Uppers Lane Quarry (Walker Bros)	<ul style="list-style-type: none">• No impact at this time
Ministers decision on Official Plans	<ul style="list-style-type: none">• The Minister can directly make amendments to the official plan if they believe it is a matter of Provincial Interest	<ul style="list-style-type: none">• Currently, the Minister can request Council to adopt certain amendments	<ul style="list-style-type: none">• More power given to the Province over local decisions and policies.

		Current Process	Potential Impact on City
Community Benefit Charges	<ul style="list-style-type: none">the cap on Community Benefit Charges Contribution is based on a prescribed percentage based on the floor area proposed to be developed and a prescribed percentage based on what will be on the land after developmentif a development includes affordable or attainable housing or inclusionary units, the CBC excludes those areas	<ul style="list-style-type: none">currently cannot exceed 4% of the value of the land, but does affect the phases	<ul style="list-style-type: none">A decrease in funds is expected as the definition of affordable and attainable housing based on the definitions (same as per DC reductions/exemption changes).
Site Plan Control	<ul style="list-style-type: none">not applicable to residential development with 10 units (still includes land lease community home, i.e., Owns home, leases land).cannot include exterior design including scale, character, appearance and design details except for exterior access to affordable housing unitscannot control the appearance of elements, facilities and works adjoining the City's roads unless it impacts health, safety, accessibility or protection of adjoining landswidenings along Regional Roads not permitted unless identified in the City's OP		<ul style="list-style-type: none">no opportunity for City to mitigate adverse impacts on streetscape or adjacent properties including:<ul style="list-style-type: none">landscapinglighting into adjacent propertieswaste disposal and location of binssite drainage onto adjacent lands or city landsThe City may need to address drainage and grading at the building permit stage.Increased workload on property standards staff in dealing with complaints regarding bad designThe City can monitor its success to encourage developers to follow the City's Site plan design guidelines and report back to the Province
Protected Major Transit Station Areas (MTSA)	<ul style="list-style-type: none">Municipalities within Niagara will require OP policies with densities/targets within MTSAImplementing zoning bylaws must be passed within 1 year of OP policies	<ul style="list-style-type: none">The Transit Station Area is recognized as MTSA through approval of the Region's OP.The City has already adopted the required policies through the Transit Station Area Secondary Plan as well as zoning provisions	<ul style="list-style-type: none">No further work required.
Parkland Dedication	<ul style="list-style-type: none">Parkland Dedication cannot exceed 5% of the land multiplied by the ratio of affordable to total units in new development and cannot be applied to non-profit housing or accessory unitsParkland rate based on the date of the implementing by-law or the new calculation base on the date the site plan, zoning amendment was applied for or building permit was issued. The rate lapses if the building permit is not issued with 2 years of development approvalAlternative dedication of parkland for residential development reduced from 1 ha/300 units to 1 ha/600 net units (net= total units less existing units per development, affordable and attainable units, and inclusionary units.Alternative payment of cash in lieu reduced from 1 ha/500 to 1 ha/1000 net residential unitsAn Owner can identify the lands to be dedication for parks purposes and that can include: lands abutting other lands, those subject to easements, or encumbered by below grade infrastructure OR an interest in land, other than fee and through registered agreement, where interest in sufficient for use as a park or other recreational purpose.If the City doesn't accept the lands or interest identified by the Owner, City must issue a notice, the Owner may appeal the refusal within 20 days, Clerks to prepare a record for OLT and hearing heldStarting in 2023, the City shall spend or allocate at least 60% of cash-in-lieu funds in special account at the beginning of the year	<ul style="list-style-type: none">The City currently collects 5% parkland dedication for residential development and 2% for commercial/industrial developmentThe City's alternative rate is 1.4ha/1000 population for neighbourhood parks; 1 ha/1000 population for community parks and 2.5 ha/1000 population.	<ul style="list-style-type: none">Updates required to Planning documentsRepresents a reduction in parkland dedication and cash-in-lieu based both on rates of calculation and the exemption for affordable/attainable/inclusionary units in alternative parkland ratesResidential quality of life affected by decreased parkland in increasingly dense areasFrozen rates (i.e., 2 years from decision) will impact the cash-in-lieu amount collectedThe impact of a freeze will have on encouraging Development to construct on a timely manner is unknownIf a developer can identify the lands to be used for parkland, the City may be forced to accept and maintain parkland that is not consistent with the Parks Plan, may be encumbered lands, or that properly serve the residents in the community. The City's refusal to accept may result in an OLT hearing costing Staff time and City money.The requirement to spend cash-in-lieu funds annually may result in the need for additional funds/resources to build parks faster OR require developers construct parks that are designed by the City

		Current Process	Potential Impact on City
Plans of Subdivisions	<ul style="list-style-type: none"> The Minister does not have to provide a written explanation for the removal of powers for a plan of subdivision Adds plan of subdivision control for land lease community home of between 21 and 49 years Retained lands cannot be conveyed before lapsing of consent within the Greenbelt Area Local approval of subdivisions entrenched Public meetings are no longer required 	<ul style="list-style-type: none"> The City's current practice is at least one public meeting for a plan of subdivision as provided for under the Planning Act 	<ul style="list-style-type: none"> Reduced public participation in the process and anticipated public concerns at time of construction
Upper Tier Municipality Responsibilities	<ul style="list-style-type: none"> Niagara Region is defined as an 'upper tier municipality without planning responsibilities' Region can no longer appeal Planning decisions (unless it was a party to appeal before new regs come into effect) Region can no longer assume any planning duties or functions or provide comments/assistance on Planning matters Region no longer approves City's Official Plan 	<ul style="list-style-type: none"> Niagara Region does not approve local plans of subdivision and has exempted some site-specific official plan amendments from Regional approval through the Memorandum of Understanding between the City and Region. 	<ul style="list-style-type: none"> The City will have to absorb all of the current responsibilities and duties of Regional Planning, including reviews using the Region's approved Official Plan. Transition times are unknown. Comprehensive Official Plans may go to the Minister for Approval, timing and process unknown Substantial impact on Staff review times and overall staffing to meet process times
Transition Regulations	<ul style="list-style-type: none"> The Minister can pass regulations for transitional matters either before, on or after the effective date of Bill 23 The change to Regional Planning comes into effect with Bill 23 The Regional Official Plan, as it is now approved, is considered the Official Plan for Niagara Falls until we revoke or amend it, if Bill 23 is approved 		<ul style="list-style-type: none"> Creates uncertainty for the Municipality on when/which regulations apply at any time Transition timing and lack of preconsultation leaves little time for the City to prepare for the changes and new responsibilities Staff review of all development applications would now involve review of both the Region's OP and the City's OP (until the two are consolidated) adding to workloads and review timelines, if Bill 23 is approved
Ontario Land Tribunal Act, 2021			
		Current Process	Potential Impact on City
	<ul style="list-style-type: none"> Expansion of OLT powers to: <ul style="list-style-type: none"> dismiss appeals without a full hearing where the appellant has contributed to undue delay or has failed to comply with a Tribunal Order award costs against an unsuccessful appellant (it is unclear if the current thresholds for costs will still need to be met) The Lieutenant Governor in Council can make regulations requiring the OLT to prioritize specific proceedings (specific proceedings not defined) 	<ul style="list-style-type: none"> cost awards typically viewed as the exception, not the rule where "the appellant has been unreasonable, frivolous or vexations or acted in bad faith" 	<ul style="list-style-type: none"> City may be subject to costs regarding appeals (for example an appeal against a Developer's choice of parkland location) Decreased public participation and hesitation surrounding costs (advantage to affluent parties) Prioritization of certain proceedings may result in delays of matters affecting the City