



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Bill 108, <i>More Homes, More Choice Act, 2019</i> – Ontario Proposed Changes to the Land Use Planning and Appeals System (PED19125(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
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SIGNATURE:	

BACKGROUND

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced in the Legislative Assembly and received first reading. Bill 108 received Royal Assent on June 6, 2019. On June 21, 2019, the Province released proposed new regulations and regulation changes under the *Planning Act*, including transition matters, related to Schedule 12 of Bill 108 and the *Local Planning Appeal Tribunal Act*. Changes that have not been addressed in the proposed transition regulations would apply immediately upon the coming into force of those changes.

This Report serves to provide an update on the proposed regulations and regulation changes. Input from Legal Services has been incorporated into the Report.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

PROPOSED NEW REGULATION AND REGULATION CHANGES

The Province has not posted an actual draft regulation, but rather has posted a notice of intent to issue a regulation. As such, staff are responding to the notice of intent which is less specific than actual regulation.

The following changes which are part of Schedule 12 to Bill 108 and the *Local Planning Appeal Tribunal Act* have been proposed:

Transition

LPAT Appeals

- Two regulatory changes include:
 - Revoking Ontario Regulation 102/18 “Planning Act Appeals”; and,
 - Creating a new regulation to establish rules for how or whether OMB Legacy appeals and the Bill 139 LPAT appeals will be transitioned.
- The new regulation includes rules for how existing and future planning appeals will be treated. The rules being proposed are as follows:
 - OMB Legacy appeals will be transitioned to be Bill 108 LPAT appeals, but without a requirement for a Case Management Conference (“CMC”);
 - For OMB appeals that had previously been transitioned into Bill 139 LPAT appeals, if a “hearing of the merits” has been scheduled before Bill 108 comes into force, then the matter will be continued as a Bill 139 LPAT appeal. If a hearing of the merits has not been scheduled, then it will be transitioned into a Bill 108 LPAT appeal;
 - For existing Bill 139 LPAT appeals, if a hearing of the merits has been scheduled before Bill 108 comes into force, then the appeal will continue as a Bill 139 LPAT appeal. If a hearing of the merits has not been scheduled, then it will be transitioned into a Bill 108 LPAT appeal; and,
 - Appeals filed on or after Bill 108 comes into force will proceed as Bill 108 LPAT appeals.

Appeals for Draft Plan of Subdivision

- Clarification on transition has been included which states that the removal of appeals other than by key participants for draft plans of subdivisions, conditions or changes to conditions would apply where: notice of the decision is given or conditions are appealed other than at the time of draft approval on or after the day the proposed changes come into force.

Decision Timelines

- Reduction for decision timelines on applications for official plan amendments (120 days), zoning by-law amendments (90 days, except where concurrent with official plan amendments for same proposal) and plans of subdivision (120 days) would apply to complete applications submitted after Royal Assent.

Community Planning Permit System

- A change is proposed to the regulation that would remove the ability to appeal the implementing by-law.

Second Units

- A regulation is proposed which may require municipalities to permit tandem parking, not require parking for second units if the primary residential use does not require parking, and a definition for tandem parking, as well as permitting second units regardless of whether a primary unit is occupied by the owner of the property and without regard to the date of construction of the primary or ancillary building.

Housekeeping Regulatory Changes

- Housekeeping changes are required in Ontario Regulation 544/06 “Plans of Subdivision” and Ontario Regulation 543/06 “Official Plans and Plan Amendments” to remove reference to the redundant notice of a subdivision application and the notice requirements for non-decision appeals, which would no longer be necessary.
- Housekeeping changes are required in Ontario Regulation 232/18 “Inclusionary Zoning” to remove the restrictions and prohibitions in respect of the municipal authority under section 37 (Increased Density) with inclusionary zoning.

Staff provided comments to the Province on the proposed new regulations in a letter dated July 26, 2019, attached as Appendix “A” to Report PED19125(a).

Next Steps

The changes proposed by Bill 108 would only come into force upon each individual schedule's proclamation. Given the unknowns with respect to the regulations necessary to implement the changes proposed in Bill 108, a further report discussing the changes in detail along with implementation measures will be prepared for Council's consideration if Bill 108 is enacted.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Letter to the Province dated July 26, 2019