

February 18, 2022

**SENT VIA EMAIL** [housingsupply@ontario.ca](mailto:housingsupply@ontario.ca)

Kate Manson-Smith, Deputy Minister  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, Ontario M7A 2J3

**Re: City of Hamilton Staff Comments on the Ontario Affordable Housing Task Force Report (February 8, 2022)**

Dear Deputy Minister,

In response to the Province of Ontario's Housing Affordability Task Force (HATF) Report dated February 8, 2022, and your office's subsequent email requesting comments to the document and information on how the City of Hamilton has approached some of the recommendations, please find attached the consolidated comments from City of Hamilton staff. These comments are planned to be discussed at a future meeting of City Council. The limited time being allowed for the City to respond makes it necessary to provide these comments as only staff-level comments at this time. An additional letter and resolution from Council to supplement the attached response chart will be provided once Council has had an opportunity to consider this matter.

The City of Hamilton has already implemented a number of actions to streamline planning approvals, plan for intensification, and bring housing supply to the market quicker, in an effort to address housing affordability within our jurisdiction. Of note, 2021 was an all-time record year for new housing construction in Hamilton. Many of our actions align with the intent of the recommendations from the HATF. However, it is noted that the recommendations focus solely on unit supply, without consideration for many other aspects of the planning process that ensure sustainable well-functioning communities. In addition, the report does not address the delays that can occur as a result of incomplete or insufficient development applications. And the report provides no indication of an implementation or phasing plan. As such, there are many details missing to indicate how the recommendations would in fact be implemented.

The attached summary chart contains reference to some of the actions the City of Hamilton has undertaken already that align with the recommendations, and also a column indicating where clarification is required.

We would like to highlight some of our more general thoughts regarding the HATF report:

- The City of Hamilton agrees with the overall intent of the report to:
  - Make policy changes to prioritize growth and to allow for greater density and intensification while providing a variety of housing types.
  - Investigate opportunities to reduce and streamline application processes.
  - Prevent abuse of the appeal process, in particular non-decision appeals, and ensure effective case management by the Ontario Land Tribunal.
  - Align efforts between all levels of government to incentivize more housing.
  - Encourage and support more funding opportunities to both modernize technologies to improve our intake/review of applications, and to deliver the necessary municipal infrastructure (both “hard” and “soft”) and services that growth requires.
- The City of Hamilton has concerns with the following implications from the report:
  - The report focuses on being more permissive and expediting the process for getting projects to approval. This does not guarantee proposals will be built in a timely basis, or at all. The City of Hamilton has made many efforts to streamline the development approvals process and prioritize files only to then see the lands sitting vacant for some time. Focus should also be on providing tools or mechanisms to ensure proposed developments get built and in a reasonable time and conversely, if development does not proceed in a timely fashion, the ability to sunset approvals to allow for the allocation of servicing capacity.
  - Municipalities still need to be able to fund the infrastructure that is required to service growth. Some of the recommendations would change the way that Development Charges are currently collected and calculated and would shift the cost of growth-related infrastructure to existing taxpayers.
  - Several recommendations suggest a ‘one size fits all’ approach to land use planning across the Province with a heavy provincial influence on zoning, approvals processes and consultation requirements. It must be noted that recognizing variation within and across municipalities is key to

implementing successful land use planning tools and processes to meet the objective of increasing affordable housing supply.

- The recommendation to completely remove public consultation requirements is not supported as it removes the opportunity for meaningful conversation to improve the outcome of a development. It has been the City's experience that early "non-statutory consultation with the general public allows for the early identification of issues and opportunities for applicants to revise their proposals to respond to these concerns and / or to educate the public as to what a municipality can / cannot regulate (i.e. tenure).
  - The term "abuse" is used with regards to heritage preservation and urban design considerations. This is not consistent with the City of Hamilton's experience. The Province has already made significant changes to the Ontario Heritage Act and it is important to keep in mind the refrain that "density without design leads to disaster", which captures why good urban design is important. In other words, it is the City's view that high quality urban design is an important matter of public interest and is also critical to the acceptance and success of the very forms of development that the HATF Report is seeking to achieve. A province-wide approach to drastically changing tools that help ensure high quality urban design, especially when the alleged overreach of these tools may not be happening in all jurisdictions, does not recognize that both heritage and urban design add value to the planning process and contribute to creating distinct communities and enjoyable spaces.
- The City of Hamilton feels more consideration must be given to the following:
    - Supply of housing is not just about the number of units, but also about the type of housing, including diversity of form, tenure, and size (e.g. number of bedrooms).
    - Decisions about how to increase supply must be sustainable in terms of the cost to service, the cost to deliver and maintain those services, environmental performance, as well as providing necessary social infrastructure and other forms of infrastructure required to build complete communities.
    - Rewriting Official Plans, Secondary Plans and Zoning By-laws will take time. Resources are needed to complete those updates in the timeframes mentioned.
    - Recognition that the province is diverse in many ways and housing supply issues, and the factors contributing to those issues, are different across the province.

We thank you for the opportunity to comment on the HATF report. Should you have questions or comments, please contact Heather Travis, Senior Project Manager, at 905-546-2424 Ext. 4168 or via email at Heather.Travis@hamilton.ca.

Regards,



Jason Thorne  
General Manager  
Planning and Economic Development Department  
City of Hamilton

JT:ts

Attachment (1)

cc Mayor Fred Eisenberger & Members of Council  
Steve Robichaud, Chief Planner & Director of Planning  
Brian McMullen, Director of Financial Planning Administration & Policy  
Mark Bainbridge, Director of Water and Waste Water Planning & Capital  
Ed Vanderwindt, Director of Building & Chief Building Official  
Maureen Cosyn Heath, Director of Transit  
Brian Hollingworth, Director of Transportation Planning & Parking  
Dave Cunliffe, Fire Chief  
Michael Kyne, Deputy City Solicitor  
Alvin Chan, Manager, Legislative Approvals & Staging of Development  
Christine Newbold, Manager, Sustainable Communities  
Anita Fabac, Manager Development Planning  
Shannon McKie, Manager of Zoning & Committee of Adjustment  
Ken Coit, Manager of Urban Design & Heritage  
John Summers, Manager of Heritage Resource Management

Recommendation	Status of Recommendation within City of Hamilton – Complete / Partial / In Progress?	Comments / Questions
<b>Getting More Homes Built</b>		
1. Set a goal of building 1.5 million new homes in ten years.	N/A (Provincial implementation required)	From an overall municipal servicing perspective, it would be helpful to have specific targets for each municipality, to assist staff in determining the level of impact on municipal infrastructure, services, and programming.
2. Amend the Planning Act, Provincial Policy Statement, and Growth Plans to set “growth in the full spectrum of housing supply” and “intensification within existing built-up areas” of municipalities as the most important residential housing priorities in the mandate and purpose.	N/A (Provincial implementation required)	Both of these are important planning / housing goals; however, it is also important to prioritize sustainability goals (both environmental and financial) as well as the quality of the built environment and of communities.
<b>Making Land Available to Build</b>		
<p>3. Limit exclusionary zoning in municipalities through binding provincial action:</p> <p>a) Allow “as of right” residential housing up to four units and up to four storeys on a single residential lot.</p> <p>b) Modernize the Building Code and other policies to remove any barriers to affordable construction and to ensure meaningful implementation (e.g., allow single-staircase construction for up to four storeys, allow single egress, etc.).</p>	<p>a) <b>In Progress:</b> MCR OPA - permit up to 6 units as of right in Neighbourhoods; LDR zoning changes – permit up to 4 units as of right in all existing low-density zones</p> <p>b) N/A – Building Code changes require Provincial implementation</p>	<p>Intensification necessitates infrastructure improvements - servicing costs and requirements may be problematic despite as of right permissions.</p> <p>From a water and waste water servicing perspective, intensification around nodes and corridors is preferred since that growth is planned with clear infrastructure upgrade requirements defined.</p> <p>From a transit perspective, the addition of housing supply within currently low-density areas is transit-supportive and provides greater scope to ensure sustainability.</p> <p>The Code changes envisaged in 3b would be imperative to implementing 3a, as currently the OBC requires an elevator or ramp above a first floor.</p>

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		Any changes to Ontario Building Code standards must continue to ensure Fire and Life Safety is maintained.
4. Permit “as of right” conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use.	<b>Partial</b> – CMU Zoning permits mixed use and / or stand-alone residential uses within all zones except C7 (Arterial)	<p>From a transit perspective, mixed land use helps to generate multiple trip types, which helps transit to optimize customer loading on fixed routes during all time periods.</p> <p>Need to balance conversions with protecting economic viability of commercial areas and not undermine financial health of municipality.</p> <p>Heights limitations and setback requirements in CMU zones may need to be reviewed to reflect other aspects of these recommendations.</p>
5. Permit “as of right” secondary suites, garden suites, and laneway houses province-wide.	<b>Complete</b> – Urban Area  <b>Partial</b> – Rural Area	<p>Development in rural area needs to protect groundwater and ensure long term sustainability of aquifer to support agriculture and non-farm residential uses.</p> <p>Province should incorporate standards into OBC for tertiary septic systems relating to nitrate reduction and other pollutants to provide a stronger regulatory framework around the review of these systems and rural development on smaller lots.</p>
6. Permit “as of right” multi-tenant housing (renting rooms within a dwelling) province-wide.	<b>In Progress</b> - already being included city-wide through draft Residential Zoning for ZBL 05-200	OBC and fire code requirements need to be clarified.

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	work. Lodgers already permitted as-of-right in ZBL 6593.	May need to consider municipal licensing and/or other requirements to ensure protection of tenants.
7. Encourage and incentivize municipalities to increase density in areas with excess school capacity to benefit families with children.		<p>Challenges with implementation – school capacity levels will change as new schools are built / demographics change / enrollments shift. The current planning framework already promotes higher densities in new greenfield areas with new schools.</p> <p>Province needs to fund existing schools in areas with low occupancy rates to ensure schools stay open. Need to invest in older schools to make them more attractive to households relative to greenfield areas.</p> <p>Does this recommendation apply to urban and / or rural areas?</p> <p>From a transit perspective, Secondary school positioning criteria needs to be enhanced to include mechanisms favouring sites with good transit access.</p>
8. Allow “as of right” zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years if municipal zoning remains insufficient to meet provincial density targets.	<b><i>In Progress</i></b> – MTSA work to delineate and define planned density along LRT corridor underway. MCR OPA proposes to increase heights in Mixed Use Medium to 11 stories.	<p>Several concerns with potential zoning with “unlimited” height and density including visual impact and the Niagara Escarpment, servicing constraints, and community concerns. Major infrastructure improvements would be required, and very difficult to plan, in order to facilitate “unlimited” growth.</p> <p>Recommendation is confusing. What is meant by “insufficient” and who</p>

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		<p>determines that? How / where would density be measured? How / where would increased zoning be applied, i.e. in entirety of MTSA (500 – 800 m) or in ‘immediate proximity’ of station area only? MTSAs include low density uses (e.g. recreation destinations) and intervening land uses that could make achieving targets unachievable in certain areas. Care must be taken to ensure MTSA’s are served by transit route networks that offer sufficient capacity to accommodate increased ridership.</p> <p>From a water and wastewater servicing perspective, planning for unpredictable “unlimited” densities would be problematic.</p>
<p>9. Allow “as of right” zoning of six to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).</p>	<p><b>Partial / In Progress</b> – nodes / corridors generally permit increased heights as of right. Proposed MCR OPA would increase height permissions to 11 stories for all medium density residential areas.</p>	<p>While the general approach of allowing higher densities on transit routes is supported (and is already in place or underway in Hamilton), the recommendation includes all streets served by public transit (including bus transit). In Hamilton, this would include local residential streets with local bus service, regardless of frequency or level of service. Allowing up to 11 storeys in these locations without consideration of any other factors would be a concern</p>
<p>10. Designate or rezone as mixed commercial and residential use all land along transit corridors and redesignate all Residential Apartment to mixed commercial and residential zoning in Toronto.</p>	<p><b>N/A</b></p>	<p>Recommendation applicable to Toronto only.</p> <p>Note: The City of Hamilton has completed this in the Urban</p>



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		Hamilton Official Plan with Nodes and Corridors.
<p>11. Support responsible housing growth on undeveloped land, including outside existing municipal boundaries, by building necessary infrastructure to support higher density housing and complete communities and applying the recommendations of this report to all undeveloped land.</p>	<p><b>Partial</b> – new greenfield areas (e.g. Fruitland Winona) planned to support higher density and complete communities. Some existing approvals of undeveloped DGA lands would not support higher density housing.</p>	<p>Recommendation refers to land ‘outside municipal boundaries’. If this is referring to lands outside of the urban boundary, it would not be consistent with the City’s growth strategy of accommodating growth without expanding the urban boundary.</p> <p>Questions around the building of infrastructure – is this referring to both hard and soft infrastructure, linear and fixed, new and upgrades? Clarity is required. There could be significant cost implications to this. If building infrastructure in advance of planned growth, how are costs to be recaptured? Is it expected that municipalities would front-end finance the cost of infrastructure?</p>
<p>12. Create a more permissive land use, planning, and approvals system:</p> <ul style="list-style-type: none"> <li>a) Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood</li> <li>b) Exempt from site plan approval and public consultation all projects of 10 units or less that conform to the Official Plan and require only minor variances</li> <li>c) Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes;</li> </ul>	<ul style="list-style-type: none"> <li>a) <b>Partial / In Progress</b> - MCR OPA modifies wording of intensification criteria (Policy B.2.4.1.4b) related to neighbourhood character to remove requirement to “maintain and enhance” established patterns and form.</li> <li>c) <b>Partial</b> - minimum parking requirements reduced / removed in Downtown Zones</li> <li>d) <b>Partial</b> – no floorplate restrictions in Downtown Zones</li> </ul>	<ul style="list-style-type: none"> <li>a) UHOP does not prioritize neighbourhood character and instead requires a balanced evaluation of intensification proposals against a series of criteria. However further policy updates to clarify language around character preservation may be required to implement recommendation a). Amendments to 05-200 may also be required.</li> </ul> <p>This could result in potential conflict with Heritage Conservation District by-laws and Plans. The Downtown Heritage Character Zone and</p>

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<p>restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the Planning Act and reduce or eliminate minimum parking requirements; and</p> <p>d) Remove any floorplate restrictions to allow larger, more efficient high-density towers.</p>		<p>other Cultural Heritage Landscape policies in Secondary Plans and the Official Plans would also need to be repealed or overridden (contrary to the Provincial Policy Statement and international best practice for the conservation of heritage).</p> <p>b) This would be significantly problematic. It would eliminate a municipality's ability to review a number of important matters (e.g. grading, environment, design, etc.). Would also likely lead to major inefficiencies in required permitting and other approvals processes which are currently administered under the "one window" umbrella of site plan review.</p> <p>c) The items listed are very context-specific. Establishing 'one size fits all' standards province-wide would be challenging.</p> <p>Regarding elimination of minimum parking requirements, note that not all areas are transit-supportive (for example – Rural Settlement Areas) .</p>
<p>13. Limit municipalities from requesting or hosting additional public meetings beyond those that are required under the Planning Act.</p>		<p>Would require changes to public consultation process and removal of the City's Public Consultation Strategy requirement, which is intended to encourage early community consultation in the planning process to avoid appeals.</p>

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		<p>Note that additional public consultation, while adding time, can also result in both better proposals and approvals being better accepted by residents / Council, and thereby reducing appeals. This may be a counter-productive recommendation.</p>
<p>14. Require that public consultations provide digital participation options.</p>	<p><b><i>In Progress</i></b> - Already using digital means of consultation during pandemic.</p>	<p>Expected to continue in future with hybrid option of in-person and digital consultation available. Hybrid option is supported to recognize that not all residents have access to technology. Hybrid option must be designed to reduce participation barriers.</p> <p>Need to update Planning Act to explicitly recognize digital consultations.</p>
<p>15. Require mandatory delegation of site plan approvals and minor variances to staff or pre-approved qualified third-party technical consultants through a simplified review and approval process, without the ability to withdraw Council's delegation.</p>	<p><b><i>Partial</i></b> – site plan approvals already delegated authority.</p>	
<p>16. Prevent abuse of the heritage preservation and designation process by:</p> <ul style="list-style-type: none"> <li>a) Prohibiting the use of bulk listing on municipal heritage registers</li> <li>b) Prohibiting reactive heritage designations after a Planning Act development application has been filed.</li> </ul>		<p>Bill 108 changes to the Heritage Act are not reflected in the HATF report. For example, 16.b) was addressed through the recommendations in the Heritage Review report.</p> <p>Use of the term “abuse” in this recommendation is confusing as the actions of 16a) and 16b) are both permitted and expected actions under the <i>Ontario Heritage Act</i>.</p>

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		<p>16a) is encouraged as a best practice and is highlighted in the <a href="#">draft Ontario Heritage Toolkit</a> updates prepared by the provincial Ministry of Heritage, Sport, Tourism and Culture Industries. 16a) would prohibit the proactive identification and listing of heritage buildings through the City's Built Heritage Inventory Strategy and is contrary to the intent of the Register as permitted under the <i>Ontario Heritage Act</i>. Listing on the Register is an administrative tool and does not prevent demolition, adaptive reuse or redevelopment of a property outright provides for certainty in the identification of heritage resources and implements the PPS policies regarding the conservation of heritage resources.</p> <p><b>16b)</b> is contrary to the 2021 provincial changes to the <i>Ontario Heritage Act</i> via Bill 108. The OHA now prevents a municipality from issuing a Notice of Intention to Designate (NOID) <u>after</u> 90-days of a "prescribed event" taking place (i.e., certain <i>Planning Act</i> applications being submitted). The existing "prescribed event" policies in the OHA triggers a response from municipalities to issue a NOID within 90-days of an application being received in order to protect and conserve a significant heritage property that might be under threat (which is a provincial interest in the PPS).</p>

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<p>17. Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.</p>	<p><b>Not required</b> – City staff report <a href="#">PED20030 (Feb. 2020)</a> reviewed the issue of heritage designation and property value, and found no data or studies that establishes a negative correlation between heritage protection by means of including a property on the Municipal Heritage Register or through designation and a property's resale value.</p>	<p>Highest and best use is <u>not</u> solely based on economics. Cultural heritage is a public good and the conservation of significant heritage resources is a provincial interest, required by the PPS. There are not currently any Ontario-specific studies that show that designation has a negative impact on resale value and conversations with MPAC have indicated that they do not assess property at a lower amount when it is designated.</p> <p>It is unclear how it would be possible to calculate “loss of property value” for compensation. Also unclear who would pay for the highest and best use exercise and how it would be conducted. Any compensation payments would become additional pressure on property taxpayers.</p>
<p>18. Restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews.</p>	<p>N/A – requires Provincial legislation change.</p>	<p>Significant concerns with this recommendation, and it is unclear why this recommendation is deemed to increase housing supply. Appeals can be lengthy and cause significant delay in bringing land onstream.</p> <p>The possible appeal by one developer would delay an entire MCR from coming into force and effect, and thereby delay the implementation of policy changes intended to increase the supply of housing.</p> <p>Note that if appeal rights are restored, concern with limiting rights to only “developers” as opposed to other landowners or residents.</p>

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<b>Cut the Red Tape, Build Faster, Reduce Costs</b>		
<p>19. Legislate timelines at each stage of the provincial and municipal review process, including site plan, minor variance, and provincial reviews, and deem an application approved if the legislated response time is exceeded.</p>		<p>Such an approach would not account for delays in approvals caused by applicants or poor submissions. Deeming an application approved if timelines are not met due to delays by the applicant would be a major a concern. Such an approach could also encourage applicants to delay responses in order to “run out the clock” so that their applications gets deemed as approved.</p> <p>Complex applications and especially intensification require a very intensive engineering exercise and can easily exceed timelines as a result.</p> <p>This approach could have significant impacts in terms of staffing levels required, which would result in significant fee increases to applicants.</p>
<p>20. Fund the creation of “approvals facilitators” with the authority to quickly resolve conflicts among municipal and/or provincial authorities and ensure timelines are met.</p>	<p><b>Partial</b> – Business Facilitators act to resolve conflicts and expedite approvals.</p>	<p>Not clear what types of ‘conflicts’ are being referred to in this recommendation and what authority is required to resolve these conflicts.</p> <p>Not clear if this recommendation refers to a facilitator at the Provincial or local level?</p> <p>The Province has already adopted a “One-Windows Service” approach and circulations of development applications are sent to MMAH to coordinate the Provincial review and response.</p>

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<p>21. Require a pre-consultation with all relevant parties at which the municipality sets out a binding list that defines what constitutes a complete application; confirms the number of consultations established in the previous recommendations; and clarifies that if a member of a regulated profession such as a professional engineer has stamped an application, the municipality has no liability and no additional stamp is needed.</p>	<p><b>Partial</b> – Formal Consultation document identifies required list of studies / applications for a complete application.</p> <p>Applications submissions must be prepared by a qualified professional in the respective field, with stamp.</p>	<p>Issue arises when revisions to plans results in a requirement for new or additional information that was not contemplated during formal consultation.</p> <p>More information would be required with respect to how “no liability” would be implemented and enforced.</p>
<p>22. Simplify planning legislation and policy documents.</p>	<p><b>In Progress</b> – as part of City’s continuous improvement program, updating of notices, reports, language is ongoing.</p>	<p>Begins at Provincial level by simplifying provincial requirements.</p> <p>At local level, could improve our reports, signage, notification letters to simplify our planning related public documents.</p>
<p>23. Create a common, province-wide definition of plan of subdivision and standard set of conditions which clarify which may be included; require the use of standard province-wide legal agreements and, where feasible, plans of subdivision.</p>		<p>Creating a one size fits all approach across the Province may create implementation challenges. Question over applicability to urban vs rural areas, residential or industrial development etc.</p> <p>Will require rewrite of City’s current subdivision agreement. The City has a variety of site / development specific conditions that are applied (i.e. those recommended via planning report) – how would this be addressed?</p>

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24. Allow wood construction of up to 12 storeys.	N/A – requires Provincial implementation re OBC change.	The City of Hamilton supports the ability of architects to design and specify a variety of sustainable building materials in response to climate change considerations.
25. Require municipalities to provide the option of pay on demand surety bonds and letters of credit.	<b>Complete</b> - Surety Bond policy adopted by the City in 2021.	
26. Require appellants to promptly seek permission ("leave to appeal") of the Tribunal and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted.	N/A – OLT reform	<p>How would it be demonstrated that an appeal has merit – would this occur after the appeal has been filed? Mediation should be promoted.</p> <p>The <i>Ontario Land Tribunal Act</i> was amended in 2021 to allow for an appeal to be dismissed where it has no reasonable prospect of success (section 19). Given that, there is already a tool available to prevent frivolous appeals without applying a stricter "leave to appeal" test.</p> <p>The City supports the recommendations of the Environmental Commissioner of Ontario that quarry applications should be required to pass a minimum threshold test such that a timely determination on the application can be made to bring closure to those applications that are not feasible from an environmental lens (i.e. excessive dewatering).</p>
27. Prevent abuse of process: a) Remove right of appeal for projects with at least 30% affordable housing in	N/A – OLT Reform	a) How would 30% affordable housing be defined and how would term be guaranteed? If based on 90% average market



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<p>which units are guaranteed affordable for at least 40 years.</p> <p>b) Require a \$10,000 filing fee for third-party appeals.</p> <p>c) Provide discretion to adjudicators to award full costs to the successful party in any appeal brought by a third party or by a municipality where its council has overridden a recommended staff approval.</p>		<p>value (PPS definition), this would capture a lot of market housing.</p> <p>b) \$10,000 filing fee would raise equity concerns about equal ability to participate in process.</p>
<p>28. Encourage greater use of oral decisions issued the day of the hearing, with written reasons to follow, and allow those decisions to become binding the day that they are issued.</p>	<p>N/A – OLT reform</p>	
<p>29. Where it is found that a municipality has refused an application simply to avoid a deemed approval for lack of decision, allow the Tribunal to award punitive damages.</p>	<p>N/A – OLT reform</p>	<p>Purpose of this change is unclear. An application is deemed complete after 30 days if a decision has not been made by the municipality, and the Planning Act already provides for an applicant to appeal a lack of a decision to the OLT, and the Province controls the timing of hearing these OLT appeals.</p> <p>How would it be determined that an application was denied only to avoid it being deemed approved?</p> <p>The Ontario Land Tribunal and its predecessors have never had the power to award damages, and even costs awards were very limited. Allowing for punitive damages would be a significant departure from that prior practice.</p>
<p>30. Provide funding to increase staffing (adjudicators and case managers), provide market-competitive salaries,</p>	<p>N/A – OLT reform</p>	

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outsource more matters to mediators, and set shorter time targets.		
31. In clearing the existing backlog, encourage the Tribunal to prioritize projects close to the finish line that will support housing growth and intensification, as well as regional water or utility infrastructure decisions that will unlock significant housing capacity.	N/A – OLT reform	Simply getting approval does not guarantee a project will actually get built. Getting projects to approval (whether through OLT or not) does not guarantee they will be built on a timely basis, or at all. If the province is going to focus on faster approvals, they should also ensure tools are in place to ensure those approved developments actually get built. Perhaps by limiting an applicant's ability to reapply for site specific rezoning/OPA within a certain horizon (5-10 years) to ensure the project that is approved actually moves to completion and occupancy.
<b>Reduce Costs to Build, Buy, Rent</b>		
32. Waive development charges and parkland cash-in-lieu and charge only modest connection fees for all infill residential projects up to 10 units or for any development where no new material infrastructure will be required.	<b>Partial</b> – DC reductions and exemptions exist for many development types. For example, 100% Development Charge Exemption provided for the adaptive reuse of protected heritage properties (designated or subject to a heritage easement) within the existing building envelop.	This change is not consistent with the principle that "Growth should pay for Growth". However, where there are public benefits to reducing or removing these costs, then there may be merit.  Municipalities still need to be able to fund the infrastructure that is required to service growth and the DC Act requires that those costs be spread across all future growth – this waiver would mean that either municipalities would collect less in total DC (CIL) dollars or that the way DCs are calculated needs to change so that DC collections continue to cover the same percentage of growth costs. Is the intent to shift the lost revenues onto the tax base or onto other developers? Would the

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		<p>DC Act be updated to exclude these types of units from the DC calculated amount per unit?</p> <p>What if the infrastructure was built years ago and is still being debt financed? In this case new infrastructure is not required – but it was required.</p> <p>Is this to apply on a service specific basis or an all or nothing approach?</p> <p>Could this methodology treat growth differently and unintentionally increase inequity in communities? E.g. infill growth would only lead to new park amenities if the specific units being developed are willing to pay for that amenity – does this encourage an ability to pay DC system vs a city-wide approach to service delivery.</p>
33. Waive development charges on all forms of affordable housing guaranteed to be affordable for 40 years.	<b>Partial</b>	<p>The City does already have non-statutory exemptions for qualified affordable housing development. The City would need to update the DC By-law to specify the inclusion of units that are only guaranteed affordable for 40 years specifically.</p> <p>There are potential administrative costs in terms of staff resources. For example, what is the definition of affordable housing? Who will be administering the units for 40 years? Will administrative funding be made available? What recourse will be available to a municipality if units are not maintained as affordable? Will this be limited to rental units? What</p>

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		<p>would an affordable ownership situation look like? Are social housing projects such as shelters and transitional housing included?</p> <p>Municipalities still need to be able to funds the infrastructure that is required to service growth and the DC Act requires that those costs be spread across all future growth – this waiver would mean that either municipalities would collect less in total DC (CIL) dollars or that the way DCs are calculated needs to change so that DC collections continue to cover the same percentage of growth costs. Is the intent to shift the lost revenues onto the tax base or onto other developers? Would the DC Act be updated to exclude these types of units from the DC calculated amount per unit?</p>
<p>34. Prohibit interest rates on development charges higher than a municipality's borrowing rate.</p>		<p>Would need to review Interest policy adopted in 2020.</p> <p>Clarification is required as to what interest rate is proposed to be prohibited? Sec 26.1 of DC Act? Sec 26.2 of DC Act? Sec 27 of DC Act? All?</p> <p>Clarification is required as to which cost of borrowing rate is relevant? From which financial institution? What term? Is it fixed or variable?</p> <p>This does not appear to align with the concept of "Growth paying for Growth". The inflationary pressures on construction costs were 9.51% in 2021 whereas the City's 10 year</p>

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		<p>borrowing rate from one institution ranged from 1.25% - 2.38%. The infrastructure still needs to be paid for - how is this difference to be reconciled such that infrastructure can be paid for? Proposed change would transfer risk to the municipality.</p>
<p>35. Regarding cash in lieu of parkland, s.37, Community Benefit Charges (CBC), and development charges:</p> <p>a) Provincial review of reserve levels, collections and drawdowns annually to ensure funds are being used in a timely fashion and for the intended purpose, and, where review points to a significant concern, do not allow further collection until the situation has been corrected.</p> <p>b) Except where allocated towards municipality-wide infrastructure projects, require municipalities to spend funds in the neighbourhoods where they were collected. However, where there's a significant community need in a priority area of the City, allow for specific ward-to-ward allocation of unspent and unallocated reserves.</p>		<p>New O. Regs already require regular public reporting that would prevent this from occurring.</p> <p>Definition of “timely fashion” is needed, as some investments are multi-year investments.</p> <p>The City already reports annually on DC reserves. Would need to understand how Provincial review and new reporting requirements may impact this reporting.</p> <p>CBC regulations require municipalities to spend/allocate 60% of CBC funds annually</p> <p>For item b) this needs some definition – could lead to significant administrative effort that would require resourcing.</p> <p>The city looks at most services on a complete network basis, and many services do not align with ward boundaries – catchments are different. This methodology could also treat growth differently and unintentionally increase inequity in communities.</p>

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		<p>Administrative changes to systems would need to occur to track this level of detail. Additional staff and tracking measures would be needed to monitor multiple buckets of funding. Who is responsible for determining what is “in neighbourhood”.</p> <p>Municipalities are already subject to reviews on the DC reserve funds – annually through the treasurers’ statement, and at least every five years through the completion of a DC Background study which considers all reserve fund balances. The plans for growth infrastructure are likewise subject to review regularly through updates to the master plans, updates in the capital budget as well as through required planning for operational costs via Asset Management legislation. Recommendation (a) appears to add a review onto a system that already has adequate opportunity for public/developer engagement, and which already provides ample reporting.</p>
<p>36. Recommend that the federal government and provincial governments update HST rebate to reflect current home prices and begin indexing the thresholds to housing prices, and that the federal government match the provincial 75% rebate and remove any clawback.</p>	<p>N/A – Provincial / Federal implementation</p>	
<p>37. Align property taxes for purpose-built rental with those of condos and low-rise homes.</p>		<p>“Purpose Built Rental” will need to be defined as many units in condominium buildings are sold to</p>

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		<p>investors who in turn rent out the units.</p> <p>Rental buildings are taxed at a higher rate than condo buildings. However, the valuation of condo buildings is much higher, because each individual unit is assessed, whereas purpose-built rental is assessed as a single entity. As such, depending on the additional value that a condo building is assessed at, the taxes could be roughly equal to a rental building. Sometimes there is a tax savings when a building is converted to a condo, sometimes not. If the tax rate for rental buildings were reduced to the condo rate, the potential implications are a significant loss in tax revenue for the City.</p> <p>The fiscal implications of this recommendation will need to be investigated. Likely impact would be to place additional costs onto existing residents. How much would the combined impact of these recommendations add to property tax and rate payers? If there is an adverse impact on the municipal finances, will the Province provide a stable funding source to compensate for the policy shift?</p>
38. Amend the Planning Act and Perpetuities Act to extend the maximum period for land leases and restrictive covenants on land to 40 or more years.	N/A – Provincial implementation	

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39. Eliminate or reduce tax disincentives to housing growth.		Unclear what this is referring to?
40. Call on the Federal Government to implement an Urban, Rural and Northern Indigenous Housing Strategy.	N/A - Federal	The City of Hamilton supports a Housing Strategy for all indigenous communities, tailored to reflect the geographic differences between urban, rural, and northern communities.
41. Funding for pilot projects that create innovative pathways to homeownership, for Black, Indigenous, and marginalized people and first-generation homeowners.		The City of Hamilton supports funding for pilot projects that look at innovative pathways to homeownership for all marginalized groups.
42. Provide provincial and federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects.	N/A – Provincial / Federal implementation	The City of Hamilton supports funding sources to assist with the development of affordable housing projects.
<b>Support, Incentivize Scaling Up Housing Supply</b>		
43. Enable municipalities, subject to adverse external economic events, to withdraw infrastructure allocations from any permitted projects where construction has not been initiated within three years of build permits being issued.		The City of Hamilton Supports this recommendation. The recommendation should be broadened to add all Planning Act approvals (Draft Plan of Subdivision, Condominium, Site Plan). Particular concern related to older files that predate current subdivision three-year period.
44. Work with municipalities to develop and implement a municipal services corporation utility model for water and wastewater under which the municipal corporation would borrow and amortize costs among customers instead of using development charges.		<p>Could assist with necessary infrastructure upgrades to accommodate future growth, particularly in intensification areas (e.g. downtown).</p> <p>Additional DC Act amendments needed? Appear to suggest replacing DC collections with the debt of a municipal corporation. The</p>



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		<p>City of Hamilton already funds significant portions of our DC projects with DC debt.</p> <p>Transfer of costs from developers to existing property owners is contrary to the principles of “Growth pays for Growth” and would effectively be leveraging a tax on existing property owners to subsidize future property owners.</p>
45. Improve funding for colleges, trade schools, and apprenticeships; encourage and incentivize municipalities, unions and employers to provide more on-the-job training.	<b><i>In Progress</i></b> – Economic Development workforce strategy.	This would align with the Community Benefits Protocol Advisory Committee and their general mandate. This could also address the identified shortage of skilled heritage trades in Ontario.
46. Undertake multi-stakeholder education program to promote skilled trades.	<b><i>In Progress</i></b> – Economic Development workforce strategy.	This would align with the Community Benefits Protocol Advisory Committee and their general mandate.
47. Recommend that the federal and provincial government prioritize skilled trades and adjust the immigration points system to strongly favour needed trades and expedite immigration status for these workers and encourage the federal government to increase from 9,000 to 20,000 the number of immigrants admitted through Ontario’s program.	N/A – Provincial / Federal implementation	
48. The Ontario government should establish a large “Ontario Housing Delivery Fund” and encourage the federal government to match funding. This fund should reward:	N/A – Provincial / Federal implementation	Questions on implementation. Rewarding municipalities that achieve growth targets or reduce approval times may be a concern as some aspects of meeting targets and reducing approval times are

Recommendation	Status of Recommendation within City of Hamilton – Complete / Partial / In Progress?	Comments / Questions
a) Annual housing growth that meets or exceeds provincial targets b) Reductions in total approval times for new housing c) The speedy removal of exclusionary zoning practices.		outside of municipal control (market, developer delays etc.).  Unclear how recommendation c) relates to funding?
49. Reductions in funding to municipalities that fail to meet provincial housing growth and approval timeline targets.	N/A – Provincial / Federal implementation	Same concern as above. Some aspects of meeting targets and reducing approval times are outside of municipal control (market, developer delays etc.). Concern over tying funding to these targets. What funding is being reduced?  Funding reductions, if extended into municipal transit programs could have a negative impact on transit service delivery/fare programs.  What funding pools are being considered/targeted? Is it capital streams? How would these funding streams be connected to Housing targets and approval timelines?
50. Fund the adoption of consistent municipal e-permitting systems and encourage the federal government to match funding. Fund the development of common data architecture standards across municipalities and provincial agencies and require municipalities to provide their zoning bylaws with open data standards. Set an implementation goal of 2025 and make funding conditional on established targets.	Funding is provincial / federal recommendation.  <b>Partial</b> - Building is already using e-permitting	New funding would be welcomed.  Planning could receive the funding necessary to move payments and application processing online and make application material available through our Development Application Mapping.
51. Require municipalities and the provincial government to use the Ministry of Finance population projections as the basis for housing		Contrary to Growth Plan. Growth Plan forecasts include policy intervention, MOF forecasts do not. This change would require

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need analysis and related land use requirements.		<p>municipalities to redo MCR LNA work based on MOF forecast.</p> <p>Recommendation could be reworded to state that in the absence of Provincial forecasts in a Provincial plan (e.g. Places to Grow), the MOF forecasts should be utilized.</p>
52. Resume reporting on housing data and require consistent municipal reporting, enforcing compliance as a requirement for accessing programs under the Ontario Housing Delivery Fund.	<b>Partial</b> – MCR OPA includes policy direction for staff to report annually on housing data.	Province should be encouraged to provide funding for Municipal Housing Statements and Monitoring reports.
53. Report each year at the municipal and provincial level on any gap between demand and supply by housing type and location and make underlying data freely available to the public.	<b>Partial</b> – MCR OPA includes policy direction for staff to report annually on housing data.	Unclear how reporting on demand will be defined.
54. Empower the Deputy Minister of Municipal Affairs and Housing to lead an all-of-government committee, including key provincial ministries and agencies, that meets weekly to ensure our remaining recommendations and any other productive ideas are implemented.	N/A – Provincial implementation	
55. Commit to evaluate these recommendations for the next three years with public reporting on progress.	N/A – Provincial implementation	
<p>Appendix B: Inclusionary Zoning</p> <p>The task force provides 3 additional recommendations specific to the implementation of Inclusionary Zoning:</p> <ol style="list-style-type: none"> <li>1. Allow cash-in-lieu payments for Inclusive Zoning units at the discretion of the municipality.</li> </ol>	Staff are in the early stages of starting an Inclusionary Zoning project to bring forward an Inclusionary Zoning By-law.	Need clarity on the Affordability Term. Recommendation 27(a) requires that the affordable housing remain affordable for a 40-year term. O. Regs do not specify this currently. Toronto went with 99 years, Mississauga is looking at 25-35 years in their draft information.

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<ol style="list-style-type: none"><li>2. Require that municipalities utilize density bonusing or other incentives in all Inclusionary Zoning and Affordable Housing policies that apply to market housing.</li><li>3. Permit municipalities that have not passed Inclusionary Zoning policies to offer incentives and bonuses for affordable housing units.</li></ol>		Recommendation #8 to allow “as of right” zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years could reduce ability to use height permissions as an incentive for IZ units.