Proposed Bill 109, *More Homes for Everyone Act, 2022*

SCHEDULE 2

O. Reg. 82/98 under the DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997* with respect to the publication of the statement of the treasurer under section 43 of the Act.

Proposed Change	Explanation of Change	Comments
1. Subsection 43 (2.1) of the *Development Charges Act, 1997* is repealed and the following substituted: (2.1) The council shall ensure that the statement is made available to the public, (a) by posting the statement on the website of the municipality or, if there is no such website, in the municipal office; and (b) in such other manner and in accordance with such other requirements as may be prescribed.	• The proposal is aimed at enhancing transparency of development charges (DCs) by improving municipal reporting requirements. This would apply only to municipalities that levy DCs. • It would require a municipal treasurer, in their annual treasurer's statement, to set out whether the municipality still anticipates incurring the capital costs projected in the municipality's DC background study for a given service. If not, an estimate of the anticipated variance from that projection would be provided along with an explanation for it. • The proposed amendment would enhance existing reporting requirements for municipalities that levy DCs. • Municipalities are required to prepare a DC background study, in which they provide projected expenditures on DC-eligible capital. • This background study is used to inform their DC by-law and the charges levied on development. • Annually, the municipality would be required to account for any variance based on	**Variances** • There are many ways that variances from the DC Background Study can occur. The drafted regulation proposal only refers to capital costs. The capital projects are supported via DC collections which are subject to the pace of growth realized and prudent fiscal management requires that the timing of the capital projects in the study be deferred (or accelerated) to align with realized and anticipated growth patterns. • The City requests that the Province release a full draft of the proposed language changes to O.Reg. 82/98 and include a consultation period so that municipalities may provide more robust feedback. **Resourcing** • The effect of a capital cost variance reconciliation every year is to add an administrative burden onto municipal staff. The 5-year limit on a DC background study ensures that the DC rates being collected remain reasonably current; an annual reconciliation of capital costs will be a new requirement that may require additional resources, processes and technology. • The ability of a municipality to complete the identified

	whether they are spending on the capital costs for a service that they had projected over their DC by-law period. • The proposed regulatory amendments would amend existing reporting requirements to require publication of additional information that municipalities would likely already have available. As such, the financial impact on the municipal sector is expected to be minimal.	variance analysis (once confirmed via specific regulation language) will depend on the sophistication of the software and tools that each municipality is using for DC forecasting and may require some municipalities to invest in more sophisticated software and hire additional resources. • If implemented, the City requests that a transition period be considered so that necessary software and staffing enhancements can be made. • The City further requests that the costs incurred with any upgrades and additional staffing requirements be added as an eligible category within the DC Act or be eligible for reimbursement by the Province to avoid levying these incremental costs on the general property tax levy. **Value** • The DC Background study utilizes information from many long-term plans and as such, is a long-term plan itself. It is unclear how the information from such a capital cost variance analysis will be used and how it will address Ontario's housing supply crisis. • The City requests that the Province detail how an annual DC capital cost variance review will aid in Ontario's housing supply crisis or what other value is expected to be achieved.

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<td>2. Subsection 60 (1) of the Act is amended by adding the following clause:

(t.0.1) prescribing the manner in which a statement is to be made available and other requirements for the purposes of clause 43 (2.1) (b).</td>
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<td>• The City supports this section of the Proposal, which meets the objective to enhance transparency of DCs.</td>
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<tr>
<td colspan="3">SCHEDULE 3

NEW HOME CONSTRUCTION LICENSING ACT, 2017</td>
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<td colspan="3">The Schedule amends the New Home Construction Licensing Act, 2017.</td>
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<td>Proposed Change</td>
<td>Explanation of Change</td>
<td>Comments</td>
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<td>1. Clause 38 (1) (c) of the New Home Construction Licensing Act, 2017 is repealed and the following substituted:

(c) neither the Applicant, nor any interested person in respect of the Applicant, has carried on or is carrying on activities,

(i) that are in contravention of this Act or the regulations, or that will be in contravention of this Act or the regulations if the Applicant is issued a licence, or

(ii) that are in contravention of prescribed legislation, or that will be in contravention of prescribed legislation if the Applicant is issued a licence;</td>
<td rowspan="2">• Section 38 is amended to provide that the registrar may consider whether the activities of an Applicant are, or will be if issued a license, in contravention of the Act, the regulations or prescribed legislation.

• The proposed amendments aim to help address the issue of inappropriate or unethical behaviour by vendors and to enhance the Home Construction Regulatory Authority's (HCRA) enforcement powers, among other.

The proposed amendments include:

• Enhancing consumer protection by giving additional tools to the HCRA, such as ensuring the registrar does not require a complaint to be received to take certain actions within subsection 56(4) of the Licensing Act.

• Increasing the maximum amount of a fine that the Discipline Committee may impose if a licensee</td>
<td rowspan="2">Staff have no concerns or objections to these changes.</td>
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<td>2. Section 56 of the Act is repealed and the following substituted:

(1) The registrar may,

(a) Receive complaints concerning conduct that may be in contravention of</td>
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this Act, the regulations or prescribed legislation; (b) make written requests to licensees for information regarding complaints; and (c) attempt to mediate or resolve complaints, as appropriate, concerning any conduct that comes to the registrar's attention that may be in contravention of this Act, the regulations or prescribed legislation. (2) A request made under clause (1) (b) shall indicate the nature of the complaint. (3) A licensee who receives a request made under clause (1) (b) shall provide the requested information to the registrar. 56.1 If the registrar is of the opinion, whether as a result of a complaint or otherwise, that a licensee has contravened any provision of this Act, the regulations or prescribed legislation, the registrar may do any of the following, as the registrar considers appropriate: 1. Give the licensee a written warning, stating that if the licensee continues with the activity that led to the alleged contravention, action may be taken against the licensee. 2. Require the licensee to take further educational courses. 3. Require the licensee, in accordance with the terms, if any, that the registrar specifies, to fund educational courses for persons that the licensee	contravenes the Code of Ethics, from $25,000 to $50,000 for individual licensees, and $100,000 for non-individual licensees. • Establishing the authority for the Discipline Committee to impose an additional fine in an amount equal to the monetary benefit acquired by a licensee as a result of a breach of the Code of Ethics. • Clarifying the authority for the Discipline Committee to consider repeat contraventions as part of its determination when imposing fines for any type of Code of Ethics violations. • Increasing the maximum administrative penalty amount from $10,000 to $25,000. • Establishing the authority for an assessor to impose an additional administrative penalty in an amount equal to the monetary benefit acquired by a person as a result of a contravention. • Creating the authority for a court to impose an additional fine for a conviction in an amount equal to the monetary benefit acquired by a person as a result of an offence. • Clarifying that the registrar can review whether an Applicant's past or ongoing conduct either is or will be in contravention of the Licensing Act and prescribed legislation.	

employs or to arrange and fund the courses. 4. Refer the matter, in whole or in part, to the discipline committee. 5. Take an action under section 40, subject to section 43. 6. Take further action as is appropriate in accordance with this Act.	• Clarifying under the Licensing Act that an assessor may impose an administrative penalty if the person has contravened, or is contravening, a prescribed provision of the Ontario New Home Warranties Plan Act or the regulations or the by-laws made under it. • The proposed legislative amendments are not expected to create a burden on the new home construction sector as builders and vendors should be adhering to the requirements and rules currently set out under the Licensing Act and its regulations. The proposed amendments are intended to deter future conduct issues and to give the HCRA the tools to better protect consumers. • There are no costs or cost savings to small businesses associated with the Ministry's proposed amendments.	
3. (1) Paragraph 3 of subsection 57 (4) of the Act is repealed and the following substituted: Impose such fine as the committee considers appropriate, subject to subsections (4.1), (4.2) and (4.3), to be paid by the licensee to the regulatory authority or, if there is no regulatory authority, to the Minister of Finance.		
4. Section 57 of the Act is amended by adding the following subsections: (4.1) Subject to subsection (4.2), the maximum amount of the fine mentioned in paragraph 3 of subsection (4) is, (a) $50,000, or such lesser amount as may be prescribed, if the licensee is an individual; or (b) $100,000, or such lesser amount as may be prescribed, if the licensee is not an individual. (4.2) The total amount of the fine referred to in subsection		

(4.1) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the licensee as a result of a failure to comply with the code of ethics. (4.3) In making its order to impose a fine under paragraph 3 of subsection (4), the discipline committee shall consider any prior determination of the committee that the licensee failed to comply with the code of ethics and, subject to the maximum amount of the fine referred to in subsection (4.1), may impose a more severe fine having regard to the prior determination.		
5. Section 71 of the Act is amended by adding the following subsection: (4.1) In addition to any other penalty imposed by the court and despite the maximum fine referred to in subsection (4), the court that convicts a person or entity of an offence under this section may increase a fine imposed on the person or entity by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person or entity as a result of the commission of the offence.		
6. 5 (1) Subsection 76 (1) of the Act is repealed and the following substituted: 76 (1) An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations		

made by the Minister if the assessor is satisfied that the person has contravened or is contravening, (a) a prescribed provision of this Act or the regulations; (b) a condition of a licence, if the person is the licensee; (c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or (d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it. 76(4) Subject to subsection (4.1), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed $25,000. 76 (4.1) The total amount of the administrative penalty referred to in subsection (4) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.		
7. Subsection 84 (1) of the Act is amended by adding the following clause: (g.1) governing fines that the discipline committee or the appeals committee may impose, including the criteria to be considered in		

determining the amount, the procedure for making an order for a fine and the rights of the parties affected by the procedure;		
8. Section 17 of Schedule 4 (New Home Construction Licensing Act) to the *Rebuilding Consumer Confidence Act, 2020* is repealed.		

SCHEDULE 4 **ONTARIO NEW HOME WARRANTIES PLAN ACT**		
The Schedule amends the *Ontario New Home Warranties Plan Act*.		
Proposed Changes	**Explanation of Change**	**Comments**
1. Clause 22.1 (1) (j) of the *Ontario New Home Warranties Plan Act* is repealed and the following substituted: (j) extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3); 2. Clause 23 (1) (g) of the Act is amended by striking out "22.1 (l) or (v)" and substituting "22.1 (1) (l) or (v)". Clause 23 (1) (j) of the Act is repealed and the following substituted: (j) subject to the approval of the Minister, specifying warranties under clause 13 (1) (c) and the time of expiration of those warranties;	• If approved, the changes would provide Tarion regulatory authority to extend the duration of statutory warranties for items in a new home that are not completed when the warranties for the home begin (i.e. when a home is completed for the homeowner's possession). • Tarion's authority would be subject to the Minister's approval and the Lieutenant Governor in Council (LGIC) would retain its existing authority to make these regulations. • Make other minor housekeeping amendments to correct cross references in the Warranties Act.	Staff have no concerns or objections to these changes.

Subsection 23 (1) of the Act is amended by adding the following clause: (j.1) subject to a regulation described in clause 22.1 (1) (j) and to the approval of the Minister, extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3); Clause 23 (1) (m.1) of the Act is amended by striking out "22.1 (t)" and substituting "22.1 (1) (t)"		
SCHEDULE 5 **PLANNING ACT**		
The Schedule makes various amendments to the *Planning Act*.		
Proposed Change	**Explanation of Change**	**Comments**
MCR/OPA Approvals		
1. Section 17 of the *Planning Act* is amended by adding the following subsections 17 (40.1) to (40.1.3): Notice to suspend time period (40.1) If the approval authority in respect of a plan is the Minister, the Minister may suspend the time period described in subsection (40) by giving notice of the suspension to the municipality that adopted the plan and, in the case of a plan amendment adopted in response to a request under section 22, to the person or	• New subsections 17 (40.1) to (40.1.3) provide rules respecting when the Minister as an approval authority can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan. • Provide the Minister of Municipal Affairs and Housing with new discretionary authorities when making decisions to: "stop the 120-day decision making clock" on official plans and amendments that are before the Minister for approval if more time is needed.	• If the Minister elects to suspend the 120-day timeline, this would likely result in a delay of the decision on the MCR OPA. • If the Minister elects to refer the MCR OPA to the Tribunal for a hearing, this would likely result in a significant delay of a decision. • Staff participation in any hearing (Legal, Staff and Consultants) would be significant. Costs would likely be in the $1 to $2 M dollar range.

public body that requested the amendment. Same (40.1.1) The effect of a suspension under subsection (40.1) is to suspend the time period referred to in subsection (40) until the date the Minister rescinds the notice, and the period of the suspension shall not be included for the purposes of counting the period of time described in subsection (40). Same (40.1.2) For greater certainty, the Minister may make a decision under subsection (34) in respect of a plan that is the subject of a notice provided under subsection (40.1) even if the notice has not been rescinded. Same, retroactive deemed notice (40.1.3) If a plan was received by the Minister on or before March 30, 2022, a decision respecting the plan has not been made under subsection (34) before that day and no notice of appeal in respect of the plan was filed under subsection (40) before that day, (a) the plan shall be deemed to have been received by the Minister on March 29, 2022; and (b) the Minister shall be deemed to have given	• New subsections 17 (55) to (64) provide a process for the Minister as an approval authority to refer plans to the Ontario Land Tribunal for a recommendation or a decision.	• The process would cause confusion and delay for both the resolution of the existing Elfrida appeals to the 2013 Official Plan based on the 2006 GRIDS. • This amendment may impact the timing of the Provincial decision on the forthcoming Municipal Compressive Review (MCR) Official Plan Amendment which implements Council's *No Urban Boundary Expansion* decision. • Other city initiatives already underway that implement Council's decision, such as intensification strategies, master plans and the Development Charges update may also be delayed, potentially for more than a year. • There is no regulated timeline if referred to OLT and would pose significant risk to other associated implementing initiatives. This would impact workplans and strategic initiatives/plans for work to be completed concurrently and be comprehensive of all elements.

notice under subsection (40.1) on March 30, 2022. Referral to Tribunal for recommendation (55) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer all or part of the plan to the Tribunal for a recommendation. Record to Tribunal (56) If the Minister refers all or part of a plan to the Tribunal under subsection (55) or (61), the Minister shall ensure that a record is compiled and provided to the Tribunal. Recommendation (57) If the Minister refers all or part of a plan to the Tribunal under subsection (55), the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the plan or part of the plan, make modifications and approve the plan or part of the plan as modified or refuse the plan or part of the plan and shall give reasons for the recommendation. Hearing or other proceeding by Tribunal (58) Before making a recommendation under subsection (57), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice		

of such hearing or other proceeding to, (a) the municipality that adopted the plan; and (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council. Copy of recommendation (59) A copy of the recommendation of the Tribunal shall be sent to each person who appeared before the Tribunal and to any person who in writing requests a copy of the recommendation. Decision on plan (60) After considering the recommendation of the Tribunal, the Minister may proceed to make a decision under subsection (34). Referral to Tribunal for decision (61) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer the plan to the Tribunal for a decision. Hearing by Tribunal (62) If the Minister refers a plan to the Tribunal under subsection (61), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice		

of such hearing or other proceeding to, (a) the municipality that adopted the plan; and (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council. Decision by Tribunal (63) Subsections (50) and (50.1) apply, with necessary modifications, to a referral for a decision made under subsection (61). Referral of matters in process (64) For greater certainty, a plan that was submitted to the Minister for approval prior to the day section 1 of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force may be the subject of a referral under subsection (55) or (61) if a decision respecting the plan has not yet been made under subsection (34).		
2. Section 19.1 of the Act is amended by striking out “34 to 39” and substituting “34, 35 to 39”.	• Amendment carves out the Application of proposed Community Infrastructure and Housing Accelerator (“CIHA”) tool set out under s. 34.1 in planning areas without municipal organization	
3. Subsection 21 (3) of the Act is repealed and the following substituted: Exception	• Amendment to section 21(3)(a) sets out that there is no right of appeal of a Minister’s decision on an OPA where the Minister referred the matter to the OLT for a recommendation pursuant to the proposed section 17(55).	

(3) Subsection 17 (36.5) applies to an amendment only if it is, (a) an amendment that has been the subject of a referral to the Tribunal for a recommendation pursuant to subsection 17 (55); or (b) a revision that is adopted in accordance with section 26.		
Zoning By-law Fee Refunds		
4. Clause 34 (10.3) (b) of the Act is amended by adding "or (11.0.0.0.1), as the case may be," after "subsection (11)". Section 34 of the Act is amended by adding the following subsection: (10.12) With respect to an Application received on or after the day subsection 4 (2) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the Application in accordance with the following rules: 1. If the municipality makes a decision on the Application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall not refund the fee. 2. If the municipality fails to make a decision on the Application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality	• New subsection 34 (10.12) provides rules respecting when municipalities are required to refund fees in respect of Applications under that section. • As of January 1st, 2023, timeline-based zoning bylaw amendment Application refunds would be applied if a municipality does not make a decision within the required statutory timelines. The following refund schedule is proposed: • 50% fee refund if a decision is not reached within 90 days (or 120 days with a concurrent official plan amendment Application); • 75% fee refund if a decision is not reached within 150 days (or 180 days with a concurrent official plan amendment Application); and, • 100% fee refund if a decision is not reached within 210 days (or 240 days with a concurrent official plan amendment Application).	**Deeming an Application Complete:** • To ensure that the City has all required information needed to make a timely decision, the complete Application list in the Official Plan may need to be amended to include Design Review Panel consideration and Community Information Meeting Minutes as requirements of a complete Application. • Currently attendance at DRP occurs after Application submission. • Similarly, the Community Information Meeting is currently held after Application submission. • These meeting requirements will need to be moved earlier in the process as part of complete Application to ensure that the outcomes of these meetings can be considered as part of the Application review process within the timeframe. **Impacts on Staffing**

shall refund 50 per cent of the fee. 3. If the municipality fails to make a decision on the Application within the time period that is 60 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 75 per cent of the fee. 4. If the municipality fails to make a decision on the Application within the time period that is 120 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund all of the fee.		• In order to process a Zoning By-law amendment or an Official Plan Amendment jointly with a Zoning By-law amendment, in accordance with the proposed changes to ensure 100% of the funds remain with the City, the number of Planners needed would be approximately 17. Approximately 18 additional Planners would be needed to process site plans, condominiums, subdivisions, formal consultations and part lot control Applications. • This would result in corresponding increases in staffing needs across the organization for those Divisions involved in the development approvals process. • Additional staff would likely be needed to account for additional OLT appeals and hearings. • Legal Services estimates that up to six (6) new FTEs would be required to deal with the anticipated increase in OLT appeals starting in 2023: three (3) lawyers and three (3) law clerks • Challenges in filling vacancies due to the current job market. • Not truly 90 days, still required to publish the agenda and schedule for Council. The Planning Act reflects calendar days, not working days of which there would be less days available.

		Impacts on Revenues • Potential loss of up to $5 M dollars in Application fees (combined with site plans Application fees) which would need to be absorbed by the Levy. **Other Considerations** • Work/job satisfaction would decline as the development approvals process would become more focused on timelines rather than good planning and protection of the public interest. • Reduced time for public engagement. • Limited time and opportunity to negotiate with Applicants. • Possible increase in the number of appeals to the Ontario Land Tribunal as a result of more Applications being recommended for denial in order to meet legislated timelines. • May require more front-end work on the part of Developers prior to Application submission.
New Minister's Zoning Order		
5. The Act is amended by adding the following section new subsections 37 (54) to (59): Minister's order at request of municipality Request for order	• An additional type of Minister's order is added to the Act in section 34.1. These orders are made by the Minister at the request of a municipality. This section sets out the process and rules respecting such orders. • The Minister's existing zoning order powers remain unchanged. This new process	• The Community Infrastructure and Housing Accelerator ("CIHA") tool allows municipalities to pass a resolution to request that the Minister of Municipal Affairs and Housing to expedite approvals for local priorities such as market-rate housing, non-profit housing, and long-term care facilities.

34.1 (1) The council of a municipality may pass a resolution requesting that the Minister, (a) make an order that involves the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law; or (b) amend an order made under subsection (9) of this section. No delegation (2) A council may not delegate its powers under subsection (1). Content of resolution (3) A resolution referred to in clause (1) (a) shall identify, (a) the lands to which the requested order would apply; and, (b) the manner in which the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law, would be exercised in respect to the lands. Same (4) A resolution referred to in clause (1) (b) shall identify the requested amendments to the order. Same (5) For greater certainty, the inclusion of a draft by-law with the resolution shall be deemed to satisfy the requirements of clause	formalizes requirements for the Minister to exercise this power, but the Minister still has the discretion to make zoning orders without a request from a municipality. • Creating a new tool (Community Infrastructure and Housing Accelerator – Proposed Guideline) specifically designed to accelerate planning processes for municipalities. • The Community Infrastructure and Housing Accelerator is aimed to help municipalities expedite approvals for housing and community infrastructure, like hospitals and community centres, with requirements for both consultation and public notice. • The tool could not be used in the Greenbelt, maintaining the government's commitment to protecting this valued area. • Council would be required to pass a council motion and host a public meeting to discuss the use of a CIHA for a project. • Council would then submit a request for Minister of Municipal Affairs, who could request further information from the City or issue an order, including modifying the order sought or imposing conditions. . • The Minister may require the owner of the land to which the order applies to enter into an agreement setting out the conditions of the order, and this agreement may be registered on title.	• The CIHA tool resembles Minister's Zoning Orders (MZOs), but with added public consultation requirements to ensure that residents have an opportunity to provide feedback. • Staff support tools that can assist with expediting approvals in unique situations for priority developments.

(3) (b) or subsection (4), as the case may be. Consultation (6) Before passing a resolution referred to in subsection (1), the municipality shall, (a) give notice to the public in such manner as the municipality considers appropriate; and, (b) consult with such persons, public bodies and communities as the municipality considers appropriate. Forwarding to Minister (7) Within 15 days after passing a resolution referred to in subsection (1), the municipality shall forward to the Minister, (a) a copy of the resolution; (b) a description of the consultation undertaken pursuant to clause (6) (b); (c) a description of any licences, permits, approvals, permissions or other matters that would be required before a use that would be permitted by the requested order could be established; and, (d) any prescribed information and material. Other information (8) The Minister may require the council to provide such other information or material that the Minister considers necessary. Orders	• Where an order is issued, the Minister provides a copy to the municipal clerk, who is then has 15 days to provide a copy of the order to the landowner and any other prescribed bodies, as well as make the order available to the public. • The Minister is required to have guidelines in effect for the CIHA tool to be available. Draft guidelines were released on the ERO and are open for comment until April 29, 2022.	

(9) The Minister may make an order, (a) upon receiving a request from a municipality under subsection (1), exercising the municipality's powers under section 34, or that may be exercised in a development permit by-law, in the manner requested by the municipality with such modifications as the Minister considers appropriate; and, (b) upon receiving a request from the municipality or at such other time as the Minister considers advisable, amending the order made under clause (a). Lands covered by orders (10) An order under subsection (9) shall apply to the lands requested by the municipality with such modifications as the Minister considers appropriate. Non-Application to Greenbelt Area (11) An order under subsection (9) may not be made in respect of any land in the Greenbelt Area. Non-Application to order (12) Despite any Act or regulation, the following do not apply to the making of an order under subsection (9): 1. A policy statement issued under subsection 3 (1). 2. A provincial plan.		

3. An official plan. Conditions (13) The Minister may, in an order under subsection (9), impose such conditions on the use of land or the erection, location or use of buildings or structures as in the opinion of the Minister are reasonable. Same (14) When a condition is imposed under Subsection (13), (a) the Minister or the municipality in which the land in the order is situate may require an owner of the land to which the order applies to enter into an agreement with the Minister or the municipality, as the case may be; (b) the agreement may be registered against the land to which it applies; and, (c) the Minister or the municipality, as the case may be, may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. Application of subs. (12) to licences, etc. (15) If a licence, permit, approval, permission or other matter is required before a use permitted by an order under subsection (9) may be established and the resolution referred to in subsection (1) includes a request that the Minister act under this subsection, the		

Minister may, in an order under subsection (9), provide that subsection (12) applies, with necessary modifications, to such licence, permit, approval, permission or other matter. Coming into force (16) An order made under subsection (9) comes into force in accordance with the following rules: 1. If no condition has been imposed under subsection (13), the order comes into force on the day the order is made or on such later day as is specified in the order. 2. If a condition has been imposed under subsection (13), the order comes into force on the later of, i. the day the Minister gives notice to the clerk of the municipality that the Minister is satisfied that all conditions have been or will be fulfilled, and ii. the day specified in the order. Copy of order to clerk (17) After making an order under subsection (9), the Minister shall provide a copy of the order to the clerk of the municipality in which the land in the order is situate. Same, conditions fulfilled (18) When the Minister gives notice to the clerk for the purposes of subparagraph 2 i of subsection (16), the Minister shall provide a copy of the order that does not		

include the conditions imposed under subsection (13). Same, not revocation (19) For greater certainty, the provision of a copy of the order that does not include the conditions imposed under subsection (13) is not a revocation of the order originally provided to the clerk. Publication and availability (20) The following publication rules apply with respect to an order under subsection (9): 1. Within 15 days after receiving a copy of the order pursuant to subsection (17) or (18), as the case may be, the clerk shall, i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and ii. make the order available to the public in accordance with the regulations, if any. 2. The clerk shall ensure that the order remains available to the public until such time as the order is revoked. 3. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website. Revocation order		

(21) The Minister may, by order, revoke an order under subsection (9). Copy of revocation order to clerk (22) The Minister shall provide a copy of an order under subsection (21) to the clerk of the municipality in which the land is situate. Publication of revocation order (23) The following publication rules apply with respect to an order under subsection (21): 1. Within 15 days after receiving a copy of the order pursuant to subsection (22), the clerk shall, i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and ii. make the order available to the public in accordance with the regulations, if any. 2. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website. Conflict (24) In the event of a conflict between an order under subsection (9) and a by-law under section 34 or 38 or a predecessor of those sections, the order prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect.		

Guidelines (25) Before an order may be issued under subsection (9), the Minister must establish guidelines respecting orders under subsection (9) and publish the guidelines in accordance with subsection (26). Same, publishing (26) The Minister shall publish and maintain the guidelines established under subsection (25) on a website of the Government of Ontario. Same, content (27) Guidelines under subsection (25) may be general or particular in Application and may, among other matters, restrict orders to certain geographic areas or types of development. Non-Application of *Legislation Act, 2006*, Part III (28) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order under subsection (9) or (21) or to a guideline under subsection (25). Deemed zoning by-law (29) An order under subsection (9) that has come into force is deemed to be a by-law passed under section 34 for the purposes of the following: 1. Subsections 34 (9), 41 (3) and 47 (3) of this Act. 2. Sections 46, 49, 67 and 67.1 of this Act.		

3. Subsection 114 (3) of the *City of Toronto Act, 2006*. 4. The *Building Code Act, 1992*. 5. Any other prescribed Act, regulation or provision of an Act or regulation.		
Community Benefits Charge Reporting		
6. Section 37 of the Act is amended by adding the following subsections: Regular review of by-law (54) If a community benefits charge by-law is in effect in a local municipality, the municipality shall ensure that a review of the by-law is undertaken to determine the need for a revision of the by-law. Same, consultation (55) In undertaking the review required under subsection (54), the municipality shall consult with such persons and public bodies as the municipality considers appropriate. Resolution re need for revision (56) After conducting a review under subsection (54), the council shall pass a resolution declaring whether a revision to the by-law is needed. Timing of review (57) A resolution under subsection (56) shall be passed at the following times: 1. Within five years after the by-law was first passed.	• New subsections 37 (54) to (59) require regular reviews of community benefits charge by-laws and provide rules respecting such reviews • Require municipalities with a community benefits charge (CBC) by-law to undertake and complete a review, including consulting publicly, on their by-law at least once every five years. • The proposed changes to Growth-Related Funding Tools such as the Community Benefit Charge is intended to create more transparency and certainty relating to fees or levies charged to developers, by Requiring municipalities to post annual financial reports for growth-related charges on their website. • Proposed changes are related to administrative components after a CBC By-law is passed. • Mandating a five-year review cycle of CBCs, with a requirement that councils pass a bylaw to indicate if changes are required similar to the DCs process.	• Proposed changes will have no impact to the current CBC project work being completed by staff. • The proposal is estimated to represent a minimal increase in administrative costs for municipal staff to review the by-law, including consulting with the public, and to prepare a resolution for council. • Review process does not provide a process for what needs to be done if Council decides that the CBC By-law needs revising. The proposed amendment raises the following issues/questions: ○ No timeline/deadline for any action or outcome is identified if Council passes a resolution that a revision is necessary. In other words what needs to be done and by what date? ○ New s.37(54) uses the word "revision" does that mean repeal and replace or amend the existing CBC By-law? ○ Can Council amend the CBC By-law? There is no process or content in s.37 regarding amendments to CBC By-laws.

2. If more than five years have passed since the by-law was first passed, within five years after the previous resolution was passed pursuant to subsection (56). Notice (58) Within 20 days of passing a resolution pursuant to subsection (56), the council shall give notice, on the website of the municipality, of the council's determination regarding whether a revision to the by-law is needed. Failure to pass resolution (59) If the council does not pass a resolution pursuant to subsection (56) within the relevant time period set out in subsection (57), the by-law shall be deemed to have expired on the day that is five years after the by-law was passed or five years after the previous resolution was passed pursuant to subsection (56), as the case may be.		○ Does s.37(9) apply if Council only amends CBC, in other words is a new CBC Strategy required? In the alternative can the original strategy be an updated?
Site Plan Control		
7. (1) Subsection 41 (3.1) of the Act is repealed and the following substituted: Consultation (3.1) The council may, by by-law, require Applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4). Same (3.2) Where a by-law referred to in subsection (3.1) does not apply, the municipality shall permit Applicants to consult with the	• A requirement that municipalities delegate the authority to approve site plans from Council to a designated authorized person. • Amendments would require the mandatory delegation of decisions relating to site plan control from municipal councils to planning staff for Applications received on or after July 1st, 2022. • An extension of the review period for site plan control Applications from 30 to 60 days; and,	• City of Hamilton already employs delegated authority for Site Plan Control Applications. **Deeming an Application Complete:** • Requires a review and update to the UHOP/RHOP and other terms of reference documents regarding development approvals before January 2023 to define a complete Application and areas of Application specifically for buildings less than 25 units.

municipality as described in that subsection. Prescribed information (3.3) If information or materials are prescribed for the purposes of this section, an Applicant shall provide the prescribed information and material to the municipality. Other information (3.4) A municipality may require that an Applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. Refusal and timing (3.5) Until the municipality has received the plans and drawings referred to in subsection (4), the information and material required under subsections (3.3) and (3.4), if any, and any fee under section 69, (a) the municipality may refuse to accept or further consider the Application; and (b) the time period referred to in subsection (12) of this section does not begin. Response re completeness of Application (3.6) Within 30 days after the Applicant pays any fee under section 69, the municipality shall notify the person or public body that the plans and drawings referred to in subsection (4) and the information and material required under subsections (3.3)	• Establishing complete Application requirements for site plan Applications, with options for recourse within 30 days if an Application has not been deemed "complete" by municipalities • A number of amendments are made to section 41. A number of subsections are added that set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of Applications made under this section. • New subsection (11.1) provides for rules respecting when municipalities are required to refund fees. • After municipalities have implemented the above site plan control changes, timeline-related changes would take effect to further ensure that strict approval timelines be adhered to for all site plan Applications received on or after January 1st, 2023. • Municipalities would be required to gradually refund site control Application fees if a decision has not been made on an Application within the required timelines, as outlined below: ○ 50% of the fee refunded if the plans and drawings are not approved within 60 days from the date the municipality received the complete Application and fee;	• Impacts on staffing will be across departments to review Applications to ensure complete Applications through pre consultations on transportation, engineering, waste management, storm water etc. • See Zoning Comments above regarding staffing implications. • Clarity needed around status of City's current Conditional Site Plan Approval constituting approval under these changes. • Clarity needed as to the approval timeframe for outside agencies such as Conservation Authorities and the Ministry of Environment, Conservation and Parks that clear site plan conditions and that can take several months to process and are not within municipal staff's control. • See Zoning Comments above regarding staffing implications.

and (3.4), if any, have been provided, or that they have not been provided, as the case may be. Motion re dispute (3.7) Within 30 days after a negative notice is given under subsection (3.6), the Applicant or municipality may make a motion for directions to have the Tribunal determine, (a) whether the plans and drawings and the information and material have in fact been provided; or (b) whether a requirement made under subsection (3.4) is reasonable. Same (3.8) If the municipality does not give any notice under subsection (3.6), the Applicant may make a motion under subsection (3.7) at any time after the 30-day period described in subsection (3.6) has elapsed. Final determination (3.9) The Tribunal's determination under subsection (3.7) is not subject to appeal or review. (2) Subsection 41 (4) of the Act is amended by striking out the portion before paragraph 1 and substituting the following: Approval of plans or drawings (4) No person shall undertake any development in an area designated under subsection (2) unless the authorized person	○ 75% of the fee if the plans and drawings are not approved within 90 days from the date the municipality received the complete Application and fee; and, ○ 100% of the fee if the plans and drawings are not approved within 120 days from the date the municipality received the complete Application and fee.	

referred to in subsection (4.0.1) or, where an appeal has been made under subsection (12), the Tribunal has approved one or both, as the authorized person may determine, of the following: (3) Section 41 of the Act is amended by adding the following subsection: Authorized person (4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4). (4) Subsection 41 (6) of the Act is amended by striking out "the council of". (5) Section 41 of the Act is amended by adding the following subsection: Refund (11.1) With respect to plans and drawings referred to in subsection (4) that are submitted on or after the day subsection 7 (5) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the plans and drawings in accordance with the following rules: 1. If the municipality approves the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall not refund the fee. 2. If the municipality has not approved the plans or drawings under subsection (4)		

within the time period referred to in subsection (12), the municipality shall refund 50 per cent of the fee. 3. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 30 days longer than the time period referred to in subsection (12), the municipality shall refund 75 per cent of the fee. 4. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 60 days longer than the time period referred to in subsection (12), the municipality shall refund all of the fee. (6) Subsection 41 (12) of the Act is amended by striking out "30" and substituting "60". (7) Subsection 41 (13) of the Act is repealed and the following substituted: Classes of development, delegation (13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5). (8) Section 41 of the Act is amended by adding the following subsection:		

Transition (15.1) This section as it read immediately before the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) of this section before that day. (9) Section 41 of the Act is amended by adding the following subsection: Same (15.2) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) on or after the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022.		
Alternative Parkland Dedication Rate for Transit Oriented Communities		
8. Section 42 of the Act is amended by adding the following subsections: Exception, transit-oriented community land (3.2) Subsections (3.3) and (3.4) apply to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*. Same, alternative requirement (3.3) A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,	• Amendments are made to sections 42 and 51.1 with respect to parkland requirements on land designated as transit-oriented community land under the *Transit-Oriented Communities Act, 2020*. • Implement a tiered alternative parkland dedication rate for Transit-Oriented Communities (TOCs) to provide increased certainty of parkland requirements: ○ For sites less than or equal to five hectares, parkland would be dedicated up to	• Clarity is needed in understanding the geographic radius of Transit-oriented Community Projects. Would it be the same parameters as a Protected Major Transit Station Area (PMTSA)? • Proposed changes to Growth-Related Funding Tools such as parkland dedication requirements generally intends to increase transparency by requiring annual financial reports for parkland dedication be posted on our website. • Parkland Dedication By-law 18-126 would need to be updated to implement

(a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and (b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be. Deemed amendment of by-law (3.4) If a by-law passed under this section requires a conveyance or payment in lieu that exceeds the amount permitted by subsection (3.3), the by-law is deemed to be amended to be consistent with subsection (3.3). Encumbered land, identification by Minister of Infrastructure (4.27) The Minister of Infrastructure may, by order, identify land as encumbered land for the purposes of subsection (4.28) if, (a) the land is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*; (b) the land is, i. part of a parcel of land that abuts one or more other parcels of land on a horizontal plane only, ii. subject to an easement or other restriction, or iii. encumbered by below grade infrastructure; and	10% of the land or its value o For sites greater than five hectares, parkland would be dedicated up to 15% of the land or its value • Encumbered parkland could be identified through an order by the Minister of Infrastructure and would be deemed to count towards any municipal parkland dedication requirements. This would help ensure that TOC developments can provide new homes and parkland for use by the community.	definitions for transit-oriented communities and their geographic location. In addition, the proposed tiered alternative parkland dedication rate, for Transit-Oriented Community (TOC) developments. The following alternative rate would need to be included: - Sites ≤ 5 hectares would have a parkland dedication up to 10% of the land or its value. - Sites > 5 hectares would have a parkland dedication up to 15% of the land or its value.

(c) in the opinion of the Minister of Infrastructure, the land is capable of being used for park or other public recreational purposes. Same, conveyance of described land (4.28) If land proposed for development or redevelopment includes land identified as encumbered land in an order under subsection (4.27), the encumbered land, (a) shall be conveyed to the local municipality for park or other public recreational purposes; and (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement, set out in the by-law, applicable to the development or redevelopment. Same, non-Application of *Legislation Act, 2006*, Part III (4.29) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (4.27).		
Plans of Subdivision and Retroactive Approvals		
9. (1) Section 51 of the Act is amended by adding the following subsection: Same, exception (25.1) With respect to an Application made on or after the day a regulation made pursuant to this subsection comes into force, despite subsection (25), the approval authority may not impose conditions respecting any prescribed matters.	• New rules are added to section 51 with respect to extensions of approvals by approval authorities. • A one-time discretionary authority which allows municipalities to reinstate draft plans of subdivision which have lapsed within five years without a new Application. This only applies where units have not been pre-sold. • The establishment of a regulation-making authority to	• Until the regulation is released, difficult to determine the impacts. • Does this imply that future regulations will prescribe the possible conditions purview? Currently we can impose anything we deem reasonable, is that being removed? • Can the municipality impose conditions of approval and will it be limited to that as prescribed by future regulation only?

(2) Subsection 51 (33) of the Act is repealed and the following substituted: Extension (33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1). Deemed not to have lapsed (33.1) If an approval of a plan of subdivision lapses before an extension is given, the approval authority may deem the approval not to have lapsed unless, (a) five or more years have passed since the approval lapsed; (b) the approval has previously been deemed not to have lapsed under this subsection; or, (c) an agreement had been entered into for the sale of the land by a description in accordance with the draft approved plan of subdivision. Same (33.2) Before an approval is deemed not to have lapsed under subsection (33.1), the owner of the land proposed to be subdivided shall provide the approval authority with an affidavit or sworn declaration certifying that no agreement had been entered into for the sale of any land by a description in accordance with the draft approved plan of subdivision.	determine what can and cannot be required as a condition of a draft plan of subdivision approval, with the goal of preventing scope creep. • Power given to the Minister to make regulations ○ prohibiting certain matters from being the subject of conditions of draft plan approval. ○ setting out planning matters that the Minister can require a municipality to report on, if the Minister asks for a report. ○ regarding the types of securities that can be used to secure municipal requirements as part of the approvals process.	• An administrative change to allow lapsed plans of subdivisions to be revived, one time only, where there are purchase and sale agreements, and the Application lapsed within the last 5 years. • The legislation says "MAY" so the municipality is not bound to deem the plan as not having lapsed? Can conditions be updated if we use this option? • Administratively, do we need to issue a formal letter of lapsing to cover off 33.1(b)? • Is there any appeal mechanism, if the municipality chooses not to deem it as not having lapsed?

Same, new time period (33.3) If an approval authority deems an approval not to have lapsed under subsection (33.1), the approval authority shall provide that the approval lapses at the expiration of the time period specified by the approval authority.		
Parkland		
10. Section 51.1 of the Act is amended by adding the following subsections: Conveyance of described land (2.4) If land proposed for a plan of subdivision includes land identified as encumbered land in an order under subsection 42 (4.27), the encumbered land, (a) shall be conveyed to the local municipality for park or other public recreational purposes; and (b) despite any provision in a by-law passed under section 42, shall be deemed to count towards any requirement applicable to the plan of subdivision under this section. Exception, transit-oriented community land (3.3) Subsection (3.4) applies to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*. Limits on subs. (2) re conveyance percentage (3.4) The amount of land a municipality may require to be conveyed under subsection (2) or the amount of a payment in lieu a	• the ability of the province to declare land in a transit-oriented community that has easements or below-grade infrastructure as being "encumbered", with the effect that the land must be conveyed for parkland, with full credit for parkland dedication.	• Proposed changes to Growth-Related Funding Tools such as parkland dedication requirements generally intends to increase transparency by requiring annual financial reports for parkland dedication be posted on our website.

municipality may require under subsection (3.1) shall not exceed, (a) if the land included in the plan of subdivision is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; or (b) if the land included in the plan of subdivision is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be. **11.** The Act is amended by adding the following section: Reporting on planning matters **64** A council of a municipality or planning board, as the case may be, shall, (a) if requested by the Minister, provide such information to the Minister on such planning matters as the Minister may request; and (b) report on the prescribed planning matters in accordance with the regulations. **12.** Subsection 70.1 (1) of the Act is amended by adding the following paragraphs: 26. prescribing conditions for the purposes of subsection 51 (25.1); 30.0.1 for the purposes of section 64, i. prescribing the planning matters in respect of which municipalities and planning boards must report and the information about the planning matters that must be included in a report,		

ii. identifying the persons to whom a report must be provided, iii. specifying the frequency with which reports must be produced and provided, and iv. specifying the format in which a report must be provided;		
Surety Bonds		
13. The Act is amended by adding the following section: Regulations re surety bonds and other instruments **70.3.1** (1) The Minister may make regulations, (a) prescribing and defining surety bonds and prescribing and further defining other instruments for the purposes of this section; (b) authorizing owners of land, and Applicants for approvals in respect of land use planning matters, to stipulate the specified types of surety bond or other instrument to be used to secure an obligation imposed by the municipality, if the municipality requires the obligation to be secured as a condition to an approval in connection with land use planning, and specifying any particular circumstances in which the authority can be exercised. Definition (2) In this section, "other instrument" means an instrument that secures the performance of an obligation.	• New section 70.3.1 provides the Minister with authority to make certain regulations respecting surety bonds and other instruments in connection with approvals with respect to land use planning. • Authorize owners of land and Applicants to stipulate the type of surety bonds and other prescribed instruments used to secure agreement obligations in connection with local approval of land use planning matters. • Would come into force on a date to be named by proclamation by the LGIC.	• The City of Hamilton accepts surety bonds already. Appendix "A" to Report FCS21056 provides our Surety Bond Policy and Agreement Template. • The City's subdivision agreement outlines a developer's security requirements. The words "surety bond" was inserted into Subsections a) and e) after the City's Finance Department received approval from Council in 2021 to accept surety bonds as a form of security under subdivision and other City servicing agreements. • Clarity required from Province – what type or agreements would be required to accept surety bond as well as letter of credit? • Finance staff have indicated there has been concern that developers are seeking surety bonds as a 'right' for Development Charge deferral security. • What relief will be provided to municipalities if collection risk occurs as a result? • How does the City's adopted surety bond template language compare to what the Province

		would require in the regulation? • The City has standards about what institutions are acceptable to provide a surety bond (or letter of credit) – would the regulation address what licenses, risk standards, etc. issuing institutions need to meet or would municipalities need to accept from any institution? • Vague language in legislation may be interpreted in courts in the favour of the payor – this appears to increase municipal risk / lessen ability of the municipality to set risk tolerance.

Additional Information:

- Bill 109 has passed second reading as of Monday, April 4th and has been referred to the Standing Committee in the Legislative Assembly of Ontario. **<u>The deadline for written submissions is Monday, April 11th, 2022 at 7:00 pm.</u>**
- Bill 109 - https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-109
- Blackline Version - https://www.osler.com/osler/media/Osler/Content/PDFs/Bill-109-Blackline-Planning-Act-COTA.PDF
- The refund of fees is proposed to be as follows:

	No Refund	**50% Refund**	**75% refund**	**100% Refund**
ZBA	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later
OPA/ZBA	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
SP	Decision made within 60 days	Decision made within 61 and 89 days	Decision made within 90 and 119 days	Decision made 120 days or later

- The Ministry also announced an investment of $19 million increased funding for the Ontario Land Tribunal in order to help clear out case backlogs and made the appeal process more efficient.

- Effective March 30, 2022, the Non-Resident Speculation Tax (NRST) rate was increased to 20 per cent and expanded province wide. As a result, the NRST may apply on the purchase or acquisition of an interest in residential property located anywhere in Ontario by individuals who are foreign nationals (individuals who are not Canadian citizens or permanent residents of Canada) or by foreign corporations or taxable trustees. Learn more https://www.fin.gov.on.ca/en/bulletins/nrst/index.html. The NRST applies in addition to the general Land Transfer Tax (LTT) in Ontario.

- Proposed changes to the Ontario Building Code have been included to reflect modern building practices and address challenges that slow the delivery of housing projects:
  - Allowing up to 12-storey mass timber buildings;
  - Streamlining modular multi-unit residential building approvals across the province;
  - Enabling more low-rise and infill multi-residential opportunities by exploring opportunities to allow one entrance/exit for 4-6 storey residential buildings; and,
  - Exploring options to allow residential and commercial occupancy for super-tall buildings that are still under construction.

  Hamilton Fire Department’s Comments Regarding proposed OBC Changes mentioned in the More Homes for Everyone Plan:

  - **Allowing up to 12-storey mass timber buildings;**

    Due to the significant fire load and conflagration potential of “mass timber buildings”, the following must be considered:

    - Containment - Increase building containment features to mitigate the spread of smoke and fire.
    - Suppression - Increase suppression features (sprinklers and standpipe systems) to help contain the spread of smoke and fire.
    - Fire Alarm and Detection - Increase fire alarm detection devices (smoke detectors, flame/heat detectors, etc.) to provide early/advanced detection and alerting of fire situation to building occupants.
    - Means of Egress - Increase containment requirements for required exits to allow for greater protection of occupants when evacuation of the building is necessary. Any reduction to present requirement for number of entrance/exit points would pose a risk to fire and life safety.
    - Water Supply - an adequate and sustainable water supply in accordance with current accepted standards would be necessary.

  - **Streamlining modular multi-unit residential building approvals across the province;**

    - A standardized approach would be beneficial to ensure consistency and compliance with existing Fire and Life Safety standards are established in this process. Further guidance and direction would be necessary.

- Modular multi-unit residential buildings – streamlining efforts should not undermine applicable Ontario Building Code standards, particularly regarding the containment provisions between modular units to limit and control the spread of smoke and fire.

- **Enabling more low-rise and infill multi-residential opportunities by exploring opportunities to allow one entrance/exit for 4-6 storey residential buildings; and,**

  - This represents a significant reduction to existing Fire and Life Safety standards and cannot be endorsed. Reducing the number of possible evacuation routes for building occupants poses a serious threat to life safety by extending evacuation times. It also poses a significant hazard and delay for firefighters engaging in fire suppression and rescue operations.

- **Exploring options to allow residential and commercial occupancy for super-tall buildings that are still under construction.**

  Risks due to construction and the potential for fire or other life safety hazards must be weighed against benefits of early occupancy. Specific requirements should be established to ensure the safety of occupants.

  - Construction engineers, owners/developers etc., should be required to develop standardized, comprehensive pre-occupancy plans. Plans should outline specific steps to ensure the safety of building occupants, including:

    a) Temporary entrance / exit provisions during active construction, provision of adequate water supplies on all occupied floors or parts of floors, active fire alarm alerting and fire control / sprinkler and standpipe systems on all habitable floors, separations and containment provisions in accordance with current Fire and Life Safety standards between occupied and un-occupied areas of the building.

    b) Creation, dissemination, and localization of a Fire Safety Plan prior to occupancy, including training for building maintenance and security personnel to ensure occupants are familiar with building evacuation procedures.

    c) Establishment of a Fire Access Route prior to occupancy to ensure Fire Department and Emergency Service access to the building and its life safety systems are known and accessible.

    d) Commissioning / area restriction requirements for habitable and non-habitable portions of the building respectively.