




COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	April 16, 2024
SUBJECT:	Introduction of Bill 185, <i>Cutting Red Tape to Build More Homes Act, 2024</i> (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to provide Council with an update on Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*.

On April 10, 2024, the province introduced Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. The legislation proposes to amend 15 various Acts, including the *Development Charges Act, Municipal Act* and *Planning Act*.

The Government of Ontario has requested public comments by May 10, 2024.

Summary of Proposed Changes

- **Removing Barriers for Additional Residential Units (Environmental Registry of Ontario 019-8366)**

The proposed changes allow “as-of-right” the use of up to three units per lot in existing residential areas province-wide to any parcel of land where residential uses with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands). For all other areas (outside areas that are fully serviced), the proposed framework is discretionary.

Changes were also proposed to remove certain barriers (i.e., development charges, parkland requirements, minimum unit sizes and parking requirements) to encourage the creation of more additional residential units.

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

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

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

An enhanced regulation-making authority is proposed which would provide the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting the development of Additional Residential Units to help create additional residential units, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.

Link to Environmental Registry of Ontario Posting:
[Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 \(Bill 185\): Removing Barriers for Additional Residential Units | Environmental Registry of Ontario](#)

- **Municipal Planning Data Reporting (Environmental Registry of Ontario 019-8368)**

The Ministry is proposing to expand the list of municipalities to include 21 additional municipalities with provincially assigned housing targets. If the Ministry proceeds with this amendment, the regulation will apply to 50 municipalities across Ontario.

The proposed amendments are related to the information that is reported on a quarterly and annual basis. The amendments aim to enable municipalities to report on the status of various planning applications more accurately. Additionally, proposed amendments seek information on proposed and approved housing units. The proposed amendments include a requirement to prepare a summary table, which outlines key statistics for each quarterly report and a requirement to publish this summary to their webpage and update the summary each quarter beginning October 1, 2024.

Link to Environmental Registry of Ontario Posting:
[Proposed Amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting | Environmental Registry of Ontario](#)

- **Proposed *Planning Act* and *Municipal Act* Changes (Environmental Registry of Ontario 019-8369)**

Reduce Parking Minimums

The proposal is to remove the requirement to have a minimum amount of parking spaces for developments located within Protected Major Transit Station Areas or other areas around rail and rapid bus stations that are designated for higher density (e.g., Major Transit Station Areas). The proposed change would let homebuyers decide parking spaces for new residential development near higher order transit, based on market needs.

Enhancing Framework for Additional Residential Units

The proposal is to enhance the Minister's regulation-making authority to remove zoning barriers to building small multi-unit residential to assist with creating additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.

Community Infrastructure and Housing Accelerator

Remove the Community Infrastructure and Housing Accelerator tool to avoid unnecessary duplication with a revised process for requesting and issuing minister's zoning orders. The proposal includes transition rules to permit Community Infrastructure and Housing Accelerator orders that have been made to date to continue functioning as municipal zoning by-laws. The proposal includes a revised process for how requests for zoning orders will be received and considered.

Use It or Lose It Tools

The proposal is for a new "use it or lose it" tool to enhance and expand a municipality's ability to address to support the allocation of housing-enabling infrastructure.

The proposal is to create a new municipal servicing management tool which would explicitly authorize municipalities to adopt policies by by-law to formalize how water and sewage servicing of an approved development is managed to enable servicing capacity to be allocated / reallocated to other projects if the approved development has not proceeded after a specified timeline and the servicing is needed elsewhere in the service area. This by-law would not be appealable to the Ontario Land Tribunal.

The proposal includes creating a Minister's regulation-making authority to enable the Minister to provide exemptions for individual or classes of approved developments.

The proposal is to enhance lapsing authority for approvals of draft plans of subdivision/condominiums and site plan. For subdivision / condominium approvals the proposal would require approval authorities to impose a lapsing condition. The proposal would create Minister's regulation-making authority to set timelines for lapsing provisions and establish exemptions from lapsing provisions.

For site plan control approvals, the proposal would enable a municipal "authorized person" to apply a lapsing condition when approving a new site plan

control application and create Minister's regulation-making authority to set timelines for lapsing provisions and establish exemptions from lapsing provisions.

Third Party Appeals

The proposal is to limit third-party appeals for official plans, official plan amendments, zoning by-laws, and zoning by-law amendments.

Bill 109 Fee Refund Provisions

The proposal is to remove the fee refund provisions for zoning by-law amendment and site plan control applications.

Municipal Pre-Application Process (Pre-Consultation)

The proposal is to make pre-application consultation voluntary at the discretion of the applicant and allow an applicant to challenge complete application requirements to the Ontario Land Tribunal at any time, rather than only having a time-limited window once a municipality rejects an application as not being "complete".

Settlement Area Boundary Expansions

The proposal is to allow applicants to appeal a municipality's refusal or failure to make a decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an "area of settlement" outside of the Greenbelt Area.

Facilitating Standardized Housing Designs

The proposal is to create regulation-making authority that would enable the establishment of criteria to facilitate planning approvals for standardized housing. The proposed changes would only apply on certain specified lands, of a minimum lot size, such as urban residential lands with full municipal servicing outside of the Greenbelt Area. The proposal includes the identification of elements of the *Planning Act* that could be overridden and/or certain planning barriers that could be removed if the criteria are met.

Upper-Tier Planning Responsibilities

Identifies July 1, 2024, as the effective date of the upper-tier planning changes for Peel Region, Halton Region, and York Region. The upper-tier planning changes for the remaining four municipalities (i.e., Waterloo, Durham and Niagara Regions, and Simcoe County) would come into force later, upon

proclamation. The government intends to move forward with bringing the changes into effect for the remaining upper-tier municipalities by the end of 2024.

Expedited Approval Process for Community Service Facility Projects

The proposal is to create regulation-making authority to enable a streamlined approvals pathway for prescribed class(es) of “community service facility” projects (public schools K-12, hospitals, and long-term care facilities) that support the creation of complete communities.

Exempt Universities from the *Planning Act*

The proposal is to exempt publicly assisted universities from the *Planning Act* for university-led student housing projects on and off campus.

Link to Environmental Registry of Ontario Posting:

[Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes \(Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*\) | Environmental Registry of Ontario](#)

- **Newspaper Notice Requirements and Housekeeping Changes (Environmental Registry of Ontario 019-8370)**

Notices

The proposal is to amend regulations under the *Development Charges Act*, and the *Planning Act* to enable municipalities to give notice of a proposed new/amending by-law or passage of a by-law on a municipal website, if a local newspaper is not available.

The ministry is also working to identify best practices for public engagement, including how municipalities engage culturally diverse communities through non-English and French languages.

Third-Party Appeals

The proposal is to limit appeal rights for official plans, official plan amendments, zoning by-laws and zoning by-law amendments. The proposed changes would amend provisions that require notices related to official plan and zoning by-law matters to include certain statements.

Prescribed Time Period Regarding New Evidence Introduced at an Ontario Land Tribunal Hearing

Changes are proposed that would re-establish the prescribed time for a municipality to review new evidence introduced in a hearing at the Ontario Land Tribunal. This change would enable the provisions related to sending new information and material back to a municipality, reintroduced through Bill 108 to operate effectively and expediently.

Link to Environmental Registry of Ontario Posting:

[Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 \(Bill 185\): Newspaper Notice Requirements and Consequential Housekeeping Changes | Environmental Registry of Ontario](#)

- **Changes to the *Development Charges Act* (Environmental Registry of Ontario 019-8371)**

Repeal the Mandatory Five-Year Phase-In of Development Charge Rates

The proposal is to repeal the mandatory phase-in of Development Charge rates to apply to Development Charge by-laws passed since January 1, 2022. For municipalities that passed Development Charge by-laws on or after November 28, 2022, that incorporated the phase-in of Development Charge rates, the proposal would permit them to amend their Development Charge by-laws through a time-limited streamlined process (e.g., no requirement to redo the background study).

A municipality choosing to amend its Development Charge by-laws for this purpose would have six months to pass an amending by-law. Afterwards it would still need to give notice of the Development Charge by-law amendment. Further, it would enable municipalities to continue to exercise their discretion to phase-in Development Charges.

This proposal would not impact those developments where planning applications have been submitted and the Development Charge rates have been frozen (i.e., locked).

Reinstate Studies as an Eligible Capital Cost for Development Charges

The *More Homes Built Faster Act, 2022* removed the cost of studies as an eligible capital cost that municipalities could recover through Development Charges and as part of its transition rules, it enabled municipalities to continue to collect Development Charges to recover the cost of studies until they passed a

new Development Charge by-law. The proposal is that the cost of studies be reinstated as an eligible Development Charge capital cost to enable municipalities to fund these costs to plan for growth.

For Development Charge by-laws passed on and after November 28, 2022, this proposal would permit municipalities to reinstate the cost of studies as part of their Development Charge rates through a time-limited streamlined process. This would be the same process, outlined above, for by-law amendments to eliminate the mandatory phase-in of its Development Charge rates.

Streamlined Process for Extending Development Charge By-Laws

The *More Homes Built Faster Act, 2022* amended the requirement to update and replace a Development Charge by-law from at least once every five years to at least once every 10 years. The proposal is that municipalities could extend their existing Development Charge by-laws using a streamlined process without having to prepare a new background study and undertake most of the procedural requirements associated with passing a new or amended Development Charge by-law, but not change the Development Charge rates. Municipalities seeking to update Development Charge rates would be subject to the regular Development Charge by-law process.

Reduce the Time Limit on the Development Charge Freeze

Through the *More Homes, More Choice Act, 2019*, Development Charges were set when a site plan application (or zoning application if no site plan application was made) is submitted to the municipality. Once the application is approved, a time limit of two years applies to the frozen Development Charges. The proposal is to reduce the timeframe of the Development Charge freeze period from two years to 18 months to encourage developers to obtain a building permit more quickly.

Link to Environmental Registry of Ontario Posting:

[Changes to the Development Charges Act, 1997 to Enhance Municipalities' Ability to Invest in Housing-Enabling Infrastructure | Environmental Registry of Ontario](#)

- **Proposed Provincial Planning Statement (Environmental Registry of Ontario 019-8462)**

The province is proposing new and updated policies for comment based on feedback received during the previous consultation on the proposed Provincial Planning Statement.

The updated proposed Provincial Planning Statement consists of policies grouped under the general headings of:

- Generate increased housing supply.
- Make land available for development.
- Provide infrastructure to support development.
- Balance housing with resources.

Should the province adopt the policies, the province would consequentially revoke the Provincial Policy Statement and A Place to Grow, as well as amend regulations under the *Places to Grow Act, 2005*. The province is also proposing a consequential administrative amendment to the Greenbelt Plan so that that policies in the current Greenbelt Plan are maintained should the Provincial Policy Statement, 2020 and A Place to Grow be revoked.

Link to Environmental Registry of Ontario Posting:

[Review of proposed policies for a new provincial planning policy instrument. | Environmental Registry of Ontario](#)

Next Steps

As identified on its Environmental Registry of Ontario website, the province is only providing a 30-day commenting period, from April 10, 2024, to May 10, 2024.

To provide a comprehensive response to the Province, the Planning Division will be consulting with other City Departments to coordinate the City's comments on the legislative changes proposed through the Bill. The comments will be submitted to the Province prior to May 10, 2024. Staff will prepare a report to Planning Committee providing a detailed analysis and comments provided to the province on the applicable proposed changes.

As Bill 185 impacts 15 diverse Provincial Acts, City Departments may be providing separate updates to Council discussing potential implications of the legislation as it relates to their respective departments.

If you require any further information on the above matter, please Anita Fabac, Acting Director of Planning and Chief Planner by email at Anita.Fabac@hamilton.ca or by phone at (905) 546-2424 Ext. 1258.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.