

Proposed Planning Act Changes (the proposed More Homes for Everyone Act, 2022)

ERQ.(Environmental Registry of Ontario) number	019-5284
Notice type	Act
Act	Planning Act, R.S.O. 1990
Posted by	Ministry of Municipal Affairs and Housing
Notice stage	Proposal
Proposal posted	March 30, 2022
Comment period	March 30, 2022 - April 29, 2022 (30 days) Open
Last updated	March 30, 2022

This consultation closes at

11:59 p.m. on:

April 29, 2022

Proposal summary

The government is proposing changes to the Planning Act to make it easier and faster to build all types of homes for Ontarians as part of the More Homes for Everyone Plan.

Proposal details

Ontario is the best place to live, start a business and raise a family – but we can only build on our success if all Ontarians and their families are able to find a home that’s right for them. The province’s housing policies are working to get more homes built faster, but too many Ontarians still struggle to find a home. We are introducing **More Homes for Everyone**, that proposes targeted policies for the immediate term that make housing fairer for hard-working Ontarians and make it faster to build the homes that families need and deserve.

Addressing the housing supply crisis is a long-term strategy that requires long-term commitment and co-ordination from all levels of government.

The Task Force report is our long-term housing roadmap. Similar to Ontario's approach with regular Red Tape Reduction bills, the province is committed to implementing the Task Force's recommendations with a housing supply action plan every year over four years, starting in 2022-2023, with policies and tools that support multi-generational homes and missing middle housing.

We welcome your thoughts on the following changes proposed under Bill 109, the proposed More Homes for Everyone Act, 2022, which, if passed, would help make housing fairer for hard-working Ontarians and make it faster to build the homes that families need and deserve.

Proposed Planning Act Amendments

Schedule 5 of the Bill proposes amendments to the Planning Act.

The proposed amendments, if passed, would, among other matters, support:

- **Building homes faster by expediting approvals including:**
- Making changes to zoning which would:
 - Require municipalities to partially refund application fees to applicants who do not receive a decision on their zoning by-law amendment applications within 90 days (or 120 days if submitted concurrently with an official plan amendment application) and on a graduated basis thereafter for applications made on or after January 1, 2023, and
 - Establish a new Community Infrastructure and Housing Accelerator (CIHA) tool for municipal requests to expedite zoning outside of the Greenbelt area.
 - The Minister shall also issue guidelines governing the scope of how this authority may be used, and the guidelines would need to be in place before an order could be made.
- Streamlining development approvals processes and facilitate faster decisions by:
 - Requiring decisions on site plan applications to be delegated to staff for applications made on or after July 1, 2022

- Extending site plan application review from 30 to 60 days
 - Establishing regulation-making authority to prescribe complete application requirements for site plan applications
 - Requiring municipalities to partially refund site plan application fees to applicants who do not receive a decision within the 60-day timeframe and on a graduated basis thereafter for applications made on or after January 1, 2023
 - Establishing regulation-making authority to prescribe what cannot be required as a condition of subdivision approval
 - Establishing a one-time discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years, subject to consumer protection provisions.
- **Providing increased certainty of parkland requirements for Transit-Oriented Communities (TOCs) by:**
 - Implementing a tiered alternative parkland dedication rate for municipal parkland dedicated by TOC developments.
 - This would ensure that land continues to be made available for parks for TOC developments, while providing greater certainty of development costs on these particular sites.
 - The structure of the tiered alternative parkland dedication rate would be based on a percentage of the development land or its value:
 - For sites less than or equal to five hectares, parkland would be dedicated up to 10% of the land or its value; and,
 - For sites greater than five hectares, parkland would be dedicated up to 15% of the land or its value.
 - Transit-oriented community lands subject to the proposed tiered alternative parkland dedication rates would be identified pursuant to subsection 2 (1) of the Transit-Oriented Communities Act, 2020.
 - Ministerial authority would also be provided to the Minister of Infrastructure to identify encumbered land (e.g., land with underground transit tunnels or other infrastructure) at TOC development sites that would be conveyed to a municipality as parkland. Encumbered parkland would 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.

- **Provide increased certainty of development costs by:**
 - Providing the Minister of Municipal Affairs and Housing with regulation-making authority to authorize landowners and applicants to stipulate the type of surety bonds and other prescribed instruments to be used to secure obligations in connection with land use planning approvals.

Other proposed changes would increase transparency in the planning process and support dispute resolution by:

- Establishing regulation-making authority to require public reporting on development applications / approvals.
- Requiring 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 after the by-law is passed, and every five years thereafter.
- Providing the Minister with new discretionary authorities when making decisions to:
 - “Stop the clock” if more time is needed to decide on all official plan matters that are subject to Minister’s approval (with transition for matters that are currently before the Minister),
 - Refer all or part(s) of an official plan matter to the Ontario Land Tribunal for a recommendation, and
 - Forward all of an official plan matter to the Ontario Land Tribunal to make a decision.

Schedule 1 of Bill 109 would also make consequential amendments to the City of Toronto Act, 2006.

Protecting the Greenbelt remains a key priority, and the government has recently launched the next phase in its **consultation on Growing the Greenbelt** (<https://ero.ontario.ca/notice/019-4485>). These proposed changes would not impact the Greenbelt.

These proposed changes build on improvements that have already been made through More Homes, More Choice: Ontario’s Housing Supply Action Plan, including recent changes to the Planning Act that:

- reduced planning timelines
- limited appeals for certain matters
- enabled the Minister of Municipal Affairs and Housing to require the use of the community planning permit system, and
- broadened the Ontario Land Tribunal's jurisdiction over major land use planning matters.

The proposed legislation provides more detail on all the proposed reforms and can be viewed on the website identified below.

Supporting materials

Related links

[Bill 109, More Homes for Everyone Act, 2022](https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-109)

(<https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-109>)

[More Homes for Everyone](https://www.ontario.ca/page/more-homes-everyone) (<https://www.ontario.ca/page/more-homes-everyone>)

[Planning Act](https://www.ontario.ca/laws/statute/90p13) (<https://www.ontario.ca/laws/statute/90p13>)

[City of Toronto Act, 2006](https://www.ontario.ca/laws/statute/06c11)

(<https://www.ontario.ca/laws/statute/06c11>)

[Ontario Housing Affordability Task Force Report](https://www.ontario.ca/page/housing-affordability-task-force-report)

(<https://www.ontario.ca/page/housing-affordability-task-force-report>)

[Housing Supply Action Plan](https://www.ontario.ca/page/more-homes-more-choice-ontarios-housing-supply-action-plan) (<https://www.ontario.ca/page/more-homes-more-choice-ontarios-housing-supply-action-plan>)

[Proposed Planning Act changes \(the proposed More Homes for Everyone Act, 2022\)](https://www.ontariocanada.com/registry/view.do?postingId=41487&language=en)

(<https://www.ontariocanada.com/registry/view.do?postingId=41487&language=en>)

Proposed Development Charges Act changes (the proposed More Homes for Everyone ...

(<https://www.ontariocanada.com/registry/view.do?postingId=41488&language=en>)

Proposed amendments to O. Reg. 82/98 under the Development Charges Act, 1997 in...

(<https://www.ontariocanada.com/registry/view.do?postingId=41489&language=en>)

Proposed amendments to O. Reg. 509/20 under the Planning Act in support of the ...

(<https://www.ontariocanada.com/registry/view.do?postingId=41450&language=en>)

Seeking Feedback on Access to Provincial Financing for Not-for-Profit Housing P...

(<https://www.ontariocanada.com/registry/view.do?postingId=41451&language=en>)

Amendments to the New Home Construction Licensing Act, 2017 to protect purchase...

(https://www.ontariocanada.com/registry/view_posting.jsp;jsessionid=nS-ds3G4hWAbk3oyQ2RDd9o?postingId=41507&language=en)

Amendments to the Ontario New Home Warranties Plan Act

(<https://www.ontariocanada.com/registry/view.do?postingId=41508&language=en>)

Proposed regulations to better inform and protect purchasers of condominium hom...

(<https://www.ontariocanada.com/registry/view.do?postingId=40967&language=en>)

Related ERO (Environmental Registry of Ontario) notices

[Community Infrastructure and Housing Accelerator – Proposed Guideline \(/notice/019-5285\)](/notice/019-5285)

[Seeking Feedback on Housing Needs in Rural and Northern Municipalities \(/notice/019-5287\)](/notice/019-5287)

View materials in person

Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the [ERO \(Environmental Registry of Ontario\)](#) number for this notice in your email or letter to the contact.

[Read our commenting and privacy policies. \(/page/commenting-privacy\)](/page/commenting-privacy)

Submit by mail

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Regulation Number(s): N/A

Instrument Type: Act

Bill or Act: Planning Act

Summary of Proposal: We are introducing More Homes for Everyone, that proposes targeted policies for the immediate term that make housing fairer for hard-working Ontarians and make it faster to build the homes that families need and deserve.

As part of More Homes for Everyone, Schedule 5 of Bill 109 proposes to make changes to the Planning Act.

The proposed amendments, if passed, would, among other matters:

- Require municipalities to gradually refund application fees to applicants who do not receive a decision on their zoning by-law amendment applications or site plan applications within the legislated timelines. This would apply to applications made on or after January 1, 2023
- Establish a new Community Infrastructure and Housing Accelerator (CIHA) tool for municipal requests to expedite zoning outside of the Greenbelt area
- The Minister shall issue guidelines governing the scope of how this authority may be used, and the guidelines would need to be in place before an order could be made
- Require decisions on site plan applications to be delegated to staff for applications made on or after July 1, 2022
- Extend site plan application review from 30 to 60 days
- Establish regulation-making authority to prescribe complete application requirements for site plan applications
- Establish regulation-making authority to prescribe what cannot be required as a condition of subdivision approval
- Establish a one-time discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years, subject to consumer protection provisions
- Establish regulation-making authority to require public reporting on development applications / approvals
- 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
- Provide the Minister of Municipal Affairs and Housing with new discretionary authorities when making decisions to:
 - "Stop the clock" if more time is needed to decide on all official plan matters subject to Minister's approval (with transition for matters that are currently before the Minister),
 - Refer all or part(s) of an official plan matter to the Ontario Land Tribunal for a recommendation, and
 - Forward all of an official plan matter to the Ontario Land Tribunal to make a decision
- Establish regulation-making authority to authorize landowners and applicants to stipulate the type of surety bonds and other prescribed instruments to be used to secure obligations in connection with land use planning approvals
- 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

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up to 10% of the land or its value

-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

Schedule 1 of Bill 109 would also make consequential amendments to the City of Toronto Act, 2006.

Analysis of Regulatory Impact:

Changes to the Land Use Planning System:

-Proposed changes to the land use planning system would directly impact all 444 municipalities in Ontario.

-Municipalities would bear one-time upfront costs associated with learning the changes and updating their internal practices and procedures. They would also bear additional ongoing costs associated with additional workload and potential revenue losses (fee refunds) if decisions are not made within legislated timelines.

-Municipal staff would need to learn the changes, update processes and procedures, and potentially hire more staff to help process more applications faster.

-The average annual present value cost for all municipalities is estimated to be approximately \$344,900 (or \$776 each).

Potential Benefits

-The changes would primarily benefit businesses by expediting development approval processes, increasing certainty, removing barriers, and enabling more timely decisions.

CBC By-Law 5-Year Review

-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.

-At this time, total impacts cannot be assessed as it is not known how many municipalities will implement CBC by-laws.

Potential Benefits:

-This change would increase transparency and ensure that the CBC levied accurately reflects changing growth-related infrastructure costs of the municipality.

Tiered Alternative Parkland Dedication Rate:

-The impact would be limited to municipalities with Transit-Oriented Community developments and the compliance costs are anticipated to be minimal.

Potential Benefits

-This change would provide greater certainty of development costs for homebuilders and ensure that parks are created for Transit-Oriented Communities.

Regulation-Making Authority to Support the Use of Surety Bonds:

-There are no anticipated direct compliance costs associated with this proposal as implementation would be dependent on a potential future regulation.

Potential Benefits

-The increased use of surety bonds to secure development-related obligations in connection with land use planning matters could free up resources which developers could use to invest in more housing projects.

Further Information:

-  [Planning Act](#)
-  [City of Toronto Act, 2006](#)
-  [Bill 109, More Homes for Everyone Act, 2022](#)
-  [Proposed Planning Act Changes \(the proposed More Homes for Everyone Act, 2022\)](#)
-  [Community Infrastructure and Housing Accelerator – Proposed Guideline](#)

Proposal Number: 22-MMAH006

Posting Date: March 30, 2022

Comments Due Date: April 29, 2022

Contact Address: PlanningConsultation@ontario.ca

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