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Bradford West Gwillimbury
A Growing Tradition

Town of Bradford West Gwillimbury
100 Dissette St., Unit 7&8
P.O. Box 100, Bradford, Ontario, L3Z 2A7
Telephone: 905-775-5366
Fax: 905-775-0153
www.townofbwg.com

January 25, 2023 VIA EMAIL

Hon. Chrystia Freeland, PC, MP
Ministry of Finance
90 Elgin Street
Ottawa, Ontario K1A 0G5

Dear Deputy Prime Minister,

Re: Lake Simcoe – Freshwater Actin Plan – Federal Funding Motion

At its Regular Meeting of Council held on Tuesday, January 17, 2023, the Town of Bradford West Gwillimbury Council approved the following resolution:

Resolution 2022-10
Moved by: Scott
Seconded by: Ferragine

Whereas Lake Simcoe is one of Ontario's largest watersheds, home to First Nations since time immemorial, and situated in the growing Greater Toronto Area communities of Simcoe County, York Region, Durham Region, and the cities of Barrie and Orillia; and

Whereas the watershed faces threats due to eutrophication, largely from phosphorus runoff and other contaminants into the lake and its tributaries; and

Whereas the lake is a significant source of drinking water, as well as being integral for local recreation, tourism, agriculture and other key economic drivers; and

Whereas the previous Conservative federal government funded a "Lake Simcoe Clean-Up Fund" of $65 million over 10 years between 2007-2017, but that fund has not been renewed by the current government; and

Whereas during the 2019 federal election, the Hon. Chrystia Freeland MP committed $40 million over 5 years towards Lake Simcoe; and

Whereas during the 2021 federal election, the Liberal Party of Canada committed to "Implement a strengthened Freshwater Action Plan, including an historic investment of $1 billion over 10 years. This plan will provide essential funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe…"; and

Whereas the Conservative Party of Canada also committed to re-funding the Lake Simcoe Clean-Up Fund in the 2019 and 2021 general elections with an investment of $30 million over five years; and

Whereas further to the Minister of the Environment and Climate Change's mandate letter, which directs the Minister to "…establish a Canada Water Agency and implement a strengthened Freshwater Action Plan, including a historic investment to provide funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe…"; and

Whereas the 2022 federal budget included a new "Freshwater Action Fund" with a one-year commitment of $19.6 million to help watersheds across the country, including Lake Simcoe, but any details and next steps are still to be announced; and

Be it resolved, therefore, that the Town of Bradford West Gwillimbury:

A. Supports federal funding for Lake Simcoe that represents a significant percentage of the overall Freshwater Action Plan Fund, with funding and details beginning in the 2023 that would honour Minister Freeland's commitment to Lake Simcoe of $40 million over 5 years;
B. Asks that such federal funding be used to undertake:
    - Shoreline mitigation and restoration, including in the tributaries of the Holland River, Maskinonge River and Black River, and the Holland Marsh,
    - Planting of 250,000 trees in the watershed,
    - Projects to ameliorate contaminated sites in the watershed,
    - Upgrades to help retrofit and improve the environmental efficiency of municipal infrastructure such as wastewater and stormwater facilities,
    - Purchasing and conservation of more natural heritage sites such as forests and wetlands under the auspices of the Lake Simcoe Region Conservation Authority (LSRCA); and
C. That a copy of this resolution, along with a letter from the Mayor, be sent to the federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York—Simcoe, Newmarket—Aurora, Barrie—Springwater—Oro-Medonte, Barrie—Innisfil, Simcoe North, Haliburton—Kawartha Lakes—Brock, and Durham; and to all Lake Simcoe-region municipalities and the LSRCA, with a request for their endorsement."

CARRIED.

Thank you for your consideration of this request.

Regards,

Tara Reynolds
Deputy Clerk, Town of Bradford West Gwillimbury
(905) 775-5366 Ext 1104
treynolds@townofbwg.com

CC: Hon. Steven Guilbeault PC MP, Minister of the Environment and Climate Change
Hon. Mona Fortier PC MP, President of the Treasury Board
Scot Davidson, MP York—Simcoe
Tony Van Bynen, MP Newmarket—Aurora
Doug Shipley, MP Barrie—Springwater—Oro-Medonte
John Brassard, MP Barrie—Innisfil
Adam Chambers, MP Simcoe North
Jamie Schmale, MP Haliburton—Kawartha Lakes—Brock
Erin O'Toole, MP Durham
Lake Simcoe Region Municipalities
LSRCA

Bradford West Gwillimbury
A Growing Tradition

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100 Dissette St., Unit 4
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January 25, 2023 VIA EMAIL

Hon. Chrystia Freeland PC MP
Ministry of Finance
90 Elgin Street
Ottawa, Ontario K1A 0G5

Dear Deputy Prime Minister,

I am writing to you today to make a pre-budget submission in accordance with a motion presented by my colleagues Councillor Jonathan Scott and Councillor Peter Ferragine, and passed unanimously by our Town Council asking that the federal government fulfil bipartisan commitments towards creating a Lake Simcoe Restoration Fund in the upcoming federal budget.

The motion is enclosed for your reference.

As you know, both local Liberal and Conservative MPs ran on the promise of restoring and exceeding funding that used to exist to help protect Lake Simcoe under the auspices of the Lake Simcoe Clean-up Fund. You yourself made such a commitment of a $40-million fund during the 2019 election in Barrie. The commitment to a billion-dollar Freshwater Action Fund, which would include funding for Lake Simcoe, is in the Hon. Steven Guibeault's mandate letter as Minister of the Environment and Climate Change.

The 2022 federal budget did include a new "Fresh Water Action Fund" of roughly $20 million, but no further details have yet been announced. We ask that funding greater than previous commitments be invested to protect the Lake Simcoe watershed in this year's budget. Such funding should be over and above previous commitments given that funding for the Lake has been in hiatus since the previous fund expired in 2017, and due to inflationary pressures. As the motion outlines, such funding could be used for land conservation, shoreline restoration, cleaning up contaminated sites, reducing discharges from existing wastewater treatment plants, and other tangible means to restore the health of the watershed.

Our region, and Bradford West Gwillimbury in particular, is growing, and so we need to take environmental mitigation and restoration efforts seriously, alongside a federal partner.

I understand this motion is being considered by other municipalities across our region, demonstrating, I believe, the great unity in our area for federal action to protect Lake Simcoe.

Thank you for considering this request.

Sincerely yours,

James Leduc
Mayor
Town of Bradford West Gwillimbury

CC: Hon. Steven Guilbeault PC MP, Minister of the Environment and Climate Change
Hon. Mona Fortier PC MP, President of the Treasury Board
Scot Davidson, MP York—Simcoe
Tony Van Bynen, MP Newmarket—Aurora
Doug Shipley, MP Barrie—Springwater—Oro-Medonte
John Brassard, MP Barrie—Innisfil
Adam Chambers, MP Simcoe North
Jamie Schmale, MP Haliburton—Kawartha Lakes—Brock
Erin O'Toole, MP Durham
Lake Simcoe Region Municipalities
LSRCA

TOWN OF HALTON HILLS
Working Together Working for You!

1 Halton Hills Drive, Halton Hills, L7G 5G2
905-873-2600 | 1-877-712-2205
haltonhills.ca

January 26, 2023

Honourable Doug Ford, Premier of Ontario
Via Email

Re: Repeal Bill 23 – The Build More Homes Faster Act

Please be advised that Council for the Town of Halton Hills at its meeting of Monday, January 23, 2023, adopted the following Resolution:

WHEREAS Bill 23, the Build More Homes Faster Act was introduced on October 25th, the day after Municipal elections in Ontario at a time when councils were in a transition period and unable to respond to the legislation prior to passage of the legislation;

AND WHEREAS the Association of Municipalities (AMO) was not given an opportunity to present its concerns with Bill 23 to the Standing Committee on Heritage, Infrastructure and Cultural Policy further eroding the municipal/provincial relationships;

AND WHEREAS the loss of revenue to the Town of Halton Hills as a result of Bill 23 is estimated at $58 -$87 million over 10 year which, without provincial compensation, will severely impact the provision of municipal services including transportation, parks and recreation facilities;

AND WHEREAS the elimination of the Regional role in approval of official plans creates uncertainty around the planning for regional services to support the growth aspirations of the local municipalities;

AND WHEREAS the role of Conservation Authorities has been limited to natural hazards only, thereby precluding a broader role in providing expert advice and services to municipalities on natural heritage matters as part of the planning process;

AND WHEREAS AMO's evaluation concluded that there is no confidence that the measures in Bill 23 will do anything to improve the affordability of housing.

NOW THEREFORE BE IT RESOLVED THAT the Town of Halton Hills urges the Provincial Government to repeal Bill 23;

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, Steve Clark, Minister of Municipal Affairs and Housing, Provincial opposition parties, Ted Arnott MPP, and AMO.

(Appendix A – Town of Halton Hills Report No. PD-2022-0050)

(Appendix B – List of references)

Attached for your information is a copy of Resolution No. 2023-0007.

If you have any questions, please contact Valerie Petryniak, Town Clerk for the Town of Halton Hills at valeriep@haltonhills.ca.

Sincerely,

Melissa Lawr
Deputy Clerk – Legislation

cc. The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Ted Arnott Speaker of the Ontario Legislature and MPP, Wellington-Halton Hills
John Fraser, Leader of the Ontario Liberal Party and MPP, Ottawa South
Peter Tabuns, Leader of the New Democratic Party of Ontario and MPP, Toronto Danforth
Mike Schreiner, Leader of the Ontario Green Party and MMP, Guelph
Association of Municipalities of Ontario (AMO)
All 444 Municipalities of Ontario

TOWN OF
HALTON HILLS

THE CORPORATION
OF
THE TOWN OF HALTON HILLS

Resolution No.: 2023-0007

Title: **Bill 23 – The Build More Homes Faster Act**

Date: January 23, 2023

Moved by: **Councillor J. Fogal**

Seconded by: **Councillor C. Garneau**

Item No. 13.1

WHEREAS Bill 23, the Build More Homes Faster Act was introduced on October 25th, the day after Municipal elections in Ontario at a time when councils were in a transition period and unable to respond to the legislation prior to passage of the legislation;

AND WHEREAS the Association of Municipalities (AMO) was not given an opportunity to present its concerns with Bill 23 to the Standing Committee on Heritage, Infrastructure and Cultural Policy further eroding the municipal/provincial relationships;

AND WHEREAS the loss of revenue to the Town of Halton Hills as a result of Bill 23 is estimated at $58 -$87 million over 10 year which, without provincial compensation, will severely impact the provision of municipal services including transportation, parks and recreation facilities;

AND WHEREAS the elimination of the Regional role in approval of official plans creates uncertainty around the planning for regional services to support the growth aspirations of the local municipalities;

AND WHEREAS the role of Conservation Authorities has been limited to natural hazards only, thereby precluding a broader role in providing expert advice and services to municipalities on natural heritage matters as part of the planning process;

AND WHEREAS AMO's evaluation concluded that there is no confidence that the measures in Bill 23 will do anything to improve the affordability of housing.

NOW THEREFORE BE IT RESOLVED THAT the Town of Halton Hills urges the Provincial Government to repeal Bill 23;

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, Steve Clark, Minister of Municipal Affairs and Housing, Provincial opposition parties, Ted Arnott MPP, and AMO.

(Appendix A – Town of Halton Hills Report No. PD-2022-0050)
(Appendix B – List of references)

Mayor Ann Lawlor

TOWN OF HALTON HILLS
Working Together Working for You!

REPORT

TO:	Mayor Lawlor and Members of Council
FROM:	Bronwyn Parker, Director of Planning Policy
DATE:	December 7, 2022
REPORT NO.:	PD-2022-0050
SUBJECT:	Bill 23 – More Homes Built Faster Act

RECOMMENDATION:

THAT Report No. PD-2022-0050 dated December 7, 2022 regarding Bill 23 – the More Homes Built Faster Act, be received;

AND FURTHER THAT staff continue to assess the implications of Bill 23, the More Homes Built Faster Act and provide further update reports to Council as may be appropriate;

AND FURTHER THAT the Province be requested to provide supplemental funding to offset the reductions in Development Charges and cash-in-lieu of parkland accruing to the Town as a result of Bill 23, the More Homes Built Faster Act;

AND FURTHER THAT the Town Clerk forward a copy of Report PD-2022-0050 to the Minister of Municipal Affairs and Housing, the Minister of Tourism, Culture and Sport, the Minister of the Environment, Conservation and Parks, and the Minister of Finance; Halton Area MPPs; the Region of Halton; the City of Burlington; the Town of Milton and the Town of Oakville for their information.

KEY POINTS:

The following are key points for consideration with respect to this report:

- Bill 23, the *More Homes Built Faster Act, 2022* was introduced into the legislature on October 25, 2022.
- The goal of Bill 23 is the creation of an additional 1.5 million new homes in Ontario over the next ten years.

- There are 10 Schedules to Bill 23, (9 of which are applicable in Halton) proposing sweeping changes to various pieces of legislation including but not limited to, the *Planning Act*, *Development Charges Act*, *Conservation Authorities Act* and *Ontario Heritage Act*.
- The opportunity to provide public feedback was offered via postings on the Environmental Registry of Ontario (ERO), with comment deadlines ranging from 30 – 66 days. Comments were provided on a number of the postings in accordance with the established deadlines. Key concerns raised are highlighted in the report, with more detailed comments included as Appendix 2.
- Bill 23 received Royal Assent on November 28, 2022. Most of the Bill is in force as of that date. This report provides an overview of Bill 23 in its final form.

BACKGROUND AND DISCUSSION:

The Ministry of Municipal Affairs and Housing (the Ministry) has committed to a goal of 1.5 million new homes being constructed over the next 10 years, with the More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023 as the key driver behind the delivery of these housing units. The Housing Supply Action Plan (HSAP) suggests that the housing supply shortage can be addressed by "…reducing government fees and fixing development approval delays that slow housing construction and increase costs".

In order to achieve the Province's overarching objectives, Bill 23, the *More Homes Built Faster Act, 2022* was introduced into the Ontario Legislature on October 25, 2022. Bill 23 consists of ten schedules that entail sweeping changes to the various pieces of legislation including but not limited to the *Planning Act*, *Development Charges Act*, *Ontario Land Tribunal Act*, *Conservation Authorities Act* and the *Ontario Heritage Act*. A series of postings on the Environmental Registry with varying commenting deadlines were also introduced at the same time.

Bill 23 is the third piece of legislation prepared by the Province over the last four years that entails significant changes to the land use planning system in Ontario. In 2019, Royal Assent was given to the *More Homes, More Choice Act* (Bill 108). In 2022, the *More Homes for Everyone Act* (Bill 109) received Royal Assent. Bill 109 was discussed in report PD-2022-0031 and is further considered via report PD-2022-0049, which is included on this Council agenda.

At the November 7, 2022, meeting, Council passed a resolution expressing a number of initial concerns with Bill 23. Among other matters, the resolution requested that the Province extend the commenting deadlines from 30 and 31-day postings to 66-day postings, which would mirror some of the ERO postings released on October 25, 2022. While the Province did extend some of the postings to 45-day postings, they did not provide the full 66-day review period Council had requested. A copy of the Council resolution is attached to this report as Appendix 3 for reference purposes.

Bill 23 received Royal Assent on November 28, 2022. Most of the Bill is in force as of that date. The purpose of this report is to summarize Bill 23 in its final form. The report will also touch on some of the key concerns with Bill 23 that were identified by staff.

Bill 23

As identified earlier in this report, Bill 23 was introduced and received First Reading on October 25, 2022. It moved to Second Reading on October 31, 2022 and was ordered referred to the Standing Committee on Heritage, Infrastructure and Cultural Policy at that time. After presentations to the Standing Committee, much discussion and debate, a slightly amended version of Bill 23 passed Third Reading and received Royal Assent on November 28, 2022.

There are ten key elements of the approved Bill 23 that this report will focus on. These include:

1. The role of Halton Region in the local planning approval process
2. The role of the Conservation Authorities
3. Three residential unit permissions
4. Required zoning by-law amendments regarding MTSAs
5. Public meetings for draft plan of subdivision applications
6. Changes to site plan control for up to ten units
7. Removal of 2-year prohibitions on amendments for specified applications
8. Restrictions on third-party appeals for minor variance and consent
9. Changes to the *Ontario Heritage Act*
10. Parkland dedication calculation rate changes
11. Development Charge exemptions

1. The role of Halton Region in the local planning approval process

One of the most significant changes as a result of Bill 23 is the pending removal of approval authority from the Region of Halton as it relates to local planning matters. Halton, along with a handful of other GGH upper-tier municipalities including Peel, Durham, York, Niagara, Waterloo and the County of Simcoe, will become "an upper-tier municipality without planning responsibilities". At a date yet to be determined, the Minister of Municipal Affairs and Housing will take over the approval role for local Official Plans and amendments thereto including Secondary Plans.

Based on the foregoing, it is staff's understanding that local municipalities such as Halton Hills would inherit the applicable components of the Regional Official Plan within our jurisdiction. These components would be used as a basis to complete further updates to the Town's Official Plan. Municipalities await the release of regulations and applicable transition policies clarifying these various pieces, which are yet to be announced by the province.

2. The role of the Conservation Authorities

As of January 1, 2023, Conservation Authorities will no longer be permitted to comment on any aspects of the planning approval process including development applications and supporting studies, other than those matters dealing with natural hazards and

flooding. They will also no longer be able to require certain components of the planning process (such as watershed planning; wetland evaluations; or elements related to ecology and biodiversity during Scoped Subwatershed Studies, SISs, EAs, etc.) to be completed to their satisfaction/approval.

In addition, a single regulation has been proposed for all 36 Conservation Authorities in Ontario, rather than having separate regulations pertain to each Authority. This regulation has not yet been prepared or released for comment and the date upon which it would come into effect remains to be determined.

Another significant change as a result of Bill 23 is that any development that has been approved through an application under the *Planning Act* will no longer require a permit from the applicable Conservation Authority. These exemptions will be based on specific conditions or requirements, yet to be determined through regulation. The timeframe for when these exemptions will come into effect are also unknown. Staff would expect to see these draft regulations released for comment early in 2023.

3. Three residential unit permissions

As of November 28, 2022, all Ontario municipalities are required to permit up to three residential units per lot within settlement areas, so long as that lot is serviced by municipal water and wastewater systems. The Province views this as a form of gentle intensification that will deliver a modest amount of supply relative to the overall 1.5 million new homes Provincial target. This permission allows for all three units to be contained within the main building (the principal home on the lot), or two units within the main building and one unit in an accessory building. Municipalities are <u>not</u> permitted to require a minimum size/area for these additional residential units, however, building permits are still required for each residential unit constructed. In addition, municipalities cannot require more than one parking space per residential unit.

In the Halton Hills context, through the Town's Comprehensive Zoning By-law Review, the Town will be required to update its existing zoning requirements (which currently require a minimum of 2 parking spaces for the principle dwelling and 1 parking space per additional residential unit), reducing the minimum number of parking spaces required to only 1 space per residential unit. The Official Plan and Zoning By-law will also require updating to ensure that up to three residential units are permitted on each serviced urban residential lot.

There are no appeal rights afforded as it relates to any required amendments to a municipal Official Plan or Zoning By-law as a result of these changes. In addition, any existing local requirements regarding the number of units permitted, the minimum size of units, or the minimum number of parking spaces per unit, are superseded by Bill 23.

4. Required zoning by-law amendments regarding MTSAs

Under a new subsection (16(20)) of the *Planning Act*, Bill 23 requires that within one-year of approval of an Official Plan Amendment delineating a Major Transit Station Area (MTSA) and identifying the minimum number of residents and jobs per hectare that are planned to be accommodated within that area, municipalities must update their zoning

by-laws. These zoning by-law updates must include minimum heights and densities within the MTSA in keeping with the policies approved through the Official Plan Amendment.

With the recent approval of ROPA 49[1] by the Minister of Municipal Affairs and Housing and given both the Georgetown and Acton MTSAs were not assigned minimum density targets through that approval, appropriate population and employment density targets for these MTSAs must be established. The Town commenced the Georgetown GO Station Secondary Plan review in 2022. At this juncture, staff believe that is the appropriate process for assessing and assigning those prescribed minimum densities. It is our understanding that once the Secondary Plan with the minimum density targets is approved, the Town will have one year to update the zoning by-law mirroring those minimum density targets.

The Acton GO Station Secondary Plan is targeted for a comprehensive review in the coming years (currently scheduled for 2025), at which time those minimum density targets will also be considered and updated as appropriate.

5. Public meetings for draft plan of subdivision applications

One of the changes from Bill 23 is that Statutory Public Meetings for draft plans of subdivision are no longer required under the *Planning Act*. This change came into effect upon Royal Assent on November 28, 2022.

The change does not preclude a municipality from continuing to hold a public meeting for subdivision applications. In our experience, subdivision applications are submitted in conjunction with zoning by-law amendments and in some cases official plan amendments both of which require public meetings. There is little if any efficiency to be gained by not including the plan of subdivision in the statutory public meeting. The public typically will be interested in the road layout, the lotting patterns and the location of blocks for schools, parks, recreational amenities and natural heritage all of which will be shown on the draft plan of subdivision. Given the importance of public consultation to the planning process, the Town will continue to hold public meetings for subdivision proposals that result in the creation of new lots.

6. Changes to site plan control for up to ten units

Site plan control is a land use planning tool that municipalities utilize to evaluate site specific elements when development is proposed. As is described in the provincial site plan control guide, this control over detailed site-specific matters ensures that a development proposal is well designed, fits in with the surrounding uses and minimizes any negative impacts. Items typically considered through site plan control include

[1] ROPA 49 was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. That approval requires that Halton Region update their Table 2 and 2a density targets to establish minimum population and employment targets within MTSAs. However, Bill 23 identifies Halton Region as "an upper-tier without planning responsibilities". As such, it is unclear as to whether the Georgetown and Acton MTSA densities will be established by the Town or Region. It is expected that the Bill 23 regulations and transition policies yet to be released will provide that clarification.

lighting, drainage, access to and from the site (pedestrian and vehicular), waste and snow storage, landscaping, and architectural and urban design among others.

Where a municipality could apply site plan control for any type or scale of development as defined in a municipal site plan control by-law, Bill 23 has now created an exemption for residential developments for 10 units or less. As a result, the Town will be required to update its current site plan control by-law to clarify the application of the tool, removing the requirements where 10 or less residential units are proposed.

In addition, Bill 23 has also removed architectural details (i.e., matters of urban design) and landscape design aesthetics from the scope of site plan control. As per Section 41, subsection 4.1.1 of the *Planning Act*, site plan control can still apply to "…elements, facilities and works on the land if the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands". This subsection provides the Town with the permissions necessary in order to continue to apply Green Development Standards (GDS) at the appropriate time during the development approval process.

7. Removal of 2-year prohibitions on amendments for specified applications

Previous amendments to the *Planning Act* prohibited applications for amendments to a new official plan and secondary plans for a two-year period following initial approval unless Council permission to file such applications was granted. Similarly, applications to further amend a new zoning by-law and a new site-specific zoning by-law amendment or to seek a minor variance to the same were also prohibited for a two-year period without Council permission. Bill 23 has revoked those changes completely, meaning applications to amend any of these approved planning documents are now permitted without any time restrictions.

8. Restrictions on third-party appeals for minor variance and consent

Bill 23 has restricted the appeal rights for minor variance and consent applications, only allowing the applicant, the municipality, certain prescribed public bodies and the Minister the opportunity to appeal decisions for these types of applications.

In addition, this new rule applies retroactively to October 25, 2022 (the date that Bill 23 was first introduced into the Legislature). This means that any existing third-party appeals to the Ontario Land Tribunal on a minor variance or consent decision, where a hearing date has not yet been established, will be dismissed.

Third party appeal rights of Council decisions on official plan and zoning by-law amendments remain in place under *The Planning Act.*

9. Changes to the *Ontario Heritage Act*

Sweeping amendments to the *Ontario Heritage Act* (OHA) have been approved through Bill 23, however, as of the date of writing of this report, none of these changes are in force. At a date to be proclaimed by the Minister, these amendments will come into effect.

Bill 23 requires that all information currently included in a municipal Heritage Register must be made available online, and that all future properties must meet criteria established by regulation to be listed on the Heritage Register. It is worth noting that the Town already provides the majority of this information on our website and offers this information freely to the public.

Amendments to the OHA will allow owners to serve a notice of objection to a municipality for properties added to the Heritage Register at any time. The Town undertook a multi-phase approach with significant public consultation to build our Heritage Register. As the Town's process to build the Heritage Register was ahead of legislative requirements at the time, these amendments seem to negate the comprehensive and public approach undertaken by the Town.

Removals of listed properties from the Heritage Register are one of the key amendments resulting from Bill 23. Conditions have been specified that would necessitate the removal of a listed property from the Heritage Register, including a Notice of Intention to Designate being withdrawn, and a by-law being repealed or not being passed. These removals would not require consultation with the Town's municipal heritage committee. In addition, properties listed on the Heritage Register would be removed after two years if they have not been designated, and are not eligible for re-listing on the Register for five years after their removal.

Another change through Bill 23 is that municipalities are prohibited from designating a property unless it was already/previously listed on the Heritage Register, and any properties will be required to meet two or more criteria for designation, whereas properties are currently required to meet only one of the three criteria identified in Ontario Regulation 9/06 in order to be designated.

Additional amendments to the OHA will require future Heritage Conservation Districts (HCDs) to meet criteria for determining whether they are of heritage value or interest and will allow for amendments or repeals to Heritage Conservation District by-laws. HCDs are a planning tool that guide the conservation of an historic area or neighbourhood's cultural heritage value. The Town of Halton Hills has designated one Heritage Conservation District under Part V of the OHA. The Syndicate Housing Heritage Conservation District was designated by Council in 2005 and is located along Bower Street in Acton.

Finally, amendments to the OHA through Bill 23 will allow the Minister of Citizenship and Multiculturalism to review, confirm, or revise determinations of cultural heritage value for provincially owned heritage properties, and would allow exemptions for those properties from Heritage Standards and Guidelines for proposals where other major priorities will be advanced.

10. Parkland dedication calculation rate changes

Amendments to the *Planning Act* alter previous legislation regarding alternative parkland dedication calculations. Under Bill 23, the rate has been reduced to 1 hectare/600 units if land is conveyed and 1 hectare/1,000 units for cash in lieu of parkland. The alternative rate is subject to a cap of 10% of the land for lands that are

five hectares (+/- 12 acres) or less and 15% of the land for lands greater than 5 hectares. Both changes came into effect on November 28, 2022, upon Bill 23 receiving Royal Assent.

Parkland dedication rates are also now calculated on the day that a zoning by-law amendment for a development proposal is passed, or the day that a related site plan application is filed, whichever is later. If neither a zoning by-law amendment nor site plan approval is/are required, parkland dedication is calculated on the day that the first building permit related to the development is issued.

In addition, beginning in 2023, municipalities will be required to spend or allocate at least 60% of their parkland reserve funds at the start of each calendar year.

Additional parkland dedication provisions not yet in force under Bill 23 include: the exemption of affordable and attainable units from parkland dedication and cash-in-lieu requirements; encumbered parkland; strata parks (parks built on top of structures, such as rooftops or parking garages); and privately owned publicly accessible open spaces ("POPS") such as small parkettes often found within condominium developments, will be eligible for parkland credits. Landowners will also be permitted to propose which areas of their land they wish to provide towards their parkland contributions. While municipalities will be able to refuse any such offer they deem to be unacceptable, landowners will have the right to appeal those refusals to the Ontario Land Tribunal. These amendments will come into force upon proclamation by the Lieutenant Governor.

As it relates to Town staff observations on the parkland dedication rate changes, broadly speaking, it is estimated that an overall 60-75% decrease in parkland dedication fees could be expected over the next 14 years. This is based on a very preliminary review and is dependent on the number of medium or high-density residential development applications received over that time period. Based on current estimates, this could represent a reduction of $24 million to $30 million dollars. It is important to note that a detailed financial analysis would be required in order to fully assess the potential financial ramifications of the reduced parkland contribution impacts from Bill 23. This review would be required in coordination with Finance staff and a review of the Long-Range Financial Plan and 10 Year Capital Forecast.

11. Development Charge (DC) exemptions

Significant amendments were made to the *Development Charges Act* (DC Act) through Bill 23. Some of these changes have come into effect as of November 28, 2022, while other changes await release of updated regulations and/or proclamation by the Lieutenant Governor.

One of the amendments now in effect includes a five-year phasing in of DC rate increases for any DC By-laws passed on or after January 1, 2022. These reductions begin with a 20% reduced fee for year one, with the reduction decreasing by 5% for each year thereafter until the fifth year when the full new rate would apply. This means that the fee at year one would be 80% of the approved DC rate; 85% in year two, 90% for year three and 95% for year four, before the full 100% DC rate could be charged at year five. In addition, DCs are exempt for non-profit housing development and

inclusionary zoning residential units. Bill 23 also provides DC discount of 25% for purpose-built rental housing with 3 or more bedrooms; 20% for 2 bedrooms; and 15% for less than 2 bedrooms.

Additional changes in force as of Royal Assent which may have significant ramifications for the Town include the extension of DC by-law expiry dates from every five years to every ten years; growth related studies (including Secondary Plan Studies, Scoped Subwatershed Studies, Environmental Assessments etc.) and land cost (for services yet to be prescribed) are now excluded from recovery through DCs; interest rates on phased DCs must be capped at prime plus 1% for rental, and institutional developments; and municipalities are now required to spend or allocate at least 60% of their DC reserve funds at the beginning of each calendar year (beginning in 2023) on priority services, such as water, wastewater and roads.

Future regulations regarding “attainable housing units” and the DC exemptions tied to such developments have not yet been released. Additional DC exemptions are also being implemented at a future date for affordable residential units. The impacts of these changes are not yet fully understood given the associated regulations have not yet been released.

Similar to the financial ramifications identified above with respect to the parkland dedication rate changes, the DC Act changes could significantly impact the Town from a financial perspective. Depending on the scenarios related to the attainable, affordable, and non-profit housing forms, the projected DC loss is estimated in the range of $34 million to $57 million dollars over the next 10 years (or $20 million to $31 million dollars over 5 years). This represents a 12% to 20% reduction in DC revenue over 10 years, as compared to DC revenues projected under the Town’s DC by-law prior to Bill 23. Again, it is important to note that a detailed financial analysis would be required in order to fully assess the potential financial ramifications from Bill 23.

Based on the estimated impacts above, staff recommend requesting that the Province provide supplemental funding to offset the reductions in Development Charges and cash-in-lieu of parkland accruing to the Town as a result of Bill 23.

Environmental Registry of Ontario Postings

On October 25, 2022, a series of postings were made on the Environmental Registry of Ontario website (the ERO). Some of these postings were directly tied to changes proposed through Bill 23 (such as amendments to the *Planning Act* and *Development Charges Act*), whereas other postings not discussed within this report or its appendices were not directly tied to Bill 23 (such as the proposed changes to the Greenbelt Plan).

These postings were made available for comment, with deadlines ranging between 30 to 66 days. Appendix 1 to this report provides a table outlining the various Bill 23 related postings and their respective comment timeframes. It also identifies the status of Town staff review. Any staff level comments that have been submitted on the Bill 23 ERO postings as of finalization of this report are attached as Appendix 2.

Key comments submitted through the ERO postings highlight the Town's concerns regarding the sweeping amendments made by Bill 23. These concerns include the following:

- Bill 23 has significant financial implications for the Town. The loss in development charge and cash-in-lieu of parkland revenue is anticipated to be significant and will impact the Town's ability to fund necessary infrastructure improvements and public service facilities such as libraries, community centres and arenas that are an essential component of a complete community.
- Secondary Plans and related supporting studies are required to facilitate new development in greenfield and key intensification areas. The inability to fund such studies creates significant challenges for municipalities and may slow down the delivery of new housing supply.
- Limitations on undertaking urban design as part of the site plan process. Good urban design contributes to a sense of place and is an important consideration in developing complete communities and ensuring compatibility.
- The potential elimination of Green Development Standards plays a vital role in improving energy efficiency and reducing greenhouse gas emissions[2].
- Significant changes to the *Ontario Heritage Act* that on balance were not considered necessary considering the Town's measured approach to managing cultural heritage resources.
- The scoping of the role of Conservation Authorities to natural hazards only thereby precluding a broader role in providing advice on natural heritage matters. Staff recommended that the Conservation Authorities continue to play a role in environmental plan review subject to appropriate Memorandums of Understanding (MOU) with municipalities.

STRATEGIC PLAN ALIGNMENT:

This report has ramifications for many aspects of the Town's Strategic Plan such as:

- preserve, protect and enhance the Town's natural environment;
- to preserve, protect and promote our distinctive historical urban and rural character through the conservation and promotion of our built heritage and cultural heritage landscapes;
- to achieve sustainable growth to ensure that growth is managed so as to ensure a balanced, sustainable, well planned community infrastructure and services to meet the needs of residents and businesses; and,
- to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

[2] The final version of Bill 23 incorporates permissive language with respect to sustainable design which is considered to resolve this concern.

RELATIONSHIP TO CLIMATE CHANGE:

At this time, the impacts to the Town's Climate Change portfolio and initiatives are not fully understood given the magnitude of the legislative changes approved through Bill 23. It is worth noting that from the time of 1st Reading to Royal Assent, amendments were made to Bill 23 which reinstated the ability for municipalities to proceed with the application of Green Development Standards.

PUBLIC ENGAGEMENT:

Public Engagement for Bill 23 is coordinated by the province through the various ERO postings and to a certain extent, through submissions received by the Standing Committee on Heritage, Infrastructure and Cultural Policy. Where possible, at the implementation stages, the Town will ensure the public is provided an opportunity to be engaged and consulted on the required changes to local policies and procedures resulting from Bill 23.

INTERNAL CONSULTATION:

The Recreation and Parks, Finance, Development Review and Planning Policy teams coordinated a review of the Bill 23 changes. Comments from this internal review are included within this report.

FINANCIAL IMPLICATIONS:

Estimated financial impacts associated with implementation of the DC and parkland contribution legislative changes have been identified in this report. It is estimated that an overall 60-75% decrease in parkland dedication fees could be expected over the next 14 years, which based on current estimates, could represent a reduction of $24 million to $30 million dollars over that timeframe. With respect to the DC reductions, depending on the scenarios related to the attainable, affordable, and non-profit housing forms, the projected DC loss is estimated in the range of $34 million to $57 million dollars over the next 10 years (or $20 million to $31 million dollars over 5 years). This represents a 12% to 20% reduction in DC revenue over a 10-year timeframe. A detailed financial analysis would be required in order to fully assess the potential financial ramifications from Bill 23. Based on the estimated financial impacts identified within this report, staff recommend that the Province provide supplemental funding to offset these anticipated funding losses as a result of Bill 23.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer

Appendix B – List of References

- Ontario Public Health Association Bill 23 Input to Province
- Canadian Environmental Law Association Written Submission to Standing Committee on Bill 23
- Association of Municipalities of Ontario - Unpacking Bill 23
- Ontario Nature Bill 23 What You Need to Know
- An Integrated Approach to Address The Ontario Housing Crisis (amo.on.ca)

From: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Sent: January 27, 2023 11:38 AM

Subject: City of Hamilton - Impacts of Bill 23, More Homes Built Faster Act, 2022

Good day,

The following Resolution was passed by the City of Hamilton Council at their meeting held on December 5, 2022.

7.14 Impacts of Bill 23, *More Homes Built Faster Act*, 2022

(Francis/Beattie)
WHEREAS, the changes in Bill 23 will significantly limit the City's ability to provide and make important housing-related infrastructure and service investments resulting in increased costs for Hamilton residents;

WHEREAS, the changes in Bill 23 will have an impact on the City's quality of life and revenues to support complete communities;

WHEREAS, the City has limited revenue sources and as result of Bill 23, residents may face higher property taxes and higher water, wastewater and stormwater bills;

WHEREAS, Bill 23 will also affect the City's ability to provide much needed capital infrastructure to support growth such as roads, parks, community centres and other community amenities; and

WHEREAS, Bill 23 received Proclamation and Royal Assent on November 28, 2022.

THEREFORE, BE IT RESOLVED:

(a) That the Mayor and City Council in the City's initial response to Bill 23, request the province to:

(i) Repeal the amendments to the *Planning Act* and *Development Charges Act* as a result of Bill 23 with respect to the ability to regulate urban design and sustainable design features, parkland dedication and changes to the Development Charges regarding mandatory discounts for market rate development to facilitate responsible growth;

(ii) Request the Province of Ontario to extend the commenting period on Bill 23, *More Homes Built Faster Act*, 2022 to at least January 31, 2023 to enable time for consultation, consideration of

alternative options and thorough analysis of both short and long-term impacts;

(iii) Request the Province not to proceed with developing regulations, as per Bill 23, to limit the City of Hamilton's ability to protect and require the replacement of affordable and rental housing as a condition of development approvals;

(iv) Request the province to amend the *Planning Act* to enable the implementation of Inclusionary Zoning across the City and incorporate definitions of affordable rental housing that respond to low and moderate household income;

(v) Request the province to enact a Regulation to permit the use of conditional zoning, pursuant to Section 34(16) of the *Planning Act*;

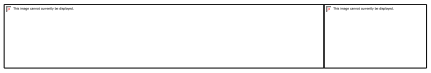
(vi) Request the province to include an "opt-out" provision for municipalities and applicants with respect to refunds for development applications and delay the implementation of refunds for development applications in light of the significant changes to the Planning regulations and internal City processes regarding development; and

(vii) Request that the Provincial government to provide funding and funding tools to the City matching the amount of revenue lost through development charges, community benefits charges, and Section 42 of the *Planning Act* in Bill 23 to ensure the services needed to facilitate responsible growth continue to be delivered;

(b) That City Council work with the City Manager to make public through communications and letters to local Members of Parliament and Members of Provincial Parliament outlining the impacts of Bill 23 on specific growth enabling infrastructure projects and housing projects which will not proceed within the City of Hamilton.

(c) That this resolution be forward to all Ontario municipalities for their support.

Regards,
Lisa Kelsey, Dipl.M.A.
Legislative Coordinator
City of Hamilton, Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5
Ph. (905) 546-2424 ext. 4605
Fax. (905) 546-2095



Vision:

From: Switzer, Barbara on behalf of Regional Clerk
Subject: Rapid Housing Initiative 3 - Authority for Agreements and Proposed Projects
Date: January 30, 2023 4:06:22 PM

On January 26, 2023 Regional Council made the following decision:

1. Council authorize the Commissioner of Community and Health Services to submit applications under the Federal Canada Mortgage and Housing Corporation Rapid Housing Initiative to support the following proposed affordable rental housing developments:

    a. Whitchurch-Stouffville Community Housing Development, 5676 Main Street, Town of Whitchurch-Stouffville

    b. Men's Emergency and Transitional Housing Development, 14452 Yonge Street, Town of Aurora

    c. Box Grove Community Housing Development, 7085 14th Avenue, City of Markham

2. Council authorize the Commissioner of Finance and Regional Treasurer to adjust the Budget and Capital Spending Authority for secured Rapid Housing Initiative funding provided there is no tax levy impact.

3. Subject to approval of the Region's Rapid Housing Initiative application for Box Grove Community Housing Development, Council approve the 2023 capital expenditure and Capital Spending Authority increase for up to $36 million, including associated funding sources, as detailed in Attachment 2.

4. Council authorize use of non-standard procurement processes as permitted under the Procurement Bylaw to award construction contracts and purchases related to Rapid Housing Initiative projects approved for funding to enable delivery of approved projects within short timelines.

5. The Commissioner of Community and Health Services be authorized to execute all necessary documents that may be required for participation in and delivery of the program on business terms satisfactory to the Commissioner of Community Health Services and on legal terms satisfactory to the Regional Solicitor.

6. The Commissioner of Community and Health Services be directed to report back on projects approved by CMHC in 2023.

7. The Regional Clerk circulate this report to York Region Members of Parliament and Provincial Parliament, and local municipalities to expedite the required approvals to complete all projects funded under the Rapid Housing Initiative within program timelines.

The original staff report is available for your information at the following link

Please contact Joshua Scholten, Director, Housing Development and Asset Strategy, at 1-877-464-9675 ext. 72004 if you have any questions with respect to this matter.

Regards,

Christopher Raynor (he/him) | Regional Clerk, Regional Clerk's Office, Corporate Services Department

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 71300 | christopher.raynor@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

3. Scheduled Business

3.1. SRPI.23.018 - Request for Comments - Bill 23, The More Homes Built Faster Act, 2022

Moved by: Mayor West
Seconded by: Councillor Thompson

WHEREAS the Government of Ontario introduced Bill 23, the More Homes Built Faster Act, 2022 (Bill 23) on October 25, 2022 and it received Royal Assent on November 28, 2022.

WHEREAS the purpose of Bill 23 is to introduce significant changes to the existing development approval process in Ontario with the goal of facilitating the construction of 1.5 million new homes Province-wide over the next 10 years.

WHEREAS the Ontario Big City Mayor's Caucus; Association of Municipalities of Ontario; York Region; Richmond Hill Council, among others have repeatedly expressed serious concerns with Bill 23 to the Province through Minister Clark.

WHEREAS it is clear that housing affordability and shortage of supply are impacting municipalities across Ontario. Solutions to these problems require collaboration with many stakeholders and all levels of government.

WHEREAS Richmond Hill Council and City staff have been committed to this important work and continue to demonstrate willingness to work collaboratively and effectively with all stakeholders and levels of government to help increase housing affordability and supply for our residents.

WHEREAS Prior to Bill 23, the City had already implemented similar measures such as the Housing Affordability Strategy, zoning permissions for additional residential units, an update to the City's Parks Plan and Parkland Dedication By-law, and discounts for non-profit housing development.

WHEREAS Richmond Hill has 11,000 approved residential units that are currently unbuilt by developers, Bill 23 has no performance guarantees imposed on the building industry to deliver the required housing supply, not only in the quantum but also meeting the expectation of any standard of affordability.

WHEREAS Staff report SRPI.23.018 - Request for Comments - Bill 23, The More Homes Built Faster Act, 2022 produced in collaboration with Watson & Associates Economists Ltd. outlines in detail the multitude of issues that Richmond Hill will face that must be addressed by the Province before the bill is fully implemented.

WHEREAS one of the major concerns of Bill 23 is the substantial loss of revenue from reduced development charges, parkland cash-in-lieu payments and community benefit charges which will have the effect of restricting the City's capacity to fund major capital investments designed to improve and maintain services and amenities for our growing community. Based on assumptions to date, the total loss in revenue for the City is estimated to be **$329.8 million** over the next ten years, representing a **49% reduction in forecasted revenues**. These revenue losses are unacceptable and will require the City to either delay the construction of growth-related infrastructure, issue debt, and/or **increase property taxes.**

NOW THEREFORE BE IT RESOLVED THAT:

1. That staff report SRPI.23.018 regarding Bill 23, The More Homes Built Faster Act, 2022, be received for information purposes;
2. That all comments be referred back to staff;
3. That staff report to Council as necessary regarding further Provincial announcements and regulations once published with respect to further potential impacts to the City;
4. That the City Clerk be directed to send this report to the Premier of Ontario; the Ontario Minister of the Finance; the Ontario Minister of Municipal Affairs and Housing; the Association of Municipalities of Ontario (AMO); the Federation of Canadian Municipalities (FCM); the Local Members of Parliament (MPs); the Local Members of Provincial Parliament (MPPs); Ontario Big Cities Mayors Caucus (OBCM); the Large Urban Mayors' Caucus of Ontario; the Small Urban GTHA Mayors as well as York Region and its member municipalities; and
5. That Richmond Hill Council requests a response from the Premier of Ontario and the Ontario Minister of Municipal Affairs and Housing in regards to the concerns that have been outlined in this report and how they will be fully addressed. This response should be communicated to the Mayor and Council of Richmond Hill.

Carried Unanimously

Staff Report for Special Council Meeting

Date of Meeting: January 30, 2023
Report Number: SRPI.23.018

Department: Planning and Infrastructure
Division: Development Planning

Subject: SRPI.23.018 - Request for Comments - Bill 23, The More Homes Built Faster Act, 2022

Purpose:

A request for comments concerning the Province of Ontario's Bill 23, the *More Homes Built Faster Act, 2022* and related initiatives.

Recommendation:

a) That Staff Report SRPI.23.018 be received for information purposes.

b) That all comments be referred back to staff.

c) That staff report to Council as necessary regarding further Provincial announcements and regulations once published with respect to further potential impacts to the City.

Contact Person:

Gus Galanis, Director of Development Planning, phone number 905-771-2465
Maria Flores, Director of Policy Planning, phone number 905-771-5438
Gigi Li, Director Financial Services and Treasurer, phone number 905-771-6435

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Background:

The Government of Ontario introduced *Bill 23, the More Homes Built Faster Act, 2022* (Bill 23) on October 25, 2022 and it received Royal Assent on November 28, 2022. The purpose of Bill 23 is to introduce significant changes to the existing development approval process in Ontario with the goal of facilitating the construction of 1.5 million new homes Province-wide over the next 10 years. Bill 23 is an omnibus legislation that implements fundamental changes to nine (9) statutes related to development throughout the Province, including the *Planning Act*, the *Development Charges Act*, the *Municipal Act*, the *Conservation Authorities Act*, the *Heritage Act* and the *Ontario Land Tribunal Act*. Although the majority of the changes introduced by the Act came into effect on November 28, 2022, other changes are to come into effect by proclamation on a future date which is to be determined.

This staff report outlines the legislative changes that impact land use planning considerations in Richmond Hill followed by the estimated financial impacts to the City. Accordingly, the purpose of this report is to inform Council of key legislative changes introduced by Bill 23 and to seek comments with respect to same.

Land Use Planning Considerations:

Bill 23 enacts substantial changes to Ontario's land use planning system to incentivize and stimulate the construction of housing in order to meet growing demand and address the issue of housing affordability. While there are a number of external factors contributing to the uptake and timing of housing development (i.e. market conditions, interest rates, supply chain issues, labour, etc.), municipalities play a significant role in guiding growth and development in our communities through the land use planning process.

Under this planning framework, Richmond Hill is responsible for accommodating growth as directed by the Province, yet the City's municipal obligation extends beyond facilitating the number of people and jobs forecasted. The City is also responsible for the provision of community services such as pipe services (water, sanity and storm), roads, recreational facilities, libraries and parks, amenities, programs and other services that make our communities healthy and sustainable and improve our citizen's quality of life. This section outlines how legislative changes under Bill 23 will impact the City's planning processes and ability to implement major policy drivers valued by the community.

Planning Act

Upper Tier and Lower Tier Municipal Planning Responsibilities (In force date: TBD, on a date to be proclaimed by the Lieutenant Governor)

Bill 23 changes remove planning responsibilities in a number of upper-tier municipalities, including the Region of York. This removal of authority will have far reaching impacts on Ontario's land use planning regime.

- upper-tier municipalities without planning responsibilities will no longer have the authority or statutory requirement to adopt Official Plans or Official Plan Amendments, approve lower-tier Official Plans or Official Plan Amendments, approve plans of Subdivision, or appeal planning decisions.
- York Region would no longer be the approval authority over local Official Plans and Official Plan Amendments since the approval authority would revert back to the Minister of Municipal Affairs and Housing.
- once this matter is proclaimed, the recent Minister approved 2022 York Region Official Plan will be deemed to be a local Official Plan.
- additionally, the approval authority for draft Plans of Subdivision and Consents would be assigned to lower-tier municipalities, unless the Minister directs otherwise through regulation.

Questions surrounding the direct impacts to lower-tier municipalities range from broader coordination issues to consolidation and approval of Official Plans.

- at this time, it is unclear how cross-jurisdictional issues will be addressed including, amongst others, environmental protection, coordination of inter-jurisdictional infrastructure, excess soil management, conversion of employment lands, allocation of growth and Settlement Area expansions.
- it is also unclear how the removal of upper-tier planning responsibilities will impact local municipal collaboration and implementation of larger sustainability goals.
- once removal of York Region's planning responsibilities is proclaimed, the Regional Official Plan (ROP) will be deemed to be the Official Plan (OP) of the lower-tier municipalities until a lower-tier revokes or amends it. Concurrent to Richmond Hill's OP Update process underway, a process for consolidating the two OPs will need to be determined as well as the process for approval by the Minister.

Complementary to Bill 23, the Province is also proposing to create a new policy document that would replace the *Provincial Policy Statement* and *A Place to Grow: the Growth Plan for the Greater Golden Horseshoe*. It is anticipated that in so doing, some greater clarity could be provided in terms of addressing questions regarding growth management and inter-municipal coordination. Nevertheless, these proposed changes are likely to impact the timing of the City's Official Plan Update given these major changes within the planning regime.

Plans of Subdivision (In-force date: November 28, 2022)

Bill 23 removes the requirement for a municipality to hold a statutory public meeting in consideration of draft Plan of Subdivision applications; however, the existing public notice requirements for such applications are being maintained.

- in addition to previous changes made by the Province to limit third party appeals of draft Plan of Subdivision applications, there is similar concern that this aspect of the legislation may limit public input and consultation which may result in the reduction of transparency and oversight in the land use planning process.

Site Plan Control (In force date: November 28, 2022, except for certain changes which will come into effect on a date to be proclaimed by the Lieutenant Governor)

Bill 23 exempts Site Plan control for residential development proposals that contain ten (10) residential units or less and removes the municipality's ability to require plans and drawings related to exterior design and landscaping. In this regard, several facets of the City's existing Site Plan approval process will be directly impacted.

- matters pertaining to the review of architectural and landscape details are no longer within the scope of Site Plan control, impacting the City's ability to ensure a quality public realm (including compatibility, good fit, and transit/pedestrian supportive environments) and removing the City's ability to regulate small scale residential development within areas such as the Oak Ridges Moraine, Lake Wilcox and the Village Core;
- the exterior design appearance of elements, facilities and works is not subject to site plan control, except to the extent where the appearance impacts matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands. Further clarification is needed to determine how these changes directly impact the City's Sustainability Metrics program and if other processes/mechanisms are required to help achieve the City's climate targets (e.g. municipal by-law).
- current engineering approval processes will be directly impacted since small scale residential proposals will likely have to be approved through an alternative or revised process (i.e. the Site Alteration process) that ensures that key infrastructure and both on-site and off-site obligations are secured. The revised process will likely result in the need for increased staffing resources and for proponents to enter into some form of Development/Servicing Agreement which will not necessarily speed up approvals, while possibly exposing the municipality to more risk.
- developments containing up to 10 residential units will now be able to directly apply for Building Permits where applicable zoning permits such development. The Building Code sets the minimum standard for design and construction of buildings and is not a land use regulation in itself. Since the Building Code relies on other applicable laws (e.g. the *Planning Act*, Zoning By-laws, etc.) to confirm compliance with land use regulations, policies and protocols, in the absence of Site Plan approvals which must have regard for various matters, including compatibility requirements, land use considerations will rely solely on the applicable zoning provisions. As such, the City may have to amend its Zoning By-laws to address these changes.
- architectural controls, engineering standards, construction management plans, etc., that are typically addressed through the Site Plan approval process cannot be implemented through the Building Permit process. Without these controls available in developments of 10 units or less, increased complaints from the public related to matters such as architectural control, tree preservation, compatibility with existing uses, construction traffic, dirt, debris, noise, etc., may result as these matters are not mandated by the Building Code. Other regulations such as tree protection in accordance with the City's Tree Preservation By-law (41-07) and Trees on Town Streets By-law (40-07), etc., that are not applicable law under the Building Code will have to be regulated through other means.

Planning Application Appeals (In-force date: November 28, 2022)

Bill 23 prohibits third party appeals of Consent and Minor Variance applications. These changes are intended to expedite approvals by ensuring that once a decision is made by a Committee of Adjustment, Consent and Minor Variance applications can no longer be appealed by a third party (someone other than the assessed property owner).

- there is concern that the legislative changes may limit public input and consultation with respect to the merits of a development proposal which may result in the loss of transparency and oversight in the land use planning process.
- in addition to the preceding, appeals of Consents and Minor Variance applications for which an Ontario Land Tribunal (OLT) hearing had not been scheduled as of October 25, 2022 have been dismissed retroactively.

Community Benefits Charge (In force date: TBD, on a date to be proclaimed by the Lieutenant Governor)

Bill 23 reduces the potential amount of Community Benefits Charges (CBC) to be collected from development. The CBC was a measure recently imposed by the Provincial Government to replace the previous density bonusing regime of the *Planning Act* (i.e. Section 37) which was often used by municipalities as a viable funding source to secure important municipal infrastructure, services and community amenities intended to support growth.

- the maximum CBC rate would be based only on the land value of the new units and not an entire parcel of land that may include existing development. In this regard, the maximum CBC of 4% of the land value would be discounted by the existing square footage as a proportion of the total building square footage.
- upon proclamation, the maximum CBC of 4% of the land value would also be discounted by the square footage of affordable/attainable housing units (as defined in the *Development Charges Act*). Hence, the CBC would not be charged for these types of housing units.

Housing Targets and Affordable Housing Tools

Housing Targets

While not directly included in Bill 23, the Province has assigned housing targets based on population size and growth rates to 29 municipalities. These municipalities will be required to prepare housing pledges that identify tools and strategies to achieve their housing target. In this regard, Richmond Hill has been given a target of 27,000 new units to be built over the next 10 years. The new housing target from the Province anticipates a rapid acceleration of growth over the next decade.

- the City had previously projected through the preparation of the Community Benefits Charge Strategy that nearly 13,827 new residential units could be built from 2022 to 2032, which is 13,173 units short of the housing target set by the Province.

- effectively, the new municipal target for Richmond Hill contemplates two-thirds of the previously forecasted growth to 2051 to occur within the first 10 years of the 30-year forecast horizon.
- this new target expects a doubling of anticipated Building Permits sustained over the next 10 years, which is a highly unprecedented rate of growth.
- the City may need to re-examine how existing infrastructure and municipal resources can accommodate the expected increase in the pace of growth over the next ten years.

Major Transit Station Areas (In force date: November 28, 2022)

In keeping with its mandate to increase housing, municipalities will be required to update zoning to include minimum heights and densities within approved Major Transit Station Areas (MTSAs) and protected MTSAs within one year of an MTSA/PMTSA being approved. Minimum heights and densities for MTSAs/PMTSAs will need to be reflected in City policies and by-laws.

- the proposed change requires the City to update its Zoning By-laws to reflect approved MTSA height and density provisions within one year of the Official Plan policies for PMTSAs coming into effect in order for the implementing by-laws to be protected from appeals.

Fees and Charges related to Affordable/Attainable Housing

Bill 23 proposes a number of discounts and exemptions on development charges, cash-in-lieu of parkland dedication and community benefits charge payments related to affordable housing units (rental/ownership), attainable housing units, inclusionary zoning units, non-profit housing developments and purpose-built rental housing units. It should be noted that the Province has yet to clearly define what constitutes ‘affordable housing’ or ‘attainable housing’ (e.g. market-based price, income-based threshold, etc.), which will help determine which units qualify for these discounts. Details on these discounts and exemptions are discussed in the Financial Considerations section of this report.

Inclusionary Zoning

Also related to Bill 23 is a proposal to amend the regulation related to Inclusionary Zoning (IZ) policies and by-laws. Through inclusionary zoning, municipalities can require for-profit developers to construct some proportion of new residential development as affordable housing. The Province is proposing a cap on affordable housing units that could be secured to a maximum of 5% of total new residential units in eligible developments, and also to cap the maximum affordable period to 25 years. In accordance with the City’s Affordable Housing Strategy, the City was to consider the use of IZ as a tool to secure affordable housing over a period of time through the City’s Official Plan Update.

- in light of the proposed 5% cap and proposed changes to the *Development Charges Act* (yet to be proclaimed), the effectiveness of an IZ tool in helping the City achieve its affordable housing goal will need to be considered.

Additional Residential Units (In-force date: November 28, 2022)

Bill 23 allows additional residential units (ARU) within existing residential development. An ARU is a self-contained unit with a private kitchen, bathroom facilities and sleeping areas within a main residential building or a separate building located on the same property.

- as of right, up to three units per lot are allowed (i.e. up to three units in the primary building, or up to two units within the primary building and one unit within an ancillary building or structure).
- these changes apply to any parcel of urban residential land located within a Settlement Area having access to full municipal water and sewage services.

The City already has provisions to permit ARUs for which some details will need to be updated.

- in April 2021, Council amended the Official Plan and adopted By-law 13-21 to permit up to three residential units on most lots (i.e. up to two units in the primary building and one unit within an accessory structure) subject to specific criteria, including a provision for a proponent to comply with all of the technical requirements for such uses as mandated by the *Planning Act* and other applicable legislation (i.e. the Building Code, etc.).
- staff is in the process of reviewing the provisions of both the City's Official Plan and By-law 13-21 to ensure compliance with Bill 23.

Rental Properties (In force date: November 28, 2022)

The changes to the *Municipal Act* enable the Minister of Municipal Affairs and Housing to make regulations to standardize and clarify municipal powers to regulate the demolition and conversion of residential rental properties with 6 or more units and to standardize rules and requirements municipalities may include in their by-laws. These amendments will not impact renter protections or requirements under the ***Residential Tenancies Act***. To date a proposed regulation has not yet been provided for comment.

- the City does not currently have a by-law that deals with the conversion of rental properties. However, the City recently adopted OPA 18.3 which includes policies that would restrict the demolition and conversion of purpose-built rental housing. The purpose of the OPA is to protect the small supply of purpose-built rental housing (less than 1,800 units) in the City.

Parkland

Parkland Dedication and Cash-in-Lieu (In force date: November 28, 2022, except for certain changes which will come into effect on a date to be proclaimed by the Lieutenant Governor)

Bill 23 changes requirements for parkland dedication and cash-in-lieu to provide more certainty in parkland costs in order to facilitate housing development. These changes include:

- requiring municipalities to enter into agreements to enforce parkland requirements;
- requiring municipalities to develop a Parks Plan before the enactment of a Parkland Dedication By-law;
- changing the maximum alternative parkland dedication rate for land to be conveyed from 1 hectare for each 300 dwelling units to 1 hectare for each 600 net residential units;
- changing the rate for payments in lieu of parkland dedication from 1 hectare for each 500 dwelling units to 1 hectare for each 1000 net residential units;
- ensuring that no more than 15 per cent of the land proposed for development or redevelopment (or equivalent value) will be required for parks or other recreational purposes for sites greater than 5 hectares and no more than 10 per cent for sites 5 hectares or less;
- establishing a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the parkland provisions of the *Planning Act*. In this regard, land that is identified for the purposes of conveyance may include, among other things, encumbered lands as well as privately owned publicly accessible spaces (POPS). The framework will permit owners to appeal to the OLT if the municipality refuses to accept the conveyance of the identified land; and,
- requiring municipalities to spend or allocate 60 percent of the monies in the special account required by subsection 42(15) of the *Planning Act* annually.

Richmond Hill's parks planning process already implements four of the proposed parkland changes arising from Bill 23 through the Council approved 2022 Parks Plan, the 2022 Parkland Dedication By-law and the City's capital planning process.

- Richmond Hill's 2022 Parkland Dedication By-law already freezes parkland rates for two years following the approval of any type of development application, provided that a building permit is sought during that time. Further modifications may be provided as part of the on-going OLT Appeals to the Parkland Dedication By-law;
- Richmond Hill's Parks Plan was approved in June of 2022 prior to the enactment of its Parkland Dedication By-law in September of 2022;
- since the previous by-law was enacted, Richmond Hill's Parkland Dedication By-law has only applied parkland dedication to new units.
- Richmond Hill's Capital Plan already allocates over 60% of the cash-in-lieu of parkland reserve funds anticipated at the beginning of 2023.

While the overall thrust of Bill 23 appears to provide more certainty for developers, there is less certainty for municipalities to acquire and/or pay for the provision of additional services, including parks, needed in growing, intensified and largely vertical communities. For example:

- an owner of land may identify lands for parkland conveyance in any location and with any encumbrance(s) underneath the lands (i.e. pipes, parking, stormwater tanks), which may limit the City's ability to provide parks close to housing, create a strain on existing parks, and limit the type of programming that can be provided on parks;
- funding available to provide municipal infrastructure, including parks, through cash-in-lieu of parkland is cut in half with no solution for how the municipality resolves this funding gap.

For parkland service levels to keep pace with growth, the taxpayer will likely be subsidizing future park development, revitalization and repair and replacement by paying higher taxes. Alternatively, the City will need to put more resources into seeking grants, partnerships or pilot projects to provide parkland facilities for the growing population or initiate a pause period on parkland acquisition outside of *Planning Act* applications to continue to fund the capital program; and,

- limitations on funding plans and background studies, like the City's 2022 Parks Plan, will affect the City's ability to consult and develop such plans with the community. The City will also need to put more resources into seeking grants, partnerships or pilot projects to provide parkland facilities for the growing population or initiate a pause period on parkland acquisition outside of *Planning Act* applications to continue to fund the Capital program.

Conservation Authorities Act

Role of Conservation Authorities (In force date: January 1, 2023)

In addition to previous legislation, Bill 23 further scales back the role of Conservation Authorities (CAs) as it relates to the land use planning process.

- CAs are prohibited from commenting on conservation and environmental matters, except where they are related to natural hazards (i.e. typically flooding and erosion or slope stability concerns) as outlined through the commitments and objectives of Ontario's Flooding Strategy.
- the changes also limit CA appeals of land use planning decisions under the *Planning Act*. Although CAs can continue to appeal matters affecting land that they own or where they are the applicant, as a public body CAs would only be able to appeal matters related to natural hazard policies in Provincial Policy Statements.
- additionally, Bill 23 gives the Minister the authority to direct a CA to maintain its fees charged for programs and services at current levels and to require a CA to identify and inventory lands it owns or controls that may support future housing development.

Changes to the CA's role in the land use planning process will result in technical and resource capacity issues for the City.

- since CA comments are now limited to natural hazards only, the TRCA will not be able to offer the City its expertise on ecology, natural heritage, wetlands and biodiversity for proposals under prescribed Acts and these responsibilities will now fall to the City.
- likewise, municipalities may no longer ask CAs to accompany them on appeals as subject matter experts related to areas beyond natural hazards (i.e. natural heritage matters, geomorphology matter, hydrogeological matters).
- the recent prohibition on the CA's commenting role is a direct departure from recent Provincial amendments to the *Conservation Authorities Act* which would have allowed municipalities to choose whether to ask CAs for technical advice based on their specific needs and as reflected in a Memorandum of Understanding between the City and TRCA.
- the City may need to seek additional staff resources in order to fill this gap in technical review and gap in subject matter expertise for appeals, or seek approval of consulting

budgets to hire private sector environmental professionals to provide advice on these matters.

Wetlands Policy Implementation

Evaluation of Wetlands (In force date: January 1, 2023)

Bill 23 includes updates to the Ontario Wetland Evaluation System (OWES) such as adding new guidelines related to the re-evaluation of wetlands and updates to mapping of evaluated wetland boundaries, changes to better recognize the professional opinion of wetland evaluators and the role of local decision makers (i.e. municipalities), and other housekeeping amendments.

- the changes to the OWES system will allow developers of land to compensate for the loss of a wetland versus protecting wetlands in-situ. This change may lead to the removal of wetlands and potential disconnection in the City's Greenway System in order to accommodate new housing.
- the City will need to establish a wetland offset program, which would likely require offsite solutions, the acquisition of lands and/or the provision of additional infrastructure. This may be difficult given the other Bill 23 changes that may impact a municipality's ability to acquire land (i.e. parkland).
- in addition to providing natural water quality improvement and ecological habitat, wetland complexes play a very important stormwater management role, particularly with respect to flooding and water quality treatment. If these wetland complexes are eliminated, additional stormwater management infrastructure will be required to compensate for their loss. This will put more pressure on the City's existing stormwater management assets as more stormwater infrastructure may be needed, increasing the financial burden to the municipality and ultimately the taxpayer.

Ontario Heritage Act

Heritage Properties and Districts (In-force date: January 1, 2023)

Bill 23 amends the *Ontario Heritage Act* (OHA) and changes how municipalities identify and protect heritage properties and districts. Changes to the OHA include: new requirements and limitations for the management of Municipal Heritage Registers and the inclusion of non-designated ("listed") properties on the Register, changes to the criteria used to evaluate properties and districts for potential listing or designation, new procedural restrictions on the designation of properties and Heritage Conservation Districts, and other housekeeping amendments.

- Richmond Hill's Heritage Register will need to be reviewed and decisions made as to whether listed properties (properties of heritage interest) are to be designated within the prescribed two-year time frame (2025). If not, all 236 listed properties will automatically be removed from the Register. The City will also be prevented from re-listing these properties for five years.

- should the decision be made to proceed with review/selective designation of listed properties, this would require a significant shift in staff priorities. In this case, the City will likely require additional staff resources, or additional consulting budgets to hire private sector heritage professionals to complete this work.
- while there are listed heritage properties located throughout the City, the Village Core neighbourhood may see the most significant impact, due to its high proportion of listed properties. The loss of heritage protection in this area could result in the removal of many historic buildings, and a subsequent weakening of the area's unique character and sense of place.
- as owners of all listed properties are now able to object to their property being included on the Register, new processes for considering objections will need to be established.
- the Province's restructuring of the criteria (Reg. 569/22) for determining cultural heritage value (expanding three previous criteria to nine) provides greater clarity in the evaluation of cultural heritage significance.

Ontario Land Tribunal Act

Ontario Land Tribunal (In force date: November 28, 2022)

Bill 23 amends the *Ontario Land Tribunal Act* by enhancing the power of the OLT to prioritize certain hearings and dismiss appeals.

- the OLT may dismiss a proceeding without a hearing on the basis that the person who brought the proceeding has contributed to undue delay, or if the OLT is of the opinion that a party has failed to comply with an order of the OLT in the proceeding.
- the OLT may order an unsuccessful party to pay a successful party's costs.
- the Minister has the authority to make regulations requiring the OLT to prioritize the resolution of specified classes of proceedings, prescribing timelines that would apply to specified steps taken by the OLT in specified classes of proceedings (the implications of a failure of the OLT to comply with the timelines prescribed by the Minister are also addressed), and to require the OLT to report on its compliance with the timelines.

The changes will have the potential to limit public/stakeholder input and consultation on the merits of a development proposal.

- requiring unsuccessful appellants to pay an applicant's costs may deter valid appeals by the public/stakeholders that have a specific interest in a development proposal.
- the revisions introduced by Bill 23 may reduce transparency and oversight in the land use planning process.

Development Charges Act

Development Charge Exemptions and Discounts (In-force Date: November 28, 2022, except for certain sections which are dependent on future regulations which come into effect on a date to be proclaimed by the Lieutenant Governor).

Bill 23 amends the *Development Charges Act* by reducing and exempting fees typically levied by municipalities and other authorities that can significantly impact the cost of development, as follows:

- exemptions to the payment of DCs for the following types of developments:
  - affordable residential rental/owned units;
  - attainable housing units;
  - non-profit housing developments; and
  - affordable housing units required pursuant to the enactment of an Inclusionary Zoning By-law.
- exemptions to the payment of DCs for additional residential units, as follows:
  - existing rental residential buildings with four or more residential units, the greater of one unit or 1% of the existing residential units will be exempt from DC;
  - a second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
  - a third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
  - one residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.
- removal of land from the list of eligible costs for certain services, to be prescribed later. In addition, the legislation removed growth studies from the list of eligible costs.
- discount on Rental Housing through reductions to the payment of DCs for the development of rental housing, as follows:
  - 3 or more bedrooms: 25% reduction;
  - 2 bedrooms: 20% reduction; and,
  - all other bedroom quantities: 15% reduction.
- for all DC by-laws passed after January 1, 2022, the charge must be phased-in annually over the first five years the by-law is in force, as follows:
  - Year 1: 80% of the maximum charge;
  - Year 2: 85% of the maximum charge;
  - Year 3: 90% of the maximum charge;
  - Year 4: 95% of the maximum charge; and
  - Year 5 to expiry: 100% of the maximum charge.
- under the new changes, the maximum DC interest rate is set at the average prime rate plus 1%. This maximum interest rate provision applies to all instalment payments and eligible Site Plan and Zoning By-law Amendment applications.
- annually, beginning in 2023, requirement that municipalities spend or allocate at least 60% of the monies in a Development Charges Reserve Fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the regulation.
- increase the average historical level of service calculated to over fifteen years from the ten year period preceding the preparation of the DC background study.

- a DC by-law expires ten years after the day it comes into force. This extends the by-law's life from five to ten years.

Industry stakeholders, including the Association of Municipalities of Ontario, have been especially critical of these changes, arguing that the amendments will result in a shortfall of approximately $5 billion for Ontario's municipalities which will be passed onto citizens in the form of higher property taxes and/or reduced services. The formation of a regulatory body to decide which services are eligible is also concerning as taxpayers will be responsible for costs associated with the delivery of ineligible infrastructure needed to support growth.

Changes to the *Development Charges Act* resulting from Bill 23 as discussed above, will negatively affect the City's ability to collect DC revenues that are currently being utilized for key infrastructure projects (i.e. sanitary, water, transportation, recreation, fire, etc.) needed to support planned growth, potentially slowing development, or adding financial pressures to existing taxpayers. These changes could have the effect of driving up market value prices which could inadvertently drive up the cost of affordable housing contrary to the policy direction.

Financial Considerations:

City staff has worked with Watson & Associates Economists Ltd. in analyzing the City's financial impacts from Bill 23 over the next ten years. These changes will result in significant revenue losses to the City in growth-related funding tools (i.e.Development Charges, Community Benefits Charges and Parkland Dedication). The estimates are preliminary and high-level based on the information available to date. For certain aspects of the legislation, it is unclear how the changes will be implemented as the Province has indicated these changes are to be clarified through future regulations/bulletins. A summary of the total estimated reduction in revenues is as follows:

Revenue Tool	Overall Revenue Loss	Reduction in Forecasted Revenues
Development Charges	**$87.7 million**	**32%**
Community Benefits Charges	**$3.9 million**	**25%**
Parkland Dedication	**$238.2 million**	**61%**
Total Revenue Loss	**$329.8 million**	**49%**

Development Charges:

Exemptions

- based on preliminary analysis the 13,827 units identified in the growth forecast, approximately 2,870 (21%) units will be exempt as a result of the changes to the legislation. This will result in revenue loss of $30.8 million.

- Additional Residential Units - approximately 550 units will be exempt under the additional residential unit exemption. This will result in revenue loss of approximately $9.8 million.
- phase-in of DCs - assumption that the current rates would be phased in as of 2022 (i.e. 80% of the current rate would be charged to DC eligible development). As a result of this five year phase-in of the charge, the City would forego approximately $11.6 million in revenues over the first five years of the forecast.
- removal of Land Costs - at this point, it is unclear what land costs are to be removed from the list of eligible costs. A conservative, and high-level estimate for related revenue loss of approximately $25.2 million over the ten-year forecast period.
- removal of Growth Study Costs - revenue loss of approximately $5.2 million has been estimated by applying the charge for growth studies (i.e. Official Plans, DC studies, master plans etc) to the growth forecast over the next ten years.
- discount for Rental Housing - approximately 1,500 units will be eligible for DC discount, which will result in revenue loss of approximately $5.1 million over the ten-year forecast period.
- the service standard change has not been modelled and quantified; however, for municipalities experiencing significant growth in recent years, this may reduce the level of service cap, and the corresponding DC revenue recovery. The impact of this change will be better understood through the upcoming DC by-law update.

A summary of estimated reduced DC revenues is as follows:

Development Charge Act Change	Revenue Loss ($)
New Statutory Exemptions	**$30.8 million**
Additional Residential Unit Exemption	**$9.8 million**
Mandatory Phase-in of D.C.	**$11.6 million**
Capital Costs Related to Land Excluded from Charge	**$25.2 million**
Capital Costs Related to Studies Excluded from Charge	**$5.2 million**
Rental Housing Discount	**$5.1 million**
Total	**$87.7 million**

Community Benefits Charges:

Similar to changes to the *Development Charges Act*, affordable residential units, attainable residential units, and inclusionary zoning residential units are now exempt from the payment of CBCs.

- based on the same assumptions utilized to estimate the revenue loss for DCs, the loss in CBC revenue as a result of exemptions for affordable and inclusionary zoning residential units is approximately **$3.9 million over the 10-year forecast period**

Planning Act - Parkland Dedication

The City's current parkland dedication by-law provides for a fixed per unit rate based on the alternative rate. This charge has been recalculated for the purposes of this analysis to reflect the 1 hectare for every 1,000 units. The change results in a significant loss in revenue, especially with respect to the cap when applied to high-density development. **It is estimated that over the 10-year forecast period, the loss to the City will be approximately $238.2 million.**

Summary of Bill 23 Impacts to Richmond Hill:

The provision of housing at an accelerated pace is the main driver behind Bill 23, in that the Province is directing municipalities to meet more ambitious housing targets and is implementing a number of changes to planning and financial tools to incentivize affordable housing. In some cases, the City is already implementing similar measures such as permissions for additional residential units, an update to the City's Parks Plan and Parkland Dedication By-law, and discounts for non-profit housing development. In other areas, projections, policy measures and processes will need to be revised.

- the Province has issued housing targets based on population size and growth rates to 29 municipalities; Richmond Hill has been given a target of 27,000 new units to be built over the next 10 years.
- with respect to inclusionary zoning, the Province is proposing a cap on affordable housing units that could be secured to a maximum of 5% of total new residential units in eligible developments, and also to cap the maximum affordable period to 25 years.
- additional residential units are permitted, as of right, up to three units per lot (i.e. up to three units in the primary building, or up to two units within the primary building and one unit within an ancillary building or structure).
- affordable housing units, attainable housing units, inclusionary zoning units and non-profit housing developments will be exempt from the payment of development charges.
- affordable housing units, attainable housing units, inclusionary zoning units are exempt from the payment of community benefit charges.
- parkland dedication rates and cash-in-lieu of parkland rates have been cut in half and affordable housing, attainable housing, inclusionary zoning, non-profit and ARU units are exempt from parkland dedication requirements.

To further stimulate housing development, a number of planning mechanisms and controls are being removed in order to streamline the development approvals process.

- planning responsibilities in a number of upper tier municipalities, including the Region of York, will be removed and the Minister becomes the approval authority for Official Plans and Official Plan Amendments.

- municipalities will no longer be required to hold a statutory public meeting in consideration of draft Plan of Subdivision applications.
- Bill 23 exempts Site Plan control for residential development proposals that contain ten residential units or less and removes the municipality's ability to require plans and drawings related to exterior design and landscaping.
- matters pertaining to the review of architectural and landscape details are no longer within the scope of Site Plan control.
- although exterior design considerations where the appearance impacts matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands under Site Plan control remain, clarification is needed on how the changes impact the City's Sustainability Metrics program.
- current engineering approval processes will be directly impacted since small scale residential proposals will likely have to be approved through an alternative/revised process.
- developments containing up to 10 units will now be able to directly apply for Building Permits where applicable zoning permits such development.
- architectural controls, engineering standards, construction management plans, etc., that are typically addressed through the Site Plan approval process cannot be implemented through the Building Permit process.
- Bill 23 prohibits third party appeals of Consent and Minor Variance applications.
- the maximum rate of Community Benefits Charges (CBC) to be collected from development is reduced as it is now based only on the land value of the new units and not an entire parcel of land.
- for parkland service levels to keep pace with growth, the City will likely have to charge higher taxes, seek out more grants and partnerships, and/or initiate a pause on parkland acquisition outside of planning applications.
- since CAs are prohibited from commenting on matters other than natural hazards, responsibility for natural heritage, geomorphology and hydrogeological matters will rest with the City, requiring additional staff resources or the hiring of private sector consultants to fill this gap.
- changes to the Ontario Wetland Evaluation System to allow for compensation of wetlands versus protecting wetlands in-situ may lead to wetlands being removed and the City's Greenway System potentially being disconnected in order to accommodate new housing.
- Richmond Hill's Heritage Register must be reviewed and decisions made within a two-year timeframe to prevent the automatic delisting of properties and the resulting loss of heritage protection for many of the City's historical buildings.

The loss of these planning mechanisms and controls will impede the City's ability to achieve city building goals such as high quality building design, heritage conservation and public realm, sustainable development and green infrastructure, complete streets that support pedestrian and transit-oriented environments, and provision of parkland and other greenspaces. These changes also limit the City's ability to manage adverse impacts and nuisance issues during construction and limits our ability to fulsomely track and plan for growth and services.

Furthermore the loss of revenue from reduced development charges, parkland cash-in-lieu payments and community benefit charges restricts the City's capacity to fund major capital

investments designed to improve and maintain services and amenities for our growing community. Based on assumptions to date, the total loss in revenue for the City is estimated to be $329.8 million over the next ten years, representing a 49% reduction in forecasted revenues. These revenue losses will require the City to either delay the construction of growth-related infrastructure, issue debt, and/or increase property taxes.

Changes from Bill 23 are expected to continue as the Province releases supporting regulations, proclamations and bulletins that trigger various pieces to come into effect. As noted, for example, definitions for affordable housing and attainable housing are yet to be released and will impact how we calculate the discounts and exemptions for fees related to these types of housing. Complementary to Bill 23, the Province is also proposing to create a new policy document that would replace the Provincial Policy Statement and A Place to Grow: the Growth Plan for the Greater Golden Horseshoe. These additional changes will likely impact the timing of the City's Official Plan Update and other related work to support growth and development.

Relationship to Council's Strategic Priorities 2020-2022:

Impacts from Bill 23 changes to the planning system, tools and fees available to municipalities will affect Council Strategic Priorities. Efforts to stimulate and accelerate housing development in the City supports growth and intensification in Richmond Hill as well as a 'Strong Sense of Belonging' through the City's Affordable Housing Strategy. However the City's ability to 'Balance Growth and Green' and reinforce a sense of belonging unique to the City may be challenged with less tools to acquire parkland, conserve natural heritage features such as wetlands, secure sustainable design features in development, and promote urban design and heritage conservation. Although increased intensification in major transit station areas support 'Getting Around the City' through higher-order transit such as the subway, providing amenities and facilities to improve active transportation networks may be more difficult. With respect to 'Fiscal Responsibility' the loss of revenue from exemptions or discounts for Development Charges, Cash-in-lieu of Parkland Dedication, and Community Benefit Charge payments will negatively impact our ability to invest in our growing community.

Climate Change Considerations:

Bill 23 impacts the City's ability to secure parkland, require sustainable design in developments of ten units or less, and adds increased pressure on infrastructure and services as a result of accelerated growth targets. In turn these changes affect the City's ability to incorporate climate mitigation and adaptation measures through enhancement of our parks and urban forest, the development of energy efficient buildings and alternative/renewable energy, and the funding of capital infrastructure to abate flooding and address other local climate change impacts.

Conclusion:

Changes to legislation via Bill 23 and related initiatives are wholly focused on facilitating the construction of more housing in the Province and the Greater Golden Horseshoe in particular. Collectively these initiatives have prioritized the provision of housing over all of the other 19 Provincial interests provided in Section 2 of the *Planning Act*. Furthermore, most of the

changes as noted in this report are geared towards changing the way the municipality approves new housing and finances the construction of infrastructure (hard and soft) to support new growth in our communities.

As all provisions of the legislation come into effect, municipalities will need to change their systems and processes to address the new way of delivering housing in Ontario. Upcoming regulations and policy updates, to some degree, will help to inform these changes in the intervening time. However, municipalities are left with little guidance to best adapt to all of the changes. The collective changes focus on increasing housing supply, but few of them result in ensuring that the supply meets the affordability needs of our communities. While discounts and/or exemptions from various municipal fees are intended to be provided, there is no ability for municipalities, in most cases, to ensure that the discount is transferred to the home occupant. Furthermore, despite all of these proposed changes, municipalities are still reliant on actual developers to build these units and there are no tools in place to mandate the construction within the Province's desired timeframe.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

Attachment 1: Financial Impact of Bill 23 Memorandum from Watson & Associates Economists Ltd.
Attachment 2: Bill 23, *More Homes Built Faster Act, 2022*

Report Approval Details

Document Title:	SRPI.23.018 - Request for Comments - Bill 23.docx
Attachments:	- Attachment 1 Financial Impact of Bill 23.pdf - Attachment 2 Bill 23, More Homes Built Faster Act, 2022.pdf
Final Approval Date:	Jan 27, 2023

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Jan 27, 2023 - 9:10 AM

Sherry Adams - Jan 27, 2023 - 10:08 AM

Kelvin Kwan - Jan 27, 2023 - 10:08 AM

Darlene Joslin - Jan 27, 2023 - 11:06 AM

Memorandum

To	Gigi Li, Director of Financial Services and Treasurer
From	Gary Scandlan, Managing Partner
Date	January 16, 2023
Re:	Financial Impacts of Bill 23

Fax ☐ Courier ☐ Mail ☐ Email ☒

1. Introduction

On November 28, 2022, the Province passed Bill 23: *More Homes Built Faster Act,* 2022, to support the following objective: "*This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families".* To implement this plan, Bill 23 amends a number of pieces of legislation, including the *Planning Act* and *Development Charges Act* (D.C.A.).

As discussed later in this memo, these changes to the legislation would result in significant revenue losses to the City of Richmond Hill. The three key revenue tools utilized by the City to fund growth-related capital expenditures are negatively impacted by the changes provided through Bill 23 (i.e. development charges (D.C.s), community benefits charges (C.B.C.s), and parkland dedication fees).

Watson & Associates Economists Ltd. (Watson) has worked with City staff in analyzing the financial impacts of these changes to provide a preliminary estimate on the revenue loss that could be experienced over the next ten years. For each revenue tool, this memo first outlines the legislative changes made through Bill 23, followed by a discussion of the specific impacts to Richmond Hill. An estimated overall revenue loss over the next ten years is provided for each of the three tools.

It must be noted at the outset of this memo that many of these estimates are preliminary and high-level, based on the information available today. For certain aspects of the legislation, it is unclear how the changes will be implemented, as the Province has indicated these are to be clarified through future regulations/bulletins.

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2. Changes to the Development Charges Act

2.1 New Statutory Exemptions

Affordable units, attainable units, inclusionary zoning units and non-profit housing developments will be exempt from the payment of D.C.s, as follows:

- Affordable Rental Units: Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Units: Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Units: Excludes affordable units and rental units; will be defined as prescribed development or class of development and sold to a person who is at "arm's length" from the seller.
    - Note: for affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws will be exempt from a D.C.
- Non-Profit Housing: Non-profit housing units are exempt from D.C. instalment payments due after this section comes into force.

2.1.1 Revenue Impacts

In order to determine the potential impacts of these new exemptions, City planning staff worked with Watson to estimate the potential number of units that would meet the definitions above. For this exercise, the ten-year growth forecast from the 2022 C.B.C. Strategy, which was derived from the City of Richmond Hill 2021 Growth Analysis by Traffic Zone, was utilized. Table 2-1 below indicates that the City of Richmond Hill was forecasted to grow by approximately 13,800 units over the 2022-2032 period.

Table 2-1
City of Richmond Hill
Ten-year Residential Unit Growth Forecast

Unit Type	Growth in Units
Single & Semi Detached	2,652
Multiples	4,591
Apartments	6,584
Total	**13,827**

Note: through Bill 23, the Province also assigned new housing targets to 29 municipalities, including Richmond Hill. The targets provide that by 2031, the City of Richmond Hill would need to grow by an additional 27,000 units (i.e. double the current growth forecast). For the purposes of this analysis, this new growth target has not been incorporated into the analysis given the extensive work required to understand the implications of doubling the growth in the City. City staff are currently working on determining the planning, engineering and financial impacts of these new growth targets; however, the changes can be expected to provide further downward pressure on growth-related capital revenues.

Affordable Rental/Owned Units:

Based on the growth forecast identified in Table 2-1 above, it is estimated that approximately 1,270 units would meet the definition of Affordable Rental or Owned units. Under the D.C. growth forecast, these units would be identified as high density/apartment units. Utilizing current D.C. rates, the total D.C. revenue loss as a result of this exemption would be **$12.8 million.**

Attainable Housing:

It is noted that the definition of “attainable” is unclear, as this has not yet been defined in the regulations. As such, the impact of this exemption has not been quantified as part of this analysis, however, depending on the definition, this could have a significant impact on total D.C. revenue collection for the City.

Inclusionary Zoning Units:

Although the City does not have an inclusionary zoning by-law in place, staff have assumed a by-law would be in place within the 10-year forecast period. Based on estimates, this would result in approximately 200 inclusionary zoning units by 2031 within centres located inside Protected Major Transit Station Areas (PMTSAs). These

inclusionary zoning units would be exempt from D.C.s and would result in a D.C. revenue loss of approximately **$2.3 million**.

Non-Profit Housing:

Through discussions with staff and based on Council-approved policies/strategies for non-profit housing, it is estimated that approximately 1,400 units over the next ten years would meet the definition of non-profit and would be exempt from D.C.s. These units would be classified as small apartments and would result in a D.C. revenue loss of **$15.7 million**.

2.1.2 Summary of Impacts

Based on this preliminary, high-level analysis, it could be estimated that approximately 2,870 units out of the 13,800 (21%) total units identified in the growth forecast would be exempt from D.C.s as a result of the above changes to the legislation. These new statutory exemptions result in a total revenue loss of $30.8 million.

Table 2-2
City of Richmond Hill
Financial Impact of New Statutory Exemptions

Exemption	Units Exempt (2022-2031)	D.C. Revenue Loss ($)
Affordable Rental/Owned Units	1,270	$12,800,000
Attainable Units	?	?
Inclusionary Zoning Units	200	$2,300,000
Non-profit Housing Units	1,400	$15,700,000
Total	**2,870**	**$30,800,000**

2.2 Additional Residential Unit Exemption

The rules for these exemptions are now provided in the D.C.A., rather than the regulations and are summarized as follows:

- Exemption for residential units in existing rental residential buildings – For rental residential buildings with four or more residential units, the greater of one unit or 1% of the existing residential units will be exempt from D.C.
- Exemption for additional residential units in existing and new residential buildings – The following developments will be exempt from a D.C.:
    - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
    - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
    - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.

2.2.1 Revenue Impacts

Based on Official Plan policies and discussions with staff, it is assumed that approximately 550 units would be exempt from D.C.s under the additional residential unit exemption. This would result in a D.C. revenue loss of approximately **$9.8 million.**

2.3 Mandatory Phase-in of a D.C.

For all D.C. by-laws passed after January 1, 2022, the charge must be phased-in annually over the first five years the by-law is in force, as follows:

- Year 1 – 80% of the maximum charge;
- Year 2 – 85% of the maximum charge;
- Year 3 – 90% of the maximum charge;
- Year 4 – 95% of the maximum charge; and
- Year 5 to expiry – 100% of the maximum charge.

Note: for a D.C. by-law passed on or after January 1, 2022, the phase-in provisions would only apply to D.C.s payable on or after the day subsection 5 (7) of Schedule 3 of the Bill comes into force (i.e., no refunds are required for a D.C. payable between January 1, 2022 and the day the Bill receives Royal Assent). The phased-in charges also apply with respect to the determination of the charges under section 26.2 of the Act (i.e., eligible site plan and zoning by-law amendment applications).

2.3.1 Revenue Impacts

To illustrate the impacts of Bill 23 and for the purposes of this analysis, it is assumed that the current D.C. rates would be phased in as of 2022 (i.e., 80% of the current rate would be charged to D.C. eligible development). As a result of this five year phase-in of the charge, the City would lose approximately **$11.6 million** in D.C. revenues over the first five years of the forecast.

2.4 Capital Costs Related to Land

Land costs are proposed to be removed from the list of eligible costs for certain services (to be prescribed later).

2.4.1 Revenue Impacts

At this point, it is unclear what land costs are to be removed from the list of eligible costs. As such, a very conservative and high-level estimate would provide for a revenue loss of approximately **$25.2 million** over the ten-year forecast period.

2.5 Removal of Growth Studies

Costs of studies, such as Official Plans, D.C. studies, master plans, etc. are no longer an eligible capital cost for D.C. funding. As these are costs required due to growth, these studies will still need to be carried out and funded from other sources (e.g. tax reserves).

2.5.1 Revenue Impacts

Given that D.C.s for growth studies can no longer be collected, a revenue loss of approximately **$5.2 million** has been estimated by applying the D.C. charge for growth studies to the growth forecast over the next ten years.

2.6 Rental Housing Discount

The D.C. payable for rental housing development will be reduced based on the number of bedrooms in each unit as follows:

- Three or more bedrooms – 25% reduction;
- Two bedrooms – 20% reduction; and
- All other bedroom quantities – 15% reduction.

As amended, these discounts would apply to any part of a development charge payable for a prescribed development under an agreement under section 27, if the agreement

was entered into after the development is prescribed and before this section of the Bill comes into force.

2.6.1 Revenue Impacts

Based on discussions with planning staff, approximately 1,500 units would be eligible for this discount, which would result in an overall revenue loss of **$5.1 million** over the ten-year forecast period.

2.7 Historical Level of Service

The increase in need for service was previously limited by the average historical level of service calculated over the ten year period preceding the preparation of the D.C. background study. This average has now been extended to the historical 15-year period.

2.7.1 Impact on Richmond Hill

For the purposes of this analysis, this service standard change has not been modelled and quantified, however, for municipalities experiencing significant growth in recent years, this may reduce the level of service cap, and the corresponding D.C. recovery. For Richmond Hill, it could be expected that the service cap for certain services would be reduced, resulting in a lower D.C. revenue recovery. The impact of this change will be better understood through the upcoming D.C. by-law update.

2.8 Other Changes to the Development Charges Act

There are a number of other changes to the D.C.A, however, many of these are either not applicable to Richmond Hill or are largely administrative in nature and are likely to have minimal/no impact on D.C. revenues. These changes are as follows:

- **Removal of Housing Services as an Eligible Service:** Municipalities with by-laws that include a charge for housing services can no longer collect for this service. As Richmond Hill does not collect for housing services under its D.C. by-law, this change does not have an impact on Richmond Hill's D.C. revenues.
- **D.C. By-law Expiry**: A D.C. by-law expires ten years after the day it comes into force. This extends the by-law's life from five to ten years.
- **Maximum Interest Rate for Instalments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications**: No maximum interest rate was previously prescribed. Under the new changes, the maximum interest rate is set at the average prime rate plus 1%. How the average prime rate is determined is further defined under section 9 of Schedule 3 of the Bill. This maximum interest rate provision applies to all instalment payments and eligible site plan and zoning by-law amendment applications.

- **Requirement to Allocate Funds Received**: Similar to the requirements for community benefits charges, annually, beginning in 2023, municipalities are required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the regulation.
- **Instalment Payments:** Non-profit housing development has been removed from the instalment payment section of the Act (section 26.1), as these units are now exempt from the payment of a D.C.
- **Amendments to Section 44 (Front-ending)**: This section has been updated to include the new mandatory exemptions for affordable, attainable, and non-profit housing, along with required affordable residential units under inclusionary zoning by-laws.

2.9 Summary of Financial Impacts of Bill 23 on D.C.s

Based on the above discussion, the following summarizes the estimated revenue loss associated with each change to the D.C.A.:

Table 2-3
City of Richmond Hill
Financial Impacts of Bill 23 – D.C.s

D.C.A Change	Revenue Loss ($)
New Statutory Exemptions	$30.8 million
Additional Residential Unit Exemption	$9.8 million
Mandatory Phase-in of D.C.	$11.6 million
Capital Costs Related to Land Excluded from Charge	$25.2 million
Capital Costs Related to Studies Excluded from Charge	$5.2 million
Rental Housing Discount	$5.1 million
Total	**$87.7 million**

Based on these estimates, D.C. revenues are 32% lower than previously estimated, as a result of Bill 23.

3. Changes to the Planning Act – Community Benefits Charges

3.1 New Statutory Exemptions

Similar to the D.C.A. changes, affordable residential units, attainable residential units, and inclusionary zoning residential units are now exempt from the payment of C.B.C.s. These exempt units have the same definitions as those found in the D.C.A.

3.1.1 Revenue Impacts

Based on the same assumptions utilized to estimate the revenue loss for D.C.s, the loss in C.B.C. revenue as a result of exemptions for affordable and inclusionary zoning residential units is approximately **$3.9 million** over the 10-year forecast period (note: attainable residential units are not included as the definition of attainable is currently unclear).

3.2 Limiting the Maximum C.B.C. in Proportion to Incremental Development

Where development or redevelopment is occurring on a parcel of land with an existing building or structure, the maximum C.B.C. that could be imposed is to be calculated based on the incremental development only. For example, if a building is being expanded by 150,000 sq.ft. on a parcel of land with an existing 50,000 sq.ft. building, then the maximum C.B.C. that could be imposed on the development would be 3% of total land value (i.e., 150,000 sq.ft. / 200,000 sq.ft. = 75% x 4% maximum prescribed rate = 3% of total land value).

3.2.1 Revenue Impacts

This change largely seeks to clarify the administration of the charge and is not likely to have a revenue impact for the City of Richmond Hill.

4. Changes to the Planning Act – Parkland Dedication

4.1 New Statutory Exemptions

Affordable residential units, attainable residential units, inclusionary zoning residential units, non-profit housing and additional residential unit developments are exempt from parkland dedication requirements. For affordable, attainable, and inclusionary zoning residential units, the exemption is proposed to be implemented by:

- discounting the standard parkland dedication requirements (i.e., 5% of land) based on the proportion of development excluding affordable, attainable and inclusionary zoning residential units relative to the total residential units for the development; or

- where the alternative requirement is imposed, the affordable, attainable and inclusionary zoning residential units would be excluded from the calculation.

For non-profit housing and additional residential units, a parkland dedication by-law (i.e., a by-law passed under section 42 of the *Planning Act*) will not apply.

The definitions for these units are the same as those provided under the D.C.A.

4.2 Alternative Parkland Dedication Requirement

The following changes have been made with respect to the imposition of the alternative parkland dedication requirements:

- The alternative requirement of 1 hectare (ha) per 300 dwelling units has been reduced to 1 ha per 600 dwelling units where land is being conveyed. Where the municipality imposes payment-in-lieu (P.I.L.) requirements, the amendments would reduce the amount from 1 ha per 500 dwelling units to 1 ha per 1,000 net residential units.
- Proposed amendments clarify that the alternative requirement is to be calculated on the incremental units of development/redevelopment.
- The alternative requirement is capped at 10% of the land area or land value where the land proposed for development or redevelopment is 5 ha or less; and 15% of the land area or land value where the land proposed for development or redevelopment is greater than 5 ha.

4.3 Other Changes

The following list provides a number of the other changes to the *Planning Act* with respect to parkland dedication:

- **Parks Plan:** The preparation of a publicly available parks plan as part of enabling an Official Plan is required at the time of passing a parkland dedication by-law under section 42 of the *Planning Act*.
- **Identification of Lands for Conveyance:** Owners are allowed to identify lands to meet parkland conveyance requirements, within regulatory criteria. These lands may include encumbered lands and privately owned public space (POPs). Municipalities may enter into agreements with the owners of the land regarding POPs to enforce conditions, and these agreements may be registered on title. The suitability of land for parks and recreational purposes will be appealable to the Ontario Land Tribunal (OLT).
- **Requirement to Allocate Funds Received:** Similar to the requirements for C.B.C.s and for the D.C.A. under Bill 23, annually beginning in 2023, municipalities are required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year.

- **Determination of Parkland Dedication**: Similar to the rules under the D.C.A., the determination of parkland dedication for a building permit issued within two years of a Site Plan and/or Zoning By-law Amendment approval is subject to the requirements in the by-law as at the date of planning application submission.

4.4 Summary of Revenue Impacts

Based on the changes provided through Bill 23, the revenue impacts of the changes the alternative parkland dedication requirement were analyzed. The City's current parkland dedication by-law provides for a fixed per unit rate based on the alternative rate. This charge has been recalculated for the purposes of this analysis to reflect the 1 ha for every 1,000 units. The change results in a significant loss in revenue, especially with respect to the cap when applied to high-density development. It is estimated that over the 10-year forecast period, the City would lose approximately **$238.2 million** in parkland dedication revenue.

5. Concluding Remarks

Based on the above discussion, the overall estimated revenue losses to the City for funding growth related infrastructure over the next 10 years are estimated as follows:

Table 5-1
City of Richmond Hill
Summary of Financial Impacts – Bill 23 Changes

Revenue Tool	Overall Revenue Loss ($)	Percentage Reduction in Forecasted Revenues
D.C.s	$87.7 million	32%
C.B.C.s	$3.9 million	25%
Parkland Dedication	$238.2 million	61%
Total Revenue Loss	**$329.3 million**	**49%**

There are a number of caveats to this high-level analysis that must be noted:

- The new housing target released by the Province has not been incorporated into the growth forecast. The implications of the new target are not yet clear,

however, it is expected that there would be further D.C. revenue losses that would need to be funded from other sources.

- Certain changes (i.e. attainable housing, capital costs associated with land) are not fully incorporated into the analysis given the definitions are currently unclear. The analysis will need to be revisited and updated when the Province provides updates.
- Non-residential growth has not been included as part of this analysis. As most of the changes are expected to impact residential growth, this was the focus of the analysis, however there are expected to be some revenue impacts on the non-residential side as well (e.g. non-residential growth would also be subject to the 5-year phase in).

Although this is a very high-level and preliminary analysis, the above discussion indicates that Bill 23 imposes significant reductions on the City's ability to collect D.C.s, C.B.C.s and cash-in-lieu of parkland. These revenue losses will require the City to either delay the construction of growth-related infrastructure, issue additional debt, and/or increase property taxes.

Legislative Assembly of Ontario

Assemblée législative de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2022

Bill 23

(Chapter 21 of the Statutes of Ontario, 2022)

An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

The Hon. S. Clark
Minister of Municipal Affairs and Housing

1st Reading	October 25, 2022
2nd Reading	October 31, 2022
3rd Reading	November 28, 2022
Royal Assent	November 28, 2022

EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 23 and does not form part of the law. Bill 23 has been enacted as Chapter 21 of the Statutes of Ontario, 2022.

SCHEDULE 1
CITY OF TORONTO ACT, 2006

The Schedule amends section 111 of the *City of Toronto Act, 2006* to give the Minister the authority to make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under that section.

The Schedule also makes various amendments to section 114 of the *City of Toronto Act, 2006*. New subsections (1.2) and (1.3) are added to qualify the definition of "development" in subsection 114 (1). Amendments to subsection (6) and new subsection (6.1) limit the extent to which exterior design may be addressed through site plan control. Related amendments are also included.

SCHEDULE 2
CONSERVATION AUTHORITIES ACT

The Schedule repeals and re-enacts subsections 21 (2) and (3) of the *Conservation Authorities Act* so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria. Sections 21.1.1 and 21.1.2 of the Act are also amended to provide that authorities may not provide a program or service related to reviewing and commenting on certain matters under prescribed Acts. A new section 21.3 is added to the Act authorizing the Minister to direct an authority not to change the fees it charges for a specified period of time.

The Act is amended to provide that certain prohibitions on activities in the area of jurisdiction of an authority do not apply if the activities are part of development authorized under the *Planning Act* and if other specified conditions are satisfied.

Sections 28.0.1 and 28.1.2 of the Act, which include provisions to require a conservation authority to issue a permission or permit where an order has been made under section 47 of the *Planning Act*, are amended to also apply to orders made under section 34.1 of the *Planning Act*.

Currently, several factors must be considered when making decisions relating to a permission to carry out a development project or a permit to engage in otherwise prohibited activities. The factors include the possible effects on the control of pollution and the conservation of land. The Act is amended to instead require consideration of the effects on the control of unstable soil or bedrock.

Regulation making powers are amended to provide that the Minister may make regulations limiting the types of conditions that may be attached to a permission or permit.

A new prohibition is added to prohibit a person from continuing to carry out a development project if they have not entered into an agreement by the timeline prescribed in the regulations.

Various other related and consequential amendments and corrections are made, and several regulations made under the Act are revoked.

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

The Schedule makes various amendments to the *Development Charges Act, 1997*. Here are some highlights:

1. Subsection 2 (4) is amended to remove housing services as a service in respect of which a development charge may be imposed.
2. New sections 4.1, 4.2 and 4.3 provide, respectively, for exemptions from development charges for the creation of affordable residential units and attainable residential units, for non-profit housing developments and for inclusionary zoning residential units.
3. Changes are made to the method for determining development charges in section 5, including to remove the costs of certain studies from the list of capital costs that are considered in determining a development charge that may be imposed and to require development charges to be reduced from what could otherwise be imposed during the first four years a by-law is in force.
4. Currently, subsection 9 (1) provides that, unless it expires or is repealed earlier, a development charge by-law expires five years after it comes into force. The subsection is amended to extend this period to 10 years.
5. Section 26.2 is amended to provide that development charges in the case of rental housing development are reduced by a percentage based on the number of bedrooms. Transitional matters are provided for, including that the reduction applies

to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day the amendments came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed.

6. A new section 26.3 is added to provide a maximum interest rate for the purposes of sections 26.1 and 26.2. Complementary amendments are made to sections 26.1 and 26.2.
7. New subsections 35 (2) and (3) are added, which, for certain services, require a municipality to spend or allocate 60 per cent of the monies in the reserve funds required by section 33 annually.

SCHEDULE 4
MUNICIPAL ACT, 2001

The Schedule amends section 99.1 of the *Municipal Act, 2001* to give the Minister the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under that section.

SCHEDULE 5
NEW HOME CONSTRUCTION LICENSING ACT, 2017

The Schedule makes various amendments to the *New Home Construction Licensing Act, 2017*, including the following:

1. Sections 10 and 11, which relate to competency criteria and composition of the regulatory authority's board, are amended to provide for the Minister's powers to be exercised by order instead of by regulation.
2. Section 71 is amended to provide for higher maximum fines for subsequent convictions for offences.
3. Section 76 is replaced with a new section 76, with some changes. The purposes for which an administrative penalty may be imposed are extended to include compliance with the Acts, regulations and by-laws referred to in subsection 76 (1) and the conditions of a licence as well to prevent economic benefit from contraventions. The maximum amount of an administrative penalty is increased to $50,000. New subsections 76 (15) and (16) allow administrative penalties to be imposed for contraventions that occurred between April 14, 2022 and the day section 76 comes into force.
4. Clause 84 (1) (i), which authorizes regulations specifying the purposes for which the regulatory authority may use funds that it collects as administrative penalties, is replaced with a new clause 84 (1) (i) that extends the authority to funds that the regulatory authority collects as fines.
5. New clause 84 (1) (i.1) authorizes regulations requiring the regulatory authority to establish, maintain and comply with a policy governing payments to adversely affected persons from funds the authority collects as fines and administrative penalties. New subsection 84 (7) allows such a regulation to provide for any aspect of the policy to be subject to the approval of the Minister.

SCHEDULE 6
ONTARIO HERITAGE ACT

The Schedule amends the *Ontario Heritage Act*. Here are some highlights.

Section 25.2 of the Act currently permits the Minister to prepare heritage standards and guidelines for the identification, protection, maintenance, use and disposal of property that is owned by the Crown or occupied by a ministry or prescribed public body and that has cultural heritage value or interest. New subsection 25.2 (3.1) provides that the process for identifying such properties, as set out in the heritage standards and guidelines, may permit the Minister to review determinations made by a ministry or prescribed public body. New subsection 25.2 (7) authorizes the Lieutenant Governor in Council to, by order, exempt the Crown, a ministry or a prescribed public body from having to comply with the heritage standards and guidelines in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more provincial priorities, as specified.

Section 27 of the Act currently requires the clerk of each municipality to keep a register that lists all property designated under Part IV of the Act and also all property that has not been designated, but that the municipal council believes to be of cultural heritage value or interest. New subsection 27 (1.1) requires the clerk of the municipality to ensure that the information included in the register is accessible to the public on the municipality's website. Subsection 27 (3) is re-enacted to require that non-designated property must meet the criteria for determining whether property is of cultural heritage value or interest, if such criteria are prescribed. Current subsection 27 (13) is re-enacted to provide that, in addition to applying to properties included in the register on and after July 1, 2021, the objection process set out in subsections 27 (7) and (8) apply to non-designated properties that were included in the register as of June 30, 2021. New subsections 27 (14), (15) and (16) specify circumstances that require the removal of non-designated property from the register. New subsection 27 (18) prevents a council from including such non-designated property in the register again for five years.

Currently, subsection 29 (1.2) of the Act provides that, if a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be

prescribed. The subsection is re-enacted to also provide that the municipality may give a notice of intention to designate the property only if the property was included in the register under subsection 27 (3) as of the date of the prescribed event.

Subsection 41 (1) of the Act currently permits a council of a municipality to designate, by by-law, the municipality or any defined area of it as a heritage conversation district, if there is in effect in the municipality an official plan that contains provisions relating to the establishment of a heritage conservation district. The subsection is re-enacted to also require the municipality or defined area or areas to meet criteria for determining whether they are of cultural heritage value or interest, if such criteria are prescribed. New subsections 41 (10.2) and (10.3) require a council of a municipality wishing to amend or repeal a by-law made under the section to do so in accordance with such process as may be prescribed; similar rules are added to section 41.1.

Section 71 of the Act authorizes the Lieutenant Governor in Council to make regulations governing transitional matters to facilitate the implementation of the amendments made in the Schedule.

Other housekeeping amendments are made to the Act.

SCHEDULE 7
ONTARIO LAND TRIBUNAL ACT, 2021

The Schedule amends the *Ontario Land Tribunal Act, 2021*.

Subsection 19 (1) is amended to expand the Tribunal's powers to dismiss a proceeding without a hearing, on the basis that the party who brought the proceeding has contributed to undue delay. Section 19 of the Act is also amended to give the Tribunal the power to dismiss a proceeding entirely, if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. Section 20 is amended to give the Tribunal the power to order an unsuccessful party to pay a successful party's costs.

The regulation-making authority in section 29 is also amended. The Lieutenant Governor in Council is given authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings. The Minister is given authority to make regulations prescribing timelines that would apply to specified steps taken by the Tribunal in specified classes of proceedings. The implications of a failure of the Tribunal to comply with the timelines prescribed by the Minister are addressed, and the Minister is given authority to require the Tribunal to report on its compliance with the timelines.

A consequential amendment is made to subsection 13 (4).

SCHEDULE 8
ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012

The Schedule amends the *Ontario Underground Infrastructure Notification System Act, 2012*. Here are some highlights:

1. New subsection 2 (4.4) authorizes the Minister to appoint a chair of the board of directors.
2. New section 2.3 authorizes the Minister to appoint an administrator of the Corporation. This section sets out details of this appointment such as the term, powers and duties of the administrator and various rules with respect to liability. New section 2.5 sets out the conditions to be satisfied in order for the Minister to exercise this authority.
3. New section 2.4 sets out that the members of the board of directors of the Corporation cease to hold office during an administrator's tenure, unless otherwise specified. This section sets out the status of the board during an administrator's tenure.
4. New section 2.6 sets out that the Act, the regulations and Minister's orders prevail in the event of a conflict with the memorandum of understanding or the Corporation's by-laws and resolutions.

SCHEDULE 9
PLANNING ACT

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. The concept of parcels of urban residential land is added as well as rules respecting development on such parcels.
2. New subsections 16 (20) and (21) are added to require zoning by-laws to be amended to conform with certain official plan policies within one year of the policies coming into effect.
3. Currently, under subsection 45 (12), a person has the right to appeal a decision of the committee of adjustment if the person has an interest in the matter. Amendments are made to the subsection to add the requirement that the person also be a specified person listed in a new definition in subsection 1 (1). New subsections 45 (12.1) to (12.4) are added to provide transitional rules associated with this change, including its retroactive application. A similar amendment is made to appeal rights under subsections 53 (19) and (27).
4. Currently, subsections 22 (2.1) to (2.1.2) prohibit requests for official plan amendments to be made within two years of a new official plan or secondary plan coming into effect. The subsections are repealed. The prohibitions on applications to amend zoning by-laws in subsections 34 (10.0.0.1) and (10.0.0.2) and in relation to applications for a minor variance in subsections 45 (1.2) to (1.4) are similarly repealed.

5. Currently, section 23 of the Act enables the Minister to amend official plans by order where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to, in particular, eliminate certain procedural steps to which the Minister's power to make orders is subject, as well as to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.
6. A new subsection 34 (19.9) is added to create an exception to subsection 34 (19.5), which prevents certain appeals of zoning by-laws related to protected major transit station areas if more than a year has passed since related official plan policies or amendments thereto came into effect.
7. Currently, subsection 37 (6) permits a municipality that has passed a community benefits charge by-law to allow an owner of land to provide the municipality facilities, services or matters required because of development or redevelopment in the area. A new subsection 37 (7.1) provides that a municipality may require such an owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters and new subsection (7.2) requires the agreement to be registered against the land.
8. Currently, subsection 37 (32) of the Act provides that the amount of a community benefits charge payable in any particular case shall not exceed the prescribed percentage of the value of the land as of the valuation date. The subsection is amended to require the amount to be multiplied by a ratio based on floor area.
9. Various amendments are made to section 41 of the Act with respect to site plan control areas. New subsections (1.2) and (1.3) are added to qualify the definition of "development" in section 41. Amendments to subsections (4) and (4.1) provide that exterior design is no longer a matter that is subject to site plan control. Similar changes are made to section 47.
10. Various amendments are made to section 42 of the Act with respect to parkland requirements, including the following:
    i. Currently subsection 42 (1) provides that a council may require the dedication of land for park or other public recreational purposes as a condition of development or redevelopment and sets out maximum amounts based on the type of development or redevelopment. A new subsection 42 (1.1) is added to establish a maximum amount for development or redevelopment that will include affordable residential units, attainable residential units or residential units required to be affordable pursuant to an inclusionary zoning by-law. Similar changes are made to section 51.1.
    ii. New subsections 42 (2.1) to (2.4) are added, which set out rules with respect to the timing of the determination of the amount of land for park or other public recreational purposes or payment in lieu that is required to be provided under a by-law under the section. Similar changes are made to section 51.1.
    iii. Amendments are made in relation to the alternative requirement for parkland conveyances and payments in lieu, including to change the maximum rates and provide a maximum amount of land or value thereof that may be required to be provided. Similar changes are made to section 51.1.
    iv. New subsections 42 (4.30) to (4.39) are added, which set out a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the section. The framework permits owners to appeal to the Tribunal if the municipality refuses to accept the conveyance of the identified land.
    v. A new subsection 42 (16.1) is added, which requires a municipality to spend or allocate 60 per cent of the monies in the special account required by subsection 42 (15) annually.
11. Amendments to the exceptions to subdivision control and part-lot control under subsections 50 (3) and (5) of the Act are made in connection with land lease community homes. The exception doesn't apply in respect of land if any part of the land is in the Greenbelt Area. A complementary amendment is made to the definition of "parcel of land" in subsection 46 (1).
12. Section 51 is amended by repealing certain provisions respecting public meetings.
13. Section 70.12 is added to give the Minister the power to make regulations governing transitional matters.
14. The Act is amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Various amendments are made to provide lower-tier municipalities with planning functions where, for municipal purposes, they form part of an upper-tier municipality without planning responsibilities. A new section 70.13 addresses various transitional matters which may arise where there is a change in the municipality that has planning responsibilities.

SCHEDULE 10
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022

The *Supporting Growth and Housing in York and Durham Regions Act, 2022* is enacted. Its purpose is to expedite the planning, development and construction of the proposed York Region sewage works project to expedite the improvement, enlargement and extension of the York Durham Sewage System to convey sewage to the Duffin Creek Water Pollution Control Plant. The Act also expedites the development, construction and operation of the Lake Simcoe phosphorus reduction project for the

capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River.

Certain orders and approvals under the *Environmental Assessment Act* are terminated, and the projects are exempted from the *Environmental Bill of Rights, 1993*.

Land required for the projects may be designated as project land, in which case certain work cannot be performed without a permit.

The Minister may require removal of obstructions to the projects.

Adjustments to the expropriation process under the *Expropriations Act* are set out, as are rules regarding compensation.

A number of the powers given to the Minister may be delegated to the Regional Municipalities of York or Durham, a lower-tier municipality or the Agency. Rules with regard to utility companies affected by the project are established.

Various provisions of an administrative nature are enacted.

Bill 23 **2022**

An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

CONTENTS

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *More Homes Built Faster Act, 2022*.

SCHEDULE 1
CITY OF TORONTO ACT, 2006

1 Section 111 of the *City of Toronto Act, 2006* is amended by adding the following subsection:

Regulations

(7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section.

2 (1) Section 114 of the Act is amended by adding the following subsections:

Same

(1.2) Subject to subsection (1.3), the definition of "development" in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

Land lease community home

(1.3) The definition of "development" in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1) of the *Planning Act*, on a parcel of land that will contain any number of residential units.

(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed and the following substituted:

iv. matters relating to building construction required under a by-law referred to in section 108 or 108.1,

(3) Subsection 114 (6) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 iv of subsection (5).

(4) Section 114 of the Act is amended by adding the following subsections:

Same

(6.1) The appearance of the elements, facilities and works on the land or any adjoining highway under the City's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

. . . . .

Same

(20) In respect of plans and drawings submitted for approval under subsection (5) before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force,

(a) subparagraph 2 iv of subsection (5) as it read immediately before the day subsection 2 (2) of Schedule 1 to the *More Homes Built Faster Act, 2022* came into force continues to apply;

(b) paragraph 1.1 of subsection (6) does not apply; and

(c) subsection (6.1) does not apply.

Commencement

3 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 2
CONSERVATION AUTHORITIES ACT

1 The definition of "Minister" in section 1 of the *Conservation Authorities Act* is repealed and the following substituted:

"Minister" means the Minister of Natural Resources and Forestry or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; ("ministre")

2 (1) Clause 21 (1) (c) of the Act is amended by striking out "subject to subsection (2)" and substituting "subject to subsections (2) and (4)".

(2) Subsections 21 (2) and (3) of the Act are repealed and the following substituted:

Notice to Minister

(2) Subject to subsection (6), if the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without providing a written notice of the proposed disposition to the Minister at least 90 days before the disposition.

Same

(3) If an authority is required to consult the public and post a notice of proposed disposition under subsection (4), the notice to the Minister required under subsection (2) shall, at a minimum, describe how the comments received during the public consultation, if any, were considered by the authority prior to the disposition.

Public consultation prior to disposition

(4) Subject to subsection (6), an authority shall conduct a public consultation and post a notice of the consultation on its website if the authority proposes, under clause (1) (c), to sell, lease or otherwise dispose of land in respect of which the Minister has made a grant under section 39 and the land includes,

(a) areas of natural and scientific interest, lands within the Niagara Escarpment Planning Area or wetlands as defined in section 1 of the *Conservation Land Act*;

(b) the habitat of threatened or endangered species;

(c) lands in respect of which the authority has entered into an agreement with the Minister in relation to forestry development under section 2 of the *Forestry Act*; or

(d) land that is impacted by a type of natural hazard listed in subsection 1 (1) of Ontario Regulation 686/21 (Mandatory Programs and Services) made under this Act.

Length of public consultation and content of notice

(5) The public consultation under subsection (4) shall last for a minimum of 45 days and the notice of public consultation to be posted on the authority's website prior to the proposed disposition shall include,

(a) a description of the type of land referred to in clauses (4) (a) to (d) that the authority is proposing to dispose of;

(b) the proposed date of the disposition; and

(c) the proposed future use of the lands, if known.

Exceptions

(6) With regard to a disposition of land in respect of which the Minister has made a grant to an authority under section 39, the authority is not required to provide a notice to the Minister under subsection (2) or consult the public and post a notice under subsection (4) if,

(a) the disposition is for provincial or municipal infrastructure and utility purposes;

(b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and

(c) the authority informs the Minister of the disposition.

Minister's direction on disposition proceeds

(7) If the Minister receives a notice under subsection (2), the Minister may, within 90 days after receiving the notice, direct the authority to apply a specified share of the proceeds of the disposition to support programs and services provided by the authority under section 21.1.

3 (1) Subsection 21.1.1 (1) of the Act is amended by adding "Subject to subsection (1.1)" at the beginning.

(2) Section 21.1.1 of the Act is amended by adding the following subsection:

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

4 (1) Subsection 21.1.2 (1) of the Act is amended by adding "Subject to subsection (1.1)" at the beginning.

(2) Section 21.1.2 of the Act is amended by adding the following subsection:

(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

5 The Act is amended by adding the following section:

Minister's direction re fee changes

21.3 (1) The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.

Compliance

(2) An authority that receives a direction under subsection (1) shall comply with the direction within the time specified in the direction.

6 (1) Section 24 of the Act is amended by adding the following subsection:

Terms and conditions

(8) The Minister may impose terms and conditions on an approval given under subsection (1).

(2) Section 24 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsection:

Terms and conditions

(2) The Minister may impose terms and conditions on an approval given under subsection (1).

7 (1) Subsection 28 (1) of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out "Subject to subsections (2), (3) and (4) and section 28.1" at the beginning.

(2) Section 28 of the Act, as re-enacted by section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:

Same, *Planning Act*

(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

(a) the activity is part of development authorized under the *Planning Act*; and

(b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

Same

(4.2) If a regulation prescribes activities, areas of municipalities or types of authorizations under the *Planning Act* for the purposes of this subsection, or prescribes any other conditions or restrictions relating to an exception under subsection (4.1), the exception applies only in respect of such activities, areas and authorizations and subject to such conditions and restrictions.

8 (1) Clause 28.0.1 (1) (a) of the Act is repealed and the following substituted:

(a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

(2) The definition of "development project" in subsection 28.0.1 (2) of the Act is repealed and the following substituted:

"development project" means development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

(3) Clause 28.0.1 (6) (a) of the Act is repealed and the following substituted:

(a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(4) Subsection 28.0.1 (9) of the Act is repealed and the following substituted:

Request for Minister's review

(9) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

(5) Subsection 28.0.1 (16) of the Act is amended by striking out "conditions that the authority proposes to attach to a permission" and substituting "conditions attached by the authority to a permission".

(6) Clause 28.0.1 (17) (a) of the Act is repealed and the following substituted:

(a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(7) Subsection 28.0.1 (19) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Appeal

(19) The holder of a permission who objects to any conditions attached to the permission by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Ontario Land Tribunal to review the conditions if,

. . . . .

(8) Subsection 28.0.1 (20) of the Act is amended by striking out "proposed" and substituting "attached".

(9) Section 28.0.1 of the Act is amended by adding the following subsection:

Same

(26.1) If a regulation made under this section provides that a development project may begin prior to entering into an agreement under subsection (24), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until an agreement is entered into.

(10) Clause 28.0.1 (28) (b) of the Act is repealed and the following substituted:

(b) subsection (26) or (26.1).

(11) Subsection 28.0.1 (34) of the Act is repealed and the following substituted:

(34) If the conditions attached to a permission granted under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

(12) Clause 28.0.1 (35) (b) of the Act is amended by adding the following subclause:

(i.1) limiting the types of conditions that an authority may attach to a permission under this section,

(13) Clause 28.0.1 (35) (e) of the Act is repealed and the following substituted:

(e) specifying lands or development projects to which this section does not apply;

(e.1) exempting lands or development projects from subsection (5), (24) or (26), subject to such conditions or restrictions as may be specified;

9 (1) Clause 28.1 (1) (a) of the Act is repealed and the following substituted:

(a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(2) Clauses 28.1 (6) (a) and (b) of the Act are repealed and the following substituted:

(a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bedrock; and

(b) despite subsection (4), the authority shall not attach conditions to the permit unless the conditions relate to controlling flooding, erosion, dynamic beaches or unstable soil or bedrock.

(3) Subsection 28.1 (22) of the Act is amended by striking out "120" and substituting "90".

10 (1) Clause 28.1.2 (1) (a) of the Act is revoked and the following substituted:

(a) an order has been made by the Minister of Municipal Affairs and Housing under section 34.1 or 47 of the *Planning Act* authorizing the development project under that Act;

(2) The definition of "development project" in subsection 28.1.2 (2) of the Act is repealed and the following substituted:

"development project" means development activity as defined in subsection 28 (5) or any other act or activity that, without a permit issued under this section or section 28.1, would be prohibited under section 28.

(3) Subsection 28.1.2 (5) of the Act is amended by striking out "permission" and substituting "permit".

(4) Clause 28.1.2 (6) (a) of the Act is repealed and the following substituted:

(a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(5) Subsection 28.1.2 (9) of the Act is repealed and the following substituted:

Request for Minister's review

(9) A permit holder who objects to any conditions attached to the permit by an authority may, within 15 days of the reasons being given under subsection (8), submit a request to the Minister for the Minister to review the conditions, subject to the regulations.

(6) Subsection 28.1.2 (11) of the Act is amended by striking out "conditions that the authority proposes to attach to a permit" and substituting "conditions attached by the authority to a permit".

(7) Clause 28.1.2 (12) (a) of the Act is repealed and the following substituted:

(a) effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(8) Subsection 28.1.2 (14) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Appeal

(14) A permit holder who objects to any conditions attached to the permit by an authority may, within 90 days of the reasons being given under subsection (8), appeal to the Local Planning Appeal Tribunal to review the conditions if,

. . . . .

(9) Subsection 28.1.2 (15) of the Act is amended by striking out "proposed" and substituting "attached".

(10) Section 28.1.2 of the Act is amended by adding the following subsection:

Same

(19.1) If a regulation made under subsection 40 (4) provides that a development project may begin prior to entering into an agreement under subsection (17), but an agreement is not entered into by the date identified in the regulation, no person shall carry out the development project until such time the agreement is entered into.

(11) Subsection 28.1.2 (20) of the Act is revoked and the following substituted:

Conflict

(20) If the conditions attached to a permit issued under this section conflict with the terms of an order made under section 34.1 or 47 of the *Planning Act*, the terms of the order shall prevail.

11 (1) Clause 30.2 (1.1) (a) of the Act is repealed and the following substituted:

(a) the entry is for the purpose of ensuring compliance with subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1), with a regulation made under section 28.5 or with the conditions of a permit issued under section 28.1, 28.1.1 or 28.1.2 or issued under a regulation made under clause 28.5 (1) (c);

(2) Subclause 30.2 (1.1) (b) (i) of the Act is repealed and the following substituted:

(i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

12 (1) Subclause 30.4 (1) (a) (i) of the Act is repealed and the following substituted:

(i) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1) or a regulation made under section 28.5, or

(2) Subclause 30.4 (1) (b) (i) of the Act is repealed and the following substituted:

(i) the damage affects or is likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, or

13 (1) Clause 30.5 (1) (a) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is repealed and the following substituted:

(a) subsection 28 (1), 28.1.2 (19) or 28.1.2 (19.1);

(2) Clause 30.5 (1) (b) of the Act, as re-enacted by section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, is amended by striking out "subsection 28 (3) or (4)" substituting "subsection 28 (3), (4) or (4.1)".

14 (1) Subsection 40 (1) of the Act is amended by adding the following clause:

(g) governing exceptions under subsection 28 (4.1) from the prohibitions set out in subsection 28 (1), including,

(i) prescribing municipalities to which the exception applies,

(ii) respecting any conditions or restrictions that must be satisfied to obtain the exception, or in carrying out the activity, including conditions or restrictions applying to the municipality in which the exception applies,

(iii) prescribing activities, areas of municipalities, types of authorizations under the *Planning Act* and other conditions or restrictions for the purposes of subsection 28 (4.2),

(iv) governing transitional matters resulting from an exception under subsection 28 (4.1);

(2) Clause 40 (3) (c) of the Act is amended by striking out "clause 21.1.1 (4) (b) and subsection 21.1.2 (2)" at the end and substituting "clauses 21.1.1 (4) (b) and 21.1.2 (3) (b)".

(3) Subsection 40 (3) of the Act is amended by adding the following clause:

(c.1) prescribing Acts for the purposes of subsections 21.1.1 (1.1) and 21.1.2 (1.1);

(4) Clause 40 (4) (b) of the Act is amended by striking out "may be attached" and substituting "may or may not be attached".

(5) Clause 40 (4) (c) of the Act is repealed.

(6) Clause 40 (4) (e) of the Act is amended by adding the following subclause:

(i.1) limiting the types of conditions that an authority may attach to a permit under section 28.1.2;

(7) Clause 40 (4) (h) of the Act is repealed and the following substituted:

(h) specifying lands or development projects to which section 28.1.2 does not apply;

(h.1) exempting lands or development projects from subsections 28.1.2 (5), (17) and (19), subject to such conditions or restrictions as may be specified;

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

15 Subsection 16 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.

Revocation of Regulations

16 Ontario Regulations 97/04, 42/06, 146/06, 147/06, 148/06, 150/06, 151/06, 152/06, 153/06, 155/06, 156/06, 157/06, 158/06, 159/06, 160/06, 161/06, 162/06, 163/06, 164/06, 165/06, 166/06, 167/06, 168/06, 169/06, 170/06, 171/06, 172/06, 174/06, 175/06, 176/06, 177/06, 178/06, 179/06, 180/06, 181/06, 182/06 and 319/09 are revoked.

Commencement

17 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 2 to 5 and subsections 6 (1) and 14 (3) come into force on the later of January 1, 2023 and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(3) Subsection 6 (2) comes into force on the later of the day section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(4) Sections 9 and 16 come into force on the later of the day section 25 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(5) Section 10 comes into force on the later of the day section 17 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(6) Section 11 comes into force on the later of the day subsection 19 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(7) Section 12 comes into force on the later of the day subsection 20 (1) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(8) Section 13 comes into force on the later of the day section 21 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(9) Subsections 14 (4) to (7) come into force on the later of the day subsection 25 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(10) Section 7 and subsection 14 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.

8

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

1 Section 1 of the *Development Charges Act, 1997* is amended by adding the following definition:

"rental housing development" means development of a building or structure with four or more residential units all of which are intended for use as rented residential premises; ("aménagement de logements locatifs")

2 (1) Subsections 2 (3) and (3.1) of the Act are repealed and the following substituted:

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to permit the enlargement of an existing residential unit.

Exemption for residential units in existing rental residential buildings

(3.1) The creation of the greater of the following in an existing rental residential building, which contains four or more residential units, is exempt from development charges:

1. One residential unit.
2. 1% of the existing residential units.

Exemption for residential units in existing houses

(3.2) The creation of any of the following is exempt from development charges:

1. A second residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the existing detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit.
2. A third residential unit in an existing detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to an existing detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the existing detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the existing detached house, semi-detached house or rowhouse contains any residential units.

Exemption for additional residential units in new residential buildings

(3.3) The creation of any of the following is exempt from development charges:

1. A second residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the new detached house, semi-detached house or rowhouse cumulatively will contain no more than one residential unit.
2. A third residential unit in a new detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.
3. One residential unit in a building or structure ancillary to a new detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the new detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the new detached house, semi-detached house or rowhouse contains any residential units.

(2) Paragraph 17 of subsection 2 (4) of the Act is repealed.

(3) Section 2 of the Act is amended by adding the following subsection:

Deemed amendment of by-law

(4.0.1) If a by-law under this section imposes development charges to pay for increased capital costs required because of increased needs for housing services, the by-law is deemed to be amended to be consistent with subsection (4) as it reads on the day subsection 2 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

3 The Act is amended by adding the following section:

Exemption for affordable and attainable residential units

Definitions

4.1 (1) In this section,

"affordable residential unit" means a residential unit that meets the criteria set out in subsection (2) or (3); ("unité d'habitation abordable")

"attainable residential unit" means a residential unit that meets the criteria set out in subsection (4). ("unité d'habitation à la portée du revenu")

Affordable residential unit, rented

(2) A residential unit intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The rent is no greater than 80 per cent of the average market rent, as determined in accordance with subsection (5).
2. The tenant is dealing at arm's length with the landlord.

Affordable residential unit, ownership

(3) A residential unit not intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria:

1. The price of the residential unit is no greater than 80 per cent of the average purchase price, as determined in accordance with subsection (6).
2. The residential unit is sold to a person who is dealing at arm's length with the seller.

Attainable residential unit

(4) A residential unit shall be considered to be an attainable residential unit if it meets the following criteria:

1. The residential unit is not an affordable residential unit.
2. The residential unit is not intended for use as a rented residential premises.
3. The residential unit was developed as part of a prescribed development or class of developments.
4. The residential unit is sold to a person who is dealing at arm's length with the seller.
5. Such other criteria as may be prescribed.

Average market rent

(5) For the purposes of paragraph 1 of subsection (2), the average market rent applicable to a residential unit is the average market rent for the year in which the residential unit is occupied by a tenant, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin", as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

Average purchase price

(6) For the purposes of paragraph 1 of subsection (3), the average purchase price applicable to a residential unit is the average purchase price for the year in which the residential unit is sold, as identified in the bulletin entitled the "Affordable Residential Units for the Purposes of the *Development Charges Act, 1997* Bulletin", as it is amended from time to time, that is published by the Minister of Municipal Affairs and Housing on a website of the Government of Ontario.

Arm's length

(7) For the purposes of this section, in the determination of whether two or more persons are dealing at arm's length, section 251 of the *Income Tax Act* (Canada) applies with necessary modifications.

Affordable residential unit, exemption from development charges

(8) The creation of a residential unit that is intended to be an affordable residential unit for a period of 25 years or more from the time that the unit is first rented or sold is exempt from development charges.

Same, agreement

(9) A person who, but for subsection (8), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (8) applies to be an affordable residential unit for a period of 25 years.

Attainable residential unit, exemption from development charges

(10) The creation of a residential unit that is intended to be an attainable residential unit when the unit is first sold is exempt from development charges.

Same, agreement

(11) A person who, but for subsection (10), would be required to pay a development charge and the local municipality shall enter into an agreement that requires the residential unit to which subsection (10) applies to be an attainable residential unit at the time it is sold.

10

Standard form agreement

(12) The Minister of Municipal Affairs and Housing may establish standard forms of agreement that shall be used for the purposes of subsection (9) or (11).

Registration of agreement

(13) An agreement entered into under subsection (9) or (11) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

Transition

(14) Subsection (8) does not apply with respect to a development charge that is payable before the day section 3 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Non-application of *Legislation Act, 2006*

(15) Part III (Regulations) of the *Legislation Act, 2006* does not apply to,

(a) a bulletin referred to in this section; or

(b) a standard form of agreement established under subsection (12).

4 The Act is amended by adding the following sections:

Exemption for non-profit housing development

Definition

4.2 (1) In this section,

"non-profit housing development" means the development of a building or structure intended for use as a residential premises and developed by,

(a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing,

(b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing, or

(c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Exemption

(2) A non-profit housing development is exempt from development charges.

Transition

(3) Subsection (2) does not apply with respect to a development charge that is payable before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Same

(4) For greater certainty, subsection (2) applies to future instalments that would have been payable in accordance with section 26.1 after the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Exemption for inclusionary zoning residential units

Exemption

4.3 (1) The creation of a residential unit described in subsection (2) is exempt from development charges unless a development charge is payable with respect to the residential unit before the day section 4 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Application

(2) Subsection (1) applies in respect of residential units that are affordable housing units required to be included in a development or redevelopment pursuant to a by-law passed under section 34 of the *Planning Act* to give effect to the policies described in subsection 16 (4) of that Act.

5 (1) Paragraph 4 of subsection 5 (1) of the Act is amended by striking out "10-year period" and substituting "15-year period".

(2) Section 5 of the Act is amended by adding the following subsection:

Transition, par. 4 of subs. (1)

(1.1) For greater certainty, paragraph 4 of subsection (1), as it read immediately before the day subsection 5 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

(3) Paragraph 1 of subsection 5 (3) of the Act is amended by adding "except in relation to such services as are prescribed for the purposes of this paragraph" at the end.

(4) Paragraphs 5 and 6 of subsection 5 (3) of the Act are repealed.

(5) Section 5 of the Act is amended by adding the following subsection:

Transition

(3.1) For greater certainty, subsection (3), as it read immediately before the day subsection 5 (4) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, continues to apply in respect of a development charge by-law in force on that day.

(6) Subsection 5 (6) of the Act is amended by adding the following paragraph:

4. In the case of a development charge by-law passed on or after the day subsection 5 (6) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, the rules must provide that,
    i. any development charge imposed during the first year that the by-law is in force is no more than 80 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
    ii. any development charge imposed during the second year that the by-law is in force is no more than 85 per cent of the maximum development charge that could otherwise be charged in accordance with this section,
    iii. any development charge imposed during the third year that the by-law is in force is no more than 90 per cent of the maximum development charge that could otherwise be charged in accordance with this section, and
    iv. any development charge imposed during the fourth year that the by-law is in force is no more than 95 per cent of the maximum development charge that could otherwise be charged in accordance with this section.

(7) Section 5 of the Act is amended by adding the following subsections:

Special rule

(7) Subsection (8) applies to a development charge imposed by a development charge by-law passed on or after January 1, 2022 and before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force, unless the development charge was payable before the day subsection 5 (7) of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

Same

(8) The amount of a development charge described in subsection (7) shall be reduced in accordance with the following rules:

1. A development charge imposed during the first year that the by-law is in force shall be reduced to 80 per cent of the development charge that would otherwise be imposed by the by-law.
2. A development charge imposed during the second year that the by-law is in force shall be reduced to 85 per cent of the development charge that would otherwise be imposed by the by-law.
3. A development charge imposed during the third year that the by-law is in force shall be reduced to 90 per cent of the development charge that would otherwise be imposed by the by-law.
4. A development charge imposed during the fourth year that the by-law is in force shall be reduced to 95 per cent of the development charge that would otherwise be imposed by the by-law.

Same, interpretation

(9) For the purposes of subsections (7) and (8), a development charge is deemed to be imposed on the day referred to in subsection 26.2 (1) that applies to the development charge.

6 (1) Subsection 9 (1) of the Act is amended by striking out "five years" and substituting "10 years".

(2) Section 9 of the Act is amended by adding the following subsection:

Transition

(1.1) For greater certainty, subsection (1), as it reads on and after the day subsection 6 (1) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, does not apply with respect to a development charge by-law that, before that day, had expired pursuant to subsection (1) as it read before that day.

7 (1) Paragraphs 1 to 3 of subsection 26.1 (2) of the Act are repealed and the following substituted:

1. Rental housing development.
2. Institutional development.

(2) Subsection 26.1 (3) of the Act is repealed and the following substituted:

Annual instalments

(3) A development charge referred to in subsection (1) shall be paid in equal annual instalments beginning on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied, and continuing on the following five anniversaries of that date.

(3) Subsection 26.1 (7) of the Act is amended by striking out "not exceeding the prescribed maximum interest rate" at the end and substituting "not exceeding the maximum interest rate determined in accordance with section 26.3".

8 (1) Subsection 26.2 (1) of the Act is amended by striking out "The total amount" at the beginning and substituting "Subject to subsection (1.1), the total amount".

(2) Section 26.2 of the Act is amended by adding the following subsections:

Discount, rental housing development

(1.1) In the case of rental housing development, the amount determined under subsection (1) shall be reduced in accordance with the following rules:

1. A development charge for a residential unit intended for use as a rented residential premises with three or more bedrooms shall be reduced by 25 per cent.
2. A development charge for a residential unit intended for use as a rented residential premises with two bedrooms shall be reduced by 20 per cent.
3. A development charge for a residential unit intended for use as a rented residential premises not referred to in paragraph 1 or 2 shall be reduced by 15 per cent.

Same, transition

(1.2) Subject to subsection (1.3), subsection (1.1) does not apply in respect of a development charge for a development in respect of which a building permit was issued before the day subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force.

Same, exception

(1.3) Despite subsection (7), paragraphs 1 to 3 of subsection (1.1) apply to any part of a development charge payable under an agreement under section 27 that is in respect of a prescribed development and that was entered into before the day that subsection 8 (2) of Schedule 3 to the *More Homes Built Faster Act, 2022* came into force, other than a part of the development charge that is payable under the agreement before the day the development was prescribed for the purposes of this subsection.

(3) Subsection 26.2 (3) of the Act is amended by striking out "at a rate not exceeding the prescribed maximum interest rate" and substituting "at a rate not exceeding the maximum interest rate determined in accordance with section 26.3".

9 The Act is amended by adding the following section:

Maximum interest rate

26.3 (1) In this section,

"adjustment date" means January 1, April 1, July 1 or October 1; ("date de rajustement")

"average prime rate", on a particular date, means the mean, rounded to the nearest hundredth of a percentage point, of the annual rates of interest announced by each of the Royal Bank of Canada, The Bank of Nova Scotia, the Canadian Imperial Bank of Commerce, the Bank of Montreal and The Toronto-Dominion Bank to be its prime or reference rate of interest in effect on that date for determining interest rates on Canadian dollar commercial loans by that bank in Canada. ("taux préférentiel moyen")

Same

(2) For the purposes of subsections 26.1 (7) and 26.2 (3), the maximum interest rate that a municipality may charge shall be determined in accordance with the following rules:

1. A base rate of interest shall be determined for April 1, 2022 and for each adjustment date after April 1, 2022 and shall be equal to the average prime rate on,
   i. October 15 of the previous year, if the adjustment date is January 1,
   ii. January 15 of the same year, if the adjustment date is April 1,
   iii. April 15 of the same year, if the adjustment date is July 1, and

iv. July 15 of the same year, if the adjustment date is October 1.

2. The base rate of interest in effect on a particular date shall be,

   i. the base rate for the particular date, if the particular date is an adjustment date, and

   ii. the base rate for the last adjustment date before the particular date, otherwise.

3. The maximum rate of interest that may be charged, in respect of a particular day after June 1, 2022, shall be an annual interest rate that is one percentage point higher than the base rate of interest in effect for that day.

Transition

(3) Subsection (2) does not apply in respect of a development charge that was payable before the day section 9 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force.

10 Section 35 of the Act is amended by adding the following subsections:

Requirement to spend or allocate monies in reserve fund

(2) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the following services at the beginning of the year:

1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.
3. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.

Same

(3) If a service is prescribed for the purposes of this subsection, beginning in the first calendar year that commences after the service is prescribed and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in a reserve fund for the prescribed service at the beginning of the year.

11 (1) Subsection 44 (4) of the Act is amended by striking out "Subsection 2 (3.1) and section 4" at the beginning and substituting "Subsections 2 (3.3), 4.2 (2) and 4.3 (1) and section 4".

(2) Subsection 44 (4) of the Act, as amended by subsection (1), is amended by adding "4.1 (8) and (10)" after "Subsections 2 (3.3)" at the beginning.

12 (1) Clauses 60 (1) (b) and (b.1) of the Act are repealed.

(2) Subsection 60 (1) of the Act is amended by adding the following clauses:

(d.2) prescribing developments and classes of developments for the purposes of paragraph 3 of subsection 4.1 (4);

(d.3) prescribing criteria for the purposes of paragraph 5 of subsection 4.1 (4);

(3) Subsection 60 (1) of the Act is amended by adding the following clause:

(l) prescribing services for the purposes of paragraph 1 of subsection 5 (3);

(4) Clause 60 (1) (s.2) of the Act is repealed.

(5) Subsection 60 (1) of the Act is amended by adding the following clause:

(s.2.1) prescribing developments for the purposes of subsection 26.2 (1.3);

(6) Subsection 60 (1) of the Act is amended by adding the following clause:

(s.4) prescribing one or more services for the purposes of subsection 35 (3);

(7) Section 60 of the Act is amended by adding the following subsections:

Adoption by reference

(1.1) A regulation under clause (1) (d.3) may adopt by reference, in whole or in part and with such changes as are considered necessary, any document and may require compliance with the document.

Rolling incorporation by reference

(1.2) The power to adopt by reference and require compliance with a document in subsection (1.1) includes the power to adopt a document as it may be amended from time to time.

Revocation

13 Subsections 11.1 (1) and (3) of Ontario Regulation 82/98 are revoked.

14

Commencement

14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Section 3, subsection 11 (2) and subsections 12 (2) and (7) come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4
MUNICIPAL ACT, 2001

1 Section 99.1 of the *Municipal Act, 2001* is amended by adding the following subsection:

Regulations

(7) The Minister may make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under this section.

Commencement

2 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 5
NEW HOME CONSTRUCTION LICENSING ACT, 2017

1 (1) Subsection 10 (1) of the *New Home Construction Licensing Act, 2017* is amended by striking out "regulation" and substituting "order".

(2) Subsection 10 (3) of the Act is amended by striking out "a regulation" and substituting "an order".

2 (1) Subsection 11 (1) of the Act is amended by striking out "regulation" wherever it appears and substituting in each case "order".

(2) Subsection 11 (2) of the Act is amended by striking out "a regulation" and substituting "an order".

3 Subsection 14 (3) of the Act is amended by striking out "after this section comes into force" wherever it appears and substituting in each case "after February 1, 2021".

4 Paragraph 6 of section 56.1 of the Act is repealed and the following substituted:

6. Take further action as is appropriate in accordance with this Act, including, for greater certainty, make an order under section 76 imposing an administrative penalty or refer the matter, in whole or in part, to another assessor to consider whether such an order should be made.

5 Subsection 71 (4) of the Act is repealed and the following substituted:

Penalties

(4) A person or entity that is convicted of an offence under this Act is liable to,

(a) in the case of an individual,

(i) on the first conviction, a fine of not more than $50,000 or imprisonment for a term of not more than two years less a day, or both, and

(ii) on each subsequent conviction, a fine of not more than $100,000 or imprisonment for a term of not more than two years less a day, or both; or

(b) in the case of a person or entity that is not an individual,

(i) on the first conviction, a fine of not more than $250,000, and

(ii) on each subsequent conviction, a fine of not more than $500,000.

Same, determining subsequent conviction

(4.0.1) For the purpose of subsection (4), a conviction of a person or entity for an offence mentioned in subsection (1), (2) or (3) is a subsequent conviction if the person or entity has a previous conviction for an offence mentioned in any of those subsections.

6 Section 76 of the Act is repealed.

7 The Act is amended by adding the following section:

Order

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.

Clarification re code of ethics

(2) For greater certainty, provisions of the code of ethics established under clause 84 (1) (f) may be prescribed for the purpose of subsection (1).

To whom payable

(3) An administrative penalty is payable to the regulatory authority.

Purpose

(4) An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with the Acts, regulations and by-laws referred to in subsection (1) and the conditions of a licence.
2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening the Acts, regulations or by-laws referred to in subsection (1) or the conditions of a licence.

Amount

(5) Subject to subsection (6), 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 $50,000.

Same, monetary benefit

(6) The total amount of the administrative penalty referred to in subsection (5) 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.

Form of order

(7) An order made under subsection (1) imposing an administrative penalty against a person shall be in the form that the registrar determines.

Service of order

(8) The order shall be served on the person against whom the administrative penalty is imposed in the manner that the registrar determines.

Absolute liability

(9) An order made under subsection (1) imposing an administrative penalty against a person applies even if,

(a) the person took all reasonable steps to prevent the contravention on which the order is based; or

(b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

No effect on offences

(10) For greater certainty, nothing in subsection (9) affects the prosecution of an offence.

Other measures

(11) Subject to section 78, an administrative penalty may be imposed alone or in conjunction with the exercise of any measure against a person provided by the Acts, regulations or by-laws referred to in subsection (1), including the application of conditions to a licence by the registrar, the suspension, immediate suspension or revocation of a licence or the refusal to renew a licence.

Limitation

(12) An order may not be made under subsection (1) more than two years after the day any assessor became aware of the contravention on which the order is based.

No hearing required

(13) Subject to the regulations made by the Minister, an assessor is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person.

Non-application of other Act

(14) The *Statutory Powers Procedure Act* does not apply to an order of an assessor made under subsection (1).

Transition — pre-commencement transition period

(15) A regulation made under subclause 84 (1) (h) (0.i) and filed with the Registrar of Regulations in accordance with Part III (Regulations) of the *Legislation Act, 2006* on or before the last day of the pre-commencement transition period may prescribe a provision for the purpose of subsection (1) for all or part of the pre-commencement transition period and, for greater certainty, an assessor may impose an administrative penalty under subsection (1) for a contravention that occurred during that period.

Same

(16) In subsection (15),

"pre-commencement transition period" means the period starting on April 14, 2022 and ending on the day before section 7 of Schedule 5 to the *More Homes Built Faster Act, 2022* comes into force.

8 Section 78 of the Act is amended by striking out "this Act" and substituting "an Act referred to in subsection 76 (1)".

9 (1) Clause 84 (1) (f) of the Act is repealed and the following substituted:

(f) establishing a code of ethics for licensees;

(2) Clause 84 (1) (i) of the Act is repealed and the following substituted:

(i) specifying the purposes for which the regulatory authority may use the funds that it collects as fines and administrative penalties;

(i.1) requiring the regulatory authority to establish, maintain and comply with a policy, in accordance with any requirements in the regulations, to govern payments the regulatory authority makes, if any, from the funds the regulatory authority collects as fines and administrative penalties, to persons who have been adversely affected by contraventions in respect of which fines or administrative penalties can be imposed;

(3) Section 84 of the Act is amended by adding the following subsection:

Regulations may require Minister's approval

(7) A regulation made under clause (1) (i.1) may provide for any aspect of the policy required under that regulation to be subject to the approval of the Minister.

Related repeal

10 Section 5 of Schedule 3 to the *More Homes for Everyone Act, 2022* is repealed.

Commencement

11 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 4, 5, 7 and 8 come into force on the later of the day section 75 of Schedule 1 (*New Home Construction Licensing Act, 2017*) to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 6
ONTARIO HERITAGE ACT

1 Subsection 1 (2) of the *Ontario Heritage Act* is repealed.

2 (1) Section 25.2 of the Act is amended by adding the following subsection:

Minister's review of determination

(3.1) If the process for the identification of properties referred to in clause (3) (a) permits a ministry or prescribed public body to determine whether a property has cultural heritage value or interest, the process may permit the Minister to review the determination, or any part of the determination, whether made before, on or after the day subsection 2 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, and may permit the Minister to confirm or revise the determination or part of it.

(2) Subsection 25.2 (6) of the Act is amended by adding "Subject to an order made under subsection (7)" at the beginning.

(3) Subsection 25.2 (7) of the Act is repealed and the following substituted:

Exemption re compliance

(7) The Lieutenant Governor in Council may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the heritage standards and guidelines approved under this section in respect of a particular property, if the Lieutenant Governor in Council is of the opinion that such exemption could potentially advance one or more of the following provincial priorities:

1. Transit.
2. Housing.
3. Health and Long-Term Care.
4. Other infrastructure.
5. Such other priorities as may be prescribed.

Not a regulation

(8) The heritage standards and guidelines approved under this section and orders made under subsection (7) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

3 (1) Section 27 of the Act is amended by adding the following subsection:

(1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality's website.

(2) Subsection 27 (3) of the Act is repealed and the following substituted:

Non-designated property

(3) Subject to subsection (18), in addition to the property listed in the register under subsection (2), the register may include property that has not been designated under this Part if,

(a) the council of the municipality believes the property to be of cultural heritage value or interest; and

(b) where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria.

Same

(3.1) If property is included in the register under subsection (3), the register shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

(3) Subsection 27 (7) of the Act is amended by adding "or a predecessor of that subsection" after "subsection (3)".

(4) Subsection 27 (13) of the Act is repealed and the following substituted:

Application of subss. (7) and (8)

(13) In addition to applying to properties included in the register under subsection (3) on and after July 1, 2021, subsections (7) and (8) apply in respect of properties that were included in the register as of June 30, 2021 under the predecessor of subsection (3).

Removal of non-designated property

(14) In the case of a property included in the register under subsection (3), or a predecessor of that subsection, before, on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the

municipality shall remove the property from the register if the council of the municipality has given a notice of intention to designate the property under subsection 29 (1) and any of the following circumstances exist:

1. The council of the municipality withdraws the notice of intention under subsection 29 (7).
2. The council of the municipality does not withdraw the notice of intention, but does not pass a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8).
3. The council of the municipality passes a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8), but the by-law is repealed in accordance with subclause 29 (15) (b) (i) or (iii).

Same

(15) In the case of a property included in the register under subsection (3) on or after the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day the property was included in the register.

Same

(16) In the case of a property included in the register under a predecessor of subsection (3), as of the day before subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

Consultation not required

(17) Despite subsection (4), the council of the municipality is not required to consult with its municipal heritage committee, if one has been established, before removing a property from the register under subsection (14), (15) or (16).

Prohibition re including property in register, subss. (14) to (16)

(18) If subsection (14), (15) or (16) requires the removal of a property from the register, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the following date:

1. In the case of subsection (14), the day any of the circumstances described in paragraphs 1, 2 and 3 of that subsection exist.
2. In the case of subsection (15), the second anniversary of the day the property was included in the register.
3. In the case of subsection (16), the second anniversary of the day subsection 3 (4) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force.

4 (1) The French version of clause 29 (1) (a) of the Act is repealed and the following substituted:

(a) dans le cas où des critères permettant d'établir si un bien a une valeur ou un caractère sur le plan du patrimoine culturel ont été prescrits, le bien répond aux critères prescrits;

(2) Subsection 29 (1.2) of the Act is repealed and the following substituted:

Limitation

(1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality:

1. If the prescribed event occurs on or after the day subsection 4 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event.
2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed.

5 (1) Subsection 41 (1) of the Act is repealed and the following substituted:

Designation of heritage conservation district

(1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

(a) there is in effect in the municipality an official plan that contains provisions relating to the establishment of heritage conservation districts; and

(b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.

(2) Section 41 of the Act is amended by adding the following subsections:

Amendment of by-law

(10.2) If the council of a municipality wishes to amend a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed, which may require the municipality to adopt a heritage conservation district plan for the relevant district.

Repeal of by-law

(10.3) If the council of a municipality wishes to repeal a by-law made under this section, the council of a municipality shall do so in accordance with such process as may be prescribed.

6 (1) Section 41.1 of the Act is amended by adding the following subsection:

Same

(5.1) Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria.

(2) Section 41.1 of the Act is amended by adding the following subsections:

Amendment of by-law

(13) If the council of a municipality wishes to amend a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

Repeal of by-law

(14) If the council of a municipality repeals a by-law passed under subsection (2), the council of a municipality shall do so in accordance with such process as may be prescribed.

7 (1) Paragraph 4 of subsection 42 (1) of the Act is amended by striking out "whether or not the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1)" at the end.

(2) Subsection 42 (3) of the Act is amended by striking out "under subsection (2)" and substituting "under subsection (2.2)".

8 Subsection 70 (1) of the Act is amended by adding the following clauses:

(i.1) prescribing criteria for the purposes of clause 27 (3) (b);

. . . . .

(k.1) prescribing criteria for the purposes of clause 41 (1) (b);

9 Section 71 of the Act is amended by striking out "and" at the end of clause (a) and by adding the following clauses:

(c) facilitate the implementation of amendments to this Act made by Schedule 6 to the *More Homes Built Faster Act, 2022*;

(d) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 6 to the *More Homes Built Faster Act, 2022*.

Commencement

10 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Subsection 7 (1) comes into force on the day subsection 19 (1) of Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force.

(3) Sections 2 and 3, subsection 4 (2) and sections 5, 6, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 7
ONTARIO LAND TRIBUNAL ACT, 2021

1 Subsection 13 (4) of the *Ontario Land Tribunal Act, 2021* is amended by striking out "a ground for setting aside a decision of the Tribunal on an application for judicial review or an appeal" at the end and substituting "a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal".

2 (1) Subsection 19 (1) of the Act is amended by adding the following clause:

(b.1) if the Tribunal is of the opinion that the party who brought the proceeding has contributed to undue delay of the proceeding;

(2) Section 19 of the Act is amended by adding the following subsection:

Same

(1.1) Subject to subsection (4), the Tribunal may, on the motion of any party or on its own initiative, dismiss a proceeding if the Tribunal is of the opinion that a party has failed to comply with an order of the Tribunal in the proceeding.

(3) Subsection 19 (4) of the Act is amended by adding "or (1.1)" after "subsection (1)".

3 Section 20 of the Act is amended by adding the following subsection:

Same

(2) Subsection (1) includes the power to order an unsuccessful party to pay a successful party's costs.

4 (1) Subsection 29 (1) of the Act is amended by adding the following clause:

(c) requiring the Tribunal to prioritize the resolution of specified classes of proceedings.

(2) Clause 29 (2) (a) of the Act is repealed and the following substituted:

(a) governing the practices and procedures of the Tribunal, subject to the regulations made under clause (1) (c) and other than in relation to a consolidated hearing under section 21, which may include prescribing timelines that shall apply with respect to specified steps taken by the Tribunal in specified classes of proceedings, and governing any related transitional matters;

(3) Section 29 of the Act is amended by adding the following subsections:

Timelines applicable to Tribunal

(2.1) The failure of the Tribunal to comply with any timeline prescribed under clause (2) (a) with respect to a specified step in a proceeding does not invalidate the proceeding, and is not a ground for an order or decision of the Tribunal to be set aside on an application for judicial review or rescinded on an appeal.

Same, reporting

(2.2) The Tribunal shall, on the Minister's request and in the time and manner specified by the Minister, report to the Minister on such matters as may be specified by the Minister respecting the Tribunal's compliance with any timelines prescribed under clause (2) (a).

(4) Subsection 29 (3) of the Act is amended by striking out "or clause (2) (a)" and substituting "or clause (1) (c) or (2) (a)".

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 8
ONTARIO UNDERGROUND INFRASTRUCTURE NOTIFICATION SYSTEM ACT, 2012

1 Section 2 of the *Ontario Underground Infrastructure Notification System Act, 2012* is amended by adding the following subsection:

Chair

(4.4) The Minister may appoint a chair of the board of directors from among the members of the board.

2 The Act is amended by adding the following sections:

Minister's authority to appoint administrator

2.3 (1) Subject to section 2.5, the Minister may, by order, appoint an individual as an administrator of the Corporation for the purposes of assuming control of it and responsibility for its activities.

Notice of appointment

(2) The Minister shall give the Corporation's board of directors the notice that the Minister considers reasonable in the circumstances before appointing the administrator.

Immediate appointment

(3) Subsection (2) does not apply if there are not enough members on the board of directors to form a quorum.

Term of appointment

(4) The appointment of the administrator is valid until the Minister makes an order terminating it.

Powers and duties of administrator

(5) Unless the order appointing the administrator provides otherwise, the administrator has the exclusive right to exercise all the powers and perform all the duties of the directors, officers and members of the Corporation.

Same

(6) In the order appointing the administrator, the Minister may specify the administrator's powers and duties and the conditions governing them.

Right of access

(7) The administrator has the same rights as the board of directors in respect of the Corporation's documents, records and information.

Report to Minister

(8) The administrator shall report to the Minister as the Minister requires.

Minister's directions

(9) The Minister may issue directions to the administrator with regard to any matter within the administrator's jurisdiction, and the administrator shall carry them out.

No personal liability

(10) No action or other proceeding shall be instituted against the administrator or a former administrator for,

(a) any act done in good faith in the exercise or performance or intended exercise or performance of a duty or power under this Act, the regulations made under this Act, a Minister's order or the appointment under subsection (1); or

(b) any neglect or default in the exercise or performance in good faith of a duty or power described in clause (a).

Crown liability

(11) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (10) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of Corporation

(12) Subsection (10) does not relieve the Corporation of liability to which it would otherwise be subject.

Status of board during administrator's tenure

2.4 (1) On the appointment of an administrator under section 2.3, the members of the board of directors of the Corporation cease to hold office, unless the order provides otherwise.

Same

(2) During the term of the administrator's appointment, the powers of any member of the board of directors who continues to hold office are suspended, unless the order provides otherwise.

No personal liability

(3) No action or other proceeding shall be instituted against a member or former member of the board of directors of the Corporation for any act, neglect or default done by the administrator or the Corporation after the member's removal under subsection (1) or while the member's powers are suspended under subsection (2).

Crown liability

(4) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (3) of this section does not relieve the Crown of liability to which it would otherwise be subject.

Liability of Corporation

(5) Subsection (3) does not relieve the Corporation of liability to which it would otherwise be subject.

Conditions precedent

2.5 The Minister may exercise the power under subsection 2.3 (1) or any other prescribed provision only if the Minister is of the opinion that it is advisable to exercise the power in the public interest because at least one of the following conditions is satisfied:

1. The exercise of the power is necessary to prevent serious harm to underground infrastructure, public safety or to the interests of the public.
2. An event of force majeure has occurred.
3. The Corporation is facing a risk of insolvency.
4. The number of members of the board of directors of the Corporation is insufficient for a quorum.

Conflict

2.6 The following rules apply respecting conflicts that may arise in applying this Act:

1. This Act and its regulations prevail over the memorandum of understanding and the Corporation's by-laws and resolutions.
2. A Minister's order made under this Act prevails over the memorandum of understanding and the Corporation's by-laws and resolutions.

3 Section 20 of the Act is amended by adding the following clauses:

(0.a) defining words and expressions used in this Act that are not otherwise defined in this Act;

(0.b) prescribing provisions for the purpose of section 2.5;

Commencement

4 This Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

SCHEDULE 9
PLANNING ACT

1 (1) Subsection 1 (1) of the *Planning Act* is amended by adding the following definitions:

"parcel of urban residential land" means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

(a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,

(i) a municipality,

(ii) a municipal service board established under the *Municipal Act, 2001*,

(iii) a city board established under the *City of Toronto Act, 2006*,

(iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or

(v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and

(b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; ("parcelle de terrain urbain d'habitation")

"specified person" means,

(a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,

(b) Ontario Power Generation Inc.,

(c) Hydro One Inc.,

(d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,

(e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,

(f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,

(g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or

(h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; ("personne précisée")

(2) Subsection 1 (1) of the Act is amended by adding the following definitions:

"upper-tier municipality without planning responsibilities" means any of the following upper-tier municipalities:

1. The County of Simcoe.
2. The Regional Municipality of Durham.
3. The Regional Municipality of Halton.
4. The Regional Municipality of Niagara.
5. The Regional Municipality of Peel.
6. The Regional Municipality of Waterloo.
7. The Regional Municipality of York.
8. Any other upper-tier municipality that is prescribed under subsection (6); ("municipalité de palier supérieur sans responsabilités en matière d'aménagement")

"upper-tier municipality with planning responsibilities" means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities; ("municipalité de palier supérieur avec responsabilités en matière d'aménagement")

(3) Subsection 1 (2) of the Act is amended by striking out "17 (24), (36), (40) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4)" and substituting "17 (24), (36) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4.1)".

(4) Section 1 of the Act is amended by adding the following subsections:

Limitation

(4.1) A reference to a person or public body in the following provisions does not include a conservation authority under the *Conservation Authorities Act* except where an appeal made under or referred to in one of those provisions relates to natural hazard policies in any policy statements issued under section 3 of the Act, except for those policies that relate to hazardous forest types for wildland fire:

1. Paragraph 1.1 of subsection 17 (24).
2. Paragraph 1.1 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

Transition

(4.2) Despite subsection (4.1), a conservation authority that was a party to an appeal under a provision listed in subsection (4.1) on the day before the day subsection 1 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force may continue as a party to the appeal after that date until the final disposition of the appeal.

(5) Section 1 of the Act is amended by adding the following subsections:

Limitation

(4.3) A reference to a person or public body in the following provisions does not include an upper-tier municipality without planning responsibilities:

1. Paragraphs 1.1 and 4 of subsection 17 (24).
2. Paragraphs 1.1 and 3 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4.1).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27).

Transition

(4.4) Despite subsection (4.3), an upper-tier municipality without planning responsibilities listed in paragraphs 1 to 7 of the definition of "upper-tier municipality without planning responsibilities" in subsection (1) that was a party to an appeal under a provision listed in subsection (4.3) on the day before the day subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force or an upper-tier municipality without planning responsibilities prescribed under subsection (6) that

was a party to an appeal under a provision listed in subsection (4.3) on the day before the day the regulation prescribing the upper-tier municipality without planning responsibilities as such comes into force may continue as a party to the appeal after that date until the final disposition of the appeal, unless the appeal is deemed to be dismissed by application of subsection 45 (12.2) or 53 (19.2) or (27.0.2).

(6) Section 1 of the Act is amended by adding the following subsection:

Regulations, upper-tier municipality without planning responsibilities

(6) The Lieutenant Governor in Council may, by regulation, prescribe additional upper-tier municipalities for the purposes of the definition of "upper-tier municipality without planning responsibilities" in subsection 1 (1).

2 (1) Subsection 8 (1) of the Act is amended by striking out "upper-tier municipality" and substituting "upper-tier municipality with planning responsibilities".

(2) Subsection 8 (2) of the Act is amended by striking out "The council of a lower-tier municipality" at the beginning and substituting "The council of a lower-tier municipality, the council of an upper-tier municipality without planning responsibilities".

3 Section 15 of the Act is repealed and the following substituted:

Upper-tier municipalities, planning functions

15 (1) The council of an upper-tier municipality with planning responsibilities, on such conditions as may be agreed upon with the council of a lower-tier municipality, may assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act.

Same

(2) The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may provide advice and assistance to the lower-tier municipality in respect of planning matters generally.

4 (1) Subsection 16 (3) of the Act is repealed and the following substituted:

Restrictions for residential units

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

(2) Subsection 16 (15) of the Act is amended by adding "or a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities" after "single-tier municipality" in the portion before clause (a).

(3) Subsection 16 (16) of the Act is amended by striking out "upper-tier municipality" in the portion before clause (a) and substituting "upper-tier municipality with planning responsibilities".

(4) Section 16 of the Act is amended by adding the following subsections:

Updating zoning by-laws

(20) No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies.

Same

(21) The official plan policies referred to in subsection (20) are as follows:

1. Policies listed in subsection 17 (36.1.4).
2. Policies set out in the official plan of a local municipality that,
    i. delineate an area surrounding and including an existing or planned higher order transit station or stop, and identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area, and
    ii. are required to be included in an official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1).

5 (1) Subsection 17 (2) of the Act is amended by striking out "An upper-tier municipality" at the beginning and substituting "An upper-tier municipality with planning responsibilities".

(2) Subsection 17 (4) of the Act is amended by striking out "an upper-tier municipality" and substituting "an upper-tier municipality with planning responsibilities".

(3) Subsections 17 (6) and (12) of the Act are amended by striking out "accompanied by a written explanation for it" wherever it appears.

(4) Subsection 17 (13) of the Act is repealed and the following substituted:

Mandatory adoption

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of,

(a) an upper-tier municipality with planning responsibilities;

(b) a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; and

(c) any other local municipality that is prescribed for the purposes of this section.

(5) Subsection 17 (14) of the Act is amended by striking out "municipality not prescribed under subsection (13)" and substituting "local municipality not described in clause 13 (b) or otherwise prescribed for the purposes of subsection (13)".

(6) Subsection 17 (24.1) of the Act is repealed and the following substituted:

No appeal re additional residential unit policies

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

(7) Subsection 17 (36.1) of the Act is repealed and the following substituted:

No appeal re additional residential unit policies

(36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

6 (1) Subsections 22 (2.1) to (2.1.2) of the Act are repealed.

(2) Subsection 22 (2.2) of the Act is amended by striking out "subsection (2.1), (2.1.1) or (2.1.3)" and substituting "subsection (2.1.3)".

(3) Clause 22 (7.2) (c) of the Act is repealed and the following substituted:

(c) amend or revoke policies adopted to authorize the use of,

(i) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit,

(ii) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units, or

(iii) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

7 Section 23 of the Act is repealed and the following substituted:

Matter of provincial interest affected by official plan

23 (1) The Minister may, by order, amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest.

Effect or order

(2) The Minister's order has the same effect as an amendment to the plan adopted by the council and approved by the appropriate approval authority.

Non-application of *Legislation Act, 2006*, Part III

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

8 (1) Subsections 34 (10.0.0.1) and (10.0.0.2) of the Act are repealed.

(2) Subsection 34 (19.1) of the Act is repealed and the following substituted:

No appeal re additional residential unit by-laws

(19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

(3) Subsection 34 (19.5) of the Act is amended by striking out "subsections (19.6) to (19.8)" in the portion before clause (a) and substituting "subsections (19.6) to (19.9)".

(4) Subsection 34 (19.6) of the Act is amended by striking out "lower-tier municipality only if the municipality's official plan" and substituting "lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities only if the lower-tier municipality's official plan".

(5) Section 34 of the Act is amended by adding the following subsection:

Exception re non-compliance with s. 16 (20)

(19.9) Subsection (19.5) does not apply to a zoning by-law that is passed more than one year after the later of the following comes into effect:

1. Official plan policies described in subsection 16 (15) or subclauses 16 (16) (b) (i) and (ii) for the protected major transit station area.
2. An amendment to the policies referred to in paragraph 1 of this subsection.

9 Subsections 35.1 (1) and (2) of the Act is repealed and the following substituted:

Restrictions for residential units

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

Same, minimum area

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

Provisions of no effect

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

Regulations

(2) The Minister may make regulations establishing requirements and standards with respect to,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

10 (1) Section 37 of the Act is amended by adding the following subsections:

Agreement re facilities, services or matters

(7.1) If the municipality intends to allow an owner of land to provide facilities, services or matters in accordance with subsection (6), the municipality may require the owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters.

Registration of agreement

(7.2) An agreement entered into under subsection (7.1) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

(2) Subsection 37 (32) of the Act is amended by adding "Subject to subsection (32.1)," at the beginning.

(3) Subsection 37 (32) of the Act is repealed and the following substituted:

Maximum amount of community benefits charge

(32) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the valuation date, multiplied by the ratio of "A" to "B" where,

"A" is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the development or redevelopment, and

"B" is the floor area of all buildings and structures that will be on the land after the development or redevelopment.

(4) Section 37 of the Act is amended by adding the following subsection:

Discount

(32.1) With respect to a development or redevelopment that includes affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the community benefits charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection (32) multiplied by the ratio of A to B where,

"A" is the floor area of all buildings that are part of the development or redevelopment minus the floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

"B" is the floor area of all buildings that are part of the development or redevelopment.

11 (1) Section 41 of the Act is amended by adding the following subsections:

Same

(1.2) Subject to subsection (1.3), the definition of "development" in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

Land lease community home

(1.3) The definition of "development" in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units.

(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed and the following substituted:

(d) matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001*,

(3) Subsection 41 (4.1) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).

(4) Section 41 of the Act is amended by adding the following subsection:

Same

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

(5) Subsection 41 (9) of the Act is repealed and the following substituted:

Limitations on requirement to widen highway

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

(6) Subsection 41 (9.1) of the Act is repealed and the following substituted:

Limitations on requirement to convey land

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan.

(7) Section 41 of the Act is amended by adding the following subsection:

Same

(15.3) In respect of plans and drawings submitted for approval under subsection (4) before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force,

(a) subparagraph 2 (d) of subsection (4), as it read immediately before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force, continues to apply;

(b) paragraph 1.1 of subsection (4.1) does not apply; and

(c) subsection (4.1.1) does not apply.

12 (1) Subsection 42 (0.1) of the Act is amended by repealing the definition of "dwelling unit".

(2) Subsection 42 (1) of the Act is amended by adding "Subject to subsection (1.1)" at the beginning.

(3) Section 42 of the Act is amended by adding the following subsection:

Same, affordable residential units

(1.1) With respect to land proposed for development or redevelopment that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

"A" is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

"B" is the number of residential units that are part of the development or redevelopment.

(4) Section 42 of the Act is amended by adding the following subsection:

Exception, non-profit housing development

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

(5) Section 42 of the Act is amended by adding the following subsection:

Non-application, residential units

(1.3) A by-law passed under this section does not apply to the erection or location of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

(6) Section 42 of the Act is amended by adding the following subsections:

When requirement determined

(2.1) The amount of land or payment in lieu required to be provided under this section is the amount of land or payment in lieu that would be determined under the by-law on,

(a) the day an application for an approval of development in a site plan control area under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006* was made in respect of the development or redevelopment;

(b) if clause (a) does not apply, the day an application for an amendment to a by-law passed under section 34 of this Act was made in respect of the development or redevelopment; or

(c) if neither clause (a) nor clause (b) applies, the day a building permit was issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, the day the first permit was issued.

Same, if by-law not in effect

(2.2) Subsection (2.1) applies regardless of whether the by-law under which the amount of land or payment in lieu would be determined is no longer in effect on the date the land is conveyed, the payment in lieu is made or arrangements for the payment in lieu that are satisfactory to the council are made, as the case may be.

Same, more than one application

(2.3) If a development was the subject of more than one application referred to in clause (2.1) (a) or (b), the later one is deemed to be the applicable application for the purposes of subsection (2.1).

Exception, time elapsed

(2.4) Clauses (2.1) (a) and (b) do not apply if, on the date the first building permit is issued for the development, more than two years have elapsed since the application referred to in clause (2.1) (a) or (b) was approved.

Transition

(2.5) Subsection (2.1) does not apply in the case of an application made before the day subsection 12 (6) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

(7) Subsection 42 (3) of the Act is amended by striking out "for each 300 dwelling units" and substituting "for each 600 net residential units".

(8) Section 42 of the Act is amended by adding the following subsections:

Transition

(3.0.1) Subsection (3), as it read immediately before the day subsection 12 (8) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, a building permit has been issued in respect of the development or redevelopment.

Net residential units

(3.0.2) For the purposes of subsections (3) and (6.0.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the proposed development or redevelopment from the number of residential units that will be on the land after the proposed development or redevelopment.

(9) Section 42 of the Act is amended by adding the following subsection:

Same, affordable residential units

(3.0.3) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.2).

(10) Subsection 42 (3.2) of the Act is repealed.

(11) Section 42 of the Act is amended by adding the following subsection:

Transition

(3.5) Subsections (3.3) and (3.4) do not apply to land proposed for development or redevelopment if, before the day subsection 12 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, a building permit has been issued in respect of the development or redevelopment unless the land proposed for development or redevelopment is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

(12) Subsection 42 (4.1) of the Act is amended by striking out "adopting the official plan policies described in subsection (4)" and substituting "passing a by-law under this section".

(13) Subsection 42 (4.3) of the Act is repealed.

(14) Subclause 42 (4.27) (b) (i) of the Act is amended by striking out "only" at the end.

(15) Section 42 of the Act is amended by adding the following subsections:

Identification of land re conveyance to municipality

(4.30) An owner of land proposed for development or redevelopment may, at any time before a building permit is issued in respect of the development or redevelopment, identify, in accordance with such requirements as may be prescribed, a part of the land that the owner proposes be conveyed to the municipality to satisfy, in whole or in part, a requirement of a by-law passed under this section.

Same

(4.31) Land identified in accordance with subsection (4.30) may include,

(a) land that is,

(i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane,

(ii) subject to an easement or other restriction, or

(iii) encumbered by below grade infrastructure; or

(b) an interest in land other than the fee, which interest is sufficient to allow the land to be used for park or other public recreational purposes.

Agreement re interest in land

(4.32) If the municipality intends to accept the conveyance of an interest in land described in clause (4.31) (b), the municipality may require the owner of the land to enter into an agreement with the municipality that provides for the land to be used for park or other public recreational purposes.

Registration of agreement

(4.33) An agreement entered into under subsection (4.32) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners of the land.

Municipality refuses to accept identified land

(4.34) If the municipality has decided to refuse to accept the conveyance of land identified in accordance with subsection (4.30) to satisfy a requirement of a by-law passed under this section, the municipality shall provide notice to the owner in accordance with such requirements as may be prescribed.

Appeal

(4.35) An owner of land who has received a notice under subsection (4.34) may, within 20 days of the notice being given, appeal the municipality's refusal to accept the conveyance to the Tribunal by filing with the clerk of the municipality a notice of appeal accompanied by the fee charged by the Tribunal.

Record

(4.36) If the clerk of the municipality receives a notice of appeal referred to in subsection (4.35) within the time set out in that subsection, the clerk of the municipality shall ensure that,

(a) a record is compiled which includes the prescribed information and material;

(b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the notice is filed; and

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

Hearing

(4.37) On an appeal, the Tribunal shall hold a hearing, notice of which shall be given to such persons or public bodies and in such manner as the Tribunal may determine.

Order by Tribunal

(4.38) The Tribunal shall consider whether the land identified in accordance with subsection (4.30) meets the prescribed criteria and, if it does, the Tribunal shall order that the land,

(a) 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 that is applicable to the development or redevelopment.

Same, interest in land

(4.39) If the Tribunal orders an interest in land referred to in clause (4.31) (b) to be conveyed to the local municipality under subsection (4.38), the Tribunal may require the owner of the land to enter in an agreement with the municipality that provides for the land to be used for park or other public recreational purposes and subsection (4.33) applies to the agreement with necessary modifications.

(16) Subsection 42 (6.0.1) of the Act is amended by striking out "for each 500 dwelling units" and substituting "for each 1,000 net residential units".

(17) Section 42 of the Act is amended by adding the following subsection:

Same

(6.0.4) Subsection (6.0.1), as it read immediately before the day subsection 12 (17) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply to a development or redevelopment if, on that day, in circumstances where the alternative requirement set out in subsection (3) applies, a building permit has been issued in respect of the development or redevelopment.

(18) Section 42 of the Act is amended by adding the following subsection:

Requirement to spend or allocate monies in special account

(16.1) Beginning in 2023 and in each calendar year thereafter, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

13 (1) Subsections 45 (1.2) to (1.4) of the Act are repealed.

(2) Subsection 45 (12) of the Act is amended by striking out "the Minister or any other person or public body who has an interest in the matter" and substituting "the Minister or a specified person or public body that has an interest in the matter".

(3) Section 45 of the Act is amended by adding the following subsections:

Transition

(12.1) For greater certainty, subsection (12), as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the decision is made before that day.

Same, retroactive effect

(12.2) An appeal under subsection (12) made before the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (12) of this section as it reads on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 13 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

(a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or

(b) a notice of appeal was filed by a person or public body referred to in subsection (12) of this section in respect of the same decision to which the appeal relates.

Same, hearing on the merits

(12.3) For the purposes of clause (12.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(12.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

14 The definition of "parcel of land" in subsection 46 (1) of the Act is amended by striking out "in clause 50 (3) (b) or clause 50 (5) (a)" at the end and substituting "in clause 50 (3) (b) or (d.1) or clause 50 (5) (a) or (c.1)".

15 (1) Sub-subparagraph 1 ii D of subsection 47 (4.4) of the Act is repealed and the following substituted:

D. matters relating to building construction required under a by-law referred to in section 97.1 of the *Municipal Act, 2001* or section 108 or 108.1 of the *City of Toronto Act, 2006* as the case may be,

(2) Subsection 47 (4.11) of the Act is amended by adding the following paragraph:

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in sub-subparagraph 1 ii D of subsection (4.4).

16 (1) Section 50 of the Act is amended by striking out "under a project approved by the Minister of Natural Resources under section 24 of the Conservation Authorities Act and in respect of which" wherever it appears and substituting in each case "and".

(2) Clause (a) of the definition of "consent" in subsection 50 (1) of the Act is repealed and the following substituted:

(a) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality with planning responsibilities, a consent given by the council of the upper-tier municipality,

(a.1) where land is situate in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, a consent given by the council of the lower-tier municipality,

(3) Subsection 50 (1.1) of the Act is amended by striking out "accompanied by a written explanation for it" in the portion before paragraph 1.

(4) Subsection 50 (3) of the Act is amended by adding the following clause:

(d.1) the land,

(i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and

(ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

(5) Subsection 50 (5) of the Act is amended by adding the following clause:

(c.1) the land,

(i) is located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*, and for which plans or drawings have been approved under subsection 41 (4) of this Act or subsection 114 (5) of the *City of Toronto Act, 2006*, as the case may be, and

(ii) is being leased for the purpose of a land lease community home, as defined in subsection 46 (1) of this Act, for a period of not less than 21 years and not more than 49 years;

(6) Section 50 of the Act is amended by adding the following subsection:

Exception re Greenbelt Area, subss. (3) (d.1) and (5) (c.1)

(6.1) Clauses (3) (d.1) and (5) (c.1) do not apply in respect of land if any part of the land is in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

17 (1) Section 51 of the Act is amended by striking out "A person listed in subsection (48.3)" wherever it appears and substituting in each case "A specified person".

(2) Subsections 51 (5) and (5.1) of the Act are repealed and the following substituted:

Upper-tier municipality with planning responsibilities

(5) Subject to subsection (6), if land is in an upper-tier municipality with planning responsibilities, the upper-tier municipality is the approval authority for the purposes of this section and section 51.1.

Upper-tier municipality without planning responsibilities

(5.1) If land is in a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities, the lower-tier municipality is the approval authority for the purposes of this section and section 51.1.

(3) Subsection 51 (11) of the Act is amended by,

(a) striking out "accompanied by a written explanation for it"; and

(b) striking out "subsection (3.1), (4), (5), (6) or (7)" and substituting "subsection (3.1), (4), (5), (5.1), (6) or (7)".

(4) Subsections 51 (20) to (21.1) and (48.3) of the Act are repealed.

18 (1) Subsection 51.1 (0.1) of the Act is amended by repealing the definition of "dwelling unit".

(2) Subsection 51.1 (1) of the Act is amended by adding "Subject to subsection (1.1)," at the beginning.

(3) Section 51.1 of the Act is amended by adding the following subsection:

Same, affordable residential units

(1.1) With respect to land proposed for a plan of subdivision that will include affordable residential units or attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, or residential units described in subsection 4.3 (2) of that Act, the amount of land that may be required to be conveyed under subsection (1) shall not exceed 5 per cent of the land multiplied by the ratio of A to B where,

"A" is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units or residential units described in subsection 4.3 (2) of the *Development Charges Act, 1997*; and

"B" is the number of residential units that are part of the development or redevelopment.

(4) Section 51.1 of the Act is amended by adding the following subsection:

Exception, non-profit housing development

(1.2) A condition under subsection (1) may not be imposed in relation to a subdivision proposed for non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

(5) Subsections 51.1 (2) to (2.3) of the Act are repealed and the following substituted:

Other criteria

(2) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and if the municipality in which the land is located has a by-law in effect under section 42 that provides for the alternative requirement authorized by subsection 42 (3), the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public

recreational purposes at a rate of one hectare for each 600 net residential units proposed or at such lesser rate as may be determined by the municipality.

(6) Section 51.1 of the Act is amended by adding the following subsection:

Same, net residential units

(3.0.1) For the purposes of subsection (2) and (3.1), the net residential units proposed shall be determined by subtracting the number of residential units on the land immediately before the draft plan of subdivision is approved from the number of residential units that are proposed to be on the land proposed to be subdivided.

(7) Section 51.1 of the Act is amended by adding the following subsection:

Same, affordable residential units

(3.0.2) Affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the *Development Charges Act, 1997*, and residential units described in subsection 4.3 (2) of that Act, shall be excluded from the number of net residential units otherwise determined in accordance with subsection (3.0.1).

(8) Subsection 51.1 (3.1) of the Act is amended by striking out "for each 500 dwelling units" and substituting "for each 1,000 net residential units".

(9) Section 51.1 of the Act is amended by adding the following subsection:

Transition

(3.2.1) Subsections (2) and (3.1), as they read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, continue to apply to a draft plan of subdivision approved on or before that date, if,

(a) the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality; and

(b) subsection (2), as it read immediately before the day subsection 18 (9) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies.

(10) Subsection 51.1 (3.3) of the Act is repealed.

(11) Section 51.1 of the Act is amended by adding the following subsection:

Transition

(3.5) Subsection (3.4) does not apply to a draft plan of subdivision approved before the day subsection 18 (11) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless the land included in the plan of subdivision is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

19 (1) Subsection 53 (12.1) of the Act is repealed and the following substituted:

Same

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land. However, the council or the Minister may impose as a condition to the granting of a provisional consent that land be conveyed to the local municipality or dedicated for park or other public recreational purposes only in respect of the part of a parcel of land that is the subject of the application for consent unless the application for consent includes a request in accordance with subsection (42.1).

(2) Subsection 53 (19) of the Act is amended by striking out "Any person or public body" at the beginning and substituting "The applicant, the Minister, a specified person or any public body".

(3) Section 53 of the Act is amended by adding the following subsections:

Transition

(19.1) For greater certainty, subsection (19), as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (17) of this section is completed before that day.

Same, retroactive effect

(19.2) An appeal under subsection (19) made before the day subsection 19 (2)of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (19) of this section as it reads on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

(a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or

(b) a notice of appeal was filed by a person or public body referred to in subsection (19) of this section in respect of the same decision to which the appeal relates.

Same, hearing on the merits

(19.3) For the purposes of clause (19.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(19.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

(4) Subsection 53 (27) of the Act is amended by striking out "Any person or public body" at the beginning and substituting "The applicant, the Minister, a specified person or any public body".

(5) Section 53 of the Act is amended by adding the following subsections:

Transition

(27.0.1) For greater certainty, subsection (27), as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (24) of this section is completed before that day.

Same, retroactive effect

(27.0.2) An appeal under subsection (27) made before the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force by a person or public body not referred to in subsection (27) of this section as it reads on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force shall be deemed to have been dismissed on the day subsection 19 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force unless,

(a) a hearing on the merits of the appeal had been scheduled before October 25, 2022; or

(b) a notice of appeal was filed by a person or public body referred to in subsection (27) of this section in respect of the changed condition to which the appeal relates.

Same, hearing on the merits

(27.0.3) For the purposes of clause (27.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing.

Same

(27.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing.

20 Subsection 54 (2) of the Act is repealed and the following substituted:

Delegation by lower-tier municipality

(2) The council of a lower-tier municipality may, by by-law, delegate the authority for giving consents, or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment if,

(a) the lower-tier municipality, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; or

(b) the council of the lower-tier municipality has been delegated the authority under subsection (1).

21 Paragraph 17 of subsection 70.1 (1) of the Act is repealed and the following substituted:

17. prescribing local municipalities for the purposes of subsection 17 (13) and municipalities for the purposes of section 69.2;

22 The Act is amended by adding the following section:

Regulations re transitional matters, 2022 amendments

70.12 (1) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before, on or after the effective date.

Same

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may,

(a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;

(b) for the purpose of subsection (1), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Conflict

(3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Definition

(4) In this section,

"effective date" means the day section 22 of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

23 The Act is amended by adding the following section:

Transition, upper-tier municipalities without planning responsibilities

70.13 (1) In this section,

"effective date" means,

(a) in respect of an upper-tier municipality referred to in paragraphs 1 to 7 of the definition of "upper-tier municipality without planning responsibilities" in subsection 1 (1), the day on which subsection 1 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force, and

(b) in respect of an upper-tier municipality prescribed under subsection 1 (6) of this Act as an upper-tier municipality without planning responsibilities, the day on which the regulation prescribing the upper-tier municipality as such comes into force.

Upper-tier official plans

(2) The portions of an official plan of an upper-tier municipality without planning responsibilities that are in effect immediately before the effective date and that apply in respect of any area in a lower-tier municipality are deemed to constitute an official plan of the lower-tier municipality, and this official plan remains in effect until the lower-tier municipality revokes it or amends it to provide otherwise.

Official plans or amendments not yet in force

(3) If an upper-tier municipality without planning responsibilities has adopted an official plan or an amendment to its official plan and that official plan or amendment is not yet in force on the effective date, the following rules apply:

1. The plan or amendment shall be dealt with under this Act as it reads on and after the effective date.
2. If any portion of the plan or amendment applies in respect of an area in a lower-tier municipality, the lower-tier municipality is deemed to have adopted that portion of the plan or amendment.
3. Despite paragraphs 1 and 2, the upper-tier municipality remains responsible for doing any of the following, if it hasn't been done before the effective date:
    i. Giving notice under subsection 17 (23).
    ii. Compiling and forwarding the record under subsection 17 (31), if the plan or amendment is not exempt from approval.
4. Despite paragraphs 1 and 2, the clerk of the upper-tier municipality remains responsible for compiling and forwarding the record under subsection 17 (29), if the plan or amendment is exempt from approval and a notice of appeal under subsection 17 (24) is filed before the effective date.

Official plans and amendments in process

(4) If an upper-tier municipality without planning responsibilities has commenced procedures to adopt an official plan or an amendment to its official plan and that official plan or amendment has not been adopted on the effective date, any lower-tier municipality to which the plan or amendment would apply may continue with the procedures necessary to adopt the official plan or amendment to the extent that it applies to the lower-tier municipality.

Requests for amendments to official plan

(5) If a request to amend the official plan of an upper-tier municipality without planning responsibilities has been made before the effective date and the request has not been finally disposed of by that date, every lower-tier municipality to which the amendment would apply may continue with the procedures necessary to dispose of the request for amendment to the extent that the amendment applies to the lower-tier municipality.

Forwarding of papers and other documents

(6) The upper-tier municipality without planning responsibilities shall forward to the applicable lower-tier municipality all papers, plans, documents and other material that relate to any official plan, amendment or request under subsection (4) or (5).

Conflict

(7) In the event of a conflict, the portions of an official plan of an upper-tier municipality without planning responsibilities that are deemed under subsection (2) to constitute an official plan of the lower-tier municipality and an official plan or an amendment to an official plan that the lower-tier municipality is deemed to have adopted under subsection (3) prevail over an official plan of a lower-tier municipality that existed before the effective date.

Plans of subdivision

(8) If an application for approval of a plan of subdivision has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed plan of subdivision.

Consents

(9) If an application for a consent has been made to an upper-tier municipality without planning responsibilities before the effective date and has not been finally disposed of by that date, the upper-tier municipality without planning responsibilities shall forward the application to the applicable lower-tier municipality along with all papers, plans, documents and other material that relate to the proposed consent.

Regulations

(10) The Minister may make regulations providing for transitional matters in respect of matters and proceedings that were commenced before, on or after the effective date.

Same

(11) Without limiting the generality of subsection (10), a regulation made under that subsection may,

(a) determine which matters and proceedings may be continued and disposed of under this Act, as it read on the day before the effective date, and which matters and proceedings must be continued and disposed of under this Act, as it reads on and after the effective date;

(b) for the purpose of subsection (10), deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

24 Section 26 of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* is repealed.

Commencement

25 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Subsections 1 (2), (5) and (6), sections 2 and 3, subsection 4 (2) and (3) and 5 (1) to (5), section 7, subsections 8 (4), 10 (2) and (4), 11 (5) and (6), 12 (2) and (3), (9) and (15), 16 (2) and (3), 17 (2) and (3) and 18 (2), (3) and (7) and sections 20 to 23 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsections 1 (4) and 16 (1) come into force on January 1, 2023.

SCHEDULE 10
SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022

CONTENTS

PART I
INTERPRETATION

Definitions

1 In this Act,

"2022 York Region Water and Wastewater Master Plan" means the master plan for York Region's water and wastewater services titled "2022 York Region Water and Wastewater Master Plan" dated August 2022; ("2022 York Region Water and Wastewater Master Plan")

"aboriginal or treaty rights" means the existing aboriginal or treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*; ("droits ancestraux ou issus de traités")

"Agency" means the Ontario Clean Water Agency; ("Agence")

"building" has the same meaning as in the *Building Code Act, 1992*; ("bâtiment")

"business day" means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*; ("jour ouvrable")

"construct" has the same meaning as in the *Building Code Act, 1992*; ("construire")

"delegate" means an entity to which a power or duty has been delegated under section 51; ("délégataire")

"environment" has the same meaning as in the *Environmental Assessment Act*; ("environnement")

"Durham Region" means the Regional Municipality of Durham; ("région de Durham")

"highway" has the same meaning as in the *Municipal Act, 2001*; ("voie publique")

"immediate danger" means a danger or hazard that,

(a) poses an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project, or

(b) if construction is not underway but the start of construction is imminent, would pose an immediate risk of danger to the health and safety of persons constructing the York Region sewage works project; ("danger immédiat")

"Lake Simcoe phosphorus reduction project" means a sewage works for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River, including or excluding any associated or ancillary equipment, systems and technologies or things that may be prescribed; ("projet de réduction du phosphore dans le lac Simcoe")

"Minister" means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; ("ministre")

"Ministry" means the Ministry of the Minister; ("ministère")

"permit" means a permit issued under section 17; ("permis")

"person" includes a municipality; ("personne")

"prescribed" means prescribed by the regulations; ("prescrit")

"preview inspection" means an inspection under section 34; ("inspection préalable")

"project land" means land designated as project land under section 52; ("terre ou bien-fonds affecté à un projet")

"regulations" means the regulations made under this Act; ("règlements")

"sewage" has the same meaning as in the *Ontario Water Resources Act*; ("eaux d'égout")

"sewage works" has the same meaning as in the *Ontario Water Resources Act*; ("station d'épuration des eaux d'égout")

"stop-work order" means an order under section 38; ("arrêté de cessation des travaux")

"Upper York Sewage Solutions Undertaking" means the undertaking described in York Region's Upper York Sewage Solutions Environmental Assessment Report dated July 2014; ("entreprise de solutions pour la gestion des eaux d'égout dans Upper York")

"utility company" means a municipality, municipal service board or other company or individual operating or using communications services, water services or sewage services, or transmitting, distributing or supplying any substance or form of energy for light, heat, cooling or power; ("entreprise de services publics")

"utility infrastructure" means poles, wires, cables, including fibre-optic cables, conduits, towers, transformers, pipes, pipe lines or any other works, buildings, structures or appliances placed over, on or under land or water by a utility company; ("infrastructure de services publics")

"YDSS Central system" means the sewage works described as "YDSS Central" in the 2022 York Region Water and Wastewater Master Plan; ("portion centrale du réseau d'égout de York-Durham")

"YDSS North system" means the sewage works described as "YDSS North" in the 2022 York Region Water and Wastewater Master Plan; ("portion nord du réseau d'égout de York-Durham")

"York Durham Sewage System" means the sewage works described collectively as the "YDSS North, YDSS Central, YDSS South, and YDSS Primary system" in the 2022 York Region Water and Wastewater Master Plan; ("réseau d'égout de York-Durham")

"York Region" means the Regional Municipality of York; ("région de York")

"York Region sewage works project" means the improvement, enlargement, extension and any other modifications of the York Durham Sewage System in York and Durham Regions to convey sewage, including sewage from the towns of Aurora, East Gwillimbury and Newmarket, for treatment at the Duffin Creek Water Pollution Control Plant in Durham Region and discharge into Lake Ontario, including or excluding any associated or ancillary equipment, systems and technologies or thing that may be prescribed. ("projet de station d'épuration des eaux d'égout dans la région de York")

PART II
REVOCATIONS

Revocations

2 (1) The following are revoked:

1. The order, dated October 1, 2004, with the file number ENV1283MC-2004-5305, in respect of the York-Durham Sewage System project that was issued by the Minister to the Region under section 16 of the *Environmental Assessment Act*, requiring the Region to comply with Part II of that Act before proceeding with the projects specified in the order.
2. The approval, dated March 11, 2010, with the file number 02-04-03, of the terms of reference that forms part of the application for the Upper York Sewage Solutions Undertaking approved under section 6 of the *Environmental Assessment Act*.
3. Any other prescribed document or instrument issued under the *Environmental Assessment Act* that is related to the York sewage works project or the Lake Simcoe phosphorus reduction project.

Application withdrawn

(2) The application submitted for approval by York Region dated July 25, 2014 under section 6.2 of the *Environmental Assessment Act* shall be deemed to have been withdrawn and, for greater certainty, the Minister is not required to make a decision about that application.

Exception

(3) For greater certainty, subsections (1) and (2) do not apply to any portion of the undertaking described in Order in Council 399/2018 made under the *Environmental Assessment Act*.

PART III
REQUIREMENTS TO PROVIDE SEWAGE WORKS

Regions to construct sewage works project

3 (1) York Region and Durham Region shall, in accordance with subsections (2) and (3), work together to do everything in their respective powers to develop, construct and operate the York Region sewage works project.

Specific requirements

(2) The York Region sewage works project must,

(a) have sufficient capacity to meet the total combined average daily wastewater flows forecasted to flow to the Duffin Creek Water Pollution Control Plant and the Water Reclamation Centre in 2051 in figures 2.1 and 2.2 of Appendix A to the 2022 York Region Water and Wastewater Master Plan;

(b) include improvements and upgrades to the YDSS North system to accommodate the flows described in clause (a);

(c) include improvements and upgrades to the YDSS Central system, which, at a minimum, consist of upgrades and improvements to the Yonge Street trunk sewer between Bloomington Road and 19th Avenue to accommodate the flows described in clause (a);

(d) meet all prescribed timelines for the development, construction and operation of all or part of the project;

(e) improve, enlarge and extend the York Durham Sewage System in an efficient and cost-effective manner; and

(f) be developed, constructed and operated in accordance with the regulations, if any.

Consultation required, etc.

(3) York Region and Durham Region shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the York Region sewage works project until,

(a) the report required under section 4 has been completed to the Minister's satisfaction;

(b) the consultation required under section 5 has been completed to the Minister's satisfaction; and

(c) any other prescribed requirements have been completed.

Report

4 (1) Immediately following the coming into force of this subsection, York Region and Durham Region shall commence the preparation of a report, in accordance with subsection (2) and the regulations.

Details in report

(2) The report required under subsection (1) must contain details of,

(a) the work required to meet the requirements of section 3;

(b) any associated cost of the work that is required to be detailed under clause (a);

(c) the approvals required to meet the requirements of section 3;

(d) the impacts to the environment of the project and the mitigation of those impacts; and

(e) anything else required by the Minister.

Report to be completed

(3) The report required under this section must be completed before the date specified by the Minister.

Report to be made public

(4) Promptly after completing the report required under this section, York Region and Durham Region shall,

(a) provide the report to the Minister;

(b) make the report publicly available on their respective websites; and

(c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 5 (4) for the purposes of the consultation required under section 5.

Revised report

(5) The Minister may require York Region and Durham Region to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6) Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7) The Minister may require York Region and Durham region to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8) Subsection 3 (3) and section 6 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10) Section 5 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

5 (1) York Region and Durham Region shall, in accordance with this section and any regulations, consult with every Indigenous community that is identified on a list provided by the Minister under subsection (4) and with persons who, in the opinion of York Region and Durham Region, may be interested in the York Region sewage works project.

Commencement of consultation

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3) As part of the consultation, York Region and Durham Region shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

(a) the contents of the report required by section 4;

(b) any aboriginal or treaty rights that may be adversely impacted by the project;

(c) any potential adverse impacts of the project on aboriginal or treaty rights; and

(d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4) Before commencing consultation under this section, York Region and Durham Region shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Consultation to be completed

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6) Following the completion of consultation under this section, York Region and Durham Region shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

(a) a description of the consultations carried out;

(b) a list of the Indigenous communities or interested persons who participated in the consultations;

(c) summaries of any comments submitted;

(d) copies of all written comments submitted by Indigenous communities or other interested persons;

(e) a summary of discussions that York Region and Durham Region had with Indigenous communities or other interested persons;

(f) a description of what York Region and Durham Region did to respond to concerns expressed by Indigenous communities or other interested persons; and

(g) any commitments made by York Region and Durham Region to Indigenous communities or other interested persons in respect of the York Region sewage works project.

Further consultation

(7) Following the receipt of the report required under subsection (6), the Minister may require York Region and Durham Region to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modification

(8) The report required under subsection (6) shall be modified by York Region and Durham Region to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have aboriginal or treaty rights that may be adversely impacted by the York Region sewage works project.

Notification by Minister

6 The Minister shall promptly notify York Region and Durham Region and each Indigenous community identified on the list provided by the Minister under subsection 5 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 4.
2. The consultation required under section 5.

3. Any other requirements prescribed for the purpose of clause 3 (3) (c).

Municipalities to construct Lake Simcoe phosphorus reduction project

7 (1) Every municipality prescribed for the purposes of this subsection shall, in accordance with subsections (3) and (4), work together to do everything in their respective powers to develop, construct and operate the Lake Simcoe phosphorus reduction project.

Municipalities that may be prescribed

(2) The following municipalities may be prescribed for the purposes of subsection (1):

1. York Region.
2. A lower-tier municipality within York Region.
3. A lower-tier municipality within the County of Simcoe.

Specific requirements

(3) The Lake Simcoe phosphorus reduction project must be developed, constructed and operated in accordance with the regulations, if any, including meeting any prescribed timelines for all or part of the project.

Consultation required etc.

(4) A municipality prescribed for the purposes of subsection (1) shall not submit an application for an environmental compliance approval under Part II.1 or register under Part II.2 of the *Environmental Protection Act* in respect of the Lake Simcoe phosphorus reduction project until,

(a) the report required under section 8 has been completed to the Minister's satisfaction;

(b) the consultation required under section 9 has been completed to the Minister's satisfaction; and

(c) any other prescribed requirements have been completed.

Report

8 (1) Immediately following the coming into force of this subsection, every municipality prescribed for the purposes of subsection 7 (1) shall commence the preparation of a report, in accordance with subsection (2) of this section and the regulations.

Details in report

(2) The report required under subsection (1) must contain details of,

(a) necessary work required to meet the requirements of section 7;

(b) any associated cost of the work that is required to be detailed under clause (a);

(c) the approvals required to meet the requirements of section 7;

(d) the impacts to the environment of the project and the mitigation of those impacts; and

(e) anything else required by the Minister.

Report to be completed

(3) The report required under this section must be completed before the date specified by the Minister.

Report to be made public

(4) Promptly after completing the report required under this section, each municipality prescribed for the purposes of subsection 7 (1) shall,

(a) provide the report to the Minister;

(b) make the report publicly available on its website; and

(c) provide the report to each Indigenous community identified on the list provided by the Minister under subsection 9 (4) for the purposes of the consultation required under section 9.

Revised report

(5) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to make revisions to the report provided to the Minister under subsection (4) by a date specified by the Minister.

Revised report to be made public

(6) Subsection (4) applies to a revised report required under subsection (5).

Additional reports

(7) The Minister may require a municipality prescribed for the purposes of subsection 7 (1) to submit additional reports under this section for any part of the project, by the date specified by the Minister.

Requirements for additional reports

(8) Subsection 7 (4) and section 10 apply, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Same

(9) Subsections (2), (3), (4) and (5) apply to a report required under subsection (7).

Additional consultation

(10) Section 9 applies, with necessary modifications, to any part of the project that is the subject of a report required under subsection (7) of this section.

Consultation

9 (1) Every municipality prescribed for the purposes of subsection 7 (1) shall, in accordance with this section and any regulations, consult with every Indigenous community identified on the list provided by the Minister under subsection (4) of this section and with persons who, in the opinion of the municipality, may be interested in the Lake Simcoe phosphorus reduction project.

Commencement of consultation

(2) The consultation required by subsection (1) shall begin no later than 30 days after the list described in subsection (4) is provided by the Minister.

Indigenous communities

(3) As part of the consultation, the municipality shall discuss with each Indigenous community identified on the list provided by the Minister under subsection (4),

(a) the contents of the report required by section 8;

(b) any aboriginal or treaty rights that may be adversely impacted by the project;

(c) any potential adverse impacts of the project on aboriginal or treaty rights; and

(d) measures that may avoid or mitigate potential adverse impacts on aboriginal or treaty rights, including any measures identified by the community.

List of Indigenous communities

(4) Before commencing consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall obtain from the Minister a list of Indigenous communities that, in the opinion of the Minister, have or may have aboriginal or treaty rights that may be adversely impacted by the phosphorus works project.

Consultation to be completed

(5) Any consultation required under this section shall be completed by the date specified by the Minister.

Consultation report

(6) Following the completion of consultation under this section, a municipality prescribed for the purposes of subsection 7 (1) shall provide the Minister with separate consultation reports, one respecting consultation with Indigenous communities and one with respect to consultation with other interested persons, each of which must include, as applicable,

(a) a description of the consultations carried out;

(b) a list of the Indigenous communities or interested persons who participated in the consultations;

(c) summaries of any comments submitted;

(d) copies of all written comments submitted by Indigenous communities or other interested persons;

(e) a summary of discussions that the municipality had with Indigenous communities or other interested persons;

(f) a description of what the municipality did to respond to concerns expressed by Indigenous communities or other interested persons; and

(g) any commitments made by the municipality to Indigenous communities or other interested persons in respect of the Lake Simcoe phosphorus reduction project.

Further consultation

(7) Following the receipt of the report required under subsection (6), the Minister may require the municipality to engage in further consultation with an Indigenous community identified on the list provided by the Minister under subsection (4).

Modifications

(8) The report required under subsection (4) shall be modified by the municipality prescribed for the purposes of subsection 7 (1) to reflect any further consultation required by the Minister under subsection (7) and, following the completion of the consultation, submitted to the Minister.

Consultation by Minister

(9) For greater certainty, nothing in this section prevents the Minister from consulting with any Indigenous communities that, in the Minister's opinion, have or may have existing aboriginal or treaty rights that may be adversely impacted by the Lake Simcoe phosphorus reduction project.

Notification by Minister

10 The Minister shall promptly notify a municipality prescribed for the purposes of subsection 7 (1) and each Indigenous community identified on the list provided by the Minister under subsection 9 (4) when the following have been completed to the Minister's satisfaction:

1. The report required under section 8.
2. The consultation required under section 9.
3 Any other requirements prescribed for the purpose of clause 7 (4) (c).

Agency

11 (1) The Lieutenant Governor in Council may make an order requiring the Agency to undertake some or all of the work required under section 3 or 7, and the Agency shall comply with every such order.

Requirements

(2) An order under subsection (1) may be subject to any requirements that the Lieutenant Governor in Council considers necessary or advisable.

Requirements under regulations

(3) Any work the Agency is required to undertake under this section shall be done in accordance with the regulations.

Same

(4) Sections 3, 4, 5 and 6 apply to work the Agency undertakes with respect to the York Region sewage works project, subject to any necessary modification.

Same

(5) Sections 7, 8, 9, and 10 apply to work the Agency undertakes with respect to the Lake Simcoe phosphorus reduction project, subject to any necessary modification.

Agency's powers

(6) For greater certainty, if an order is issued under this section, section 12 of the *Ontario Water Resources Act* applies.

Agency to act for municipality for approval of Tribunal

(7) Where undertaking some or all of a project that a municipality is required to complete under this Part requires a municipality to obtain approval from the Ontario Land Tribunal, the Agency may apply on behalf of the municipality in respect of any part of the project that is subject to an order under subsection (1).

Delegation of authority

(8) Section 50 of the *Capital Investment Plan Act, 1993* applies with necessary modifications to anything the Agency is required to do under this Act.

Prohibition

(9) If an order is issued to the Agency under this section, no person, other than the Agency, shall undertake the work required by the order.

Payment of Agency costs

(10) A municipality shall pay the costs incurred by the Agency in the implementation of an order in accordance with any regulations.

Municipalities may raise money for costs

(11) For the purpose of making payments to the Agency under subsection (10), a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to develop, construct or operate, were developing, constructing or operating or had developed, constructed or operated all or part of a project.

Settlement of disputes re costs

(12) In the event of any dispute arising in respect of an amount required to be paid under subsection (10) to the Agency by a municipality for the development, construction or operation of a project, the dispute shall be referred to a sole arbitrator appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Agency and the municipality.

Costs of arbitrator

(13) The services of the arbitrator appointed under subsection (12) shall be paid in the amount directed by the Lieutenant Governor in Council and the whole costs of the arbitration shall be paid as directed by the arbitrator in the award.

Arbitration procedure

(14) Except as otherwise provided in this section, the *Municipal Arbitrations Act* applies to any arbitration under subsection (12).

Additional requirements

Powers of Minister

12 (1) The Minister may, for the purposes of this Act and the regulations, require a municipality required to complete a project under this Part to provide plans, specifications, reports or other information related to the project to the Minister by a specified date.

Powers of Agency

(2) Where undertaking some or all of a project that a municipality is required to complete under this Part, the Agency may require the municipality to provide plans, specifications, reports or other information related to the project to the Agency by a specified date.

PART IV
EXEMPTIONS

Exemption, York Region sewage works project

13 The following are exempt from the *Environmental Assessment Act*:

1. The York Region sewage works project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

Exemption, Lake Simcoe phosphorus reduction project

14 The following are exempt from the *Environmental Assessment Act*:

1. The Lake Simcoe phosphorus reduction project.
2. Any enterprises or activities for or related to the project.
3. Any proposal, plan or program in respect of any enterprise or activities for or related to the project.
4. Anything prescribed to be a part of or related to the project.

PART V
PROJECT LAND CONTROL

PROJECT LAND DEVELOPMENT PERMIT

Permit required

15 (1) No person shall carry out the following work without a permit:

1. Building, altering or placing a building or other structure that is wholly or partially on, under or within 30 metres of project land.
2. Grading, dewatering or excavating conducted wholly or partially on, under or within 30 metres of project land.
3. Building, altering or constructing a highway that is wholly or partially on, under or within 30 metres of project land.

4. Building, altering or placing utility infrastructure that would require grading, dewatering or excavation wholly or partially on, under or within 10 metres of project land.
5. Prescribed work.
6. Work that is subject to a notice under subsection 19 (2).

Exception

(2) Paragraph 1 of subsection (1) does not apply to utility infrastructure that does not require grading, dewatering or excavation.

Crown

(3) This section does not apply to the Crown.

Exception, emergencies

(4) A municipality, municipal service board or utility company may perform work that would otherwise be prohibited under this section to address an emergency that may impact the health and safety of any person or that would disrupt the provision of a service provided by the municipality, municipal service board or utility company.

Notification

(5) A municipality, municipal service board or utility company that performs work described in subsection (4) shall provide the Minister with a notice in writing providing details about the nature, location and duration of the work being conducted.

Application for permits

16 (1) An application for a permit or an amendment to a permit shall be in writing, prepared in accordance with the regulations, if any, and submitted to the Minister.

Additional requirements

(2) The Minister may require an applicant for a permit or an amendment to a permit to submit any plans, specifications, reports or other information related to the application.

Issuance of permits

17 (1) After considering an application for the issuance of a permit, the Minister may,

(a) issue a permit with or without conditions; or

(b) refuse to issue a permit.

Submissions

(2) A person to whom a permit is issued under subsection (1) may make submissions in writing to the Minister about the permit within 15 days of receiving the permit.

Confirmation, etc.

(3) After considering any submissions provided under subsection (2), and the needs and timelines of the project to be constructed within project lands, the Minister may, in writing,

(a) confirm the permit issued or the refusal to issue the permit;

(b) re-issue the permit with amended conditions; or

(c) revoke the permit.

Amendment application

(4) A person to whom a permit is issued may apply, in writing and in accordance with the regulations, if any, to the Minister to have the permit amended.

Amendment decision

(5) After considering a request under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may,

(a) amend the permit; or

(b) refuse to amend the permit.

Terms and conditions

(6) A permit is subject to any terms and conditions that may be prescribed.

Revocation, amendment and suspension

18 (1) The Minister may revoke a permit in whole or in part, with or without issuing a new permit, amend a permit or suspend a permit in whole or in part, if,

(a) a stop-work order has been issued in respect of any work subject to the permit; or

(b) the Minister is of the opinion that the revocation, amendment or suspension is necessary.

Notice

(2) Before revoking, amending or suspending a permit pursuant to subsection (1), the Minister shall provide notice in writing to the permit holder.

Submissions

(3) The permit holder to whom a notice under subsection (2) is provided may make submissions to the Minister about the notice within 15 days of receiving the notice.

Confirmation, etc.

(4) After considering any submissions made by the permit holder, the Minister may revoke, amend or suspend the permit in accordance with subsection (1).

DEVELOPMENT IN PROCESS

Exception to permit requirement

19 (1) Subject to subsections (2) to (4), a person does not require a permit to carry out work described in subsection 15 (1) if the person has obtained all authorizations required at law to perform the work before the requirement to have a permit under section 15 applies to the person.

Imposition of requirement

(2) Despite subsection (1), the Minister may require, by notice, a person described in that subsection to obtain a permit for any work described in that subsection that is not completed within six months of the issuance of the notice.

Requirement in notice

(3) The notice issued under subsection (2) shall be in writing and shall include the following information:

1. A description of the work to be completed.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
4. Contact information for further information about the notice.

Submissions

(4) A person to whom a notice is issued under subsection (2) may make submissions in writing to the Minister within 15 days of receiving the notice.

Extension

(5) After considering any submissions provided under subsection (4), and the needs and timelines of the project to be constructed within project lands, the Minister may extend the six-month time period set out in the notice issued under subsection (2).

OBSTRUCTION REMOVAL

Notice of obstruction removal

20 (1) Subject to subsection (3), the Minister may issue a notice requiring the owner of any of the following things that are wholly or partially on, under or within 30 metres of project land to remove or alter the thing within the time specified in the notice:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

Application

(2) Subsection (1) applies regardless of whether a permit was required in respect of the thing.

Exception

(3) A notice under subsection (1) shall not be issued in respect of,

(a) utility infrastructure; or

(b) a highway that belongs to the Crown or other Crown property.

Requirements for notice

(4) A notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the thing to be altered or removed.
2. The date by which the removal or alteration must be completed.
3. An indication that the Minister may carry out the removal or alteration work if the removal or alteration is not completed within the time specified in the notice.
4. An indication that written submissions may be made to the Minister within 15 days of receiving the notice and how to make such submissions.
5. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the removal or alteration of the thing.
6. Contact information for further information about the notice.

Submissions

(5) A person to whom a notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice.

Minister's decision

(6) After considering any submissions provided under subsection (5), the Minister may, in writing,

(a) confirm the issuance of the notice;

(b) issue an amended notice; or

(c) revoke the notice issued under subsection (1).

Date of amended notice

(7) If an amended notice is issued under subsection (6), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may remove obstruction

21 (1) Where a notice is issued under section 20 (1) or amended under subsection 20 (6), the Minister may cause any work required by the notice to be done if,

(a) the person required by the notice to do the work,

(i) has not completed the work, or in the Minister's opinion is not likely to complete the work, within the time specified in the notice,

(ii) in the Minister's opinion, is not conducting or has not completed the work in a competent manner, or

(iii) requests the assistance of the Minister in complying with the notice; or

(b) a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5).

Notice of intent to cause things to be done

(2) The Minister shall give notice of an intention to cause work to be done under subsection (1),

(a) to each person required by a notice issued under section 20 to remove an obstruction; and

(b) if a receiver or trustee in bankruptcy is not required to do the work because of subsection 63 (5), to the receiver or trustee in bankruptcy.

Permission required

(3) A person who receives a notice under subsection (2) shall not do the work referred to in the notice without the permission of the Minister.

Person liable unknown

22 Where the Minister is authorized by section 20 to issue a notice requiring a person to remove or alter an obstruction, and the identity of the person cannot be ascertained, the Minister may cause the obstruction to be removed or altered without notice.

Advance notice

23 (1) The Minister shall provide notice in advance of any work to be done pursuant to section 21 to the person to whom the notice was issued and anyone occupying the property.

Contents

(2) The notice shall be in writing and include the date and approximate time of the work.

Additional requirement

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

Compensation

24 (1) Except as provided under subsection (2), no compensation is payable by the Minister or the Crown to any person for anything done under section 20, 21 or 22.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 37 to the owner of any thing that was altered or removed under section 20, 21 or 22 for the following:

1. The work required to be done under the notice, if that work was not undertaken by the Minister.
2. The value of any thing that was required to be removed under the notice.
3. The value of the part of the thing that was altered or removed pursuant to the notice.
4. Any damage to the person's property necessary to carry out the work required under the notice.

Exception

(3) Subsection (2) does not apply to anything restored pursuant to section 25.

Restoration

25 (1) If the Minister carried out the work under section 21 or 22, the Minister shall make reasonable efforts to restore any part of the property that was not altered or removed to its condition prior to the work having been completed.

Exception

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Loss of compensation entitlement

26 (1) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, to a person who hinders, obstructs or otherwise interferes with any work done under section 20, 21 or 22.

Where laws not complied with

(2) The Minister may reduce the amount of compensation otherwise payable under section 24, or pay no compensation, if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

CONSTRUCTION DANGER INSPECTION AND ELIMINATION

Construction danger inspection

27 (1) The Minister may, without notice, cause an inspection of any of the following things that are wholly or partially on, under or within 30 metres of project land if the Minister is of the opinion that the thing may pose an immediate danger:

1. A building or other structure.
2. A tree, shrub, hedge or other vegetation.
3. A prescribed thing.

Exception

(2) Subsection (1) does not apply in respect of,

(a) utility infrastructure; or

(b) a highway that belongs to the Crown or other Crown property.

Additional requirement

(3) Subsection (1) applies in addition to any requirements of entry that apply under section 56.

Construction danger elimination

28 (1) If, upon inspection, the Minister confirms that a thing described in subsection 27 (1) poses an immediate danger, the Minister may cause work to be undertaken to remove or eliminate the immediate danger posed by the thing.

Advance notice

(2) The Minister shall make reasonable efforts to notify the property owner or occupant before the inspection under section 27 or removal or elimination under subsection (1) of this section takes place.

Additional requirement

(3) Subsection (2) applies in addition to any requirements that apply to entry to the property under section 56.

Informing owner afterwards

29 As soon as practicable after an inspection has taken place under section 27 or the carrying out of work under section 28, the Minister shall make reasonable efforts to notify the owner of,

(a) the inspection;

(b) any work undertaken to eliminate an immediate danger;

(c) the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection or work; and

(d) the procedure for determining compensation.

Loss of compensation entitlement

30 Section 31 does not apply to a person who hinders, obstructs or interferes with an inspection under section 27 or any work carried out under section 28 or 32.

Compensation

31 (1) Except as provided under subsection (2), no compensation is payable by the Minister to any person for anything done under section 28.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of a property upon which work was carried out by the Minister under section 28 for the following:

1. The value of any thing that was eliminated.
2. The value of any part of the thing that was eliminated.
3. Any other damage to the person's property resulting from the work carried out.

Exception

(3) Subsection (2) does not apply to anything restored pursuant to section 32.

Restoration

32 (1) The Minister shall make reasonable efforts to restore any part of a property damaged in the course of any work carried out under section 28 to its condition prior to the work having been started.

Exception

(2) Subsection (1) does not apply if the thing that was altered or removed was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Reduced compensation

33 The Minister may reduce the amount of compensation otherwise payable under section 31, or pay no compensation, if the thing eliminated or the person's property that was damaged was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

PREVIEW INSPECTION

Preview inspection

34 (1) The Minister may carry out an inspection on property that is on or within 30 metres of project land for the purposes of carrying out due diligence in planning, developing and constructing the York Region sewage works project and the Lake Simcoe phosphorus reduction project, including,

(a) making records of the property and surrounding area; and

(b) taking samples and conducting tests.

Exception

(2) Clause (1) (b) does not apply in respect of utility infrastructure.

Same

(3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

Compensation

35 (1) Except as provided under subsection (2) no compensation is payable by the Minister to any person for anything done under section 34.

Where compensation payable

(2) The Minister shall provide such compensation as is determined in accordance with this Act, the regulations, if any, and the procedure set out in section 40 to the owner of the property for any damage resulting from any test conducted or sample taken under section 34 that is not restored under section 59.

Reduced compensation

36 The Minister may reduce the amount of compensation otherwise payable under section 35, or pay no compensation, if the thing that was damaged in an inspection pursuant to section 34 was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Advance notice

37 (1) The Minister shall provide notice of a preview inspection to the property owner or occupant at least 30 days in advance of the preview inspection.

Additional requirement

(2) Subsection (1) applies in addition to any requirements that apply to entry to the property under section 56.

Contents

(3) The notice shall be in writing and include the following information:

1. The intended date and approximate time of the inspection.
2. The approximate duration of the inspection.
3. The purpose of the inspection.
4. A reference to the applicable compensation provisions under this Act, including the possibility that no compensation is payable if the person to whom the notice is issued interferes with the inspection.
5. Contact information for further information.

STOP-WORK ORDERS

Stop-work order

38 (1) The Minister may make an order requiring a person to stop engaging in or to not engage in work described in section 15 if,

(a) the Minister has reasonable grounds to believe that the person is engaging in the work, or is about to engage in the work, for which a permit is required but has not been obtained; or

(b) the Minister is of the opinion that the work is being conducted pursuant to a permit but continuing the work would obstruct or delay the construction of the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Information to be included in order

(2) The stop-work order shall include,

(a) a reference to the requirement under this Act to have a permit to undertake the work, if the order is issued under clause (1) (a);

(b) a brief description of the work that is required to be stopped and its location; and

(c) the consequences of failing to comply with the order, including the associated offence and potential fine.

Exception

(3) Subsection (1) does not apply in respect of a highway that belongs to the Crown or other Crown property.

Enforcement through court

39 A stop-work order may be filed in the Superior Court of Justice and enforced as if it were an order of that court.

COMPENSATION

Compensation

40 (1) This section sets out the procedure for determining any compensation payable under this Part.

Particulars

(2) A person applying to the Minister for compensation shall provide proof of the person's interest in the property and the rationale for the claim, including details supporting the amount claimed, to the satisfaction of the Minister.

Determination

(3) After considering the information provided under subsection (2), the Minister shall determine whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Notice

(4) The Minister shall notify the person who applied to the Minister of the Minister's determination under subsection (3).

Compensation dispute

(5) A person who receives a notification under subsection (4) may, within 6 months of the receipt of the notification, apply to the Ontario Land Tribunal for determination by the Tribunal of whether compensation shall be paid, and if compensation is to be paid, the amount of the compensation.

Order by the Tribunal

(6) The Tribunal may order the amount of compensation to be paid to the person, including interest on any compensation payable from when the work began at the prescribed rate, if there is a prescribed rate.

Exception to interest

(7) Despite subsection (6),

(a) if the Minister determined under subsection (3) compensation greater than the amount determined by the Tribunal, no interest may be ordered after the date that the person received the notice described under subsection (4); and

(b) if the Tribunal is of the opinion that any delay in determining the compensation is attributable in whole or in part to the person, the Tribunal may refuse to order interest for the whole or any part of the time for which the person might otherwise be entitled to interest, or may order interest at such rate less than the prescribed rate as appears just.

Municipality or local board

41 No compensation is payable under this Part to a municipality or a local board within the meaning of the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.

No expropriation, etc.

42 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

PART VI
EXPROPRIATION PROCESS

Application

43 This Part applies to an expropriation by a municipality or the Agency for the purposes of developing, constructing or operating the York Region sewage works project and the phosphorus recovery project, but, for greater certainty, does not apply in respect of anything to which section 42, 50 or 54 applies.

No hearings of necessity

44 (1) Subsections 6 (2) to (5) and sections 7 and 8 of the *Expropriations Act* do not apply to any expropriation of land within the meaning of that Act if,

(a) all or part of the land is project land; and

(b) the expropriation is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Approving authority

(2) An approving authority to whom an application for expropriation has been made under subsection 4 (1) of the *Expropriations Act* in relation to the York Region sewage works project or the Lake Simcoe phosphorus reduction project shall approve or not approve the proposed expropriation as submitted, or approve the proposed expropriation with such modifications

as the approving authority considers proper, but an approval with modifications does not affect lands that are not part of the application.

Consideration of comments

(3) Before an approving authority approves a proposed expropriation under subsection (2), the authority shall consider any comments received under the process, if any, established under section 45.

This section prevails

(4) This section applies despite subsection 2 (4) of the *Expropriations Act*.

Alternative process

45 (1) The Minister may establish a process in writing for the receipt and consideration of comments from property owners about an application for an expropriation made under subsection 4 (1) of the *Expropriations Act* that is related to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Publication

(2) The Minister shall publish the details of the process established under subsection (1) on a website maintained by the Ministry and in any other format the Minister considers advisable.

PART VII
UTILITY COMPANY CO-OPERATION

Notice to utility company

46 (1) The Minister may by notice require a utility company to take up, remove or change the location of utility infrastructure if, in the opinion of the Minister, the taking up, removing or changing in location is necessary for the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

Requirements for notice

(2) The notice issued under subsection (1) shall be in writing and include the following information:

1. A description of the work to be carried out.
2. The date by which the work must be completed.
3. An indication that written submissions may be made to the Minister within 15 days of receiving the notice.
4. Contact information for further information about the notice.

Submissions

(3) The utility company to which the notice is issued under subsection (1) may make submissions in writing to the Minister within 15 days of receiving the notice, including submissions in respect of any technical or other difficulties with meeting the date for completion of the work in the notice.

Minister's decision

(4) After considering any submissions provided under subsection (3), the Minister may, in writing,

(a) confirm the notice;

(b) issue an amended notice; or

(c) revoke the notice.

Date in amended notice

(5) If an amended notice is issued under subsection (4), the date by which the work must be completed shall not be earlier than the date in the notice issued under subsection (1).

Minister may take up, remove or change the location

47 (1) Where a notice is issued under section 46 (1) or amended under subsection 46 (4), the Minister may cause any work required by the notice to be done if the utility company required by the notice fails to do the work.

Notice of intent to cause work to be done

(2) The Minister shall provide notice, in advance of any work to be done pursuant to subsection (1), to the utility company to whom the notice was issued and anyone occupying the property.

Contents

(3) A notice under subsection (2) shall be in writing and include the date and approximate time of the work.

Compensation by Minister

48 If the utility company completes the work required by the notice issued under subsection 46 (1), the Minister shall compensate the utility company for the work, unless otherwise agreed.

Compensation by company

49 (1) If the Minister completes work pursuant to subsection 47 (1), the utility company shall compensate the Minister for the value of any loss or expense incurred by the Minister resulting from the failure of the utility company to comply with the notice.

Includes cost of work

(2) For greater certainty, subsection (1) includes the cost of doing the work required by the notice.

No expropriation, etc.

50 Nothing in this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

PART VIII
ADMINISTRATION

DELEGATION

Delegation

51 (1) The Lieutenant Governor in Council may, by order, delegate any of the powers and duties conferred or imposed on the Minister under Parts V and VII of this Act, in whole or in part, to any of the following entities, subject to any limitations, conditions and restrictions set out in the order:

1. York Region.
2. Durham Region.
3. A municipality prescribed for the purposes of subsection 7 (1).
4. The Agency.

Compensation

(2) If an obligation to pay compensation under this Act is delegated to an entity described in subsection (1), the delegate is responsible for the payment of all of the compensation, unless the Minister and the delegate agree otherwise.

DESIGNATIONS

Designating project land

52 The Lieutenant Governor in Council may, by order,

(a) designate any area of land or water as project land for the development, construction, and operation of the York Region sewage works project or the Lake Simcoe phosphorus reduction project; and

(b) amend or revoke a designation made under clause (a) at any time.

Notice

53 (1) When land has been designated as project land, or the designation of land has been amended or revoked, the Minister shall make reasonable efforts to provide notice to,

(a) all owners or occupiers of land, any part of which is on or within 30 metres of project land;

(b) every utility company having utility infrastructure any part of which is located on, under or within 10 metres of project land; and

(c) each municipality, local board, municipal planning authority and planning board having jurisdiction in the area which is the subject of the project land.

Registration

(2) The Minister shall either,

(a) register or cause to be amended or removed from the registry, as appropriate, a notice of designation in the proper land registry office on the title of each property any part of which is project land or any part of which is located within 30 metres of project land; or

(b) carry out a prescribed public notice process with respect to the property described in clause (a).

No expropriation, etc.

54 The designation of land or water under section 52 does not constitute an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

PART IX
COMPLIANCE AND ENFORCEMENT

Inspection

55 (1) An enforcement officer may conduct an inspection of a place for the purpose of determining any person's compliance with this Act or the regulations if the enforcement officer reasonably believes that,

(a) the place contains documents or data relating to the person's compliance; or

(b) an activity relating to the person's compliance is occurring or has occurred at the place.

Designation of enforcement officers

(2) The Minister may designate one or more of the following as enforcement officers to exercise the powers under subsection (1):

1. Public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry or the members of classes of such public servants.
2. Any other persons or the members of any other classes of persons.

Restriction

(3) When making the designation, the Minister may limit the authority of an enforcement officer in the manner that the Minister considers necessary or advisable.

Powers of entry

56 (1) The powers of entry provided under this section apply to a person undertaking the following:

1. Work undertaken under section 21 or 22.
2. An inspection undertaken under section 27.
3. Work undertaken under section 28 or 47.
4. A preview inspection under section 34.
5. An inspection undertaken pursuant to section 55.

Entry without warrant

(2) A person who has the authority to engage in an activity referred to in subsection (1) may enter a place without a warrant if the entry is made in respect of that activity.

Restriction

(3) Subsection (2) authorizes a person to enter a place only if it is owned or occupied by a person who owns or occupies land any part of which is located within project land or any part of which is located within 30 metres of project land.

Dwellings

(4) A person shall not exercise a power conferred by this section to enter, without the occupier's consent, a room that is actually used as a dwelling, except under the authority of an order issued under section 57.

Time of day

(5) Subject to subsection (6), entry to a place and any related work or inspection referred to in subsection (1) may be carried out at any reasonable time.

Dwellings

(6) Entry to a place and any related work or inspection on property that contains a dwelling shall take place,

(a) at any time during daylight hours after having given the occupier at least two days notice; or

(b) at any other time with the occupier's consent.

Powers

(7) A person may do any one or more of the following in the course of entering a place and conducting work or an inspection related to the purpose of the entry,

(a) undertake work;

(b) make reasonable inquiries of any person, orally or in writing;

(c) take samples for analysis;

(d) conduct tests or take measurements;

(e) make a record of anything by any method;

(f) examine, record or copy any document or data, in any form, by any method;

(g) require the production of any document or data, in any form, required to be kept under this Act and any form of other document or data related to the purpose of the entry; and

(h) remove from the place, for the purpose of making copies, documents or data produced under clause (g).

Limitation

(8) A record made under clause (7) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy.

Records in electronic form

(9) If a record is retained in electronic form, a person exercising a power of inspection may require that a copy of it be provided to them on paper or electronically, or both.

Limitation re removal of documents

(10) A person shall not remove documents or data under clause (7) (h) without giving a receipt for them and shall promptly return them to the person who produced them.

Power to exclude persons

(11) A person exercising a power of inspection who exercises the power set out in clause (7) (b) may exclude any person from the questioning, except counsel for the individual being questioned.

Order for entry, work or inspection

57 (1) A justice of the peace may issue an order authorizing a person to do anything referred to in subsection 56 (1) or (7) if the justice is satisfied, on evidence under oath by the person that will be engaging in the activity, that there are reasonable grounds to believe that,

(a) it is appropriate for the person to do anything set out in subsection 56 (1) or (7) for the purpose of determining a person's compliance with this Act or the regulations; and

(b) the person may not be able to carry out his or her duties effectively without an order under this section because,

(i) no occupier is present to grant access to a place that is locked or otherwise inaccessible,

(ii) another person has prevented or may prevent the person from doing anything referred to in subsection 56 (1) or (7),

(iii) it is impractical, because of the remoteness of the property to be entered or because of any other reason, for a person to obtain an order under this subsection without delay if access is denied,

(iv) an attempt by a person to do anything referred to in subsection 56 (1) or (7) without the order might not achieve its purpose without the order, or

(v) it is more reasonable to carry out anything referred to in subsection 56 (1) or (7) at times other than those referred to in subsection 56 (6).

Same

(2) Subsections 56 (7) to (11) apply to an activity engaged in pursuant to an order issued under this section.

Expiry

(3) Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order and the day that is 30 days after the date on which the order is made.

Renewal

(4) An order under this section may be renewed in the circumstances in which an order may be made under subsection (1), before or after expiry, for one or more periods, each of which is not more than 30 days.

When to be executed

(5) Unless the order provides otherwise, everything that an order under this section authorizes must be done between 6 a.m. and 9 p.m.

Application without notice

(6) An order under this section may be issued or renewed on application without notice.

Application for dwelling

(7) An application for an order under this section authorizing entry to a dwelling shall specifically indicate that the application relates to a dwelling.

Other terms and conditions

(8) An order may contain terms and conditions that the justice considers advisable in the circumstances.

Identification

58 On request, a person who exercises a power of entry under this Act shall identify themselves as a person so authorized, either by the production of a copy of the authorizing document or in some other manner, and shall explain the purpose of the exercise of the power.

Restoration

59 (1) If a place is entered under section 34 or 55 for the purposes of an inspection, the person entering the place, in so far as is practicable, shall restore the property to the condition it was in before the entry.

Exception

(2) Subsection (1) does not apply if the thing requiring restoration was not constructed in accordance with, or was otherwise not in compliance with, all applicable laws.

Detention of copies, samples

60 A person who exercises a power under section 56 or 57 may detain copies or samples obtained under those sections for any period and for any purpose relating to enforcing this Act and the regulations.

Calling for assistance of member of police force

61 A person who enters a place to exercise a power of inspection and who is authorized by an order under section 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required, and it is the duty of every member of a police force to render the assistance.

Confidentiality of information

62 (1) In this section,

"law enforcement proceeding" means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed; ("procédure d'exécution de la loi")

"peace officer" means a person or a member of a class of persons set out in the definition of "peace officer" in section 2 of the *Criminal Code* (Canada). ("agent de la paix")

Secrecy and permissible disclosure

(2) A person entering a place pursuant to section 56 or 57 shall preserve secrecy with respect to any information obtained in respect of all matters that come to their knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

(a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act and the regulations;

(b) to the Minister, the Ministry or an employee or agent of the Ministry;

(c) to a delegate or an employee or agent of the delegate;

(d) to a peace officer, as required under a warrant, to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(e) with the consent of the person to whom the information relates;

(f) to the counsel of the person to whom the information relates;

(g) to the extent that the information is required or permitted to be made available to the public under this Act or any other Act; or

(h) under further circumstances that are prescribed.

Testimony in civil suit

(3) Except in a proceeding under this Act or the regulations, no person entering a place pursuant to section 56 or 57 shall be required to give testimony with regard to information obtained by them in the course of any survey, examination, test or inquiry under this Act or the regulations.

Successors and assigns

63 (1) A notice under section 20 or 46 and an order under section 38 is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

Limitation

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, their obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets.

Receivers and trustees

(3) A notice under section 20 or 46 and an order under section 38 that relates to property is binding on a receiver or trustee that holds or administers the property.

Limitation

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets.

Exception

(5) Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,

(a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the Minister that they have abandoned, disposed of or otherwise released their interest in the property; or

(b) the order was stayed under Part I of the *Bankruptcy and Insolvency Act* (Canada) and the receiver or trustee in bankruptcy notified the person who made the order, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property.

Extension of period

(6) The Minister may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as the Minister considers appropriate.

Notice under subs. (5)

(7) Notice under clause (5) (a) or (b) must be given in the prescribed manner.

PART X
OFFENCES

Obstruction, etc.

64 (1) No person shall hinder or obstruct any one or more of the following persons or entities in the performance of their duties under this Act or the regulations,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

False information

(2) No person shall give or submit false or misleading information, orally, in writing or electronically, in any statement, document or data in respect of any matter related to this Act or the regulations to,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

Same

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act.

Refusal to provide information

(4) No person shall refuse to provide information required for the purpose of this Act or the regulations to,

(a) the Minister, the Ministry, the Agency or an employee or agent of the Ministry or the Agency; or

(b) a delegate or an officer, employee or agent of a delegate.

Offences

65 (1) Every person who contravenes or fails to comply with section 64 is guilty of an offence.

Offence re orders

(2) Every person who contravenes or fails to comply with a stop-work order is guilty of an offence.

Limitation

(3) No proceeding under this section shall be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer within the meaning of the *Provincial Offences Act*.

Penalties

66 A person who is guilty of an offence under section 65 is liable on conviction,

(a) in the case of an individual,

(i) for a first offence, to a fine of not more than $50,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences, or

(ii) for a second or subsequent conviction for that offence, to a fine of not more than $100,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences; or

(b) in the case of a corporation,

(i) for a first offence, to a fine of not more than $500,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences, or

(ii) for a second or subsequent conviction for that offence, to a fine of not more than $1,000,000 plus not more than an additional $10,000 for each day on which the offence continues after the day it commences.

PART XI
MISCELLANEOUS

Capital Investment Plan Act, 1993

67 Section 51 of the *Capital Investment Plan Act, 1993* does not apply to work undertaken under this Act by or on behalf of the Minister.

Providing a document

68 (1) Any notice, order or other document that is required to be provided to a person under this Act is sufficiently provided if it is,

(a) delivered directly to the person;

(b) left at the person's last known address, in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older;

(c) sent by regular mail to the person's last known address;

(d) sent by commercial courier to the person's last known address;

(e) sent by email to the person's last known email address; or

(f) given by other means specified by the regulations.

Deemed receipt

(2) Subject to subsection (3),

(a) a document left under clause (1) (b) is deemed to have been received on the first business day after the day it was left;

(b) a document sent under clause (1) (c) is deemed to have been received on the fifth business day after the day it was mailed;

(c) a document sent under clause (1) (d) is deemed to have been received on the second business day after the day the commercial courier received it;

(d) a document sent under clause (1) (e) is deemed to have been received on the first business day after the day it was sent; and

(e) a document given under clause (1) (f) is deemed to have been received on the day specified by the regulations.

Failure to receive document

(3) Subsection (2) does not apply if the person establishes that he or she, acting in good faith, did not receive the document or received it on a later date because of a reason beyond the person's control, including absence, accident, disability or illness.

Non-application of the *Statutory Powers Procedure Act*

69 The *Statutory Powers Procedure Act* does not apply to,

(a) any decision made,

(i) in respect of permits, notices or stop-work orders under Part V,

(ii) under a process for receiving and considering comments about a proposed expropriation under section 45,

(iii) in respect of a notice under Part VII, or

(iv) in respect of compensation under this Act; or

(b) establishing a process for receiving and considering comments about a proposed expropriation under section 45.

Regulations, contracts and agreements

70 (1) The Lieutenant Governor in Council may, in order to facilitate the development, construction and operation of a sewage works under this Act, make regulations that prescribe any contract or agreement that relates to the York Region sewage works project or the Lake Simcoe phosphorus reduction project.

What regulation may contain

(2) A regulation made under subsection (1) may,

(a) terminate the prescribed contract on a date provided for in the regulation;

(b) suspend all or part of the prescribed contract on the dates provided for in the regulation; and

(c) amend all or part of the prescribed contract as specified in the regulation.

Deemed termination, suspension, amendment

(3) A contract or agreement or part of a contract or agreement prescribed under subsection (1) is deemed to have been terminated on a date or dates provided for in the regulations, or, if the regulations so provide, is deemed to have been amended or suspended, as the case may be, as provided for in the regulations.

No compensation

(4) Unless provided for in the regulations, no compensation shall be paid to any person in connection with a termination, amendment or suspension under this section.

No cause of action, Crown, etc.

71 (1) No cause of action arises against the Crown, the Agency, any current or former member of the Executive Council or any current or former employee, officer or agent of or advisor to the Crown or the Agency as a direct or indirect result of,

(a) the enactment, amendment or repeal of this Act;

(b) anything done under Part III;

(c) the making, amendment or revocation of a regulation under this Act;

(d) the issuance, amendment or revocation of a permit or notice under Part V;

(e) the issuance, amendment or revocation of a stop-work order under section 38;

(f) the making, amendment or revocation of an order designating project land under section 52;

(g) the enactment or repeal of the *York Region Wastewater Act, 2021*;

(h) anything done or not done under the authority of or in reliance on the *York Region Wastewater Act, 2021*, whether before or after section 4 of that Act came into force; or

(i) any representation or other conduct that is related, directly or indirectly, to the application for the Upper York Sewage Solutions Undertaking, whether made or occurring before or after section 4 of the *York Region Wastewater Act, 2021* came into force.

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Retrospective effect

(4) Subsections (2) and (3) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day this subsection came into force.

Proceedings set aside

(5) Any proceeding referred to in subsection (2) or (3) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day this subsection came into force.

No cause of action, certain delegates

72 (1) No cause of action arises against an entity to whom the Lieutenant Governor in Council delegates a duty or power, in whole or in part, pursuant to paragraphs 1, 2, and 3 of subsection 51 (1), or any current or former employee, director, officer, member of council or agent as a direct or indirect result of anything referred to in clause 71 (1) (d) or (e).

Proceedings barred

(2) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against any person referred to in that subsection.

Application

(3) Subsection (2) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings, but does not apply to an application for judicial review.

Delegate not a Crown agent

73 A delegate described in paragraph 1, 2 or 3 of subsection 51 (1) is not a Crown agent for any purpose.

Crown not liable for delegate's acts

74 No action or other proceeding shall be instituted against the Crown or any current or former Member of the Executive Council or employee, officer, agent or advisor of the Crown for any act of a delegate or an employee, director, officer, member of council, agent or advisor of a delegate in the execution or intended execution of a power or duty delegated under this Act or for an alleged neglect or default in the execution or intended execution of a power or duty delegated under this Act.

Protection from personal liability

75 (1) No action or other proceeding may be instituted against the following persons for any act done in good faith in the execution or intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of such a duty or power:

1. Any current or former Member of the Executive Council or employee, officer, agent of or advisor to the Crown.
2. Any current or former employee, director, officer, member of council, agent or advisor of a delegate.

Crown not relieved of liability

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in paragraph 1 of subsection (1) to which it would otherwise be subject.

Delegates

(3) Subsection (1) does not relieve a delegate of any liability to which it would otherwise be subject to in respect of an act or omission of a person mentioned in paragraph 2 of subsection (1).

Aboriginal or treaty rights

76 Section 71 does not apply to a cause of action that arises from any aboriginal or treaty right.

No compensation or damages

77 Except as otherwise provided under sections 24, 31, 35 and 48, no person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of this Act or for anything done or any actions taken under this Act.

Environmental Bill of Rights, 1993

78 Part II of the *Environmental Bill of Rights, 1993* does not apply to the issuance, amendment or revocation of an instrument related to or necessary for the construction of the York Region sewage works project and the Lake Simcoe phosphorus reduction project, despite it having been classified under a regulation made under that Act.

***Ontario Water Resources Act*, s. 57**

79 Section 57 of the *Ontario Water Resources Act* does not apply in respect of the York Region sewage works project and the Lake Simcoe phosphorus reduction project.

Conflict with other legislation

80 In the event of a conflict between any provision of this Act or the regulations and any other Act or regulation in respect of the development, construction or operation of the projects required by Part III of this Act, the provision of this Act or the regulations shall prevail, despite anything in the other Act or regulation.

Regulation making powers re projects

81 (1) The Lieutenant Governor in Council may make regulations governing the development, construction and operation of,

(a) the York Region sewage works project; and

(b) the Lake Simcoe phosphorus reduction project.

Matters that may be included

(2) Without limiting the generality of subsection (1), a regulation made under that subsection may include,

(a) requirements that a municipality and the Agency meet prescribed dates for completing all or part of the development, construction and operation of a project;

(b) requirements that a municipality and the Agency report to the Ministry on anything related to a project;

(c) requirements that a municipality and the Agency do anything the municipality has the power to do under this or any other Act for the purposes of developing, constructing and operating a project;

(d) requirements that the project incorporate any prescribed thing or meet any prescribed criteria;

(e) requirements that all or part of the project be within a specified area;

(f) prohibitions preventing a municipality and the Agency from doing anything in respect of the project;

(g) designations of which parts of the development, construction and operation of a project each municipality is responsible for;

(h) designations of the share of the costs of developing, constructing and operating a project each municipality is responsible for;

(i) requirements respecting the payment of costs to the Agency or to any other person or body specified by the regulations, including prescribing the amounts or the method of calculating the amounts to be paid, and governing the procedure for the payment;

(j) the prescribing of any matter that the Lieutenant Governor in Council considers necessary or advisable to ensure that the Agency can effectively carry out its powers and duties under section 11;

(k) the governance of the winding up of the Agency's role in a project and the transfer of any assets, liabilities, rights and obligations to a municipality.

Regulations, general

82 The Lieutenant Governor in Council may make regulations,

(a) respecting anything that under this Act may or must be prescribed, done or provided for by regulation or in accordance with the regulations and for which a specific power is not otherwise provided;

(b) defining or clarifying the meaning of any words or expressions used in this Act that are not defined in this Act;

(c) clarifying or modifying the definition of any defined term whose definition is expressed as being subject to the regulations;

(d) exempting any person or entity from a provision of this Act or the regulations and setting conditions for the exemption;

(e) respecting and clarifying the application of this Act with respect to a delegate;

(f) respecting the process of applying for and issuing permits, notices and orders;

(g) respecting the inclusion of terms and conditions in permits and notices;

(h) respecting the process for and payment of compensation under this Act, including,

(i) rules to be applied in determining the amount of compensation payable,

(ii) criteria that must be met or circumstances that must apply in order for compensation to be paid, and

(iii) the circumstances in which the Minister is required to make adjustments to the amount of compensation that would otherwise be required to be paid, which may include requiring the Minister to decrease the amount or prohibiting the Minister from paying any amount;

(i) prescribing documents or data required to be created, stored and submitted by any person and the methods of creating, storing and submitting the documents and data;

(j) prescribing the location at which documents or data must be created or stored;

(k) providing for the inspection and examination of documents and data;

(l) providing for the preparation and signing of documents by electronic means, the filing of documents by direct electronic transmission and the printing of documents filed by direct electronic transmission;

(m) providing for forms and their use;

(n) providing for the method of providing any document required to be provided given or served under this Act;

(o) respecting transitional matters arising from the enactment of this Act;

(p) providing for any other matters to carry out this Act.

Retroactivity

83 A regulation made under this Act is, if it so provides, effective with reference to a period before it is filed.

Adoption by reference

84 (1) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted.

Rolling incorporation by reference

(2) The power to adopt by reference and require compliance with a document includes the power to adopt a document as it may be amended from time to time.

When adopted

(3) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in The Ontario Gazette or in the registry under the *Environmental Bill of Rights, 1993*.

PART XII
AMENDMENTS TO THIS ACT

Amendments to this Act

85 (1) Subsection 44 (1) of this Act is amended by striking out "7 and 8" in the portion before clause (a) and substituting "7, 8 and 8.1".

(2) Section 61 of this Act is repealed and the following substituted:

Calling for assistance of member of police service

61 A person who enters a place to exercise a power of inspection and who is authorized by an order under 57 to do anything set out in subsection 56 (1) or (7) or section 60 may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the police service in the area where the assistance is required, and it is the duty of every member of a police service to render such assistance.

PART XIII
REPEAL

Repeal

86 The *York Region Wastewater Act, 2021* is repealed.

PART XIV
COMMENCEMENT AND SHORT TITLE

Commencement

87 (1) Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *More Homes Built Faster Act, 2022* receives Royal Assent.

(2) Sections 7 to 10, subsection 11 (5) and section 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsection 85 (1) comes into force on the later of the day subsection 44 (1) of this Act comes into force and the day section 2 of Schedule 5 to the *Accelerating Access to Justice Act, 2021* comes into force.

(4) Subsection 85 (2) comes into force on the later of the day section 61 of this Act comes into force and the day section 42 of Schedule 4 to the *Comprehensive Ontario Police Services Act, 2019* comes into force.

Short title

88 The short title of the Act set out in this Schedule is the *Supporting Growth and Housing in York and Durham Regions Act, 2022*.

From: Ljubica Blazevic <lblazevic@huroncounty.ca>
Sent: February 6, 2023 2:17 PM

Subject: Call to Action: Review of the Cannabis Act

Good Afternoon,

Please note that the following resolution was passed by the County of Huron Council at their meeting held on February 1, 2023:

Moved by: Councillor G. Finch and Seconded by: Councillor M. Anderson
THAT:
The Council of the County of Huron approve the report by CAO Meighan Wark dated February 1, 2023 titled Report to Council: Cannabis Act Information as presented;
AND FURTHER THAT:
The Council of the County of Huron advocate for improvements to the Cannabis Act and current legislative framework for cannabis in Canada by sending the report titled Report for Council: Cannabis Act Information, including the correspondence found in the appendices, to the Western Ontario Warden's Caucus (WOWC) for discussion and consideration;
AND FURTHER THAT:
The Council of the County of Huron approve forwarding Call to Action Letters to the following for support:
• Federation of Canadian Municipalities (FCM)
• All Municipalities in Ontario
• Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
• Premier of Ontario
• Provincial Minister of the Environment, Conservation and Parks
• Provincial Minister of Agriculture
• Provincial Minister of Municipal Affairs and Housing
• Member of Parliament
• Federal Minister of Agriculture and Agri-Food
• Federal Minister of Health
CARRIED

Attached you will find Warden's letter with an accompanying staff report in regard to the Cannabis Act Review.

Thank you,

Ljubica Blazevic

County Deputy Clerk | Administration Department
County of Huron | 1 Courthouse Square, Goderich, ON N7A 1M2
(519) 524-8394 ext. 3239 | lblazevic@huroncounty.ca | www.huroncounty.ca

HURON COUNTY

Please Note: As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

OFFICE OF THE WARDEN
Corporation of the County of Huron
1 Courthouse Square
Goderich, Ontario N7A 1M2
www.HuronCounty.ca
Phone: 519.524.8394
Toll Free: 1.888.524.8394

February 1, 2023

Sent via email.

Re: Call to Action: Review of the Cannabis Act

Please note that on February 1, 2023 Huron County Council passed the following motion:

Moved by: Councillor G. Finch and Seconded by: Councillor M. Anderson
THAT:
The Council of the County of Huron approve the report by CAO Meighan Wark dated February 1, 2023 titled Report to Council: Cannabis Act Information as presented;
AND FURTHER THAT:
The Council of the County of Huron advocate for improvements to the Cannabis Act and current legislative framework for cannabis in Canada by sending the report titled *Report for Council: Cannabis Act Information*, including the correspondence found in the appendices, to the Western Ontario Warden's Caucus (WOWC) for discussion and consideration;
AND FURTHER THAT:
The Council of the County of Huron approve forwarding Call to Action Letters to the following for support:

- Federation of Canadian Municipalities (FCM)
- All Municipalities in Ontario
- Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Premier of Ontario
- Provincial Minister of the Environment, Conservation and Parks
- Provincial Minister of Agriculture
- Provincial Minister of Municipal Affairs and Housing
- Member of Parliament
- Federal Minister of Agriculture and Agri-Food
- Federal Minister of Health

CARRIED

The County of Huron calls for a review and amendments to the Cannabis Act and the current legislative framework for cannabis in Canada.

To be clear, the County of Huron is not against or opposed to cannabis and we appreciate the role that both the federal and provincial governments provide in assisting municipalities. However, when new legislation is implemented, it is often at the municipal level that the impacts of change can be observed, and notations can be made for areas of improvement. It is vital that municipal governments pay attention and provide information and recommendations to higher levels of government so that continual improvements can be made over time.

It is in this spirit that we provide the following recommendation:

As a municipal government for one of Canada's most agriculturally productive regions and a popular tourism destination, we have been in the position to observe the last several years of legal cannabis production under the Cannabis Act as managed by Health Canada.

Under the current legislative and regulatory framework, we have observed, and continue to observe, serious odour impacts on local communities and residents from cannabis production facilities; including concerns from local medical practitioners about these impacts. Most often, these odour impacts arise from properties used for 'The Production of Cannabis for Own Medical Purposes by a Designated Person'.

In our local municipal experience, these facilities are often established without complying with local municipal zoning and nuisance by-laws, often contain hundreds of cannabis plants for each of the four assigned individuals, and usually do not include adequate odour controls to manage impacts on surrounding homes, public facilities, and the community at large.

To help manage public impacts of cannabis production facilities, we request that all production facilities, including facilities used by a designated person to produce cannabis for an individual's medical purposes, to require confirmation from the local municipality that the facility/site selected complies with all local municipal by-laws and regulations prior to an application being approved by Health Canada. We also request that Health Canada implement a system of minimum setbacks between cannabis production facilities and sensitive odour receptors, including homes and public facilities.

As an agricultural community, we have had extensive experience with the Ontario Ministry of Agriculture, Food and Rural Affairs' Minimum Distance Separation (MDS) Formula, an approach which has been used to successfully manage land use conflicts resulting from odour between livestock facilities and sensitive receptors for almost 50 years. We believe a system based on MDS would be appropriate to manage the

impacts of Health Canada's approved cannabis facilities, including both licensed commercial producers and designated growers for individuals.

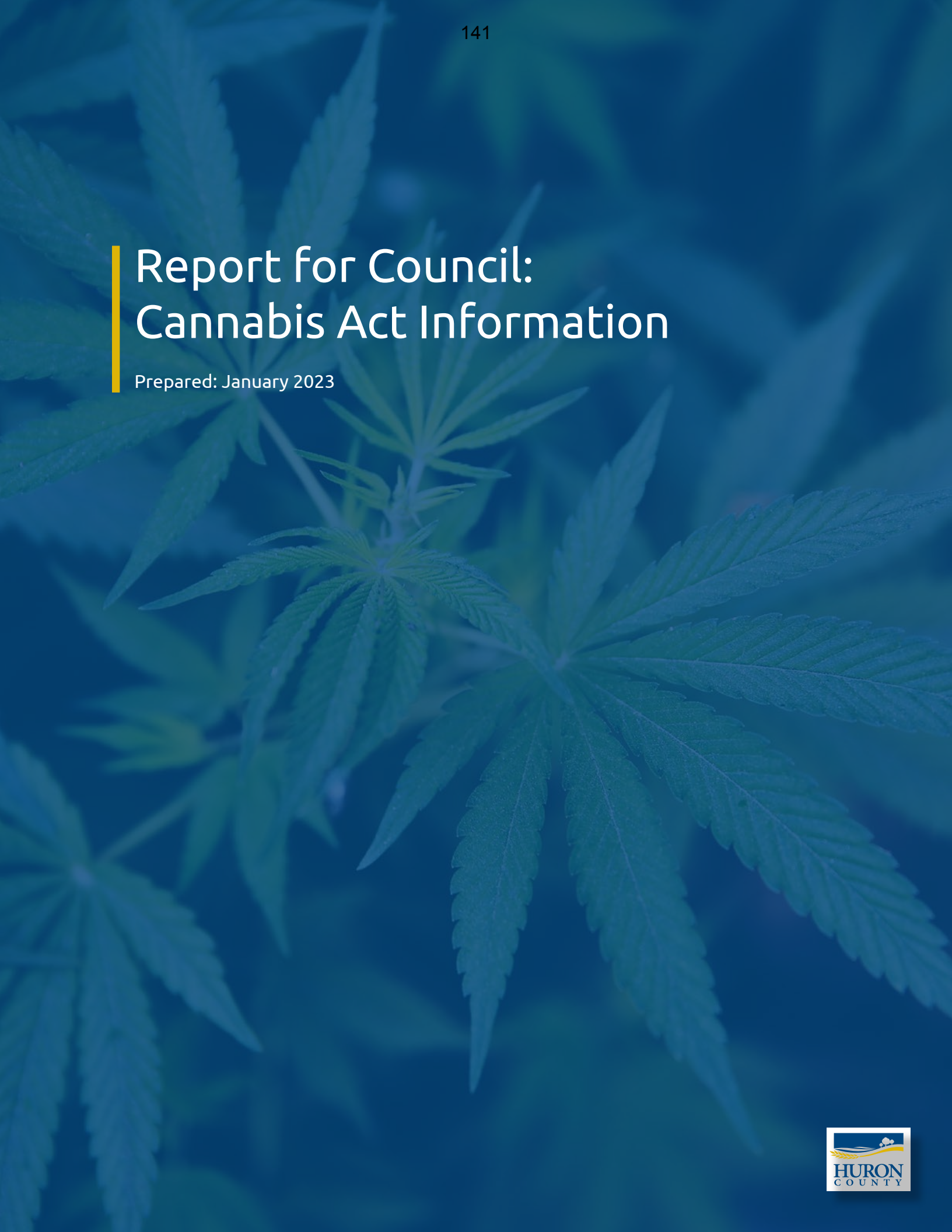
In conclusion, we strongly recommend further notice and enhanced consultation with municipal governments when drafting and implementing legislation and regulations related to cannabis production, as there is a direct impact on local municipal operations, local residents, and in some cases, serious issues of non-compliance with local municipal by-laws.

Sincerely,

Glen McNeil
Warden, Huron County
On behalf of Huron County Council

Report for Council: Cannabis Act Information

Prepared: January 2023



Contents

Background

On January 18, 2023, Huron County Council passed the following motion:

THAT:
The Council of the County of Huron request staff to prepare a report for Council on the Federal Cannabis Legislation Review with recommendations on options for Huron County to address their concerns with this legislation.

Cannabis Act: Information For Municipalities

According to The Government of Canada's ***Information for Municipalities - Medical Use of Cannabis*** there are two approved ways medical cannabis can be grown: *Licensed Producers* and *Personal and Designate Production*

1. Licensed Producers

Licensed producers are individuals or companies licensed by Health Canada to produce and sell cannabis for medical purposes. Licensed producers must meet stringent health and safety security requirements before producing and selling cannabis.

When applying to be a licensed producer under the Access to Cannabis for Medical Purposes Regulations (ACMPR), or when applying to amend a licence, an applicant must notify:

- The municipality
- Local fire officials
- Local law enforcement

Licensed producers must also notify these local authorities, within 30 days, after the issuance of a licence or the renewal, amendment, suspension, reinstatement, or revocation of their licence. These notification requirements are intended to provide local authorities with information about activities with cannabis conducted in their jurisdiction to allow them to take appropriate measures, as applicable.

Licensed producers are expected to obey all relevant federal, provincial and municipal laws and by-laws, including municipal zoning by-laws.

2. Personal and Designated Production

If a person wants to produce a limited amount of cannabis for his/her own medical purposes, he/she needs to register with Health Canada. He/she can also choose to designate another person to produce a limited amount of cannabis for him/her. A person can produce a limited number of marijuana plants under a maximum of two registrations (for one other person and him/herself, or two other people). Marijuana plants may be produced under a maximum of four registrations at one address.

A registered or designated person is permitted to produce marijuana plants indoors and/or outdoors, but not both at the same time. If a person wishes to produce marijuana plants outdoors, the boundary of the land on which the production site is located cannot have any points in common with the boundary of the land on which a school, public playground, day care facility or other public place frequented mainly by persons under 18 years of age.

The number of plants a person can grow is determined by the daily amount recommended by their health care practitioner and a set of formulas in the regulations.

Health Canada also recommends that registered and designated persons be discreet with their production.

Individuals who are registered with Health Canada to produce a limited amount of cannabis for medical purposes are expected to obey all federal, provincial and municipal laws and by-laws.

Community Expressed Concerns

Recently, some concerns regarding the Cannabis Act and local growing practices have been expressed by community members. Some of the topics of concern expressed have included:

- Excessive noise produced by ventilation units
- Serious odour impacts from production
- Health concerns from neighbouring property owners
- Questions regarding zoning requirements for Cannabis operations, particularly in regards to areas zoned residential
- The current lack of a Minimum Distance Separation (MDS) between licensed facilities/designate growers, and homes, public facilities

Impact to the Municipality

Community concerns regarding the Cannabis Act have an impact on the municipality. These impacts include the costs associated with Council and staff time and legal fees. There is also a potential for community disruption pertaining to licenses issued under the Federal Medical Cannabis Registration process.

It is important to note that the municipality's concerns expressed in this report are not against or opposed to cannabis. The County of Huron appreciates the role that both the federal and provincial governments provide in assisting municipalities. However, when new legislation is implemented, it is often at the municipal level that the impacts of change can be observed and notations can be made for areas of improvement. It is vital that municipal governments pay attention and provide information and recommendations to other levels of government so that continual improvements can be made over time.

Advocacy Efforts to Date

On October 5, 2022 a letter was sent to the Cannabis Act Legislative Review Secretariat of Health Canada. The letter offered requested feedback on the Cannabis Act and a recommendation for a Minimum Distance Separation to protect residential areas.

See Appendix A.

Recommendations for Further Advocacy

Report for Council: Cannabis Act Information (this report)

Further advocacy could be accomplished by sending this report, including the correspondence found in the appendices, to the Western Ontario Warden's Caucus (WOWC) for discussion and consideration.

A Call to Action Letter could be sent on behalf of WOWC, and all WOWC member municipalities could be invited to send similar letters to the agencies and individuals outlined below.

Call to Action Letter

A sample Call to Action Letter for Huron County can be found in Appendix B. Once approved by Council, letters could be sent to:

- Federation of Canadian Municipalities (FCM)
- All Municipalities in Ontario
- Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Premier of Ontario: Doug Ford
- Provincial Minister of the Environment, Conservation and Parks: David Piccini
- Provincial Minister of Agriculture: Lisa Thompson
- Provincial Minister of Municipal Affairs and Housing: Steve Clark
- Member of Parliament: Ben Lobb
- Federal Minister of Agriculture and Agri-Food: Marie-Claude Bibeau
- Federal Minister of Health: Jean-Yes Duclos

Further Resources

The Cannabis Act: The Facts
https://www.canada.ca/en/health-canada/news/2018/06/backgrounder-the-cannabis-act-the-facts.html

The Cannabis Act
https://laws-lois.justice.gc.ca/eng/annualstatutes/2018_16/FullText.html#:~:text=The%20objectives%20of%20the%20Act,operating%20outside%20the%20legal%20framework

Cannabis Information for Municipalities
https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/information-municipalities.html

Ontario: Cannabis Control Act
https://www.ontario.ca/laws/statute/17c26

Correspondence Received by Council

Correspondence to Council, January 2023: Bonnie Shackelton
https://agendas.huroncounty.ca/agendapublic/AttachmentViewer.ashx?AttachmentID=7134&ItemID=5394

Appendix A

Copy of the letter sent to the Cannabis Act Legislative Review Secretariat of Health Canada on October 5, 2022

Appendix B

Sample Call to Action Letter

OFFICE OF THE WARDEN
Corporation of the County of Huron
1 Courthouse Square
Goderich, Ontario N7A 1M2
www.HuronCounty.ca
Phone: 519.524.8394
Toll Free: 1.888.524.8394

October, 5, 2022

To: Cannabis Act Legislative Review Secretariat
Health Canada
Address locator 0302I
Ottawa, Ontario
K1A 0K9

On October 5, 2022, Huron County Council passed the following motion:

THAT:
The Council of the County of Huron send correspondence to Health Canada requesting consultation when implementing legislation on cannabis regulation as there is a direct impact on municipal operations and sometimes non compliancy to municipal by-laws;

AND FURTHER THAT:
The Council of the County of Huron recommends the inclusion of a system of Minimum Distance Separation to protect residential areas;

AND FURTHER THAT:
This correspondence be circulated to Huron County local municipalities for support.

Thank you for requesting feedback on the Cannabis Act and the current legislative framework for cannabis in Canada. As a municipal government for one of Canada's most agriculturally productive regions, and a popular tourism destination, we have been in the position to observe areas for improvement during the last several years of legal cannabis production under the Cannabis Act as managed by Health Canada.

Under the current legislative and regulatory framework, we have observed, and continue to observe, serious odour impacts on local communities and residents from cannabis production facilities; including concerns from local medical practitioners about these impacts. Most often, these odour impacts arise from properties used for 'The Production of Cannabis for Own Medical Purposes by a Designated Person'.

In our local municipal experience, these facilities are often established without complying with local municipal zoning and nuisance by-laws, often contain hundreds

of cannabis plants for each of the four assigned individuals, and usually do not include adequate odour controls to manage impacts on surrounding homes, public facilities, and the community at large.

To help manage public impacts of cannabis production facilities, we request that all production facilities, including facilities used by a designated person to produce cannabis for an individual's medical purposes, require confirmation from the local municipality that the facility/site selected complies with all local municipal by-laws and regulations prior to an application being approved by Health Canada. We also request that Health Canada implement a system of minimum setbacks between cannabis production facilities and sensitive odour receptors, including homes and public facilities.

As an agricultural community we have had extensive experience with the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation (MDS) Formula, an approach which has been used to successfully manage land use conflicts resulting from odour between livestock facilities and sensitive receptors for almost fifty years. We believe a system based on MDS would be appropriate to manage the impacts of Health Canada's approved cannabis facilities, including both licensed commercial producers and designated growers for individuals.

In conclusion, we strongly recommend enhanced consultation with municipal governments and request further notice and consultation with the County of Huron when drafting and implementing legislation and regulations dealing with matters related to cannabis production, as there is a direct impact on local municipal operations, local residents, and in some cases serious issues of non-compliance with local municipal by-laws.

Sincerely,

Glen McNeil
Warden, Huron County
On behalf of Huron County Council

OFFICE OF THE WARDEN
Corporation of the County of Huron
1 Courthouse Square
Goderich, Ontario N7A 1M2
www.HuronCounty.ca
Phone: 519.524.8394
Toll Free: 1.888.524.8394

{insert date}

To: {insert recipient}

Re: Call to Action: Review of the Cannabis Act

On {insert date}, Huron County Council passed the following motion:

THAT:
{insert motion}

AND FURTHER THAT:
{insert motion}

The County of Huron calls for a review and amendments to the Cannabis Act and the current legislative framework for cannabis in Canada.

To be clear, the County of Huron is not against or opposed to cannabis and we appreciate the role that both the federal and provincial governments provide in assisting municipalities. However, when new legislation is implemented, it is often at the municipal level that the impacts of change can be observed, and notations can be made for areas of improvement. It is vital that municipal governments pay attention and provide information and recommendations to higher levels of government so that continual improvements can be made over time.

It is in this spirit that we provide the following recommendation:

As a municipal government for one of Canada's most agriculturally productive regions and a popular tourism destination, we have been in the position to observe the last several years of legal cannabis production under the Cannabis Act as managed by Health Canada.

Under the current legislative and regulatory framework, we have observed, and continue to observe, serious odour impacts on local communities and residents from cannabis production facilities; including concerns from local medical practitioners about these impacts. Most often, these odour impacts arise from properties used for 'The Production of Cannabis for Own Medical Purposes by a Designated Person'.

In our local municipal experience, these facilities are often established without complying with local municipal zoning and nuisance by-laws, often contain hundreds of cannabis plants for each of the four assigned individuals, and usually do not include adequate odour controls to manage impacts on surrounding homes, public facilities, and the community at large.

To help manage public impacts of cannabis production facilities, we request that all production facilities, including facilities used by a designated person to produce cannabis for an individual's medical purposes, to require confirmation from the local municipality that the facility/site selected complies with all local municipal by-laws and regulations prior to an application being approved by Health Canada. We also request that Health Canada implement a system of minimum setbacks between cannabis production facilities and sensitive odour receptors, including homes and public facilities.

As an agricultural community, we have had extensive experience with the Ontario Ministry of Agriculture, Food and Rural Affairs' Minimum Distance Separation (MDS) Formula, an approach which has been used to successfully manage land use conflicts resulting from odour between livestock facilities and sensitive receptors for almost 50 years. We believe a system based on MDS would be appropriate to manage the impacts of Health Canada's approved cannabis facilities, including both licensed commercial producers and designated growers for individuals.

In conclusion, we strongly recommend further notice and enhanced consultation with municipal governments when drafting and implementing legislation and regulations related to cannabis production, as there is a direct impact on local municipal operations, local residents, and in some cases, serious issues of non-compliance with local municipal by-laws.

Sincerely,

Glen McNeil
Warden, Huron County
On behalf of Huron County Council

East Gwillimbury

OFFICE OF THE MAYOR
Virginia Hackson, B.A., B.Ed.

February 1, 2023

The Hon, Chrystia Freeland
Minister of Finance, Deputy Prime Minister
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Freeland,

On behalf of the Town of East Gwillimbury Council, included below is a resolution passed at our meeting held on January 24, 2023. This resolution speaks to the importance of funding support for the Freshwater Action Plan Fund and we urge the federal government to honour their commitment to provide this funding which will ensure continued initiatives that will benefit the health and protection of Lake Simcoe and its watershed.

Subject: Federal Funding Commitment for Lake Simcoe
Moved by: Councillor Crone
Seconded by: Councillor Carruthers

WHEREAS Lake Simcoe is one of Ontario's largest watersheds, home to First Nations since time immemorial, and situated in the growing Greater Toronto Area communities of York Region, Durham Region, Simcoe County, and the cities of Barrie and Orillia;
WHEREAS the watershed faces threats due to eutrophication, largely from phosphorus runoff and other contaminants into the lake and its tributaries;
WHEREAS the lake is a significant source of drinking water, as well as being integral for local recreation, tourism, agriculture and other key economic drivers;
WHEREAS the Lake Simcoe Region Conservation Authority (LSRCA) is being stripped of regulatory oversight and revenue sources by the Ontario government;
AND WHEREAS the 2022 federal budget included a new "Freshwater Action Fund" with a one-year commitment of $19.6 million to help watersheds across the country, including Lake Simcoe, but any details and next steps are still to be announced and time is of the essence,
THEREFORE BE IT RESOLVED THAT the Town of East Gwillimbury supports federal funding for Lake Simcoe that represents a significant percentage of the overall Freshwater Action Plan Fund, with funding and details beginning in 2023; and

.../Page 2

THAT the Town of East Gwillimbury asks that such federal funding be used to undertake:

- Shoreline mitigation and restoration, including in the tributaries of the Holland River, Maskinonge River and Black River, and the Holland Marsh,
- Planting of 250,000 trees in the watershed,
- Projects to ameliorate contaminated sites in the watershed,
- Upgrades to help retrofit and improve the environmental efficiency of municipal infrastructure such as wastewater and stormwater facilities,
- Purchasing and conservation of more natural heritage sites such as forests and wetlands under the auspices of the Lake Simcoe Region Conservation Authority (LSRCA); and

THAT a copy of this resolution, along with a letter from the Mayor, be sent to the federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York—Simcoe, Newmarket—Aurora, Barrie—Springwater—Oro-Medonte, Barrie—Innisfil, Simcoe North, Haliburton — Kawartha Lakes — Brock, and Durham and to all Lake Simcoe region municipalities and the LSRCA, with for their endorsement.

Sincerely,

Mayor Virginia Hackson

Copy to:

The Hon. Steven Guilbeault
Minister of Environment and Climate Change

The Honourable Mona Fortier
President of the Treasury Board

MP Scot Davidson, York Simcoe
MP Tony Van Bynen, Newmarket-Aurora
MP Doug Shipley, Barrie – Springwater – Oro-Medonte
MP John Brassard, Barrie - Innisfil
MP Adam Chambers, Simcoe – North
MP Jamie Schmale, Haliburton – Kawartha Lakes – Brock
MP Erin O'Toole, Durham

Mr. Rob Baldwin
CAO, Lake Simcoe Region Conservation Authority

Lake Simcoe Watershed Municipalities
Attention Municipal Clerk:
City of Barrie
City of Kawartha Lakes
Township of Brock
Township of Scugog
Township of Uxbridge
Town of Bradford West Gwillimbury
Town of Innisfil
Town of New Tecumseth
Township of Oro-Medonte
Township of Ramara
Town of Aurora
Town of Georgina
Town of Newmarket
Town of Whitchurch-Stouffville

From: McLean, Michele
To: McLean, Michele
Subject: Notice of Traveller Safety Plan Public Information Centre on Tuesday, February 28, 2023 from 7:30 p.m. to 8:30 p.m.
Date: February 10, 2023 9:54:04 AM
Attachments: Notice of Traveller Safety Plan Public Information Centre.png

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Good morning,

Attached, find a copy of the **Notice of Traveller Safety Plan Public Information Centre.**

The purpose of this notice is to advise that York Region is hosting a virtual public meeting on **Tuesday, February 28, 2023, at 7:30 p.m., to gather input from residents, business operators and stakeholders**. We are seeking public input to help promote road safety. The Plan will include local and Regional roads and is led by industry professionals, consultants and road safety partners.

This notice will be published on Thursday, February 16, 2023, and Thursday, February 23, 2023, through advertisements in Metroland newspapers across York Region. It is posted on the Region's website York.ca/TravellerSafetyPlan and social media channels.

It may be appropriate for your Clerk's office to forward this notice to elected officials and staff as required.

If you have any questions about this project, please contact:

- Director, Roads and Traffic Operations, Joseph Petrungaro at 905-830-4444 ext. 75220 or joseph.petrungaro@york.ca
- Manager, Corridor Control and Safety TRN – Roads and Traffic Operation, Nelson Costa at 905-830-4444 ext. 75251 or nelson.costa@york.ca

Sincerely,

Michele McLean (she/her) | Communications and Community Engagement Specialist

Strategic Initiatives & Programs, Public Works

The Regional Municipality of York | 90 Bales Drive East | East Gwillimbury | L0G 1V0
416-720-3712 | michele.mclean@york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

Simon Granat
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: sgranat@newmarket.ca
Tel: 905-953-5300 ext. 2207
Fax: 905-953-5100

February 1, 2023

Sent to: [redacted]

Dear Peter Humick:

RE: Proclamation Request – Optimist Day – February 2, 2023

I am writing to advise that your proclamation request has been approved in accordance with the Council-approved Proclamation, Lighting Request and Community Flag Raising Policy, and the Town of Newmarket will proclaim February 2, 2023 as Optimist Day. Approved proclamations, lighting requests, and community flag raisings will be listed on the Town's website. Approved lighting and community flag raisings will also be communicated to the public through the Town's social media.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

Simon Granat
Legislative Coordinator

Newmarket

OFFICE OF THE MAYOR
John Taylor

February 1, 2023

Sent to: [redacted]

Dear Peter Humick:

RE: Proclamation Request - Optimist Day – February 2, 2023

On behalf of the Town of Newmarket Council I am pleased to recognize February 2, 2023 as Optimist Day.

Thank you for submitting your request and for your contributions to the community.

Yours sincerely,

John Taylor
Mayor

Office of the Mayor I Town of Newmarket I 395 Mulock Drive I PO Box 328 STN Main I Newmarket, ON I L3Y 4X7
Phone. 905-953-5300 x.2000 I Fax. 905-953-5102 I Email: jtaylor@newmarket.ca

February 11, 2023 – National 211 Day Requests for the Town of Newmarket

Included in This Document are the Following:

1. 211 Day Proclamation Request
2. 211 Day Lighting Request: Riverwalk Commons and Fred A. Lundy Bridge
3. 211 Day Event Details and Key Messaging

Organization: Findhelp Information Services (Findhelp | 211)
Registered Charity #: 118870666RR001

What is 211?
211 provides residents of Newmarket with information and referral to the complete range of government, health, community and social services in their communities. 211 is a free and confidential service available 24/7 in 150+ languages by phone. Service is also available online at 211Central.ca and via text, chat and email. 211 is funded and supported by the United Way Greater Toronto. Residents of Newmarket can contact 211 for information and referral to:

- Health Services & Mental Health Supports
- Income Support & Financial Assistance
- Food Banks, Meal Programs & Grocery Delivery
- Housing Help & Emergency Shelter
- Support Services for Seniors & Persons with Disabilities
- And more…

211 recognizes the diverse needs of the residents of Newmarket and provides specialized support for individuals, families, youth, seniors, persons with disabilities, Indigenous, Black, LGBTQ2S+ and newcomer communities. 211 strengthens our human services system and helps residents of Newmarket get the help they need, when they need it, making their pathway to care a guided and trusted one. For more information, visit 211Central.ca.

Event: 211 Day, February 11, 2023

What is 211 Day? Every year on February 11, United Ways and 211s across Canada celebrate National 211 Day. 211 Day is a public awareness initiative for the award-winning 211 service that helps guide individuals and families through the complex network of human services by phone, online, text, chat and email.

211 Day Proclamation Request: We're requesting February 11, 2023 to be proclaimed as '*211 Day*' in the Town of Newmarket.

211 Day Lighting Request: We're requesting the Riverwalk Commons and Fred A. Lundy Bridge in the Town of Newmarket to be lit up on February 11, 2023 in celebration of 211 Day.

Requested Date of Special Lighting: February 11, 2023

Requested Lighting Colours: Red and White (if only one colour option available, please use red).

Other Iconic Destinations & Landmarks that have participated in the 211 Day United Glow lighting: CN Tower, Niagara Falls

How Lighting Benefits Event/Cause: For 211 Day 2023, we're making illumination requests for all major Canadian landmarks, including the Riverwalk Commons and Fred A. Lundy Bridge. Our goal is to raise awareness for the free, confidential 211 service on 211 Day through outreach, social media promotion and public relations. Our hope is that the illumination of national landmarks will provide us with an additional opportunity to talk about 211 service which is available to all Canadians for free if they ever need help dealing with life's challenges.

Lighting Promotion/Communications Materials: We will be using the illumination of national landmarks as a story telling device in our newsletters and social media on and around 211 Day. We hope to capture photos of each of the illuminated landmarks for social media purposes on the evening of February 11, 2023 as well.

211 Day Social Media Hashtag: #211Day | **Handle/Tag:** @211Central

Suggested Key Messaging for Mayor John Taylor and Town of Newmarket:

1. On February 11, we celebrate #211Day to raise awareness about the 211 service in our communities. Residents of Newmarket can call 211 for a free, confidential referral to community and social supports. Available 24/7 in 150+ languages. Learn more at 211Central.ca

2. Residents of Newmarket looking for food, housing, mental health resources and other community or social services can contact 211 for a free, confidential referral to supports nearby. On February 11, we celebrate #211Day. Learn more: 211Central.ca

If you have any questions, please contact Salman Allidina, Digital Communications Coordinator at Findhelp | 211 at sallidina@findhelp.ca.

Thank you!

Simon Granat
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: sgranat@newmarket.ca
Tel: 905-953-5300 ext. 2207
Fax: 905-953-5100

February 9, 2023

Sent to: sallidina@findhelp.ca

Dear Salman Allidina:

RE: Proclamation and Lighting Request – National 211 Day – February 11 and 13, 2023

I am writing to advise that your proclamation request has been approved in accordance with the Council-approved Proclamation, Lighting Request and Community Flag Raising Policy, and the Town of Newmarket will proclaim February 11, 2023 as National 211 Day. Approved proclamations, lighting requests, and community flag raisings will be listed on the Town's website. Approved lighting and community flag raisings will also be communicated to the public through the Town's social media.

In addition, the Fred A. Lundy Bridge located on Water Street will be illuminated in red on February 13, 2023 to recognize National 211 Day. Please note that the lighting will occur from sunset until 11:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

Simon Granat
Legislative Coordinator

Newmarket

OFFICE OF THE MAYOR
John Taylor

February 9, 2023

Sent to: sallidina@findhelp.ca
Dear Salman Allidina:

RE: Proclamation and Lighting Request - National 211 Day – February 11 and 13, 2023

On behalf of the Town of Newmarket Council, I am pleased to recognize February 11, 2023 as National 211 Day.

In addition, the Fred A. Lundy Bridge located on Water Street will be illuminated in red on February 13, 2023 from sunset until 11:00 PM.

Thank you for submitting your request and for your contributions to the community.

Yours sincerely,

John Taylor
Mayor

Office of the Mayor I Town of Newmarket I 395 Mulock Drive I PO Box 328 STN Main I Newmarket, ON I L3Y 4X7
Phone. 905-953-5300 x.2000 I Fax. 905-953-5102 I Email: jtaylor@newmarket.ca

Simon Granat
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: sgranat@newmarket.ca
Tel: 905-953-5300 ext. 2207
Fax: 905-953-5100

February 10, 2023

Sent to: alexis.nikolich@endometriosisnetwork.ca

Dear Alexis Nikolich:

RE: Lighting Request – March 24, 2023

I am writing to advise that your lighting request has been approved in accordance with the Council-approved Proclamation, Lighting Request and Community Flag Raising Policy, and the Town of Newmarket will illuminate the Fred A. Lundy Bridge located on Water Street will be illuminated in yellow on March 24, 2023 to recognize Endometriosis Awareness Month. Please note that the lighting will occur from sunset until 11:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

Simon Granat
Legislative Coordinator

eyr epilepsy YORK REGION

Town of Newmarket
395 Mulock Drive, P.O. Box 328 Station Main
Newmarket, ON
L3Y 4X7

January 18, 2023

Dear Mayor John Taylor,

Epilepsy York Region (EYR) is a non-profit organization which supports individuals and their families living with epilepsy. For the last 35 years we have been advocating, supporting, educating, promoting public awareness and developing programs for those with epilepsy based on their needs. Currently, in York Region alone, there is estimated to be 11, 000 individuals with epilepsy. This breaks down to 1 in every 100 people in our catchment area and makes it likely for someone to personally know at least one individual with epilepsy.

The time of year is approaching where epilepsy communities across Canada come together to raise awareness about epilepsy and we need your help! ***March is National Epilepsy Awareness month*** and is also the time when we celebrate ***Purple Day***, on ***March 26th***. This day has been marked internationally to raise awareness, dispel the myths associated to this disease, and to increase education. ***Purple Day*** invites those across the world to wear purple on ***March 26th*** in support of all individuals living with epilepsy. It is an opportunity for those living with epilepsy to reach out and let the community know that seizures do not define who they are; they are still a loving parent and spouse, a fun child, a productive employee, a learning student, a thriving talented individual and most of all, a friend.

We at Epilepsy York Region are reaching out to you today, in hopes that the Town of Newmarket will proclaim ***March as Epilepsy Awareness month*** and ***March 26th*** as ***Purple Day***. There are additional ways to show your support – we invite you to light a local landmark purple or raise a **Purple Day** Flag that we are happy to provide to you! On behalf of our Board of Directors, volunteers, staff, and all those living with epilepsy, we thank you for your consideration and look forward to your reply.

Yours truly,

Claudia Cozza
Executive Director
Epilepsy York Region

Simon Granat
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: sgranat@newmarket.ca
Tel: 905-953-5300 ext. 2207
Fax: 905-953-5100

February 10, 2023

Sent to: tng@epilepsyyork.org

Dear Tina Ng:

RE: Proclamation, Lighting, and Flag Raising Request – Epilepsy Awareness Month and Purple Day

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I am writing to advise that your proclamation request has been approved in accordance with the Council-approved Proclamation, Lighting Request and Community Flag Raising Policy, and the Town of Newmarket will proclaim March as Epilepsy Awareness Month. Approved proclamations, lighting requests, and community flag raisings will be listed on the Town's website. Approved lighting and community flag raisings will also be communicated to the public through the Town's social media.

In addition, the Fred A. Lundy Bridge located on Water Street will be illuminated in purple on March 23, 2023 to recognize Epilepsy Awareness Month and Purple Day. Please note that the lighting will occur from sunset until 11:00 PM.

In addition, the community flag pole located at Peace Park on Cane Parkway will fly your flag on March 23, 2023 to recognize Epilepsy Awareness Month and Purple Day. Please note that the flag must be dropped off at the Town of Newmarket Operations Centre at 1275 Maple Hill Court by 4:00 PM on March 20, 2023. ATTN: Nick Evans. Alternatively, you can leave it in the drop off box at the front of the building after 4:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.
Yours sincerely,

Simon Granat
Legislative Coordinator