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The Regional Municipality of Durham Information Report

From: CAO Elaine Baxter-Trahair
Report: #2022-INFO-93
Date: November 10, 2022

Subject:

More Homes Built Faster Act 2022 (Bill 23)

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 To provide an overview of More Homes Built Faster Act 2022 (Bill 23) including its impacts to the Region, staff-level feedback to the province and key messaging reflecting staff-level positions on the Bill.

2. Background

- 2.1 On October 25, 2022, the province tabled Bill 23 which introduces fundamental changes to the land use planning system in Ontario primarily through legislative amendments to the Planning Act and Development Charges Act.
- a. Bill 23 introduces sweeping changes to the land use planning system in Ontario, through amendments to the Planning Act, Development Charges Act, and other legislation that will have significant impacts to the Region.
 - b. that ensures that growth-related infrastructure is planned, funded and in place to support new development. The decision to invest in infrastructure and services are based on the Regional Official Plan which guides the coordination of regional infrastructure so that water, sewer, roads and other services that support housing construction are available.
- 2.2 Bill 23 also requires York and Durham Region to build capacity in the York Durham Sewage System (YDSS) and the Duffin Creek Water Pollution Control Plant to service development known as Upper York (Aurora, East Gwillimbury, Newmarket).

- 2.3 Bill 23 has passed first and second reading. The Standing Committee on Heritage, Infrastructure and Cultural Policy will meet to consider Bill 23 on November 16 and 17, 2022. It is expected that the Bill could be enacted shortly thereafter.
- 2.4 There are several Environmental Registry of Ontario (ERO) postings and regulatory registry postings related to the Bill. Given the province's expedited timing, staff-level responses are being submitted to meet the consultation period deadlines. Council endorsement of staff comments will be sought at the December Regional Council meeting.

3. Previous Reports and Decisions

- 3.1 Council confirmed its preferred alternative to the Upper York Sewage Solution as an advanced treatment system in the Lake Simcoe watershed within the Regional Municipality of York ([#2021-COW-28](#))

4. Summary of Current Key Regional Impacts

- 4.1 Once the regulation is enacted, the Region of Durham and the six other regional governments will be defined as an "Upper-Tier Municipality without Planning Responsibilities". This means that:
- a. The Regional Official Plan will be the official plan for the lower-tier municipalities who could repeal or amend it.
 - b. Local municipalities will assume approval authority for all Planning Act decisions, except official plans, which will need Ministerial approval. Commenting responsibilities would be retained by the Region.
 - c. Local municipalities will have approval authority over Official Plan Amendments, subdivisions, land division, part lot control exemptions.
- 4.2 The right to appeal an adopted or amended official plan, or other Planning Act application will be limited to public bodies (e.g. local municipalities, boards, ministries, First Nations) and "specified persons" (e.g. utility and electricity companies, telecommunications companies, and railways). The Region would not be permitted to file an appeal to the Ontario Land Tribunal (OLT) for planning matters of Regional interest.
- 4.3 Up to three Additional Residential Units will be permitted on an urban property. This could be two residential units in the principal building, one in an ancillary building or three residential units in a principal building.
- 4.4 Municipal Housing Targets will be assigned to 29 lower- and single-tier large and fast-growing municipalities in southern Ontario which make up 80 per cent of the population and 80 per cent of the new homes target. The province has assigned housing targets that are different than the Durham Growth Management Study.

- 4.5 Parkland dedication requirements will be waived for affordable and attainable housing, and significantly reduced in higher density areas like major transit station areas (MTSAs). Landowners could provide more input into the parkland conveyance process and will have the right to appeal municipal decisions.
- 4.6 Municipal Zoning around MTSAs will be required to be completed within one year of the identification of a protected MTSA and their associated minimum density targets captured in an official plan.
- 4.7 The Provincial Policy Statement could be consolidated with the Growth Plan for Greater Golden Horseshoe.
- 4.8 Exterior design of buildings will be removed from site plan control. These changes will prevent local area municipalities from implementing green development standards, which are designed to address energy efficiency and climate change in new development.
- 4.9 The requirement to hold a public meeting before approving a draft plan of subdivision will be removed.
- 4.10 The number of units that may be created through inclusionary zoning will be reduced from 10 per cent to 5 per cent. The period of affordability will be reduced to 25 years and the depth of affordability will be limited to 80 per cent of average resale purchase price for ownership housing or 80 per cent of average market rent for rentals.
- 4.11 The proposed changes in the Development Charges Act will further reduce the amount of development charges that municipalities can collect on new development, which will require a larger portion of infrastructure costs to be paid from property taxes and water and sewer user rates, impacting both existing residents and businesses.
- 4.12 Attainable, affordable, and non-profit housing units will be exempt from the payment of development charges (DCs). Cost of studies will be removed from the list of eligible capital costs that may be recovered through development charges. The cost of land could also be removed as an eligible cost for certain services in the future.
- 4.13 DCs will be discounted for all new purpose-built rental residential units, starting at 15 per cent discount for all one-bedroom or smaller rental units and increasing to 20 per cent for two bedrooms and 25 per cent for three or more bedrooms.
- 4.14 “Housing services” will be removed as an eligible service for which DCs charges can be collected.
 - a. The Region has more than \$2.5M collected in Housing Services DCs to put towards affordable housing projects. Removing housing services as an

eligible service for DCs eliminates the Region's ability to collect any additional DC money for affordable housing projects.

- 4.15 Development charge rates (for by-laws passed as of June 1, 2022) would be subject to a mandatory five-year phase in. The first year of a by-law would see rates reduced by 20 per cent, followed by 15 per cent in year two, 10 per cent in year three, and five per cent in year four. The full rate will be realized in year five.
- 4.16 60 per cent of reserve fund monies must be spent or allocated each year, beginning with water, wastewater, and roads, with more services potentially added in the future.
- 4.17 The duration of the DC By-law, maximum life will be extended from 5 to 10 years and rates must be phased-in over 5 years with a net impact of decreasing DC revenues (e.g. only 80 per cent eligible to be collected in year-one).
- 4.18 The proposed legislation requires York and Durham Regions to build treatment capacity in the York Durham Sewage System (YDSS) and the Duffin Creek Water Pollution Control Plant to service development known as Upper York (Aurora, East Gwillimbury, Newmarket).
- 4.19 The development growth located entirely within York Region will be serviced by the Duffin Creek Water Pollution Control Plant in the City of Pickering without capacity or offset community benefits being provided to Durham Region and its residents.
- 4.20 A summary of key staff input is included as Attachment #3 to this report.

5. Relationship to Strategic Plan

- 5.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
 - a. Goal 1 Environmental Sustainability
 - b. Goal 2 Community Vitality
 - c. Goal 4 Social Investment

6. Conclusion

- 6.1 The Region has submitted staff-level feedback on Bill 23 to the province through a letter and direct comment to the ERO postings. Council endorsement of staff-level feedback and recommendations will be sought at the December Regional Council meeting.
- 6.2 Staff feedback was received from Planning and Economic Development, the CAO's Office, Corporate Services – Legal Services, Finance, and Works departments.

6.3 A copy of this information report will be shared with the Durham Region local area municipal Councils.

7. Attachments

Attachment #1: Cover letter to Minister Steve Clarke

Attachment #2: Cover letter to Minister David Piccini

Attachment #3: Summary of ERO posting feedback

Respectfully submitted,

Elaine Baxter-Trahair
CAO Durham Region



The Regional
Municipality
of Durham

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Elaine Baxter-Trahair
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Chief Administrative Officer

via e-mail

November 9, 2022

The Honourable Steve Clark

Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON
M5G 2E5

Dear Minister Clark:

Re: More Homes Built Faster Act, 2022 (Bill 23)

The Region of Durham shares the province's goal of increasing housing supply and we are committed to working together to find collaborative solutions to address housing affordability. We appreciate the opportunity to comment on the proposed legislation and have enclosed a comprehensive set of remarks prepared by Regional staff which will be presented for endorsement at the first Durham Regional Council meeting in December.

Overall, there are some aspects of the More Homes Built Faster Act that the Region fully supports as tools to increase housing supply and affordability. For example, exempting up to 10 units from site plan approval will help to address the missing middle and increase housing availability in fully serviced areas of the region.

However, there are other aspects related to changes to the Planning Act which decouple land use planning from infrastructure delivery. These changes may have unintended consequences that hinder our shared efforts to expedite development and deliver housing sooner. In this letter, we outline specific recommendations that support building more housing faster, while working with municipalities so that growth-related services and infrastructure can be properly planned and in place.

Upper-Tier Municipalities, like the Region of Durham, must ensure that growth-related infrastructure is planned, funded and in place to support new development. The Region advances higher order infrastructure projects including water and wastewater plants, major roads, and transit, as well as policing, paramedicine, social housing, and other services. We need to provide all services for our communities as cost-effectively as possible so that they can grow and thrive. Therefore, we request:

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- That the Province recognize that the Upper-Tiers play a critical role in planning and coordinating growth, infrastructure and services for growth. Regional Official Plans (OPs) are necessary for long-range planning, and they inform decision-making on critical infrastructure that crosses local municipal boundaries. We would welcome a discussion on how the content of Regional OPs could be aligned with provincial policy to advance our shared goals.
- That Upper-Tier responsibilities can be limited to coordinated planning for growth in cooperation with Lower-Tiers. Any other provincial plan review function can be the subject of further discussions with the province through revised memoranda of understanding, if necessary. In the interest of streamlining, we support local municipal approval of Official Plan Amendments, subdivisions, land division and part lot control exemptions, provided servicing-related conditions can be requested as necessary. We request a minimum six-month transition period to allow effective transfer of responsibilities.
- Upper-Tier municipalities be offered the ability to appear at the Ontario Land Tribunal, in a manner like other utility and service providers so that the Upper-Tier growth, servicing and infrastructure interests can be represented.

The proposed changes to the Development Charges Act may also incent housing development, however, municipalities have limited options for revenue and reducing development charges will lead to a deficit in funding for growth-related infrastructure. These changes may result in a transfer of the costs of growth-related infrastructure to the existing property tax base, which is unsustainable over the long-term.

- Durham Region would welcome an opportunity to discuss modifications that would limit the impact of the Bill on existing taxpayers. For example, a preliminary suggestion might be that the phasing-in of new Development Charges be restricted to the amount of the increase and not the new total amount to avoid an immediate deficit in funding to the municipality. Limiting the phasing in of any increase over three years instead of five would reduce the financial pressure on developers while preventing municipalities from having a deficit in development charge funding for infrastructure.
- Early analysis suggests that if today's Regional Development Charges had to be phased in over five years, there would be a \$100 million loss of growth-related funds to the municipality. In addition, the loss of the housing services component would remove approximately \$2.6 million per year that would have been dedicated to the development of eligible affordable housing. Should the proposed changes be approved, we would be required to work with the province to identify alternate revenue tools to support the costs of growth-related infrastructure including the revitalize the Region's social housing stock or risk not achieving proposed housing targets.

Housing forms the building blocks of our communities. The delivery of an ambitious supply of new housing demands processes that are properly aligned, with a commitment to cooperation and collaboration amongst a vast array of players. Our communities must be properly planned, financed, and serviced, with impacts managed so that growth can flourish. We look forward to discussing the recommendations provided in this letter and the comments in the attachment as we work towards our collective goal of increasing housing supply across Ontario.

Sincerely,

Elaine Baxter-Trahair
Chief Administrative Officer, Region of Durham

Attachment 1 Comments on the ERO Postings Associated with Bill 23.

via e-mail

November 9, 2022



The Honourable David Piccini
Minister of the Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto, ON
M7A 2J3

Dear Minister Piccini:

**Re: Supporting Growth and Housing in York and Durham
Regions Act**

**The Regional
Municipality of
Durham**

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Elaine Baxter Trahair
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Chief Administrative
Officer

The Region of Durham shares the province's goal of increasing housing supply and we are committed to working together to provide the infrastructure required to support the growth. We appreciate the opportunity to comment on the proposed legislation and have enclosed a comprehensive set of remarks prepared by Regional staff, which will be presented for endorsement by Regional Council at our next Council meeting in 2022.

The Region of Durham and the Region of York effectively share the responsibility for operation of the York Durham Sewage System including the Duffin Creek Water Pollution Control Plant in Pickering. The system manages the wastewater from Ajax, Pickering, and areas of lower York Region. Durham operates the Duffin Creek Plant to meet the objectives within the Phosphorous Reduction Action Plan and ensures wastewater treatment is undertaken in the most environmentally and financially responsible way, while protecting our local ecosystems.

Growth and development in Upper York requires additional servicing capacity. A 2014 Environmental Assessment indicated the preferred servicing option to be an advanced treatment system in the Lake Simcoe watershed within the Region of York. Both Durham Region and York Region Councils by resolution supported the Lake Simcoe option over Lake Ontario servicing option through the Duffin Creek Plant.

The changes in the Supporting Growth and Housing in York and Durham Regions Act is in direct conflict with Durham Council and will require that the increased sanitary sewage capacity be serviced by the York Durham Sewage System which includes the Duffin Creek Plant.

The projected engineering impacts of the proposed servicing concept need to be reviewed by both Durham and York Regions. Based on the current information, it is expected that additional plant capacity will be required in the 2039-2041 timeframe.

Durham Region is concerned about competing growth-related infrastructure priorities and the impact of the proposed legislation on Durham user rate customers. We request that the Bill provide an exemption for all specific projects required to accommodate growth needs in Durham and York to 2051 that would be serviced by the YDSS. While we fully support the Environmental Assessment process for infrastructure projects, the direction of Bill 23 would make the process of undertaking an Environmental Assessment for the further expansion an ineffective and an inappropriate use of public resources.

Durham Region would traditionally do extensive studies and consultation with the community, including Indigenous rights holders, prior to implementing large infrastructure projects. We request that the province confirm that the additional costs of the project that are strictly related to supporting growth in Upper York, including studies and consultation, not be paid for by the residents of Durham Region. In his discussion with Chair Henry on October 23, 2022, The Minister to the Environment, Conservation and Parks stated that the expansion would be undertaken, with no cost to Durham Region. We also want to be clear that the Holland Marsh phosphorus reduction project will be implemented by York Region and not Durham.

Finally, we ask that Durham be exempted or indemnified from any project land control measures that would interfere with our other works.

The efficient and cost-effective construction of growth-related infrastructure will be critical to support the new housing targets outlined in Bill 23. We look forward to discussing the recommendations provided in this letter and the comments in the attachment as we work towards our collective goal of increasing housing supply and growth-related infrastructure across Ontario.

Sincerely,

Original signed by
Elaine Baxter-Trahair
Chief Administrative Officer, Region of Durham

Attachment 1 Comments on the ERO Postings Associated with Bill

Attachment 1:

Summary and Comments in Support of More Homes Built Faster Act, 2022 through Bill 23 (“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”). Provisions applicable to interests of Durham Region

ERO Posting and Comment Period	Regional Comment
<p>Schedule 9 of Bill 23:</p> <ul style="list-style-type: none"> - Streamlining Municipal Planning Responsibilities: “Upper Tier Municipality without Planning Responsibilities” - Limiting of Third Party Appeals - Addressing the Missing Middle - Higher Density around Transit, as of right zoning in PMTSAs - Public meetings for plans of subdivision - Site Plan exemptions - Facilitating aggregate applications - Limiting of Conservation Authorities ability to appeal, and streamlined process for CAs to dispose of land, for housing <p>019-6163 October 25, 2022 - November 24, 2022 (30 days) https://ero.ontario.ca/notice/019-6163</p>	<p><u>Streamlining Municipal Planning Responsibilities Requires Further Review: Recommend “Upper Tier Municipalities with Limited Planning Responsibilities” with a transition period</u></p> <p>The proposed changes would result in unintended consequences, as they undermine the Region’s ability to appropriately plan, protect for, and coordinate Regional infrastructure required to support growth. Matters of provincial interest under section 2 of the Planning Act, including: the orderly development of safe and healthy communities; the coordination of planning activities of public bodies; the appropriate location of growth and development; and the promotion of development that is designed to be sustainable do not appear to be accounted for.</p> <p>Short to medium term impacts on application processing (particularly smaller municipalities), due to staffing and resourcing can be expected. The ability for Upper and Lower-Tiers to enter into agreements regarding application review that best suits their needs should be maintained. Changes should account for economies of scale.</p> <p>Upper Tier review of development applications includes responsibilities delegated through MOUs with the province. Provincial approval of local official plans and major amendments will cause delays since staffing, training, resourcing and coordination is required at the provincial level.</p> <p>Upper Tier planning informs Regionally owned and operated services, including master plans, transit services, DC studies, infrastructure forecasts, financial plans and major environmental assessments. Decoupling key land use decisions from Upper-Tier infrastructure/service plans and investments reduces coordination, risks delays to key infrastructure studies, and creates misalignment of processes and decisions that cross local municipal boundaries. The planning and servicing of a long-term market-ready supply of Employment Lands would become more difficult, affecting investment readiness of the Region.</p> <p>It is recommended that the terminology be revised to “Upper Tier Municipalities with Limited Planning Responsibilities” to appropriately reflect Upper Tier functions, through the continuation of Upper Tier official plans – the scope of which could be prescribed through the future PPS or other mechanism.</p> <p>Regional Plan review responsibilities could be scoped to responsibilities in areas of growth management, Regional infrastructure and service provision and any areas delegated from the province through MOUs.</p> <p>The local municipal approval of OPAs, subdivisions, land division, part lot control exemptions, as well as exemption of 10 units from site plan is acceptable provided the Region is still able to receive right of way</p>

ERO Posting and Comment Period	Regional Comment
	<p>widenings and other Regional requirements as conditions of development when located on Regional roads or when Regional infrastructure/services are required. A transition period is also recommended in light of resourcing.</p> <p>Third Party Appeals <u>Requires Further Review: Upper Tier interests in infrastructure and services</u></p> <p>Upper-Tier municipalities own, operate and maintain: Regional roads; Regional sewer and watermain infrastructure including major plants and linear infrastructure; Regional facilities including housing and social services; Regional transit systems, and a range of other services.</p> <p>The Region has a strong interest in ensuring that new development: is permitted within the Region's ability to service; addresses transportation, traffic or other infrastructure impacts so that Regional systems can operate effectively; and, does not cause land use compatibility, and/or other impacts which cannot be satisfactorily mitigated. The proposal would undermine Upper-Tier interests in ensuring the long-term integrity of Regionally-owned services, and could result in misalignments and inefficiencies.</p> <p>It is suggested that Upper Tiers be provided with the same appeal rights as other prescribed parties and public bodies in recognition of their role in the planning and delivery of key services and infrastructure.</p> <p>Addressing the Missing Middle <u>Support in Principle, subject to Infrastructure Capacity</u></p> <p>The notion of gentle intensification is generally supported as it offers more affordable housing where zoning may have been a barrier. In unserved areas, the increase units could be a strain on private well and septic systems which could result in a negative impact on the groundwater quality and quantity both on- or off-site.</p> <p>In smaller urban areas where servicing capacity is limited, this change could affect the ability of these urban areas to accommodate additional development, since reserve sewage capacity would be required to reflect this legislative change.</p> <p>Higher Density Around Transit <u>Support in Principle, subject to Infrastructure Capacity and TOC achievement</u></p> <p>Regional Official Plans include TOC areas and higher order cross-regional transit projects, since these areas: are on Regional roads; require extensive Regional water and sewer infrastructure; and, are focal points for Regional transit service and Regional active transportation initiatives. As-of-right zoning, generally supports MTSA policies and transit project advancement. Ensuring success involves Regional planning and coordination. Implementing zoning should include the ability for the Region to provide clearance based on available servicing/infrastructure capacity and achievement of TOC objectives.</p> <p>Removal of requirement for Public Meetings for Plans of Subdivision</p>

ERO Posting and Comment Period	Regional Comment
	<p><u>No Concern, subject to ability for public input through other Planning Act applications</u> These applications are normally filed in tandem with other applications (rezonings). In these cases, the proposal is not expected to be a concern. However, in situations where lands may be pre-zoned (either historically or through MZO), the proposal removes the only remaining opportunity for public comment.</p> <p><u>Site Plan – Exemption for development up to 10 units and exemption of Architectural Details and Landscape Design</u> <u>Support in Principle, subject to Upper Tier ability to require conditions</u></p> <p>The Region has an interest in matters of site contamination, land use compatibility or other issues not addressed through prior planning approvals (i.e. rezoning), or where developments are along Regional roads, where the change appear to adversely affect the Region’s ability to require right-of-way widenings/ improvements.</p> <p><u>Facilitating Aggregate Applications and removal of 2-year timeout period for applications to amend new official plans, secondary plans and zoning by-laws in respect of mineral aggregate applications</u> <u>No Concern</u></p> <p><u>Limit of Conservation Authority appeals and ability CAs to use existing streamlined process to sever and dispose of land for housing</u> <u>Comments Provided</u></p> <p>CA participation as experts helps to ensure protection of public health and safety (i.e. natural hazards) as well as sustainable management of natural resources (i.e. water quality/quantity, natural heritage system connectivity, watershed health, biodiversity, ecological function, habitat connectivity, water quality/quantity and related ecosystem services). CA lands are typically located in floodplains and/or are made up of significant natural assets such as forests, wetlands or open spaces that often include public amenities like trails while supporting natural functions, protecting water quality, capturing carbon emissions, etc.</p>
<p>019-6172 Oct 25, 2022 - Nov 24, 2022 (30 days) Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges (parkland dedication, development charge by-laws timing, eligible services and phasing of charges)</p> <p>https://ero.ontario.ca/notice/019-6172</p>	<p><u>Do Not Support</u></p> <p>Parkland dedication is a responsibility of the local municipalities in the Region of Durham, the provision of adequate parks space in higher density areas helps to contribute to their function as pedestrian-oriented places. Parkland dedication in higher density areas also helps to deliver climate resilience benefits, including stormwater management and urban heat island attenuation.</p> <p>Extending the historic level of service average from 10 years to 15 years will suppress a municipality’s ability to collect the amount of development charges (DCs) necessary to pay for infrastructure improvements, where the costs of recent upgrades in service levels would be diluted by the extension in the historic level of service average, forcing municipalities to have to collect over a longer period of time to pay for needed development charge eligible improvements. Similarly, the exclusion of the cost of studies and certain land costs will shift these costs to the existing taxpayer and ratepayers.</p>

ERO Posting and Comment Period	Regional Comment
	<p>The proposed exemptions for affordable and attainable housing along with discounts for rental apartments shift significant portions of growth-related capital costs onto existing property taxpayers and user rate payers who are already struggling with housing costs. In the Region of Durham, existing property taxpayers have already contributed to the growth-related costs that have resulted from their development and now are being asked to contribute to the growth-related infrastructure for new residents.</p> <p>Phasing in new DC rates over a 5-year period, would slow cost recovery and delay capital improvements which new housing would be reliant upon. If infrastructure is to be accelerated, these costs would be absorbed by existing property taxpayers.</p> <p>The removal of housing services as an eligible cost in the DC removes a funding source for funding community housing for those most vulnerable. As communities grow there is an increased need for below market rental housing to support mixed income, inclusive neighbourhoods.</p> <p>The changes being proposed would have the effect of reducing the DC recovery and requiring municipalities to find alternative sources of funds for needed growth related services. This would have to be funded by the existing tax base and is contrary to the principle that growth pays for growth.</p>
<p>019-6177 - Review of A Place to Grow and Provincial Policy Statement Oct 25, 2022 - Dec 30, 2022 (66 days) https://ero.ontario.ca/notice/019-6177</p>	<p><u>No Objection In Principle, subject to retaining key growth related elements</u></p> <p>A series of questions have been included within the ERO Posting which are responded to below:</p> <ol style="list-style-type: none"> <p><i>What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?</i></p> <p>Some overlap exists between the Growth Plan and the Provincial Policy Statement. The following core policy areas should be considered as part of any new consolidated Provincial Policy Instrument:</p> <ul style="list-style-type: none"> • A framework for guiding and managing long term growth including retention of growth forecasts for use by municipalities, minimum density targets, intensification targets for strategic growth areas so that density uses will be well-served by transit. • A policy framework for Employment Areas, Rural Areas. • Transit and transportation systems and their interconnection with land use planning. • Water Resource System Policies, including Key Hydrologic Features and Areas • Climate Change mitigation and adaptation and Conservation policies • Policies related to coordination with infrastructure providers • Policy directions related to Land Use Compatibility and Major Facilities <p><i>What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?</i></p> <p>Although the Growth Plan provides an appropriate level of land use planning policy and guidance, the greenfield density assumptions that underly the Growth Plan are low and should reflect current development realities for higher densities as revealed through municipally led studies and MCRs.</p> <p><i>How should the government further streamline land use planning policy to increase the supply of housing?</i></p>

ERO Posting and Comment Period	Regional Comment
	<p>Maintain upper tier official plans (which have been the subject of local municipal comment) to allow local municipalities to focus their attention on application reviews and can then proceed to update their official plans at the appropriate opportunity when resources are available.</p> <p>4. <i>What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new policy document?</i> The importance of an overall GGH approach to growth and development is unique to the province. Policies that focus growth, encourage intensification in strategic growth areas and along transit corridors, and how infrastructure investment supports growth, while protecting natural heritage and the rural system is needed.</p> <p>A stable supply of Employment Area supports regional economic competitiveness and job growth. Protecting from unnecessary Employment Area conversion reduces the risk of land banking.</p> <p>Loosening current restrictions on rural housing would fragment agricultural lands, while also only providing for a marginal increase in housing supply. Any policy tools intended to increase development of rural housing should be limited to existing Rural Settlement areas.</p> <p>5. <i>What policy concepts in the Provincial Policy Statement and A Place to Grow should be streamlined or not included in the new policy document?</i> Areas where there is true duplication should be omitted.</p>
<p>019-6171 2031 Municipal Housing Targets, Bulletin (no commenting period) https://ero.ontario.ca/notice/019-6171</p>	<p><u>No Objection in Principle, subject to clarity on Growth Plan forecasts</u> The municipal housing targets are intended to supplement municipal allocations but a specific range, mix or affordability of housing types is not included or addressed. It is unclear if it is up to the municipalities or the market to determine. It is also unclear whether the forecasts are intended to align with the current growth forecasts under the Growth Plan.</p>
<p>019-6174 Proposed Revocation of the Central Pickering Development Plan - Oct 25, 2022 - Nov 24, 2022 (30 days) https://ero.ontario.ca/notice/019-6174</p>	<p><u>No Objection in Principle, subject to transition period</u> The Central Pickering Development Plan (CPDP) includes 2031 targets for a population of 61,000 residents, and 35,000 jobs within the community of Seaton (and 70,000 residents and 35,000 jobs through long term intensification).</p> <p>The above targets have informed the establishment of infrastructure requirements, capital costs and a Phase 1 Regional Front-Ending Agreement (RFEA) with the Seaton Landowners to advance the water, sewer, and Regional road infrastructure required to accommodate development of Phase 1 of Seaton.</p> <p>A significant portion of the water, sewer and roads capital costs within Seaton were front ended by the Seaton Landowners (approximately \$400 million). These costs are to be recovered through development charge credits. A portion of the water and sewer capital costs were upfronted by the Region of Durham (approximately \$250 million) and these costs are to be recovered through future development charges to be paid by the Seaton Landowners. If there is a change in the mix or final amount of residential and non-residential development within Seaton, there is risk that the Region of Durham may not fully recover these costs.</p>

ERO Posting and Comment Period	Regional Comment
	It is suggested that additional time be provided before the CPDP is revoked to enable the completion of pending servicing agreements.
<p>Proposed Changes to Ontario Regulation 299/19: Additional Residential Units</p> <p>019-6197 - Oct 25, 2022 - Dec 9, 2022 (45 days)</p> <p>https://ero.ontario.ca/notice/019-6197</p>	<p><u>No Objection in Principle, subject to servicing capacity</u></p> <p>The notion of gentle intensification is generally supported as it offers more affordable housing where zoning may have been a barrier. In unserviced areas, the increase units could be a strain on private well and septic systems which could result in a negative impact on the groundwater quality and quantity both on- or off-site. In smaller urban areas where servicing capacity is limited, this change could affect the ability of these urban areas to accommodate additional development, since reserve sewage capacity would be required to reflect this legislative change.</p>
<p>019-6192 – Supporting Growth and Housing in York and Durham Regions Act, 2022: Oct 25, 2022 - Nov 24, 2022 (30 days)</p> <p>https://ero.ontario.ca/notice/019-6192</p>	<p><u>Durham Regional Council does not support the Lake Ontario Option</u></p> <p>York Region will need to plan infrastructure within York Region to service Upper York service area by the York Durham Sewage System (YDSS) including the Duffin Creek WPCP in the City of Pickering. The projected engineering impacts of the proposed servicing concept needs to be reviewed by both York Region and Durham Region. Based on the high-level information on hand, the conceptual timeframe is projected that additional plant capacity will be required in the 2039-2041 timeframe.</p> <p>It should be noted that the Holland Marsh phosphorus reduction project will be implemented by York Region and not Durham Region.</p> <p>Based on the proposed legislation, the Province is asked to confirm if all infrastructure projects under Schedule 10 are exempt under the Environmental Assessment Act specifically the 1) Twinning of the Primary Trunk Sewer and 2) Stage 4 expansion of the Duffin Creek WPCP, both located in the City of Pickering.</p> <p>The province is also asked to provide specific requirements related to consultation/engagement for these projects and to reaffirm that Durham Region will incur no costs associated with the work required to service Upper York</p>
<p>Ministry of Natural Resources and Forestry Discussion Paper: “Conserving Ontario’s Natural Heritage”</p> <p>019-6161 Oct 25, 2022 – Dec 30, 2022 (66 days)</p> <p>https://ero.ontario.ca/notice/019-6161</p>	<p><u>Further Information Required</u></p> <p>It is difficult to provide comprehensive comments on an ecosystem offsetting policy proposal when the associated discussion paper lacks detail. It is recommended that the proposed policy be framed by established guidelines and informed by science and consultation with experts (e.g., conservation authority staff). In the context of Bill 23 proposed changes to the Wetland Evaluation System, where proposed changes would see wetlands evaluated by unit, rather than complex, more information is required to ensure that under this proposed legislation wetlands would not be left more vulnerable.</p>
<p>019-6160 Proposed Updates to the Ontario Wetland Evaluation System October 25, 2022 - November 24, 2022 (30 days)</p> <p>https://ero.ontario.ca/notice/019-6160</p>	<p><u>Do Not Support</u></p> <p>The proposed changes would see a wetland evaluation or re-evaluation complete once it has been received by a “decision maker” addressing land use planning and development or resource management matters, as opposed to ecologists, biologists, and other natural heritage experts who should be providing oversight.</p> <p>The proposed changes to classification of wetland complexes in Durham Region, including Duffins Creek, Carruthers Creek, Lynde Marsh, Second Marsh and Black-Farewell, would result in a piecemeal approach that could reduce separation distances between wetlands and development areas, or remove smaller features in</p>

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	<p>their entirety. This undermines the critical role these areas play in the wider natural system and the ecosystem services they provide. Scoring for the presence of endangered and threatened species has also been removed from the scoring template. Much of the detail outlining the components of a complete wetland evaluation file and sources of information are proposed to be removed. Removing this guidance will create inconsistency and confusion in applying the OWES.</p>
<p>019-2927 – Conservation Authorities Act, Ministry of Natural Resources and Forestry: October 25, 2022 - December 30, 2022 (66 days) https://ero.ontario.ca/notice/019-2927</p>	<p><u>Do Not Support</u> The proposed changes would provide the ability to exempt development authorized under the Planning Act from requiring a permit under the Conservation Authorities Act. Municipalities rely on conservation authorities to provide advice and expertise. Municipalities need to have the flexibility to enter into agreements with CAs to review Planning Act applications to ensure the natural environment is protected. CAs should continue to have the authority to issue permits so that important natural heritage features and functions can be protected.</p>
<p>Ministry of Natural Resources and Forestry: Legislative and regulatory proposals affecting conservation authorities</p> <p>019-6141 Conservation Authorities Act, R.S.O. 1990 October 25, 2022 - November 24, 2022 (30 days) https://ero.ontario.ca/notice/019-6141</p>	<p><u>Do Not Support</u> The proposal would: prevent municipalities from entering into agreements with CAs to review planning applications on their behalf; exempt the requirement for natural hazard permits for select municipalities where Planning Act approvals are in place, remove ‘conservation of lands’ and ‘pollution’ as considerations in permit decisions, to put a freeze on development fees and to possibly tap into conservation lands to support housing.</p> <p>CAs should retain responsibility for Natural Hazard approvals, to ensure the protection of a watershed-based approach and the connections between flood control, wetlands, and other green infrastructure or natural cover, thus ensuring safe development. Removing “conservation of land” from permit decisions undermines the ability to protect ecological function or ensure the long-term stability and viability of wetlands. This raises the risk of communities being more susceptible to natural hazards like flooding.</p> <p>The legislation would prevent municipalities from being able to seek the advice of CAs on matters relating to water quality/quantity, land conservation, ecosystem impacts, which is currently relied upon. Municipalities should be able to enter into agreements with CAs for advisory services if they so wish.</p> <p>Removing the ability to rely on CAs review will cause unnecessary delay, add cost, inconsistency, and duplication across municipalities.</p>
<p>Proposed Changes to the Ontario Heritage Act and its regulations: Threshold for designation and limitations on designation for properties subject to proposed development.</p> <p>019-6196 - Oct 25, 2022 - Nov 24, 2022 (30 days) https://ero.ontario.ca/notice/019-6196</p>	<p><u>Not a Regional Responsibility</u> There could be an economic development interest to ensure that the historic integrity of downtowns and other heritage places of community and tourism value continue to be protected or enhanced as important places.</p>
<p>Proposed amendments to O. Reg 232/18 (Inclusionary Zoning)</p>	<p><u>Comments Provided</u></p>

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019-6173 Oct 25, 2022 - Dec 9, 2022 (45 days) https://ero.ontario.ca/notice/019-6173	Although Inclusionary zoning is not a Regional responsibility, the inclusion of global parameters limiting the number of units, and depth and duration of affordability does not consider the nuances of individual projects. The net effect will be to reduce the number of affordable housing units that could be created within PMTSAs as part of a transit-oriented community.
Regulatory Postings	
22-MAG011: Proposed Amendments to the Ontario Land Tribunal Act, 2021 (Oct 25, 2022 – Nov 25, 2022) - Clarify powers to: dismiss appeals; order costs; enable priority criteria to help ensure housing is built; and enable service standards - Provide OLT with additional resources <u>Proposed Amendments to the Ontario Land Tribunal Act, 2021</u>	<u>Comments Provided</u> Consideration should be given to exempt public bodies, including upper-tier and lower-tier municipalities from orders to pay costs in the event of an unsuccessful appeal. Municipalities acting in the public interest should not have to pay additional costs of an appeal, that would already be funded publicly if an appeal is unsuccessful.
22-MMAH017: Seeking Feedback on Municipal Rental Replacement By-laws: Municipal Act, 2001 and City of Toronto Act, 2006 (October 25, 2022 – November 24, 2022) <u>Seeking Feedback on Municipal Rental Replacement By-Laws (ontariocanada.com)</u>	<u>Comments Provided</u> It is unclear if these changes will help to close the loophole that a rental building may first be demolished and then rebuilt for a different purpose without triggering s.99(1). Ideally, the changes should include a required number of years before the rental property could be redeveloped/converted; ideally for the same as the number of years as is for credits under Development Charges Act, etc. For clarity, a developer should not be able to claim development charge credits for a demolished rental unit to build a condominium unit instead, without the renter protections under the RTA. It is unclear if the minimum number of units under s.99(2.1) would be clarified to include mixed condominium-rental developments, where less than 6 of the units are rental. It is also unclear if the by-laws can require that replacement units be offered for the same AMR. Response to Questions: 1. <i>What types of requirements should municipalities be able to set around residential rental demolition and conversion?</i> The timeframe between demolition and rebuilding, number of units, area, unit sizes, zoning-specific, percentage of new rent vs. old rent, rent increase control, standardization of design (e.g.: no 2nd door for replacement units) 2. <i>What types of requirements should municipalities not be able to set (e.g., are there requirements that pose a barrier to creating new or renewed housing supply or limit access to housing)?</i> Restrictions based on user demographics (beyond HRC-protected groups), minimum parking requirements, additional requirements (e.g. cost, size) for extra units beyond pre-existing units. 3. <i>What impact do you think municipal rental replacement bylaws might have on the supply and construction of new housing?</i>

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	<p>Properly implemented rental replacement by-laws should encourage new rental construction in high-demand areas while protecting existing affordable housing. Simplified, standardized rental replacement by-laws should encourage more rental and mixed-use development in strategic growth areas.</p> <p>4. <i>What impact do you think municipal rental replacement bylaws might have on renter protections and access to housing?</i> Rental replacement by-laws should protect renters' ability to access affordable housing, especially in gentrifying neighbourhoods under development pressure, while allowing new investment and opportunity to come into those neighbourhoods.</p>
<p>22-MMAH018 Seeking Input on Rent-to-Own Arrangements <u>Seeking Input on Rent-to-Own Arrangements</u></p>	<p>Comments Provided Rent-to-Own is an additional tool in supporting a range and mix of housing options. It should not, however, result in a net loss of rental units or a de-prioritization of the development of new rental units. Rent-to-own units should be considered as a conversion of residential rental properties under s.99(1) of the Municipal Act. The following questions have been included in the consultation materials:</p> <p>1. <i>Do you think that rent-to-own arrangements are a viable way to support housing attainability in Ontario?</i> Yes.</p> <p>2. <i>Are there any barriers with rent-to-own arrangements that you think may be discouraging providers from offering this type of housing?</i> No comment</p> <p>3. <i>Are there any issues with existing rent-to-own arrangements that make it difficult or unfavourable for clients, such as renters, to engage in them?</i> No comment</p> <p>4. <i>Are there measures the government could consider to facilitate these agreements, such as making them more viable for housing providers, increasing client protections, raising awareness and public education on this alternate form of home ownership, etc?</i> There are private companies that already provide rent-to-own solutions, is one potential tool to support rental options and provide an onboard to attainable housing. Shared equity models such as those used by Habitat for Humanity allow clients to pay more affordable mortgage payments and have immediate access to equity, rather than the potential access to equity at the end of the rent-to-own term. The province should provide construction incentives to facilitate new units to be offered through a shared equity model. The province should also seek to improve upon and support, financially and otherwise, existing public/community housing programs and services that already have established processes and resources (including buildings/units). However, establishing a regulatory environment that allows and supports creative, entrepreneurial solutions to providing a mix of housing options is generally supported.</p>

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22-MGCS021: Amendments to the New Home Construction Licensing Act, 2017 (Oct 25, 2022 -Dec 9, 2022) to address unethical behaviour by vendors <u>Amendments to the New Home Construction Licensing Act, 2017</u>	<u>Support</u>
22-MMAH016 Proposed Building Code Changes (O.Reg 332/12) <u>Proposed Changes for the Next Edition of Ontario s Building Code</u>	<u>No comment</u>
22-MGCS022 - Proposed Amendments to the Ontario Underground Notification System Act, 2021 (Oct 25, 2022 – Nov 25, 2022) <u>Proposed legislative amendments</u>	<u>No comment</u>