



4 MAY 2023

[VIA Electronic Submission](#)

Ministry of Municipal Affairs and Housing
Building and Development Branch
777 Bay Street, 12TH Floor
Toronto, ON, M7A 2J3

Proposal Number: ERO # 019-6821

RE: Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 - the proposed Helping Homebuyers, Protecting Tenants Act, 2023)

The Waterloo Region Home Builders Association (WRHBA) is over 160 members strong! We are the recognized leaders and the voice of the new residential home construction, land development, and professional renovation industries in the Waterloo Region. We are an association of knowledgeable, trusted, resourceful, and local professionals, and together we create vibrant, thriving, and sustainable communities across our three municipalities and four townships. WRHBA member companies construct over 90% of all new residential construction, making it one of the most significant economic engines driving the Region's economy, creating over 22,000 jobs, 1.5 billion in wages, and 3 billion in investment value.

As an Association, we are invested in bringing insight to public policy decision-makers at all levels of government on matters that affect the residential development and construction industry in addressing housing affordability and choice for consumers. The WRHBA is coordinating its public policy response with regards to Bill 97, the *Helping Homebuyers Protecting Tenants Act, 2023* with input from members across Ontario. WRHBA is proudly affiliated with the Ontario Home Builders' Association and other chapters across Ontario.

Fee Refund Provisions

We begin from the premise that builders in Ontario desire a predictable permitting process that gives confidence to new home buyers. This must be the basis of any and all municipal processes related to residential development. Approval timings and delivery of housing must be the overarching objectives as part of changes to fee refund provisions being proposed.

We strongly support changes made through the *More Homes for Everyone Act* to induce a sense of urgency towards legislated timelines of zoning by-law and site plan application fees. Fee refund measures will ultimately encourage municipalities to make more timely decisions by requiring a gradual return of site plan control and zoning by-law amendment fees where excessive time has passed since a municipality has received the complete application and fee. This system is much needed to help expedite the decision-making process. As has been noted before, in the long-term, we recommend that the Ministry of Municipal Affairs and Housing conduct a full and detailed review of all aspects of site plan control set out in Section 41 of the *Planning Act*. We believe there are further opportunities for streamlining and that some aesthetic, sustainable Green Standards, urban design, and exterior design elements considered through the site plan control process should not be a component of the land use approvals process.

We encourage the province to move swiftly while delaying this requirement for refunding fees and to continue working proactively with municipalities to ensure the new proposed deadline of July 1, 2023 is met. This will provide greater predictability for both municipalities and builders.

Consequential Changes to Support Implementation of the *More Homes Built Faster Act, 2022 (Bill 23)*

We support allowing municipalities to require up to one parking spot for the primary unit. This proposed implementation change does not meet that metric as it allows municipalities to assign a higher parking ratio than one space for the primary unit. We strongly recommend further amendments to completely eliminate parking requirements from being imposed.

Regulation-Making Authority for Site Plan Control for 10 Units or Less

In prior comments, on the *More Homes Built Faster Act*, OHBA expressed concerns with certain municipalities slowing down the approvals process with over-regulation and over-requirements related to architectural control at the stage of site plan.

A good example of which is the over regulation of architectural and landscape designs. We are strongly in favour of ending the ability of municipalities to regulate architectural controls/details, landscape design and energy modelling. The Ontario Building Code does not allow Chief Building Officials to require that homes be better than code, therefore the province should eliminate the ability for municipalities to demand “Better Than Code” standards or guidelines as part of approving site plan and/or subdivision agreements.

These additional requirements only add more cost to new home buyers. Exempting smaller developments from site plan control is a positive proposed amendment that should assist in the rate to which much needed housing supply will be delivered, especially as this proposed change will lead to greater municipal focus of true development aspects of applications.

We understand that the Ministry has heard that municipalities require more flexibility to use site plan control under certain circumstances. We would suggest that the setbacks be reduced to 100 metres for both shoreline and rail lines.

Appeals of Interim Control By-laws

We strongly support this proposed measure. Currently, Interim Control By-Laws (ICBL) can act as a significant impediment to new housing supply and are not subject to an effective or timely appeal process. Enabling appeals following the passage of an ICBL as opposed to when it is extended is a prudent move that will enable faster collaboration between municipalities and builders.

New Authority for Minister’s Zoning Orders

Often, the new home construction sector experiences more challenges the farther down the development process they are. This proposal has the potential to enable greater clarity for both all parties.

Ministerial Authority to Require Development Agreements

Ensuring that priority projects which bring forward the correct supply and variety of new housing is crucial as the province aims to reach 1.5 million new homes by 2031 to meet our population growth trajectory. A Ministerial Authority to require development agreements on priority projects through the Provincial Land Facilitator is a prudent and clear avenue to advance priority projects and get shovels in the ground, faster.

Changes to Employment Area Protections

Re-scoping what constitutes an “area of employment” will help clarify that land uses not connected to primary industrial uses can be better converted for local use. Currently, significant areas within urban boundaries where new housing could be built, is encumbered by the existing employment land definitions found in the *Planning Act*. This proposed change will help redirect commercial and institutional uses closer to transportation corridors. Furthermore, it would also preserve the ability of municipalities to designate employment lands so long as they adopt official plan policies that specifically authorize the continuation of that lawfully existing use prior to the

modified “area of employment” definition coming into effect.

However, we do note that there are many examples of institutional uses, such as places of worship or even day cares, that can be located within areas of employment without conflict. To permit municipal flexibility, area or site-specific assessments could be undertaken to determine what appropriate uses rather than this being stated in the *Planning Act* to help provide an appropriate mix of uses on a site-specific basis.

Proposed *Ministry of Municipal Affairs and Housing Act* Amendment

With the scale of changes being proposed as part of Bill 97, it is prudent that the Ministry evaluate their own capacities and upgrade where needed to ensure Ontario can meet its housing supply goals. Appointing up to four Housing Deputy Provincial Land Development Facilitators will help the entire Ministry move priority projects ahead.

Sincerely,

WATERLOO REGION HOME BUILDERS’ ASSOCIATION



Executive Officer

cc: WRHBA Board of Directors
WRHBA Municipal Liaison Chairs
WRHBA Member Companies