



To: Council
From: Karl Doyle, Director of Planning and Building
Date of Meeting: June 8, 2022
Subject: Bill 109, the More Homes for Everyone Act, 2022

Background:

March 30, 2022, the Province announced the More Homes for Everyone Plan and introduced Bill 109, More Homes for Everyone Act, 2022.

The legislation is based on the premise that reduced housing affordability is a function primarily of an increase in population and the lack of housing supply. The legislation is targeted at reducing "red tape", accelerating development application review timelines and streamlining approval processes.

The Province gave third reading and Royal Assent to the Bill on April 14, 2022 bringing the bill into effect, the legislative changes introduced in Bill 109 to the Planning Act, Development Charges Act and the City of Toronto Act, 2006.

Background on the introduced legislative changes and a response from the ministry following the Municipal outreach Session held on April 20, 2022 have been included in this Key Information report.

Below are the key Planning Act changes, they include:

Minister Review of Official Plans & Amendments – Suspension of the Timeline

Prior to the enactment of Bill 109, the *Planning Act* provided the Minister 120 days to make a decision on official plan matters for which the Minister is the approval authority. While there is no change to the timeline, Bill 109 has introduced a new discretionary authority to suspend the approval timeline for new official plan and official plan amendments that are before the Minister for review. This "stop the clock" authority is retroactive to amendments submitted prior to the enactment of the Bill. The effect of this change is to alter the 'legislative framework' mid-stream for matters approved by County Council awaiting Ministerial consideration.

Referring an Official Plan Matter to the Ontario Land Tribunal

The amendments in Bill 109 now allow the Minister to refer official plan amendments, or a part of an amendment for which the Minister is the approval authority, to the Ontario Land Tribunal for either a recommendation back to the Minister or to make a decision.

Referral to the Tribunal could result in a hearing, or other form of proceeding, on OPAs that were previously not subject to appeal. As part of this referral process, the Tribunal would have the authority to refuse or approve the plan (or part of it), make modifications to the plan, or approve the plan (or part of it). If the Tribunal holds a hearing and those who made submissions to Council on the OPA are permitted to be parties to that hearing, the matter could be in litigation for several years.

Streamlining the Approvals Process: Application Fees Refund

The legislation contains new punitive provisions requiring municipalities to refund, in part or in their entirety, fees for rezoning applications if a decision by the municipality is not made within the timelines prescribed in the Planning Act. This change is to take effect on January 1, 2023. Similarly, with regard to site plan applications, if the municipality has not approved plans within the timelines prescribed in the Planning Act, the legislation requires municipalities to refund all or part of the application fees. The refund schedule is outlined below:

Amount of refund	Type of Planning Application		
	Zoning & OPA combined	Zoning	Site Plan
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approved within 60 days
50%	Decision made within 121 days and 179 days	Decision made within 91 days to 149 days	Plans are approved between 61 days and 89 days
75%	Decision made within 180 and 239 days	Decision made 150 days and 209 days	Plans are approved 90 days and 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

Amendments to Site Plan Control

Through Bill 109 a number of amendments have been made to Section 41 of the *Planning Act*, and Section 114 of the *City of Toronto Act, 2006* regarding Site Plan Control. The changes include rules respecting pre-application consultations, complete applications, delegated approval authority and refunding of fees.

Application Review and Fee Refunds

The timeline to review a site plan application is increased from 30 days to 60 days. This change will apply to applications submitted on or after July 1, 2022.

The timeframe of 60 days allows for staff to review an application, however it may not provide sufficient time for an applicant to prepare a response, resubmission or satisfy conditions, in advance of application fees having to be refunded. The refund requirements could prove to be problematic.

As provided for in Bill 109, if a site plan application cannot be approved, for example, it does not conform to the zoning by-law, a refund would still be required. In many instances applicants submit zoning (or minor variance applications) and site plan applications concurrently to reduce the project review timeframe. In these instances, site plan application timing cannot be met as the timelines do not allow sufficient time to bring a zoning by-law amendment into force and approve a site plan application.

Delegated Approval Authority

The legislation requires municipalities to pass a by-law to appoint an authorized person for site plan control approval. The legislation no longer provides for a municipal council to be the approval authority. The Township's Delegation By-law 2017-073 delegates certain powers and duties to officers and employees of the Township. The purpose of the by-law is to provide responsible, accountable, and efficient government.

As a result of the legislative changes, the Township's Delegation By-law No. 2017-073 will be modified accordingly to enable the Director of Building and Planning to execute developments requiring site plan approval.

Delegated Powers and Duties	Criteria/ Conditions
Site Plan Control - No Agreement Required	<p>Authority to approve Site Plan Control applications, conditions, and drawings under Section 41 of the Planning Act that do not require an agreement with the Township of South Stormont provided:</p> <ul style="list-style-type: none"> • the application is in conformity with the Township's Official Plan, Zoning By-law and all other relevant documents and policies, which may include but is not restricted to, Director approved entrance permit standards, public works specifications, and the Building By-law. • the applicable Directors have recommended that no site plan agreement is required.
Site Plan Control - Amendments	<p>Authority to approve amendments to approved site plans and drawings, and amendments to site plan agreements and conditions under Section 41 of the Planning Act, provided:</p> <ul style="list-style-type: none"> • the application is in conformity with the Township's Official Plan, Zoning By-law and all other relevant documents and policies, which may include but is not restricted to, Director approved entrance permit standards, public works specifications, and the Building By-law. • the applicable Directors have recommended that the amendment to the approved site plan be deemed minor and/or not requiring a new agreement.
Site Plan Control - Agreement Required	<p>Authority to approve the execution of a Site Plan Control agreement and all other powers or authority under Section 41 of the Planning Act provided:</p>

	<ul style="list-style-type: none"> • Council has authorized approval of the site plan application by resolution or by law. • the application is in conformity with the Township's Official Plan, Zoning By-law and all other relevant documents and policies, which may include but is not restricted to, Director approved entrance permit standards, public works specifications, and the Building By-law. • the applicable Directors have recommended that a site plan agreement is required <p>Notwithstanding the delegation of approval above, where so requested by either Council or the applicant Site Plan Control applications shall be approved by Council.</p> <p>Include notation in Monthly Activity Summary</p>
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Complete Application

A new complete application process for site plan applications is also contained in Bill 109. The United Counties of S.D & G Official Plan will have to be amended to reflect a Site Plan application, specifically section - 8.12.13.8 (a)(b)Pre-Consultation, Supporting Information, and Materials for Development Applications

Amendments to Subdivision Control

The new legislation prescribes that an approval authority may deem a Draft Plan of Subdivision application that lapsed within the past five (5) years to not have lapsed provided that such subdivision application had not previously been deemed to not have lapsed.

Below are the key Building Code Act changes, they include;

Building Code Act

Allowing 12-storey mass timber buildings.

Streamlining modular multi-unit residential building approvals.

Facilitating more infill and low rise multi-unit housing by exploring opportunities to allow for single means of egress in four to six storey residential buildings, while continuing to protect public health and safety.

Allowing residents and commercial tenants of the lower floors of super-tall buildings under construction to move into their units earlier, so they can find a home and open the doors of their business sooner.

Improved Data Collection

The Province has also proposed ways to improve data collection, including:

Changes made to the *Planning Act* which require municipalities to publicly report on development applications that have been submitted, are complete, are under review and approved (for example, zoning, plans of subdivision, site plan) and the use of a data standard.

Province is going to share the Ministry of Finance's annual population projections with municipalities and focus on the main drivers of the population growth of Ontario's census divisions, such as immigration and intra-provincial migration. This will help them plan more accurately and intelligently to meet their short and long-term housing needs.

Province says they will also partner with municipalities and industry to build a provincial data standard for planning and development applications. They note that this will support consistency and standardization to facilitate data sharing, reporting and e-permitting across the province.

Discussion:

Bill 109, the More Homes for Everyone Act, was introduced on March 30, 2022 and received Royal Assent on April 14, 2022. The Bill was enacted before the commenting period lapsed. This omnibus Bill amended 6 different statutes, including the Planning Act, the City of Toronto Act, 2006 and the Development Charges Act. The Bill will, among other matters, impact how municipalities across Ontario review development applications.

Staff will conduct a thorough review of various Township By-laws that will have to be modified in order to adhere to legislative changes. The following by-laws have been readily identified, however there may be other by-laws that are impacted.

- Delegation of Authority By-law No. 2017-073 - Delegated Approval Authority - legislative changes take effect on July 1, 2022.
- Site Plan Control Area By-law No. 2009-11 - Changes required to reflect legislative changes and update as the by-law was last modified in 2009.

- Review of Fees and Charges By-law No. 2022-010 - Application Fee Refund - legislative changes take affect on January, 1 2023. It is worth noting the Township of South Stormont is currently reviewing Township fees and charges with Watson and Associates. The refund changes may be modified by the Province prior to taking affect on January, 1 2023.