



Bridging the past, present and future

Bill 23, Mores Homes Build Faster Act, 2022

Legislature Amended in Bill 23

- 
- The Planning Act
 - Development Charges Act
 - Ontario Heritage Act
 - Ontario Land Tribunal Act
 - Conservation Authorities Act
 - Municipal Act
 - New Home Construction Licensing Act

Planning Act

- One year to amend Zoning By-laws
- Changes to the planning authority of upper tier municipalities
- Encourages gentle density
- Limitation on appeals to create more efficient processes
- Limitation on site plan control to create more efficient processes
- Parkland dedication rates reduced

Planning Act – Planning Authority

- Niagara Region will no longer be able to:
 - Adopt official plans or amendments
 - Approve lower-tier plans or amendments
 - Approve plans of subdivision
 - Appeal planning decisions
- For the City of Welland this means:
 - Regional planning responsibilities will shift to the various lower-tier municipalities
 - Policies of the recently adopted Regional Official Plan will be deemed to constitute part of Welland's Official Plan
 - City will retain ability to amend or revoke those policies as appropriate

*These changes will come into force on a day in the future to be named by proclamation.

Planning Act – Gentle Density

- Gentle Density is encouraged through:
 - New as-of-right zoning for up to 3 dwelling units on a property
 - No more than 1 parking space per dwelling unit can be required
 - No minimum unit size can be required
 - These units are exempt from CBCs, DCs, and Parkland dedication
- For the City of Welland this means:
 - The City will continue to administer its current zoning provisions which align with the new amendments
 - The City already exempts additional units from DC's, Parkland Fees
 - Any needed amendments to these permissions can not be appealed.

Planning Act – Efficient Appeals

- The 2 year prohibition on zoning by-law, secondary plan, and official plan amendments has been removed.
- Minor variance and consent applications have new appeal limitations:
 - Appeals can only be made by owners, municipalities, or a “specific person”
 - This amendment is retroactive to appeals which have not been scheduled for a hearing by October 25, 2022
- For the City of Welland this means:
 - Fewer appeals for minor variance and consents can be expected creating a more efficient application process

Planning Act – Eliminating Public Meetings for Subdivision Applications

- Amendments to the Planning Act remove the requirement that approval authorities hold a public meeting in respect of a proposed subdivision.
- This amendment is in force as of November 28, 2022.

Planning Act – Site Plans

- Section 41 of the Planning Act has been amended such that:
 - Exterior design is limited from site plan control unless it is a matter of fire safety or building code requirements, or an entrance to affordable housing
 - Residential buildings of 10 units or fewer are exempt from site plan control
 - These amendments apply to pending and future applications as of November 28, 2022
- Implications for the City of Welland:
 - The City will be required to update its Site Plan Control By-law to comply with the new amendments
 - The City will continue to encourage high quality urban design through ancillary programs such as the Downtown and Health and Wellness Cluster Incentive Program

Planning Act – Parkland

- Parkland Dedication has been overhauled:
 - New alternative rates, new rates are effectively half of the previous rates
 - Municipalities cannot collect more than 10% of land value for sites under 5 hectares, and not more than 15% of land value for sites over 5 hectares
 - Affordable housing and attainable housing are excluded from parkland calculations **on a day proclaimed by the Lieutenant Governor**
 - Developers will be able to identify which land they want to convey **on a day proclaimed by the Lieutenant Governor**
 - Encumbered parkland, strata parks, and privately owned public spaces are now considered “parkland” and can receive parkland credits
 - The date for determining parkland contribution has changed to the day before site plan application is filed or zoning by-law is passed, or if neither exist the day before the first building permit is issued
 - Require municipalities to spend or allocate at least 60 per cent of their parkland reserve funds at the beginning of each year.
- Implications for the City of Welland:
 - The current parkland dedication by-law will need to be amended to comply with updated rates, caps, and timelines
 - The City mainly requires Parkland at the standard rates of 5% for residential development. Therefore, Bill 23 changes will have low impact on the City.
 - City will be required to spend or allocate 60% of its Parkland Reserve.

Development Charges Act

- Bill 23 amends development charges (DC) by:
 - Exempting affordable, attainable and non-profit housing (not yet in force)
 - Providing reductions for rental based on number of bedrooms
 - Housing services and studies can no longer be included in development charges
 - A scaled reduction of development charges over 4 years, 20% reduction in the first year, 15% in the second year, 10% in the third year, and 5% in the fourth year
 - Development charge by-laws expire every 10 years (increased from 5 years) but can still be updated at anytime
 - Studies are no longer an eligible capital cost that can be recovered. However, they can continue until a new By-law is created.
- Implications for the City of Welland:
 - The City already offers DC relief for specific uses (Brownfield Development, Downtown Health and Wellness Cluster Development, Industrial Development, Non-Profit Houses, 2nd and 3rd unit conversions, accessory dwellings)
 - Determine appropriate funding source for studies.
 - Required to reduce DC's by 20%; further 5% for four years.
 - Municipalities are still able index charges. Approx. 15.5% indexing increase in 2023.
 - Further clarification needed to determine net impact through updated O. Regs.
 - Staff will report back to Council

Development Charges – Future Calculations

City Development Charge Financial Impact Estimate

	Year 1 -80%	Year 2 - 85%	Year 3 - 90%	Year 4 - 95%	Year 5 - 100%
	2022	2023 **	2024 **	2025 **	2026
DC Rates - Per Study	\$5,437,811.13	\$6,280,671.86	\$6,594,705.45	\$6,924,440.72	\$7,270,662.76
Legislated Discount to - DC Rates	N/A *	\$5,338,571.08	\$5,935,234.90	\$6,578,218.68	N/A
Deferred DC Rate Collections ***	\$0.00	-\$942,100.78	-\$659,470.54	-\$346,222.04	0

* Discount Rate was effective on D/C rate for all Building permits issued after November 28, 2022

**Years 3, 4, 5 assume 5% Non-Residential Price Index

*** City is still awaiting regulations to determine exactly what this impact will be Financially

Conservation Authorities Act

- New amendments provide greater authority to the Minister of Municipal Affairs and Housing to direct conservation authorities and direct growth within lands under conservation authority purview
- Conservation Authorities' scope has been redefined and limited within the planning process to only applications which include flood prevention or natural hazards, limited ability to review or comment on development applications

Ontario Heritage Act

- New prescribed timelines regarding heritage designations. Properties placed on the local municipal heritage register (Section 27: Listed Properties) must have the designation process initiated within 2 years of being placed on the register
- If for any prescribed reason the property is removed from the register, or the 2-year timeline expires, the property receives a 5-year prohibition from being relisted on the register again
- Council will not be permitted to issue a notice of intention to designate a property under section 29 of the OHA unless the property is already on the municipality's heritage register when the 90-day timeline after the filing of a Planning Act application is triggered
- New threshold tests for adding a property to a heritage register and for designating an area as a heritage conservation district, it has not yet been announced if the current regulation will be used or a new regulation

Ontario Land Tribunal Act

- Bill 23 expands the Tribunal's power to dismiss a proceeding if the person who brought the proceeding on has contributed to undue delay or if they find that a party has not complied with an order of the Tribunal during the proceeding.
- The Tribunal may also now order the unsuccessful party to pay the successful party's costs.
- The Minister may now require the Tribunal to prioritize specified types of proceedings and can prescribe timelines for specified types of proceedings.

Municipal Act

- An amendment to Section 99.1 of the Municipal Act expands the Minister's authority
- The Minister can make regulations imposing limits and conditions on the powers that local municipalities have to prohibit and regulate the demolition and conversion of residential properties under that section.

New Home Construction Licensing Act

- New consumer protections to protect home buyers from bad actors and unethical behaviour.
- These include higher fines for offences, an increase in administrative penalties for contraventions of the Acts, regulations and by-laws.
- These protections aim to prevent developers from acting in bad faith with home buyers.

Section 39.2 of the Planning Act

- Although not part of Bill 23, staff believe that it is important to note that Section 39.2 of the Act was introduced in Bill 13 in December 2021 and gives provisions for staff delegation regarding zoning by-law amendments that are deemed minor in nature.
- As can be seen with the Community Incentives Programs, staff delegated authority allows for a more dynamic and efficient approval process
- Staff delegated authority in combination with the removal of certain appeal rights for minor variance and consent applications, will streamline routine applications by removing them from the Council meeting cycles
- Council's efficiency will also be increased by allowing meetings to focus on cases which require greater deference.

Bill 109, Mores Homes for Everyone Act, 2022

Legislature Amended in Bill 109



- The Planning Act
- Development Charges Act
- City of Toronto Act
- Ontario New Home Warranties Plan Act
- New Home Construction Licensing Act

Planning Act – Site Plan Control

- Municipal Councils are now required to delegate site plan control decisions to staff
 - Applies to all applications made after July 1, 2022.
- Municipalities will be required to pass a by-law appointing an authorized staff person to approve site plan control applications.
- New list of requirements for a “complete application” for site plan application is given.
 - Recourse for any application that has not been deemed complete within 30 days of acceptance by the municipality
- Site plan application review timeline extended to 60 days (from 30 days).
 - Applicants can now only appeal to the OLT for non-decision after 60 days.

Planning Act – Site Plan Control, cont'd

- Application fee refunds for site plan applicants
- Applicants must be refunded by the municipality if no decision is made within the legislated timelines
 - Refunds are calculated on a graduated basis depending how much time has elapsed
 - All applications made after January (July) 1, 2023 will be eligible for refunds
 - 50% for no-decision within 61-89 days of a complete application being received
 - 75% for no-decision within 90-119 days of a complete application being received
 - 100% for no-decision over 120+ days of a complete application being received

Planning Act – Zoning By-law Amendments

- Application fee refunds for zoning by-law amendment applications
- Applicants must be refunded by the municipality if no decision is made within the legislated timelines
 - Refunds are calculated on a graduated basis depending how much time has elapsed
 - All applications made after January 1, 2023 will be eligible for refunds
 - 50% for no-decision within 91-149 days of a complete application being received
 - 121-179 Days if concurrent with an official plan amendment application
 - 75% for no-decision within 150-209 days of a complete application being received
 - 180-239 Days if concurrent with an official plan amendment application
 - 100% for no-decision over 210+ days of a complete application being received
 - 240+ Days if concurrent with an official plan amendment application

Planning Act – Plan of Subdivision

- The Minister will now have the power to prescribe by regulation which matters cannot be required as a condition of draft plan approval
- An approval authority can allow municipalities to reinstate draft plans of subdivision that have lapsed within the past five years without requiring a new application
 - This does not apply if there is an agreement entered into for the sale of the land as described in the draft approved plan of subdivision
 - Also does not apply if the approval has previously been deemed not to lapse under that subsection

Planning Act – Community Infrastructure and Housing Accelerator

- A new type of Ministerial Zoning Order (MZO) – Section 34.1 of The Act
- This type of MZO permits the Minister to make a zoning order at the request of a municipality by Council Resolution
- The Council's Resolution must
 - Identify the lands to which the order will apply; and
 - Identify the manner the municipality's powers will be exercised with respect to the lands
 - A draft of the by-law which would be composed should satisfy those requirements.
- Before passing the resolution, Council, is required to give notice to the public and consult with persons, public bodies, and communities as the municipality considers appropriate.
- Within 15 days of passing the resolution, the municipality must forward the resolution to the Minister, where at its discretion may make an order under section 34 of The Act. The Minister may impose conditions on any order.

Planning Act – Community Infrastructure and Housing Accelerator, cont'd

- CIHA's cannot be used within the Greenbelt
- CIHA's can be used to regulate the use of land, the location/height/size/spacing of buildings and structures to permit certain types of development
- The goal of CIHA's is to expedite certain developments which support an increase in the quality of life for people/communities, affordable housing, buildings which facilitate employment, economic development, and mixed use developments

Planning Act – Community Benefit Charges By-law Review

- New subsections and an amendments to O. Reg. 509/20 implement an increase to the existing reporting requirements for CBCs and Parkland Dedication
- Municipalities that pass a CBC By-law will be required to undertake and complete a review of the by-law at least once every five year
 - This review must include public consultation

Questions?



Thank You

