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# Bill 134

*(Chapter 18 of the Statutes of Ontario, 2023)*

## **An Act to amend the Development Charges Act, 1997 and the St. Thomas - Central Elgin Boundary Adjustment Act, 2023**

**The Hon. P. Calandra**

Minister of Municipal Affairs and Housing

1st Reading	September 28, 2023
2nd Reading	October 4, 2023
3rd Reading	November 29, 2023
Royal Assent	December 4, 2023



## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 134 and does not form part of the law.  
Bill 134 has been enacted as Chapter 18 of the Statutes of Ontario, 2023.*

### **SCHEDULE 1 DEVELOPMENT CHARGES ACT, 1997**

The *Development Charges Act, 1997* includes provisions exempting affordable and attainable residential units from development charges. Amendments are made to the provisions that set out when a residential unit shall be considered to be an affordable residential unit.

### **SCHEDULE 2 ST. THOMAS - CENTRAL ELGIN BOUNDARY ADJUSTMENT ACT, 2023**

The *St. Thomas - Central Elgin Boundary Adjustment Act, 2023* is amended to enable the City of St. Thomas to grant assistance to a specified corporation during a specified period. A new section 12.1 establishes the total amount of certain assistance that may be granted and enables the Minister to make regulations, including regulations that impose restrictions, limits and conditions on the City's powers under the section.

In addition, the title of the Act is changed to the *Supporting Manufacturing in St. Thomas Act, 2023*. Other amendments are made to provide for the Act being divided into Parts.

**An Act to amend the Development Charges Act, 1997 and the  
St. Thomas - Central Elgin Boundary Adjustment Act, 2023**

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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 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 *Affordable Homes and Good Jobs Act, 2023*.**

**SCHEDULE 1  
DEVELOPMENT CHARGES ACT, 1997**

**1 (1) Subsection 4.1 (1) of the *Development Charges Act, 1997* is amended by adding the following definition:**

“Affordable Residential Units bulletin” means 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; (“bulletin relatif aux unités d’habitation abordables”)

**(2) Paragraph 1 of subsection 4.1 (2) of the Act is repealed and the following substituted:**

1. The rent is no greater than the lesser of,
  - i. the income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (5), and
  - ii. the average market rent identified for the residential unit set out in the Affordable Residential Units bulletin.

**(3) Paragraph 1 of subsection 4.1 (3) of the Act is repealed and the following substituted:**

1. The price of the residential unit is no greater than the lesser of,
  - i. the income-based affordable purchase price for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (6), and
  - ii. 90 per cent of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin.

**(4) Subsections 4.1 (5) and (6) of the Act are repealed and the following substituted:**

**Rent based on income**

(5) For the purposes of subparagraph 1 i of subsection (2), in identifying the income-based affordable rent applicable to a residential unit, the Minister of Municipal Affairs and Housing shall,

- (a) determine the income of a household that, in the Minister’s opinion, is at the 60th percentile of gross annual incomes for renter households in the applicable local municipality; and
- (b) identify the rent that, in the Minister’s opinion, is equal to 30 per cent of the income of the household referred to in clause (a).

**Purchase price based on income**

(6) For the purposes of subparagraph 1 i of subsection (3), in identifying the income-based affordable purchase price applicable to a residential unit, the Minister of Municipal Affairs and Housing shall,

- (a) determine the income of a household that, in the Minister’s opinion, is at the 60th percentile of gross annual incomes for households in the applicable local municipality; and
- (b) identify the purchase price that, in the Minister’s opinion, would result in annual accommodation costs equal to 30 per cent of the income of the household referred to in clause (a).

**Commencement**

**2 This Schedule comes into force on the later of the day section 3 of Schedule 3 to the *More Homes Built Faster Act, 2022* comes into force and the day the *Affordable Homes and Good Jobs Act, 2023* receives Royal Assent.**

**SCHEDULE 2**  
**ST. THOMAS - CENTRAL ELGIN BOUNDARY ADJUSTMENT ACT, 2023**

**1 The title of the *St. Thomas - Central Elgin Boundary Adjustment Act, 2023* is repealed and the following substituted:**

**Supporting Manufacturing in St. Thomas Act, 2023**

**2 The Act is amended by adding the following heading before section 1:**

**PART I**  
**ST. THOMAS - CENTRAL ELGIN BOUNDARY ADJUSTMENT**

**3 Sections 1, 8, 11 and 12 of the Act are amended by striking out “this Act” wherever it appears and substituting in each case “this Part”.**

**4 The Act is amended by adding the following Part:**

**PART II**  
**ASSISTANCE PERMITTED**

**Definitions**

**12.1** (1) In this Part,

“assistance” means, except as otherwise provided in subsection (4),

- (a) a grant, including the giving of money and the selling or leasing of land for less than fair market value or the granting of land,
- (b) a total or partial exemption from any levy, charge or fee imposed during the assistance period, and
- (c) any other assistance as may be prescribed; (“aide”)

“assistance period” means 2023 to 2036 or to such other prescribed year; (“période d’aide”)

“land” includes buildings; (“bien-fonds”)

“prescribed” means prescribed by the regulations made under this Act. (“prescrit”)

**Assistance permitted**

(2) Despite the *Development Charges Act, 1997*, the *Building Code Act, 1992* and section 106 of the *Municipal Act, 2001*, the City of St. Thomas may, in accordance with this section, grant assistance directly or indirectly to 1000511515 Ontario Inc. during the assistance period.

**Total amount of assistance**

(3) The total of the amount of assistance, as defined in subsection (4), that is granted under this section shall not exceed the amount equal to the total amount that would otherwise be owed by 1000511515 Ontario Inc. before the assistance in respect of,

- (a) taxes for municipal purposes levied by the City of St. Thomas under the *Municipal Act, 2001* on real property during the assistance period; and
- (b) fees and charges imposed by the City of St. Thomas under any Act during the assistance period.

**Same**

(4) For the purposes of subsection (3), “assistance” means,

- (a) a grant, other than the selling or leasing of land for less than fair market value or the granting of land; and
- (b) a total or partial exemption from any levy, charge or fee imposed during the assistance period.

**Area where assistance may apply**

(5) For clarity and subject to the regulations, assistance granted under this section may apply to any area within the City of St. Thomas.

**Regulations**

(6) The Minister of Municipal Affairs and Housing may make regulations,

- (a) prescribing anything that is referred to in this section as being prescribed;
- (b) imposing restrictions, limits and conditions on the powers of the City of St. Thomas under this section, including providing that assistance or certain types of assistance may only apply to specified areas within the City.

**Commencement**

**5 This Schedule comes into force on the day the *Affordable Homes and Good Jobs Act, 2023* receives Royal Assent.**