

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Kristina Brcic, Team Leader – Development Approvals

Date: April 14, 2022

Subject: Bill 109 and Proposed Changes to the Planning Act

Recommendation

Direct Administration to submit official comments on behalf of the Municipality of Lakeshore to inform the Ministry of Municipal Affairs and Housing that the Municipality of Lakeshore does not support the incremental refund scale for land use planning applications as proposed in the *More Homes for Everyone Act, 2022*, due to the negative impact on municipal revenue, as presented at the April 26, 2022 Council meeting.

Background

In 2019, the Ontario government implemented the More Homes, More Choice: Ontario's Housing Supply Action Plan. In late 2021, nine industry leaders and experts were appointed to create the Task Force and provide the government with recommendations on further opportunities to address housing affordability. The Task Force's core area of focus is reduced red tape and accelerate timelines for home construction. These same points were raised in the Ontario Housing Affordability Task Force report to the Minister of Municipal Affairs and Housing dated February 8, 2022.

As a result, Bill 109 was read a first time on March 30, 2022 which included proposed changes to the Planning Act as part of the *More Homes for Everyone Act, 2022*. The proposed changes to the current land use planning system in Ontario would primarily benefit businesses by expediting development approval processes, increasing certainty, removing barriers, and enabling more timely

The *More Homes for Everyone Act, 2022* (Bill 109) received royal assent on April 14, 2022. However, some provisions come into force immediately while others come into force July 1, 2022 or January 1, 2023.

The public comment period, through the Ministry of Municipal Affairs and Housing, remains open until April 29, 2022.

Comments

Schedule 5 of Bill 109 (Appendix A) identifies the amendments and impacts that Bill 109 will have on the current *Planning Act*. Below is a brief explanation on the proposed key legislative changes to the *Planning Act* affecting the Municipality of Lakeshore.

Incremental Application Refunds

Bill 109 would implement changes in the current time frames for making decisions on amendments to the zoning by-law and official plan, as well as site plan applications. The Bill will also introduce an incremental refund scale in which the municipality would be responsible for providing a refund for the planning fees paid, based on no decision shown in the table below. This would apply to applications made on or before January 1, 2023.

Refund amount	Days following application of no decision		Days following failure to approve Site Plan
	Zoning By-law Amendment	Zoning By-law and concurrent Official Plan Amendment	
50%	90	120	60
75%	150	180	90
100%	180	240	120

Site Plan and Subdivision

Bill 109 intends to extend the clock for site plan approval from 30 days to 60 days before an applicant can appeal the site plan application to the Ontario Land Tribunal (OLT). In order to streamline development, decisions on site plan applications will be delegated to staff for applications made on or after July 1, 2022. With that, municipalities would be required to declare whether a site plan application is complete within 30 days of submission. In the case where the applicant is not informed of a complete application in 30 days, and the OLT determines whether a complete application has been submitted. Additionally, municipalities will be able to reinstate draft plans of subdivision that have lapsed within the past five years.

Community Infrastructure and Housing Accelerator

Bill 109 would establish a new Community Infrastructure Housing Accelerator (CIHA) tool to expedite zoning outside of the Greenbelt for priority community and housing projects. The CIHA tool would enable local municipalities to request a Community Infrastructure and Housing Accelerator order to regulate the use of land in a defined area and include other site specifics to permit certain types of development. The zoning order would not have to be consistent with the Provincial Policy Statement or conform to

any official plan or provincial plans. However, the CIHA tool will outline the requirements for involving the public through consultation and notice.

Official Plans and Amendments

Bill 109 looks to provide the Minister of Municipal Affairs and Housing the authority to “stop the clock” if additional time is required to decide on all official plan matters subject to the Minister’s approval, in comparison to the 120 days currently permitted under the Act. Thus, the Minister would be able to refer an official plan or official plan amendment to the Tribunal to either make a recommendation back to a Minister or make a final decision.

Financial Impacts

Currently, there are no financial impacts. However, once Bill 109 receives Royal Assent, we can expect changes will be required to our current application processes and increased volume of applications which will require more staff time to implement.

Should Council wish to provide comments to the province prior to the deadline of April 29, 2022, it is recommended that comments be submitted which state that Lakeshore does not support the incremental refund scale for land use planning applications, as it would have a negative impact on Municipal revenue, as per the Recommendation section of this report.

Attachments

Appendix A – Bill 109

Report Approval Details

Document Title:	Memo on Bill 109 and Proposed Changes to the Planning Act.docx
Attachments:	- Appendix A - Bill 109.pdf
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This report and all of its attachments were approved and signed as outlined below:

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