

Authority: Planning and Housing Committee Item PH20.6, adopted as amended by City of Toronto Council on April 23, 24 and 25, 2025.

## CITY OF TORONTO

### Bill 329

### BY-LAW -2025

**To adopt City of Toronto Municipal Code Chapter 513, Housing Programs and to repeal By-law 713-2024, to enact a new Municipal Housing Facility By-law and to repeal By-law 183-2022.**

Whereas the City is the Service Manager under the Housing Services Act, 2011, c. 6, Sched.1; and

Whereas under section 252 of the City of Toronto Act, 2006 the City may enter into agreements for the provision of municipal capital facilities; and

Whereas Ontario Regulation 598/06 sets out the classes of municipal capital facilities for which the City of Toronto may enter into such agreements, one of which is City housing project facilities; and

Whereas Ontario Regulation 598/06 requires that the City enact a municipal housing facilities by-law prior to entering into a municipal capital facility agreement for a City housing project facility; and

Whereas the City passed By-law 124-2016 being a municipal housing facility by-law, pursuant to the provisions of section 252 of the City of Toronto Act, 2006 and Ontario Regulation 598/06, to set out the definitions of and policies regarding the City housing project facilities; and

Whereas the City repealed By-law 124-2016 and passed By-law 1756-2019 as the new municipal housing facility by-law; and

Whereas the City repealed By-law 1756-2019 and passed By-law 72-2022 as the new municipal housing facility by-law; and

Whereas the City repealed By-law 72-2022 and passed By-law 183-2022 as the new municipal housing facility by-law; and

Whereas the City repealed By-law 183-2022 and passed By-law 713-2024 as the new municipal housing facility by-law; and

Whereas this By-law contains the elements of a municipal housing facility by-law required by Ontario Regulation 598/06;

The Council of the City of Toronto enacts:

1. A new By-law titled, Toronto Municipal Code Chapter 513, Housing Programs, be established substantially in the form attached as Schedule A to this By-law.
2. City of Toronto By-Law 713-2024 is repealed.

Enacted and passed on April , 2025.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

SCHEDULE A

**Chapter 513  
HOUSING PROGRAMS**

**ARTICLE 1  
DEFINITIONS**

**§ 513-1.1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ACT - the City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A, as amended.

AFFORDABLE HOUSING –

- A. For new affordable rental housing, means Housing Units with Monthly Occupancy Costs at or below Affordable Rents;
- B. For new rent-controlled housing, means Housing Units owned or operated by not-for-profit corporations, non-profit housing co-operatives, the Toronto Community Housing Corporation, or the Toronto Seniors Housing Corporation, with Monthly Occupancy Costs that are at or below 150 per cent of Average Market Rents when first charged to a new tenant and that are increased in respect of a tenancy not more than annually and by no more than the Rent Increase Guideline plus two per cent;
- C. For existing rental housing and affordable rental housing, means Housing Units acquired pursuant to the Multi-Unit Residential Acquisition Program, with Monthly Occupancy Costs at or below Affordable Rents;
- D. For existing affordable rental housing, means Housing Units:
  - i. in Former Federal Projects providing Low-Rent Units or Rent-Geared-To-Income Units; or
  - ii. forming part of the Tenants First Scattered Housing Portfolio, with Monthly Occupancy Costs at or below Average Market Rents;
- E. For existing affordable rental housing, a Housing Project where a Housing Provider that has entered into a service agreement with the Service Manager under Part VII.1 of the Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1 with Monthly Occupancy Costs at or below Average Market Rents for all Housing Units in the Housing Project;
- F. For assisted ownership housing, means Housing Units with a sale price at or below the Average Resale Price of a home; and

- G. Any other Housing Units authorized by City Council by way of a site specific by-law exemption, with Monthly Occupancy Costs at or below Affordable Rents.

**AFFORDABLE RENTS –**

- A. For municipal housing facility projects where affordability will be based on Average Market Rents, as determined by Council or the Executive Director under delegated authority, Monthly Occupancy Costs at or below Average Market Rents; or
- B. For municipal housing facility projects where affordability will be based on income, as determined by Council or the Executive Director under delegated authority, Monthly Occupancy Costs, as determined by the City, that are at or below 30% of the before-tax monthly income of renter households in the City as follows:
- i. studio units: one-person households at or below the 50th percentile income;
  - ii. one-bedroom units: one-person households at or below the 60th percentile income;
  - iii. two-bedroom units: two-person households at or below the 60th percentile income;
  - iv. three-bedroom units: three-person households at or below the 60th percentile income.

**AVERAGE MARKET RENTS** –average monthly City-wide rents by Unit Type as determined in the annual fall survey of City-wide rents for the prior calendar year published by CMHC; if CMHC does not publish an annual fall survey of City-wide rents for the prior calendar year, then Average Market Rents for the calendar year shall be City-wide average rents as determined by the Executive Director.

**AVERAGE RESALE PRICE** - the average City-wide resale price of a home as reported by the Ministry of Municipal Affairs and Housing (MMAH); if MMAH does not publish an Average Resale Price, then the Average Resale Price shall be determined by the Executive Director.

**CITY** – the City of Toronto.

**CMHC** – Canada Mortgage and Housing Corporation.

**COUNCIL** – Council of the City of Toronto.

**EXECUTIVE DIRECTOR** - Executive Director of the City's Housing Secretariat, and the Executive Director's designate or successor.

FORMER FEDERAL PROJECT - Housing Units which were developed and operated under sections 26, 27, and 95 of the National Housing Act R.S.C., 1985, c. N-11, where the operating agreements originally with CMHC have expired and which are or were formerly designated in the regulations for the purposes of subsection 68 (1) under the Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1 as a project in relation to which the City as service manager was responsible for administering a transferred housing program.

HOUSEHOLD INCOME - gross annual income from all sources of all persons who reside in a housing unit, or who will reside in a housing unit.

HOUSING BENEFIT – a non-repayable, monthly financial benefit provided to make rental housing more affordable.

HOUSING PROJECT – a project or part of a project designed to provide or facilitate the provision of residential accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto.

HOUSING PROVIDER – a person with whom the City has entered into or will enter into a municipal housing project facility agreement under Article 2.1.

HOUSING UNIT – includes a unit in a Housing Project owned or rented by an occupant.

INITIAL INCOME LIMIT - a gross Household Income at or below four times the annualized Monthly Occupancy Cost for the Housing Unit.

LOW-RENT UNITS - Housing Units with Monthly Occupancy Costs, prior to applying any Housing Benefit, at or below 80 per cent Average Market Rents.

MONTHLY OCCUPANCY COSTS - in the case of a rental housing unit, the total of the monthly rent payable to the landlord for a Housing Unit including the cost of hydro, heat, water and hot water; and monthly occupancy costs do not include charges for applicable taxes, parking, cable, internet, telephone or any other like charges.

MUNICIPAL HOUSING PROJECT FACILITY – the class of municipal capital facilities prescribed by paragraph 18 of subsection 2(1) of Ontario Regulation 598/06, as amended.

MUNICIPAL HOUSING PROJECT FACILITY AGREEMENT – an agreement as set out in Article 2.1.

MULTI-UNIT RESIDENTIAL ACQUISITION PROGRAM – the City program to fund the acquisition of new or existing multi-unit residential properties by the City, non-profit or Indigenous housing organizations, for the purposes of providing affordable housing.

NEW RENT-CONTROLLED UNITS means Housing Units defined under Subsection B of Affordable Housing.

RENT GEARED TO INCOME UNITS – housing units to which a Rent Supplement Agreement applies, with Monthly Occupancy Costs at or below Average Market Rents.

RENT SUPPLEMENT AGREEMENT - a contract for a non-portable Housing Benefit provided directly to landlords for households living in a specific Housing Unit.

RENT INCREASE GUIDELINE - the prevailing rent increase guideline established each calendar year pursuant to the Residential Tenancies Act, 2006, S.O. 2006, c. 17, or any successor legislation; in the event the rent increase guideline of the Residential Tenancies Act, 2006 or any successor legislation is repealed and not replaced with similar legislation, then the Rent Increase Guideline shall be determined by the Executive Director.

TENANTS FIRST SCATTERED HOUSING PORTFOLIO – single family housing units which were formerly owned by Toronto Community Housing and which are subject to a social housing program as defined in Section 453.1 of the City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A.

UNIT TYPE – the type of housing unit by number of bedrooms.

**§ 513-1.2. Interpretation.**

- A. In this chapter a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

**ARTICLE 2  
MUNICIPAL HOUSING PROJECT FACILITY AGREEMENTS**

**§ 513-2.1 General**

- A. Subject to Subsection B, Council may pass by-laws permitting the City to enter into Municipal Housing Project Facility Agreements, pursuant to section 252 of the Act, for the provision of Municipal Housing Project Facilities.
- B. Prior to entering into a Municipal Housing Project Facility Agreement, the following conditions must be met:
- (1) Council has enacted a by-law authorizing the entering into of the Municipal Housing Project Facility Agreement for the provision of the Municipal Housing Project Facility;
  - (2) All the housing units to be provided as part of the Municipal Housing Project Facility meet the applicable definition of Affordable Housing as set out in Article 1 of this chapter;
  - (3) The City is a service manager under the Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1; and

- (4) Public eligibility for the housing units to be provided as part of the Municipal Housing Project Facility will be determined in accordance with Section 2.4.

### **§ 513-2.2 Assisted Ownership Affordable Housing**

- A. A Municipal Housing Project Facility Agreement may, with respect to the provision of Affordable Housing that is an assisted ownership housing Municipal Housing Project Facility:
  - (1) Provide for financial or other assistance at less than fair market value or at no cost to the Housing Provider, which assistance may include:
    - (a) Giving or lending money and charging interest; and
    - (b) Giving, lending, leasing or selling property; and
  - (2) Provide development charges imposed by the City pursuant to the Development Charges Act, 1997, S.O. 1997, c. 27 at a preferred or discounted rate, or offer a deferral of all or a portion of the development charges, for the land or a portion of it on which a Municipal Housing Project Facility is or will be located; and
  - (3) Exempt land or a portion of it on which a Municipal Housing Project Facility is or will be located from payment of all or part of the development charges imposed by the City pursuant to the Development Charges Act, 1997, S.O. 1997, c. 27.
- B. Municipal Housing Project Facility Agreements for Affordable Housing that is assisted ownership housing shall include but shall not be limited to the following terms and conditions:
  - (1) The term of the agreement;
  - (2) that each Municipal Housing Project Facility meets the definition under Subsection F of Affordable Housing in Article 1.1;
  - (3) that each housing unit shall be made available to homebuyers in accordance with Subsection 2.4A(4);
  - (4) a list of benefits being conveyed in accordance with Section 2.2A;
  - (5) the legal mechanism to be used to secure the City benefits made available for the development of the Housing Unit;
  - (6) the method of determining the allocation of capital gains between the City and the homeowner on sale, if any; and

- (7) other terms and conditions satisfactory to the City Solicitor and the Executive Director, which may include, but which are not limited to any and all forms of property transactions together with any and all general or specific security as the Executive Director and the City Solicitor consider necessary and desirable.

**§ 513-2.3 Affordable Rental Housing**

- A. A Municipal Housing Project Facility Agreement may, with respect to the provision, lease, operation and maintenance of Affordable Housing that is a rental housing Municipal Housing Project Facility:
  - (1) Provide for financial or other assistance at less than fair market value or at no cost to the Housing Provider, which assistance may include:
    - (a) Giving or lending money and charging interest; and
    - (b) Giving, lending, leasing or selling property;
  - (2) Exempt land or a portion of it on which a Municipal Housing Project Facility is or will be located from payment of all or part of the development charges imposed by the City pursuant to the Development Charges Act, 1997, S.O. 1997, c. 27;
  - (3) subject to section 252(6) of the Act, exempt from taxation for municipal and school purposes land or the portion of it on which the Municipal Housing Project Facility is or will be located that:
    - (a) Is owned or leased by the Housing Provider; and
    - (b) Is entirely occupied and used or intended for use as a Municipal Housing Project Facility; and
  - (4) if a Municipal Housing Project Facility Agreement contains those provisions set out in Subsection 2.3A(3), a by-law distinct from the by-law referred to in Section 2.1A shall be enacted and the information set out in Subsection 2.3A(3) shall be set out in that by-law and the by-law shall specify an effective date which shall be the date of passing of the by-law or a later date.
- B. Municipal Housing Project Facility Agreements for rental housing that is Affordable Housing shall include but shall not be limited to the following terms and conditions:
  - (1) the term of the agreement;

- (2) that each Municipal Housing Project Facility meets the definition under Subsections A, B, C, D, E or G of Affordable Housing set out in Article 1.1;
- (3) that each Housing Unit shall be made available to tenants in accordance with Subsections 2.4A(1), (2), and (3);
- (4) a list of benefits being conveyed to the Housing Provider in accordance with Section 2.3A;
- (5) for Former Federal Projects a minimum of 50 percent of the Housing Units must be Low-Rent Units;
- (6) the Monthly Occupancy Costs which can be charged for each Housing Unit in the Municipal Housing Project Facility for the first year of the term and the mechanism by which such Monthly Occupancy Costs may annually increase and the restrictions on such annual increases; and
- (7) other terms and conditions satisfactory to the City Solicitor and the Executive Director, which may include, but which are not limited to any and all forms of property transactions together with any and all general or specific security as the City Solicitor and the Executive Director, consider necessary and desirable.

#### **§ 513-2.4 Eligibility for Housing Units**

- A. Subject to Subsection B, eligibility for Housing Units to be provided as part of a Municipal Housing Project Facility will be determined as follows:
  - (1) for rent-geared-to-income units, tenants will be selected in accordance with the Housing Services Act, 2011, regulations under the Housing Services Act, 2011 and any policies adopted by the City in accordance with the Housing Services Act, 2011;
  - (2) for units with Affordable Rent, tenants will be selected from a City centralized affordable rental housing access system or from the waiting lists of community agencies, non-profit agencies or other groups provided that tenant selection is carried out through a non-discriminatory process satisfactory to the Executive Director;
  - (3) for New Rent-Controlled Units, tenants will be selected by the landlord provided that, when entering into the tenancy for the Housing Unit, the tenant has a Household Income at or below the Initial Income Limit and provided that tenant selection is carried out through a non-discriminatory process to the satisfaction of the Executive Director; and

- (4) for Affordable Housing that is assisted ownership housing, homebuyers will be selected by the vendor, provided that homebuyer selection is carried out through a non-discriminatory process to the satisfaction of the Executive Director, homebuyers are selected from the waiting lists of community agencies, non-profit agencies or other groups, and can include income and other homebuyer eligibility requirements as required by the City from time to time.
  
- B. Housing Units subject to a Municipal Housing Project Facility Agreement shall not be rented or sold to a shareholder or director of a Housing Provider, or any individual not at arm's length to the Housing Provider or shareholder or director of the Housing Provider unless the Housing Provider is a non-profit co-operative as defined in the Co-operative Corporations Act, R.S.O. 1990, c. C.35, as amended, or is a not-for-profit corporation.

### **§ 513-2.5 Transition**

- A. Despite the repeal of By-law 713-2024, none of the provisions of this chapter shall impact Municipal Housing Project Facility Agreements entered into or exemptions from taxation for municipal and school purposes passed under By-law 713-2024.
  
- B. Any reference to By-law 713-2024, or any provision of it is deemed to be a reference to this chapter, modified as necessary.