

Proposed Amendments to the *City of Toronto Act, 2006***Table 1: Policy Amendments**

	COTA Reference	Amendment Request	Rationale	Category	Origin
1	Part III, Land Use Planning	<p>Role of Ontario Municipal Board</p> <p>Abolish the Ontario Municipal Board's (OMB) jurisdiction over Zoning By-law Amendments, Official Plan Amendments, Site Plans, Urban Design Guidelines, Subdivision and Condominium Plan Approvals and Community Improvement Plans and appeals under the Heritage Act.</p>	<p>This will enable City Council to be the final decision maker with regard to land use planning. OMB members are often unfamiliar with Toronto's Official Plan and the local planning context, thus City Council is better suited to be the final decision maker on these issues.</p>	Planning	Council decision
2	Part III, Land Use Planning	<p>Appeals to Ontario Municipal Board</p> <p>Provide authority to put limits on OMB appeals including a) no global appeals of Council's decision to adopt entire thematic official plan policy amendments and secondary plans; b) no rights of appeal for any official plan amendment intended to bring municipal official plans into conformity with Provincial policies and plans; c) a freeze on all privately initiated OP amendments of newly approved OP policies stemming from comprehensive thematic reviews of the OP and other comprehensive area-based secondary plan reviews for 2 years; and d) no right of appeal of Council decisions that refuse a privately initiated application to amend a municipally initiated official plan amendment for a 3-year period at the end of the two year freeze noted above.</p>	<p>The City is required to adopt OP policy amendments that are consistent with Provincially mandated land use policies. OP amendments that are developed to meet Provincial policy requirements should not be subject to appeals to the OMB appeals or to approval by the OMB.</p> <p>Additionally, given the comprehensive approval and public engagement process involved in approving OP policy amendments, a two-year freeze will enable such amendments to take root without the immediate ability for individuals or public bodies to submit amendment applications to launch changes to the newly adopted policy amendments.</p>	Planning	Council decision
3	Part III, Land Use Planning	<p>Official Plan Review Period</p> <p>Provide authority for a statutory 10 year official plan review period that includes comprehensive thematic reviews and</p>	<p>Given the length of time it takes to conduct an Official Plan Review a 10 year review period is required to ensure greater weight to Council</p>	Planning	Council decision

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		other comprehensive area-based secondary official plan reviews, commencing from the date that the official plan policies identified by Council as forming part of the review, come into effect.	decisions regarding Official Plans and OP amendments.		
4	Part III, Land Use Planning	<p>Public Submissions on Planning Decisions</p> <p>Exempt Toronto from the proposed requirement that reference to written and oral submissions received/made at statutory public meetings be included in the meeting decision document and provide flexibility for the City to utilize alternative ways to communicate such information.</p>	This exemption is required given the number and volume of planning applications that would require an explanation in a notice of decision from Council regarding the effect public submissions had on their decisions.	Planning	Council decision
5	Part III, Land Use Planning	<p>Timelines for Planning Decisions</p> <p>Enable the City to extend Council's timelines for making planning decisions before "failure to proceed" appeals can be made for applications including a) Official Plan amendments be increased from 180 days to 240 days; b) Zoning by-law amendments be increased from 120 days to 180 days; and c) Zoning by-law amendments that run concurrently with an official plan amendment be increased from 180 days to 240 days.</p> <p>Extend the period required for Alternative Dispute Resolution after an appeal has been made on a planning application matter to the OMB from the proposed 60 days to 90 days.</p>	<p>An increase in Council decision making timelines will enable the City to undertake improved front-end consultation and collaboration with applicants and the public.</p> <p>A 90-day time-out period for Alternate Dispute Resolutions is required given the frequency with which Council meets and the number of matters before Council at each meeting.</p>	Planning	Council decision
6	Part III, Land Use Planning	<p>Local Appeal Body (LAB) Authority and Fees</p> <p>Extend the City's authority to change or dissolve a local board to include Local Appeal Body (LAB).</p>	This will ensure the City has consistent powers to change or dissolve a LAB as it does with other local bodies. It will provide the City with consistent powers to govern a LAB comparable	Planning	Council decision

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		Also provide the authority for the City recover the cost of a LAB through planning application fees and remove the right to appeal LAB fees.	to the powers the Province has to govern the OMB.		
7	Part III, Land Use Planning <i>(Requires a regulation)</i>	<p>Zoning Related Implementation Tools</p> <p>Enact a regulation to enable the City to use inclusionary housing powers provided in COTA to require the provision of affordable housing as part of the approval of new development.</p> <p>Also, enact a regulation to permit the use of zoning that includes conditions dealing with a comprehensive range of matters including but not limited to transportation, natural heritage, housing, community services and facilities; and phasing requirements.</p>	<p>A regulation to permit the City to use inclusionary housing will enable the City to better respond to Ontario's planning and anti-poverty objectives, and support the City's Official Plan objectives and affordable housing strategy.</p> <p>A regulation to permit the City to zone with conditions will enable the City to implement Official Plan policy and zoning by-law provisions, improve development application outcomes and encourage business investment and further protect employment lands for non-retail employment uses and ensure development implements climate change objectives.</p>	Planning	Council decision
8	Part III	<p>Affordability Covenants</p> <p>Enable the use of positive covenants by the municipality to control the resale of homes into which public funds have been invested, allowing the public benefit to pass to subsequent owners of the land.</p> <p>A covenant that dictates to whom a house must be sold (another low income family) and a formula for determining the price (to maintain the affordability) cannot currently be registered by the City, which has invested considerable public resources into ensuring the affordability of the home</p>	This will enable the City to support strategic objectives for affordable housing. Without the ability to employ these covenants to control the resale of the home, while the public funds are repaid by the first homeowner when the house is sold, the house is lost to the affordable housing market, a missed opportunity to support affordable housing objectives.	Service Delivery	Staff recommendation

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		for the first homebuyer.			
9	Part III, s.110(1)	Harmonized sign regulations Revoke section 110 which limits the City's ability to pass bylaws governing existing signs.	This will provide City Council with the authority to make decisions regarding the governance of all existing and proposed signs to ensure greater consistency and efficiency of sign regulations.	Service Delivery	Council decision
10	Part IV	Public Service By-law Require the City to have formal public service legislation in the form of a municipal by-law, consistent with provincial and federal public service legislation.	A public service by-law will support an appropriate separation between the administrative and political components of Toronto's government and advance accountability and transparency.	Governance	Staff recommendation
11	Part V	Time Limit for Investigations under the Lobbying By-law Provide a two-year time limit for investigations of Provincial Offences Act charges under City's Lobbying By-law.	An extension to the time limit for investigations will enable more investigations to be completed, and enhance oversight and accountability. The default time limit of 6 months is insufficient in most cases to complete an investigation, given that breaches of the Lobbying By-law tend to be complex, requiring production of documents and interviews of witnesses.	Accountability	Staff recommendation
12	Part V	Jurisdiction of Ombudsman and Restricted Boards Extend the jurisdiction of the Toronto Ombudsman to include the Toronto Library Board.	This will advance accountability and transparency.	Accountability	Library Board decision
13	Part V	Jurisdiction of Auditor General and Restricted Boards Extend the jurisdiction of the Auditor General to include the Toronto Police Services Board, Toronto Public Library	This will advance accountability and transparency.	Accountability	Council decision

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		Board and the Board of Health.			
14	Part VII	Joint and Several liability Enable the City to utilize an alternative ‘victims funding mechanism’ once approved by the Courts.	This will reduce liabilities for the City balanced with appropriate protection for victims. Currently, the City can be found 1% liable for an insurable claim but be assigned most or all of the costs.	Governance	Staff recommendation
15	Part VIII, s.245 (<i>O. Reg 610/06</i>)	Expanded Investment Authority Remove the prescriptive list of eligible investments to sections 42 and 42.1 of Regulation 610/06 Financial Activities and replace it with the Prudent Investor Standard.	By allowing the City to invest in the same manner as a Prudent Investor, there is an opportunity for the City to increase its annual investment returns.	Financial Sustainability	Staff recommendation
16	Part X	New Development Levy Explore potential amendments to implement new levies on land development.	City Council requested staff to review potential new levies on land development in order to achieve full-cost recovery of growth-related capital expenditures from land development projects.	Financial Sustainability	Council decision
17	Part XI, s.278(1) - 278(4)	Prescribed Subclass Tax Reductions Repeal subsections 278(1) to (4), which set rules for subclass tax reductions and provide regulation making power to the Minister to effect those rules and requires City to incorporate those reductions in its by-law.	This will provide the City with flexibility to determine policies and application of tax reductions on subclasses of properties (e.g. vacant portions). Reducing the subclass reduction percentage for vacant properties may provide an incentive to develop properties that are currently vacant and being held for assembly or development.	Financial Sustainability	Staff recommendation
18	Part XII, s.288 to s.302	Capping Requirements Repeal or amend Part XII related to limits on tax changes on the restricted classes (CIM) to enable the City to have	The will enable the City to have flexibility in determining how limits on annual tax increases (tax capping/claw-back) are administered.	Financial Sustainability	Staff recommendation

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		discretion to establish policies in respect of mitigating assessment related tax changes on the restricted classes (CIM).	Increasing allowable thresholds for tax capping or increasing the allowable annual increase will move more properties to full CVA taxation levels. This will restore equity to a large number of properties that continue to have taxes clawed back in order to fund the tax caps on a shrinking number of properties that continue to be protected from increases.		
19	Part XI, s.280 <i>(Amend O. Reg 121/07)</i>	Railway and Power Utility Property Tax Amend regulations that prescribe applicable rates for the municipal portion and education portion of taxes for railway and power utility rights of way. The regulations should require an annual inflationary adjustment in the “mature rate” which should phase-in rate changes that more properly reflect the market value of the land over time.	This will increase revenue collected by the City, supporting municipal financial sustainability. Provincially prescribed "mature rates" for taxing railway roadways and hydro transmission corridors have not changed since 2005.	Financial Sustainability	Council decision
20	Part XI, s.285 <i>(Amend O.Reg. 121/07)</i>	Heads and Beds Taxation Levels Amend Section 285 by replacing the “heads and beds” levy with a levy based on property’s current value assessment (as returned on the Assessment Roll) times the appropriate tax rate or alternately, to incorporate an annual inflationary increase in prescribed "Heads and Beds" rate. Also amend sections related to payment-in-lieu (PIL) revenue from Provincial institutions (hospitals, university residences and correctional facilities).	This will increase revenue collected by the City, supporting municipal financial sustainability. Current provincial payment-in-lieu (PILs) are substantially lower than taxes that would be payable if PIL was based on assessment and tax rates. The "heads and beds" rate, at \$75 per resident space, university/college space or hospital bed, has not changed since 1987.	Financial Sustainability	Council decision
21	Part XIII s.331	Vacant Unit Rebates Amend the Vacant Unit Rebate provisions for commercial and industrial properties to provide the City with flexibility	This will ensure that the vacant unit rebate program aligns with the City's broader economic growth and job creation objectives while at the same time encouraging landlords to take efforts	Financial Sustainability	Council decision

	COTA Reference	Amendment Request	Rationale	Category	Origin
		to apply additional eligibility criteria or to alter other program requirements. Amendments should enable the City to a) define eligibility criteria that may differ between commercial and industrial properties, to ensure that employment/industrial properties remain in employment uses; b) set time limits on rebate eligibility, or to reduce rebate percentages where properties receive rebates in successive years for continuously vacant space; c) allow that short-term occupation of vacant properties does not disqualify property owners from receiving vacant unit rebates, to encourage the ability of vacant storefront properties to be used for short-term pop-up shops or incubator businesses, subject to City-defined criteria; and d) allow discretion to define special provisions that may apply to small storefront retail operations, where prolonged vacancies can lead to locally depressed rental potential.	to keep properties occupied to maximize the benefit from the vacant unit rebate program.		
22	Part XIV, s.350 (9)	Public Sale - Adverse possession Enable the City or its agencies or corporations, and all lands owned or managed by the City or its agencies or corporations to be exempt from claims for adverse possession or prescriptive rights for municipal property devoted to public use. This change should apply retroactively.	This will extend the protection against claims of adverse possession that is already afforded to municipal streets and highways to include municipal land devoted to public use. There is significant risk that the City may potentially lose the ownership of public parkland (City and/or TRCA owned) in the absence of legislative change and there is precedent in other jurisdictions to provide such protection for municipal lands.	Service Delivery	Staff recommendation
23	Part XV, s.381.1	Provincial Offence enforcement and unpaid fine collection Enable the City to have defaulted fines added to the tax roll	This will provide the City with greater flexibility to collect defaulted fines. Currently it is overly limiting that defaulted fines cannot be added to	Service Delivery	Council decision

	COTA Reference	Amendment Request	Rationale	Category	Origin
		of a property where any of the owners of the property is responsible for paying the fines.	the tax roll if the property is owned by more than one owner. Defaults do result in civil cases where the property can be seized which is more punitive than requiring all property owners to be responsible for defaulted fines in proportion to their ownership of the property.		
24	Part XV	Administrative Sanctions Provide authority to impose administrative sanctions, including administrative monetary penalties, for a range of offences.	This will provide the City with effective enforcement tools for lobbying and other offences.	Governance	Council decision
25	Part XIX	Social Housing Service Level Standards Provide an exemption to enable the City to utilize a range of service options (e.g. housing allowances) to meet the Service Level standard (SLS) set in the <i>Housing Services Act</i> .	This will provide the City with greater flexibility and capacity to meet residents' diverse housing needs, make better use of the subsidy currently invested in the social housing system and support the City's anti-poverty objectives.	Service Delivery	Council decision
26	Part XIX, s.453.1 (16)	Social Housing Agreements Extend the provision that enables the City to enter into agreements with an owner and/or operator proposing a new development for the purposes of a social housing program to include agreements with an owner/operator operating an existing social housing program.	This will provide the City with more effective tools when dealing with a property owner that is already operating an existing social housing program.	Service Delivery	Staff recommendation

Table 2: Technical Amendments

	COTA Reference	Amendment Request	Rationale	Category	Origin
1	Part I s.3(1) & Part IX, s.264(2)	Solid Waste Fees Include waste management in the definition of public utility to permit outstanding solid waste fees to be added to the tax rolls for individual condominium units in the same manner as outstanding water fees.	This will enable the City to add solid waste fees to the tax rolls for individual condominium units rather than to the condominium corporation which will result in greater revenue collection.	Financial Sustainability	Council decision
2	Part II, s.11	Conflict with Legislation Amend Section 11 to remove ‘frustration of purpose’ as defining a ‘conflict’.	This will help determine legislative intent when there is a conflict between legislation.	Service Delivery	Staff recommendation
3	Part II, s.25	Regulations re: Provincial Interest Amend or repeal Section 25 to require province to identify “provincial interest” and/or provide notice to (and consultation with) the City.	This will help determine legislative intent.	Service Delivery	Staff recommendation
4	Part III s 42	Liability related road repairs Amend S.42 (6) to ensure written notice of injury claims sent to the Clerk include the date, time and location of the occurrence.	This is required to ensure the language in the statute reflects the intent of the provision.	Service Delivery	Staff recommendation
5	Part III, s.104 & s.105	Trees and exceptions (Natural Environment) Amend the following: 1. Subsections 104(3) (c) (c.1) and (d), and subsections 105(2)(a), (a.1) and (d) to include the word “express” immediately before the word “condition”. 2. Subsection 104(3) (c) and (d) and subsection 105(2) (a)	The first two changes clarify that an express condition stating that trees must be injured or removed must be included in a planning decision in order for a property owner to be exempt from the City’s tree by-law. The third item excludes conditions of consent as a circumstance where owner would be	Service Delivery	Staff recommendation

	COTA Reference	Amendment Request	Rationale	Category	Origin
		and (b) to include the word “express” immediately before the word “requirement”. 3. Subsection 104(3) (c) and subsection 105(2) (a) to delete the word “consent” and to delete the reference to section 53 of the Planning Act.	exempt from the tree by-law – City only conducts cursory reviews of consent applications and can’t attend all tree-related OMB hearings. It is more appropriate for owners to submit a tree permit application in advance of or in conjunction with a consent application and enable staff to undertake appropriate review.		
6	Part III, Land Use Planning	Planning Advisory Committee Exempt the City from the mandatory provisions to establish a Planning Advisory Committee (PAC) through Council and provide greater flexibility in how the City can establish planning advisory committee(s)/	This will provide the City with greater flexibility to utilize existing public engagement activities for the City's high volume of applications to meet the intent of this Planning Act provision.	Planning	Council decision
7	Part III, s.111	Rental Housing Protection Enable the City to register agreements on title to protect rental housing from conversion or demolition.	This will bind both current and future owners of properties regarding demolition and conversion regulations and make the application of the existing legislation more effective and longer-term.	Planning	Staff recommendation
8	Part III, s.114(1)	Development Definition Amend the definition of development to ensure that proposed alterations are based on the legal use and not the actual use of the property.	This is required to ensure that building permits are recognized and issued based on the legal use and not the actual use of the property.	Planning	Staff recommendation
9	Part VI, s.189(4)	Electronic Participation in Local Board Meetings Extend the provision for electronic meeting participation currently provided for City Council meetings to include	This will enable local boards to utilize technology for board meetings for electronic participation, consistent with City Council.	Governance	Staff recommendation

	COTA Reference	Amendment Request	Rationale	Category	Origin
		meetings of local boards.			
10	Part VI., s.190	Confidentiality Amend the section to remove a discrepancy between COTA s. 190, City practices regarding confidential reports, and <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA)	This is a technical change to remove a discrepancy between two Acts.	Governance	Staff recommendation
11	Part VI, s.193	Acting Head of Council Amend the section to clarify the role of the "acting head of council".	This will clarify whether the "acting head" assumes all statutory duties of the Mayor or merely the responsibilities for chairing Council meetings.	Governance	Staff recommendation
12	Part VII, s.236	Default in Providing Information Repeal this section which permits the Minister of Finance to retain any money payable to the City if the City or any officer of the City has not provided the Minister of Municipal Affairs and Housing with any information that the City or officer is required to provide under Part VII of the Act.	This section contradicts the general intent of the Act. It demonstrates external control over the City's business and does not recognize the City as a mature order of government, responsible for matters within its jurisdiction.	Financial Sustainability	Staff recommendation
13	Part VII, s. 240	Collection of Fees related to Provincial Offences Enables collection agency fees to be added to, and considered part of the fine, being collected.	This change will ensure costs of outstanding fine collection are fully recovered, consistent with regulations of the <i>Provincial Offences Act</i> provisions.	Service Delivery	Staff recommendation
14	Part VII, s.242	Reserve Funds Repeal Section 242 which permits the Minister to, by regulation, require the establishment of a reserve fund for prescribed liabilities and prohibit the City from changing the	This section restricts the City in managing its own financial affairs in a financially prudent and cost-effective manner, while following the generally established financial practice	Financial Sustainability	Staff recommendation

	COTA Reference	Amendment Request	Rationale	Category	Origin
		purpose of such a reserve fund.	standards. This limitation is inconsistent with the purpose of COTA which recognizes the City as responsible for managing affairs within its jurisdiction.		
15	Part XIII, s.308 and 309 Part 1, s.3(1) (Amend O.Reg. 122/07)	Contents of Tax Bill Remove the prescriptiveness of municipal tax bills to allow the City a) to issue tax bills electronically; b) have discretion on contents and format of tax bill; c) communicate directly with taxpayers via the property tax bill; and d) address new taxation programs or initiatives that are unique to Toronto, e.g. graduated tax rates, 4-year assessment phase-in, solid waste collection rebate, and/or other City-initiated rebate/relief programs.	This will provide efficiencies and cost savings in printing and postage, will help conserve resources and encourage more efficient payment means through electronic payments.	Financial Sustainability	Staff recommendation
16	Part XV s.376(3)	Water Samples Amend this section to provide that split samples are required only where technically feasible.	Amending this section will mitigate the risks the City faces during litigation. It is not technically possible to split a sample of water and maintain the integrity of either one.	Service Delivery	Staff recommendation
17	Part XV s.385(1)	City Orders and Remedial Actions Amend the subsection to include a requirement for the submission of applicable fees/security deposits and studies as required, to do work to correct the contravention of by-law as provided for in this section.	This will enable the City to require the submission of technical reports or documents and security deposits, where required to ensure work is completed properly to address a by-law contravention.	Service Delivery	Staff recommendation
18	Part XV, s.387(6)	Closing Premises, Lack of License, Forfeiture of Bond Amend the subsection to have bonds forfeited payable to the City, not the Crown.	The will ensure that payment to the City offsets the costs the City incurs for investigation, prosecution and court application to enforce its licensing by-laws.	Service Delivery	Staff recommendation

	COTA Reference	Amendment Request	Rationale	Category	Origin
19	Part XVII, s.399 (1) (and Amend Section 27 of the Assessment Act)	TTC Property Tax Exemptions Expand the tax exemption provided in this section to include lands leased by the TTC or City that are used in connection with the transportation system. Ensure consistency between this section and the Assessment Act by stating S.399 applies notwithstanding section 27(13) of the Assessment Act	This change will ensure property taxes are not levied on property which is leased by the TTC or City for the purpose of operating a passenger transportation system in addition to the current exemption for land that is owned by the TTC or City for this purpose.	Governance	Staff recommendation
20	Part XVII, s.401	TTC Sick Benefits Repeal the section that prescribes the sick benefits the TTC must provide to employees.	This change will ensure the TTC has flexibility to provide appropriate sick plans without prescribed restrictions.	Governance	Staff recommendation
21	Part XVII, s.406(4)	Powers to delegate to Board of Gov. Exhibition Place and Canadian National Exhibition Assoc. Repeal or amend this subsection as it is no longer required.	This subsection is no longer required as the City relies on general powers to delegate to city boards such as the Exhibition Place Board of Governors and thus does not require a specific section for this delegation.	Governance	Staff recommendation
22	Part XVII, s.411 (Amend HPACC Act)	Hummingbird Centre Repeal section referring to the Hummingbird Centre and repeal the <i>Hummingbird Performing Arts Centre Corporation Act, 1998</i> (HPACC).	This update will reflect that since 2006, the Sony Centre for the Performing Arts replaced the Hummingbird Centre.	Governance	Staff recommendation
23	Part XIX, s.455(4)	Documentary Evidence Expand this section which provides that various records can be admissible as evidence to include other types of City records.	This will enable the City to include other types of records such as electronic records of electronic payment for parking and records of permit issuance (i.e. animal permits and	Service Delivery	Staff recommendation

	COTA Reference	Amendment Request	Rationale	Category	Origin
			permits for bin placement on roadways).		
24	O.Reg 589/06 s.3	Clean Air Partnership Amend O.Reg 589/06, to delete any reference to the Toronto Atmospheric Fund Foundation (currently the Clean Air Partnership).	This update will help avoid confusion that the Clean Air Partnership board is not deemed a local board by that regulation.	Governance	Council decision
25	O.Reg 590/06	Licensing residential movers Enable the City to license and regulate household movers.	This will help protect consumers by providing a regulatory regime that sets out standards of practice and provides a framework for dealing with complaints.	Service Delivery	Council decision