

## **Review of Bill 109, the More Homes for Everyone Act, 2022**

Date: April 26, 2022

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

### **SUMMARY**

---

On March 30, 2022, the Province announced the More Homes for Everyone Plan and introduced Bill 109, *More Homes for Everyone Act, 2022*. The legislative changes respond in part to consultations and recommendations from the February 8, 2022 Report of the Housing Affordability Task Force (HATF) which included 55 recommendations to increase the supply of market housing in Ontario.

Staff's report on the Task Force's recommendations were to be considered by Executive Committee on March 30, 2022. However, on the same day, the Province introduced changes to the *Planning Act*, the *City of Toronto Act, 2006*, the *Development Charges Act* and other statutes to implement some of the recommendations in the HATF report.

Bill 109 has been posted on the Provincial ERO website for comments up until April 29, 2022. Despite the fact that the commenting timeframe has yet to close, the Province gave third reading and Royal Assent to the Bill on April 14, 2022 bringing the bill into effect.

This report provides commentary and recommendations with respect to the legislative changes introduced in Bill 109 to the *Planning Act*, *Development Charges Act* and the *City of Toronto Act, 2006*.

Similar to the HATF report, the legislation is based in large part on the premise that reduced housing affordability is a function primarily of an increase in population and the lack of housing supply. The legislation is targeted at reducing "red tape", accelerating the development application review timelines and streamlining the approvals process.

While staff support the general intention of streamlining processes to assist in increasing housing supply, demonstrated recently by the City's Concept to Keys process transformation initiative, the Bill fails to recognize that the planning approval process is a fundamentally iterative process whereby the community, applicants and

city divisions, external agencies and provincial Ministries collaborate in partnership to find solutions and work to avoid adjudicated outcomes.

Staff have concerns with respect to the implications of the amendments and the subsequent consequences that many of the amendments will create. The Bill will significantly alter local decision making with respect to the development application process and has the potential to move the decision making to the Ontario Land Tribunal and inadvertently create delays.

This report was prepared in consultation with staff from City Legal, Corporate Financial Strategy and Policy and Parks, Forestry and Recreation.

## **RECOMMENDATIONS**

---

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council express its concerns to the Province that Bill 109 received Royal Assent before the stated commenting period of April 29, 2022 expired.
2. City Council request the Province to consult with the City prior to issuing any additional draft regulations associated with Bill 109, such that the City can fully understand and analyze the impact of any proposed changes comprehensively, including the cumulative financial impacts.
3. City Council express its concern to the Province with respect to the removal of the transition clause associated with the Ministerial review of Official Plans and Amendments as it has the effect of deeming existing Council-adopted amendments, currently awaiting Ministerial approval, to be indefinitely suspended.
4. City Council express its concern to the Province that the referral of official plan amendments subject to Ministerial approval are no longer sheltered from protracted hearings at the Ontario Land Tribunal.
5. City Council express its concern to the Province with the inclusion of application fee refunds in the legislation.
6. City Council request the Province to explore other avenues to help municipalities expedite approvals in an effort to deliver new housing.
7. City Council express general support for the policies underpinning the Community Infrastructure and Housing Accelerator (CIHA) tool provided that it, and the Minister's Zoning Order powers, are utilized prudently and do not create a parallel approval process with little consultation and diminished adherence to provincial policy.
8. City Council request the Province to consult on any regulations authorizing owners of land, and applicants for approvals in respect of land use planning matters, to stipulate the specified types of surety bond or other instrument to be used to secure an obligation imposed by the municipality.

9. City Council reiterate its request to the Province to introduce the ability to register agreements for Community Benefits Charge in-kind contributions against the land to which it applies, thus permitting a municipality to enforce the provisions against the owner and, subject to the provisions of the *Registry Act* and the *Lands Titles Act*, any and all subsequent owners of the land.

## **FINANCIAL IMPACT**

---

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year.

While there are no immediate impacts on staffing resources, the Bill will have significant impacts on the City's ability to review applications in a timely way and will likely have the impact of the need to retain more staff to undertake the review of the development applications in order to minimize application fee refunds. This will be a challenge given the highly competitive hiring market. Staff will need to assess and report further to Council on the implications to staffing resources resulting from these legislative changes including any impacts on the existing development application fees and any necessary changes to business processes.

## **DECISION HISTORY**

---

At its meeting on May 14, 2019, City Council considered the report CC7.3 Proposed Bill 108 (More Homes, More Choice Act, 2019) and the Housing Supply Action Plan - Preliminary City Comments, which highlighted the proposed changes to the *Planning Act*, Local Planning Appeal Tribunal Act, Ontario Heritage Act and the *Development Charges Act*. The report provided preliminary comments on the potential impact on municipal land use planning, the development approval process, heritage conservation and funding for community facilities and infrastructure.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC7.3>

At its meeting on July 16, 2019, City Council considered the report CC9.7 More Homes, More Choice Act - Budgetary Considerations, which identified the budgetary considerations related to the implementation of Bill 108 and the measures staff were taking to work with the Province to ensure appropriate regulations are adopted. The report also communicated to program areas what may be reasonable assumptions for 2020 budget purposes.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.7>

At its meeting on November 26, 2019, City Council considered the report MM12.29 Bill 138 - Preliminary City Comments, which summarized amendments to Bill 108 proposed through the Plan to Build Ontario Together Act (Bill 138).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM12.29>

At its meeting on June 1, 2021, Executive Committee considered the report EX24.4 *Bill 197 and Growth-Related Funding Tools Update*. The report provided an update on the City's approach to the legislative requirements set out in Bill 197 for municipal growth funding tools and outlined a work plan to deliver updated City by-laws for Council consideration in Q2 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX24.4>

At its meeting on March 30, 2022, Executive Committee referred Item EX31.11 to the City Manager and requested the City Manager, in consultation with the Chief Planner, the Executive Director Housing Secretariat, and the City Solicitor as appropriate to report to the Planning and Housing Committee on the new "More Homes for Everyone Plan" legislation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EX31.11>

## COMMENTS

---

As noted in staff's report dated May 16, 2022 to Executive Committee ([EX31.11](#)) the HATF report is heavily focussed on the role of municipal approvals, how these affect development, and the resulting effects on housing supply. The HATF report is focussed on how streamlining approvals would benefit affordability. The City of Toronto is committed to improving the development review process for applicants, staff, partners and the public. However, multiple additional factors not addressed in the Task Force report are also contributing to Toronto's crisis in housing affordability, beyond simply the municipal role and timing of approvals in the supply of housing. These include the effects of low interest rates, investor demand, net immigration and non-resident purchasers, blind bidding practices, and the price point of new housing supply compared to affordable supply. In addition, the number of housing units constructed does not necessarily correspond to the number approved. On average, the City approves +/- 28,000 residential units per year, but only +/- 15,000 get built. Availability, access and affordability of housing is complex, requiring an all-of-government and all-of-community response.

### **Impacts of Bill 109 Planning Act Changes**

#### **Minister Review of Official Plans & Amendments – Suspension of the Timeline**

Prior to the enactment of Bill 109, the *Planning Act* provided the Minister 120 days to make a decision on official plan matters for which the Minister is the approval authority. While there is no change to the timeline, Bill 109 has introduced a new discretionary authority to suspend the approval timeline for new official plan and official plan amendments that are before the Minister for review. This "stop the clock" authority is retroactive to amendments submitted prior to the enactment of the Bill. The effect of this change is to alter the 'legislative framework' mid-stream for matters approved by City Council awaiting Ministerial consideration. Staff are of the opinion that matters that are currently before the Minister should have been exempted from this legislative change.

The City of Toronto currently has two Official Plan Amendments (OPAs) submitted for Ministerial approval both of which pertain to Protected Major Transit Station Areas, in compliance with the *Planning Act*.

- OPA 524 – 16 PMSTAs in the Downtown, Council Item ([PH30.3](#))
- OPA 482 – 2 PMTSAs in the Keele-Finch Secondary Plan Area, Council Item ([PH19.1](#))

One of the amendments has been before the Minister in excess of a year. In the absence of transition policies in the legislation, key municipal policies may not advance in timely fashion. The amendments referenced above are the remaining legislative policy approval requirements in order for the City to implement Inclusionary Zoning which presents a tangible opportunity to deliver affordable housing within key transit station areas as provided by Provincial legislation.

In addition, the new Ministerial authority to suspend decision-making timelines has the potential to prevent key policy initiatives, from coming into effect indefinitely or significantly delaying policy matters which will help to advance the very intent of the legislation – bringing more affordable housing to the market.

With no indication as to the duration of the suspension, it would have the effect of deeming existing Council-adopted amendments, waiting for approval by the Minister for months to be indefinitely suspended. This is counter to the intent to provide more transparency, stability and certainty for the land market.

Official plans are required to be updated in a timely manner. The suspension provision will only contribute to delays in a decision and it limits the municipality's ability to update their official plan as set out in the Provincial Policy Statement and will have the cascading impact of delaying the advancement of as-of-right zoning.

### **Referring an Official Plan Matter (or part of it) to the Ontario Land Tribunal**

The amendments in Bill 109 now allow the Minister to refer official plan amendments, or a part of an amendment for which the Minister is the approval authority, to the Ontario Land Tribunal for either a recommendation back to the Minister or to make a decision.

Referral to the Tribunal could result in a hearing, or other form of proceeding, on OPAs that were previously not subject to appeal. As part of this referral process, the Tribunal would have the authority to refuse or approve the plan (or part of it), make modifications to the plan, or approve the plan (or part of it). If the Tribunal holds a hearing and those who made submissions to Council on the OPA are permitted to be parties to that hearing, the matter could be in litigation for several years. Toronto's previous Municipal Comprehensive Review (OPA 231) was approved by the Minister and received over 140 appeals and has been at the Tribunal since 2015 with 80 outstanding site specific appeals remaining to be adjudicated. These remaining appellants have requested over 300-hearing dates to resolve their site specific appeals.

Overall, the level of uncertainty these changes reinsert in the land use planning system in Ontario is of a concern especially when the market is experiencing the level of

speculation it is currently. The existing system of Minister's modifications could be improved by requiring municipal and stakeholder consultation on draft modifications if improved transparency is the goal.

Official plan amendments subject to Ministerial approval should continue to be sheltered from protracted hearings at the Ontario Land Tribunal in order to provide for timely decisions which will provide greater certainty for businesses making investments both from a housing but also from an employment growth perspective.

### **Streamlining the Approvals Process: Application Fees Refund**

The legislation contains new punitive provisions requiring municipalities to refund, in part or in their entirety, fees for rezoning applications if a decision by the municipality is not made within the timelines prescribed in the *Planning Act*. This change is to take effect on January 1, 2023. Similarly, with regard to site plan applications, if the municipality has not approved plans within the timelines prescribed in the *Planning Act*, the legislation requires municipalities to refund all or part of the application fees. The refund schedule is outlined below:

<b>Amount of refund</b>	<b>Type of Planning Application</b>		
	<b>Zoning &amp; OPA combined</b>	<b>Zoning</b>	<b>Site Plan</b>
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approved within 60 days
50%	Decision made within 121 days and 179 days	Decision made within 91 days to 149 days	Plans are approved between 61 days and 89 days
75%	Decision made within 180 and 239 days	Decision made 150 days and 209 days	Plans are approved 90 days and 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

While the overall goal of the legislation is to encourage faster review and approval of applications, due to the timelines necessary for internal review, consultation, and collaboration with applicants, and the increasing complexity of intensification and change in the Toronto context, City staff and Council may, in some cases, be left with no option but to refuse applications, as the iterative process often requires additional information, clarification or explanation to determine the appropriateness of an application. Notably, the timelines do not include a “stop the clock” mechanism that

provides the applicant time to respond to comments or requirements and submit a revision package.

As is currently the case, applicants will be able to appeal Council's decision to the Ontario Land Tribunal, incurring further costs to the City that are not covered by application fees. These appeals, will only add to the existing backlog of OLT cases to be heard, and would result in unnecessary delays to the creation of new housing.

The refund structure and associated timelines undermine desired collaboration between applicants, staff, elected officials, and community stakeholders on planning applications. Consultation that takes place during the application review, builds the community capacity for change, and often reduces the prospect of an appeal later. Further, there are other *Planning Act* provisions that impact the timeline for review of zoning applications, including requirement for a statutory public meeting and public notice in advance of the statutory meeting.

In addition, the legislation fails to recognize that there are periods of time when municipal councils are not able to hear matters including periods during election years and other breaks in Council decision making.

Application fees are intended to support the City's review of the application. They are not a revenue generating tool but act as a cost recovery mechanism. Staff time and City resources required to review applications are not currently funded via any other source, such as property taxes. If the cost of reviewing applications is no longer guaranteed through application fees, the City will need to find another source of funding.

Staff conducted a preliminary analysis with respect to a review of data on rezoning and combined OPA/rezoning applications with a decision dated between January 1, 2019 and March 31, 2022. Of the 181 applications with a decision during this time period, the City would have only retained \$544,149 or 1.2%, of the initial \$46,001,025 collected in fees based on the refund structure in the legislation. This underscores the impractical consequences of the legislation even under circumstances where applications are well composed, communities are supportive and staff responses are timely.

While the intent of the application refund timeline is presumably to expedite the approval process, in effect this needlessly punitive legislation could result in the unnecessarily pre-emptive refusal of applications, resulting in further delays, added cost to municipalities, taxpayers and applicants, less public consultation, and ultimately less desirable project outcomes.

### **Amendments to Site Plan Control**

Through Bill 109 a number of amendments have been made to Section 41 of the *Planning Act*, and Section 114 of the *City of Toronto Act, 2006* regarding Site Plan Control. The changes include rules respecting pre-application consultations, complete applications, delegated approval authority and refunding of fees.

## **Application Review and Fee Refunds**

The timeline to appeal a site plan application is increased from 30 days to 60 days. This change will apply to applications submitted on or after July 1, 2022. The extension is welcome, however, the effective date of July 1, 2022 does not permit enough time to implement the other legislative changes in Bill 109. Currently, once site plan drawings are approved, the City issues Notice of Approval Conditions (NOAC) with the requirement for the applicant to satisfy certain conditions. Once the applicant satisfies the prescribed conditions, final site plan approval is granted. The onus to advance the application shifts, in part, to the applicant during this period to fulfill the conditions.

The timeframe of 60 days allows for City staff to review the application but does not provide sufficient time for an applicant to prepare a response, resubmission or satisfy conditions, in advance of application fees having to be refunded. Accordingly the refund requirements are problematic.

As provided for in Bill 109, if a site plan application cannot be approved, for example, if it does not conform to the in-force zoning by-law, a refund would still be required. In many instances applicants submit zoning (or minor variance applications) and site plan applications concurrently to reduce the project review timeframe. In these instances, site plan application timing cannot be met as the timelines do not allow sufficient time to bring a zoning by-law amendment into force and approve a site plan application.

It is worth noting that these changes implement a process whereby the City must approve a site plan application or be required to refund the application fee. This differs from the new refund provisions for zoning by-law applications whereby a decision is needed before fees must be refunded, but that decision does not necessarily have to be an approval.

## **Delegated Approval Authority**

The legislation requires municipalities to pass a by-law to appoint an authorized person for site plan control approval. Toronto City Council has already implemented the delegation of Site Plan Control to the Chief Planner, or their designate through [Toronto Municipal Code: Chapter 415](#). This delegation By-law also currently includes a 'bump-up' provision in which Ward Councillors may request that an application for site plan control be brought to Council for Decision. The legislation no longer provides for a municipal council to be the approval authority. The Municipal Code will need to be amended to reflect this legislative change.

## **Pre-Application Consultation**

City Council recently adopted amendments to the Official Plan and the Municipal Code, Chapter 415 to require a pre-application consultation meeting between City staff and applicants as a prerequisite to the formal submission of an application. The requirement applies to Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and/or Site Plan Control applications ([PH30.1](#)). The mandatory pre-application consultation by-law, as adopted will come into effect on November 1, 2022. A report to



the April 27, 2022 meeting of the Planning and Housing Committee recommends an amendment to the by-law effective date, extending it to April 3, 2023 ([PH33.4](#)).

### **Complete Application**

A new complete application process for site plan applications is also contained in Bill 109. The City's Official Plan conforms as it already outlines in Schedule 3 requirements for a complete Site Plan application. However, as a result of the legislative changes to Site Plan Control, a further amendment to the City's Official Plan may be required and therefore the timing for implementation of the 60 day approval or fee refund proposal following submission of a complete application is of concern.

### **Amendments to Subdivision Control**

The new legislation prescribes that an approval authority may deem a Draft Plan of Subdivision application that lapsed within the past five (5) years to not have lapsed provided that such subdivision application had not previously been deemed to not have lapsed. There are no concerns regarding this change.

In addition to the above, with regard to Draft Plan of Subdivision applications, the Minister may prescribe matters that are not permitted to be imposed as conditions to subdivision approval. These matters have not yet been disclosed, and the City will respond when they are outlined by the Province.

### **Community Infrastructure and Housing Accelerator Tool and Tool Guideline**

The Bill establishes a new Community Infrastructure and Housing Accelerator (CIHA) tool. However, before the tool can be used the Minister would be required to publish guidelines.

An analysis of the tool reveals that the introduction of the CIHA would formalize requirements by which a municipality may request that the Province exercise the Minister's zoning order powers under the *Planning Act*. If utilized for municipal priority projects, the tool could speed up approvals for housing and community infrastructure, while increasing transparency that is absent in the use of Minister's Zoning Orders (MZO) alone.

Toronto City Council is on record with the Ministry of Municipal Affairs and Housing with respect to principles that the Province should consider prior to enacting a MZO and supports the introduction of a CIHA tool as it would increase accountability by requiring municipalities to provide notice and consult with the public before a Community Infrastructure and Housing Accelerator request is submitted to the Minister of Municipal Affairs and Housing. Public engagement not only results in more informed residents, but also can generate more support for the final decisions reached by decision makers.

The contents of the Guidelines could at least partially address the City's previous concerns regarding the expanded use of MZOs. The City has previously recommended that zoning order powers include consultation, engagement and agreement with the affected municipality in advance of making a decision to issue a MZO. The City has

currently operationalized this approach on matters where City Council has requested the Minister make a Minister's Zoning Order.

Additionally the Guidelines should ensure that development can be implemented at the local level by giving consideration to potential land-use planning issues related to site plans and ensure that the development is compatible with the surrounding area, contributes to the economic, social, cultural and environmental vitality of the City.

Overall, the City is concerned that the principle of local decision making in land use planning is strengthened and supported to deliver contextually appropriate municipal land use reform based on provincial directions, and is not undermined where a parallel approval process with little consultation and less adherence to provincial policy becomes more the norm. The City's experience implementing provincially mandated directions such as Secondary and Accessory Dwelling Units reflect the utility of local decision making in land use planning.

### **Regulations re: Surety Bonds and other Instruments**

Typically, the City of Toronto has requested applicants provide a letter of credit to secure obligations imposed as a condition to an approval in connection with a planning application. The conditions imposed are typically for the construction of vital municipal infrastructure to support the increase in population in the area due, in part, to development or landscaping improvements on site.

Staff have concerns about the possible regulatory change as it can impact the City's ability to control the type of financial security required. A letter of credit is issued by a Schedule I Bank and is for all intents and purposes like cash. A letter of credit can be drawn on by a municipality at any time to finance the fulfillment of a commitment in a municipal planning approval if the municipality has reason to believe the commitment will not be met. A surety bond is different from a letter of credit as it typically does not guarantee any funds, but rather requires the surety to see that a commitment is fulfilled. A surety might perform an investigation to determine if it is even obliged to respond to a claim on the bond and may dispute the position of a municipality. A municipality would then be forced into protracted litigation with the surety. The surety may also have the ability to choose what new entity will fulfill the obligation (depending on the wording of the bond). This leaves a municipality without control over timing and even fulfilling the obligation. Unless the Province is considering a form of demand bond, like cash, be provided by sureties, this is untenable for the City.

### **Community Benefits Charge**

Amendments to the community benefits charge (CBC) tool which aim to increase transparency and implement regular reviews are welcomed by the City since the changes could improve the tool's overall operation, efficacy, and value. However, the City believes that there is an additional opportunity to improve upon the potential effectiveness of the CBC tool. As enacted, municipalities are able to accept in-kind contributions as an alternative to a cash payment; yet any agreement between the City and a land-owner to provide an in-kind contribution cannot be registered on-title to bind future owners of the land. The provision of in-kind contributions are regularly associated

with the performance of a future obligation and without the ability to register those obligations on title, there is little incentive to accept in-kind community benefits if there is no simple mechanism to secure the commitment of future owners.

### **Special Alternative Parkland Rate for Transit-Oriented Communities**

The stated objective of the legislation was to provide increased certainty of parkland requirements for Transit-Oriented Communities (TOCs). TOCs are defined through the *Transit Oriented Communities Act, 2020* and the number and/or location of Toronto's TOCs is not fixed or fully known at this time.

The changes to the legislation implement a tiered alternative parkland dedication rate for municipal TOC developments. The structure of the tiered alternative parkland dedication rate would be based on a percentage of the development land or its value:

- For sites less than or equal to five hectares, parkland would be dedicated up to 10% of the land or its value; and
- For sites greater than five hectares, parkland would be dedicated up to 15% of the land or its value.

Depending on the ultimate number of lands designated as TOC sites, there are variable impacts on potential parkland dedication. For sites greater than one hectare, which currently have a parkland dedication cap of 15%, the City will see a parkland dedication reduction of approximately 33%.

In addition, the legislation allows for encumbered land to be provided as a parkland dedication with an equivalent credit to unencumbered lands, which is not the City's current practice. Currently, encumbered parkland is valued significantly less than unencumbered lands. The Province (Minister of Infrastructure) will be able to identify encumbered land at TOC development sites that would be conveyed to a municipality as parkland.

As enacted, the legislation allows for any easements or restrictions on TOC lands to qualify as encumbrances for TOC lands, a much broader category of encumbrances than those necessary for the purposes of transit infrastructure. Encumbrances such as below-grade parking, driveway easements, hydroelectric vaults, and other encumbrances associated with private residential development would all potentially be authorized and provided full credit for parkland dedication. Significant encumbrances on parkland raises concerns about the programmability, maintenance, and lifecycle costs of these parks. Given the difficulty in securing functional and feasible on-site dedications with these restrictions, the City may be challenged to create suitable new parkland on these TOC sites necessary to support their proposed growth and achieve provincial and municipal goals for complete communities.

### **Impacts of Bill 109 Development Charges (DC) Act Changes**

The DC Act amendments specify that treasurers' statements are to be made available to the public on a municipality's website, or in the municipality's office if no such website is available, and in any manner as may be prescribed in the future. Like the measures

to increase transparency for the CBC tool, staff are supportive of changes to require the treasurer's statement to be made available on a municipality's website. The City's annual statements have been made available on the City's website since amalgamation in 1998, and in some cases earlier.

## **Regulations**

The Province also posted proposed amendments to regulations stemming from the changes contained in Bill 109. The proposed changes under the Regulations include requiring a municipal treasurer, in their annual treasurer's statement, to set out whether the municipality still anticipates incurring the capital costs projected in the municipality's DC background study for a given service and if not, an estimate of the anticipated variance from that projection would need to be provided, along with an explanation for it. While City staff again support accountability and transparency, staff are of the opinion that there is adequate accountability and transparency already available through the City's annual DC treasurer's statement, as well as the annual Financial Information Return. The annual statements are available to the public and include information on the opening and closing DC reserve fund balances, reporting on annual DC revenues and spending by DC service, and a list of capital projects funded by DCs. There is also significant transparency and public engagement through the long term planning documents, such as the City's annual budget process, as well as the periodic updates to the DC bylaw and related background study.

The administrative burden associated with the proposal is onerous, as it would require annual reporting on changes to the DC Study capital forecasts (which comprises over \$40B in capital costs) for the Study long term planning horizons (10 and 20 year study planning periods). A DC Background Study is a point-in-time analysis and is a significant undertaking that requires approximately 12 to 18 months to complete. Its primary purpose is to establish the DC rates in a bylaw, and is based on long-term plans and contains capital forecasts for a multitude of growth-related projects; as such, background studies are not designed to support annual variance reporting.

Due to the limited timeframe for commenting on these Regulations, Staff prepared responses on the City's behalf. These comments can be found in Attachment 1. Staff are generally supportive of the proposed Regulation amendments under the *Planning Act*, but have concerns with the proposed reporting requirements included in the amendments to the DCA regulations.

## **CONCLUSION AND NEXT STEPS**

---

Bill 109, the More Homes for Everyone Act, was introduced on March 30, 2022 and received Royal Assent on April 14, 2022. The Bill was enacted before the commenting period lapsed. This omnibus Bill amended 6 different statutes, including the *Planning Act*, the *City of Toronto Act, 2006* and the *Development Charges Act*. The Bill will, among other matters, impact how municipalities review development applications and fundamentally affect the City's ability to plan in an inclusive and consensus building manner.

According to provincial government publications, changes introduced by Bill 109 are intended to build homes faster by expediting approvals. However, the changes may also result in an increased number of development application appeals, adding to delays in delivering housing supply. Ultimately the Bill does not provide any mechanisms to ensure that any savings are passed through to future home buyers and renters nor is it clear how these changes address housing affordability.

Attachment 2 summarizes the impacts and next steps related to the various legislative changes. Staff anticipate a report in Q1 2023 summarizing business process changes that will be required as a result of Bill 109 and any subsequent related changes.

## **CONTACT**

---

Kerri A. Voumvakis, Director, Strategic Initiatives, Policy & Analysis, City Planning Division, 416-392-8148, [Kerri.Voumvakis@toronto.ca](mailto:Kerri.Voumvakis@toronto.ca)

Angela Stea, Manager, Special Projects, Strategic Initiatives, Policy & Analysis, City Planning, 416-394-8219, [Angela.Stea@toronto.ca](mailto:Angela.Stea@toronto.ca)

## **SIGNATURE**

---

Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

---

Attachment 1: Memo to MAH Re: Regulatory Registry Proposals 22-MMAH008 and 22-MMAH009 – Proposed amendments to regulations under the *Development Charges Act*, 1997 and the *Planning Act*

Attachment 2: Legislation Amendments to the *Planning Act*, *Development Charges Act* and *City of Toronto Act, 2006*