

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

Legislation Amendments	Details, Impacts and Next Steps
<p><b>Amends Section 17 by adding (40.1) - (40.1.3)</b></p> <p>Where Minister is approval authority of OP or OPA, Minister could suspend the 120-day timeline for a Ministerial decision.</p>	<ul style="list-style-type: none"> <li>• This could suspend indefinitely decisions on key policies and tools, including the MTSA/PMTSA and Inclusionary Zoning requirements from taking effect and would delay the delivery of affordable housing.</li> <li>• Toronto has two OPAs submitted for Ministerial approval, both of which pertain to PMTSAs in compliance with the Planning Act               <ul style="list-style-type: none"> <li>- OPA 524 – 16 PMSTAs in the Downtown</li> <li>- OPA 482 – 2 PMTSAs in the Keele-Finch Secondary Plan Area</li> </ul> </li> <li>• Prevents municipality from making an appeal for failure of the Minister to make a decision.</li> </ul>
<p><b>Amends Section 17 by adding (55) - (64)</b></p> <p>Minister may, before making a decision, refer OPs to the OLT for a recommendation or a decision. OLT can hold a hearing, with notice to municipality and any persons or public bodies who made submissions prior to adoption by Council.</p>	<ul style="list-style-type: none"> <li>• The provisions providing Ministerial referral to the OLT for a recommendation or a decision are vague and open-ended, with no timelines for such a decision or recommendation to be made or details as to who could be a party to any hearing</li> <li>• Overall, the proposed changes to Section 17 independently and cumulatively delay official plan policy approvals (indefinitely), and add time and costs to the taxpayer and the development community through possible participation in additional Tribunal proceedings.</li> </ul>
<p><b>Amends Section 19.1 by striking out “34 to 39” and substituting with “34, 35 to 39.”</b></p> <p>Provision re: land within planning area consisting of a territory.</p>	<ul style="list-style-type: none"> <li>• There is no impact to the City.</li> </ul>
<p><b>Subsection 21(3) is repealed and adds a provision to section 17(36.5)</b></p> <p>There is no appeal of a decision by the Minister if it is an OP amendment which has been referred by the Minister to the Tribunal.</p>	<ul style="list-style-type: none"> <li>• Technical change</li> </ul>

Legislation Amendments	Details, Impacts and Next Steps
<p><b>Amends Section 34 by adding new subsection (10.12)</b></p> <p>New requirements for refunding application fees when statutory decision-making timelines for rezoning applications are not met by Council.</p>	<ul style="list-style-type: none"> <li>• <b>No refund:</b> If the municipality makes a decision on the application within the time period per the Planning Act (90 days for rezoning, 120 days for OPA/Rezoning).</li> <li>• <b>50% refund:</b> If the municipality fails to make a decision on the application within the time period (90 days for rezoning, 120 days for OPA/Rezoning).</li> <li>• <b>75% refund:</b> If the municipality fails to make a decision on the application within the time period that is 60 days longer than the time period for review.</li> <li>• <b>100% refund:</b> If the municipality fails to make a decision on the application within the time period that is 120 days longer than the time period for review.</li> <li>• This will require significant business process changes and will have financial implications for 2023 and going forward.</li> </ul>
<p><b>Adds a new Section (34.1)</b></p> <p>Allows the council of a municipality to pass a resolution requesting the Minister to make a zoning order for certain types of development.</p>	<ul style="list-style-type: none"> <li>• The Community Infrastructure and Housing Accelerator (CIHA) tool established provisions for which the municipality may request a zoning order from the Minister. These changes mirror practices the City has encouraged in consideration of recent MZOs.</li> </ul>
<p><b>Amends Section 37 by adding new subsections (54)-(59)</b></p> <p>Requires regular reviews of community benefits charge by-laws.</p>	<ul style="list-style-type: none"> <li>• There is no impact to the City. The City has already anticipated the need to review the Community Benefits By-law every five years.</li> </ul>
<p><b>Repeals Section 41 (3.1) and replaces it with (3.1-3.9).</b></p> <p>Provides municipalities the ability to require consultation prior to site plan application and to establish complete application requirements for site plan applications</p>	<ul style="list-style-type: none"> <li>• City Council recently adopted amendments to the Official Plan, the Municipal Code, Chapter 415 to implement a mandatory pre-application consultation process for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Site Plan Control applications.</li> </ul>
<p><i>Similar amendments were made to the City of Toronto Act, Section 114, Subsection (4)</i></p>	

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<p><b>Amends Section 41(4) by striking out the portion before paragraph 1 and substituting with new paragraph...</b></p> <p>Municipalities must delegate authority to approve site plan applications to a designated authorized person (officer, employee, or agent of the municipality).</p>	<ul style="list-style-type: none"> <li>The City has already delegated authority for site plan approval to the Chief Planner or their designate.</li> </ul>
<p><b>Amends Section 41 by adding a new subsection (4.0.1)</b></p> <p>New subsection provides for appointment of an authorized person under subsection (4).</p> <p><i>Similarly, a new subsection (5.1) was added to the City of Toronto Act, Section 114</i></p>	<ul style="list-style-type: none"> <li>The City has already delegated authority for site plan approval to the Chief Planner or their designate.</li> </ul>
<p><b>Amends Section 41(6) by striking out “the council of”</b></p> <p>Removes the ability of Council to make a decision on site plan applications.</p>	<ul style="list-style-type: none"> <li>The City currently has a ‘bump-up’ provision within the Site Plan Control By-law, in which Councillors may request that an application for site plan control be brought to Council for Decision.</li> <li>The By-law will need to be amended to reflect this change.</li> </ul>
<p><b>Amends Section 41 by adding a new subsection (11.1)</b></p> <p>New subsection sets out rules for when municipalities must refund fees paid for site plan control.</p> <p><i>Similarly, a new subsection (14.1) was added to the City of Toronto Act, Section 114</i></p>	<ul style="list-style-type: none"> <li><u>No refund</u>: If the municipality approves plans within 60 days of application.</li> <li><u>50% refund</u>: If the municipality fails to approve plans within 60 days.</li> <li><u>75% refund</u>: If the municipality fails to approve plans within the time period that is 30 days longer than the 60 days.</li> <li><u>100% refund</u>: If the municipality fails to approve plans within the time period that is 60 days longer than the 60 days.</li> </ul>
<p><b>Amends Section 41(12)</b></p> <p>Increases approval timeline for site plan applications from 30 to 60 days.</p>	<ul style="list-style-type: none"> <li>The City would have 60-days to approve, prior to the applicant benefitting from a right to appeal for non-decision and partial refund of application fees.</li> <li>Requires significant business process changes and will have financial implications for 2023 and beyond.</li> </ul>

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<p><b>Repeals and replaces Section 41(13)</b></p> <p>Site plan control by-law can exempt any class(es) of development from requiring approval of plans or drawings.</p> <p><i>Similarly, a new subsection (17) was added to the City of Toronto Act, Section 114</i></p>	<ul style="list-style-type: none"> <li>• Toronto already has in place a delegated authority for site plan approval, which exempts various types of development including certain type/size of new buildings, additions and interior alterations.</li> </ul>
<p><b>Transition clauses adds Section 41 (15.1) and (15.2)</b></p> <p><i>Similarly, transition clauses were added via subsections (17) and (18) to the City of Toronto Act, Section 114</i></p>	<ul style="list-style-type: none"> <li>• Applications in progress <i>before</i> Bill 109 receives Royal Assent (April 14, 2022) are processed in accordance with s.41 as it read before the Bill 109 changes</li> <li>• Applications received <i>after</i> Bill 109 receives Royal Assent (April 14, 2022) and before July 1, 2022 are processed in accordance with s.41, as amended by the sections that came into force on Royal Assent [complete application 7(1), 60-day decision timeline 7(6), and transition, above 7(8)]</li> <li>• Per Section 14 (below) of proposed Bill 109 refund structure of application fees for site plan control comes into force the later of January 1, 2023 and the day the Act receives Royal Assent (April 14, 2022).</li> <li>• Work program implications as business process changes required by Bill 109 will need to be in effect for both July 1, 2022 and January 1, 2023.</li> </ul>
<p><b>Amends Section 42 to add subsections (3.2)-(3.4)</b></p> <p>The legislation proposes implementing a tiered alternative parkland dedication rate for municipal Transit Oriented Communities developments.</p>	<ul style="list-style-type: none"> <li>• The structure of the tiered alternative parkland dedication rate is based on a percentage of the development land or its value: <ul style="list-style-type: none"> <li>- For sites <u>less than or equal to five hectares</u>, parkland would be dedicated up to 10% of the land or its value; and,</li> <li>- For sites <u>greater than five hectares</u>, parkland would be dedicated up to 15% of the land or its value.</li> </ul> </li> <li>• Note TOCs are defined through the <i>Transit Oriented Communities Act, 2020</i>. The number and/or location of TOCs is not fixed or fully known at this time.</li> </ul>

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<p><b>Amends Section 42 to add subsections (4.27)-(4.29)</b></p> <p>Minister of Infrastructure may identify encumbered land at TOC development sites that would be conveyed to a municipality as parkland.</p> <p>Encumbered parkland would count towards any municipal parkland dedication requirements.</p>	<ul style="list-style-type: none"> <li>• This may compromise the programming and utility of encumbered parks including the long-term viability of any trees planted on these parks, compromising the City's stated climate change and sustainability objectives.</li> <li>• It is anticipated that these changes may impact TOC projects currently under consideration and future TOCs yet to be proposed.</li> </ul>
<p><b>Adds subsection Section 51 (25.1)</b></p> <p>Approval authorities may not impose conditions on draft plans of subdivision respecting any prescribed matters.</p>	<ul style="list-style-type: none"> <li>• These matters have not yet been disclosed, and the City will respond when they are outlined by the Province.</li> </ul>
<p><b>Repeals and replaces Section 51(33)</b></p> <p>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.</p>	<ul style="list-style-type: none"> <li>• There are no concerns regarding this change.</li> </ul>
<p><b>Amends Section (51.1)</b></p> <p>Provides for encumbered land within TOCs to be conveyed and counted toward parkland dedication requirements.</p>	<ul style="list-style-type: none"> <li>• Same comment as noted above for Section 42 (4.27-4.29)</li> </ul>
<p><b>Adds a new Section (64)</b></p> <p>Reporting requirements to the Minister, on request, or as prescribed by the regulations.</p>	<ul style="list-style-type: none"> <li>• The City is supportive of increased transparency, however, it is unclear what types of information or matters would be reported on.</li> </ul>
<p><b>Amends Section 70.1 (1)</b></p> <p>Grants the Minister authority to make additional regulations per:</p>	<ul style="list-style-type: none"> <li>• City's position is unknown as the draft regulations associated with Bill 109 have not been released.</li> </ul>

<b>Legislation Amendments</b>	<b>Details, Impacts and Next Steps</b>
<p>- 26. creates authority to prescribe conditions for purposes of 51(25.1);</p> <p>- 30.0.1 creates authority to prescribing planning matters that municipalities must report on, to whom, how frequently and their form pursuant to the new Section 64.</p>	
<p><b>Adds a new section (70.3.1)</b></p> <p>Grants the Minister authority to make regulations respecting surety bonds and other instruments in connection to approvals for land use planning.</p>	<ul style="list-style-type: none"> <li>Although regulation details are unknown, this could impact the City's ability to control the type of financial security required and represents a potentially significant risk to the City.</li> </ul>
<p><b>Commencement clauses</b></p>	<p>(1) <u>Changes to the Planning Act:</u> Schedule 5 comes into force upon Royal Assent (April 14, 2022).</p> <p>(2) <u>Application Refunds:</u> Subsection 4(2) and 7(5) come into force on the later of January 1, 2023 and the day the Act receives Royal Assent (April 14, 2022).</p> <p>(3) <u>Site Plan delegation, site plan control by-law exemptions, and transition:</u> Subsections 7(2), (3), (7), and (9) come into force on the later of July 1, 2022 and the day the Act receives Royal Assent (April 14, 2022).</p> <p>(4) <u>Regulation-making authority re: securities:</u> Section 13 comes into force on a day to be named by proclamation of the Lieutenant Governor.</p>
<p><b>Development Charges Act</b></p> <p>Replaces Subsection 43 (2.1)</p> <p>Requires that treasurers' statements be made available on the municipality's website or in the municipality's office if no such website is available and in any manner as may be prescribed in future.</p>	<ul style="list-style-type: none"> <li>The City is supportive of increased transparency and the City's annual treasurers' statement is already available on the City's website.</li> </ul>