

**City Solicitor Opinion - Bill 23, More Homes Built
Faster Act, 2022 and Section 111 of the City of
Toronto Act, 2006**

Date: February 10, 2023

To: Planning and Housing Committee

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

At its meeting of November 23, 2022, City Council adopted item CC1.2 - Update on Bill 23, *More Homes Built Faster Act, 2022*, which included a recommendation requesting a report to the Planning and Housing Committee with advice with respect to a legal strategy to deal with potential changes to Section 111 of the *City of Toronto Act, 2006*, and to explore alternate means to protect rental units from demolition and conversion.

This report has been prepared by the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning in response to City Council's direction.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential, in its entirety, as it contains advice which is subject to solicitor-client privilege.
2. City Council request that the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning report back to the Planning and Housing Committee once the province has released regulations under Section 111 of the *City of Toronto Act, 2006*.

FINANCIAL IMPACT

There is no financial impact arising from these recommendations.

DECISION HISTORY

At its meeting of November 23, 2022, City Council considered item CC2.1 - Update on Bill 23, *More Homes Built Faster Act, 2022*. The Item was adopted with amendments including direction for the City Solicitor to report to the Planning and Housing Committee with advice on a strategy to deal with potential changes to Section 111 of the *City of Toronto Act, 2006* and to explore alternate means to protect rental units from demolition and conversion.

[Agenda Item History - 2023.CC1.2 \(toronto.ca\)](#)

COMMENTS

Schedule 1 of the *More Homes Built Faster Act, 2022* ("Bill 23") came into force when the Bill received Royal Assent on November 28, 2022. Section 1 of Schedule 1 introduced the ability for the Minister of Municipal Affairs and Housing (the "Minister") to make regulations under Section 111 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A (the "*City of Toronto Act*") imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties.

The change to Section 111 of the *City of Toronto Act* did not remove or alter the wording of subsections 111(1) - (6). Section 111 still allows the City to prohibit and regulate the demolition of residential rental properties and prohibit and regulate their conversion from a residential rental property provided they have six or more dwelling units. These subsections also allow the City to impose conditions in conjunction with any permit authorizing the demolition or conversion of these units and to enter into an agreement with the owner, registerable on title, to ensure that obligations that are imposed run with the land. Often, the terms of these agreements require the owner to replace rental units rented at certain rent levels that are proposed to be demolished within the new development, and allow the return of existing tenants at similar rent levels they had been paying previously.

The new subsection 111(7) reads as follows:

"Regulations

(7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section."

The City prohibits and regulates the demolition of properties with six or more rental units, through Chapter 667 of the Municipal Code.

[Chapter 667 \(toronto.ca\)](#)

As of the date of this report, the Minister has not issued any regulations under subsection 111(7) of the *City of Toronto Act*.

Confidential legal advice is provided in Confidential Attachment 1.

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Legal Advice