

Additional Changes Within Bill 109

The following outlines additional changes were introduced with Bill 109.

Community Infrastructure and Housing Accelerator Tool

Further to the commentary in the body of Staff Report 2022-0209, this tool may be used at the request of a municipality for community infrastructure and housing projects including:

- community infrastructure that is subject to *Planning Act* approval including: lands, buildings, and structures that support the quality of life for people and communities by providing public services for matters such as health, long-term care;
- housing, affordable housing and market-based housing;
- buildings that would facilitate employment and economic development; and,
- mixed-use developments.

When issuing an order:

- Provincial Plans, the Provincial Policy Statement and Municipal Official Plans do not apply;
- The Minister is able to provide an exemption for other necessary planning related approvals from Provincial Plans, the Provincial Policy Statement and municipal Official Plans (if requested by the municipality);
- The Minister is able to impose conditions on a municipality and/or proponent;
- Where conditions are imposed, the Minister of the municipality is able to require agreements be entered into and registered on title; and,
- The order is not subject to appeal.

Once in effect, only the Minister can make changes to the order at the request of the municipality or could amend or revoke the order at any time at their own discretion, without having to undertake consultation or provide notice.

Community Benefits Charge By-law Reviews

Bill 109 requires that where a Community Benefits Charge By-law is in place, the municipality is to publicly consult and complete a review of the by-law no later than 5 years after the by-law is passed and every 5 years thereafter. After reviewing the By-law, a municipality is required to pass a resolution indicating whether a revision is needed, and if such a resolution is not passed within the timeframe, the By-law expires and a new By-law would need to be passed.

The Town does not currently have a Community Benefits Charge By-law, but plans to initiate a review to determine if such By-law is beneficial and applicable to the Town in 2023. If passed, the Town will need to review the By-law in accordance with the requirements under the Act.

Additional Changes

- Requires that Site Plan decisions be delegated to staff (instead of municipal councils or committees of council) for all applications received on or after July 1, 2022. This change does not affect the Town as Site Plan decisions are currently delegated to Planning staff.

Additional Changes Within Bill 109

- Allows the province to prescribe, through a regulation, what can and/or cannot be required as a condition of draft approval of a draft plan of subdivision. At this time the specifics of what the regulation will say is unknown.
- Introduces authority for the Minister of Municipal Affairs and Housing to require public reporting by planning authorities on development applications and approvals, including the formatting of the reporting. No further details have been provided at this time.
- Requires the municipality to make the annual financial statement related to development charges and reserve funds available to the public on the Town's website. The Bill also provides the ability for the Lieutenant Governor in Council to make regulations to prescribe further requirements on the statements. No further details have been provided at this time.
- Identifies a tiered alternative parkland dedication rate for transit-oriented community development sites, based on the amount of value of development land. Transit-oriented community development sites are identified by the Province, and currently all are located in Toronto.
- Changes to the New Home and Construction Licensing Act, 2017 to help address the issue of inappropriate or unethical behavior by new home builders and vendors and to enhance the Home Construction Regulatory Authority's (HCRA) enforcement powers. Many of these changes include fines, means of discipline, penalties, convictions, etc.
- Changes to the Ontario New Home Warranties Plan Act provide Tarion regulatory authority to extend the duration of statutory warranties for items in a new home that are not completed when the warranties for the home begin (i.e. when the home is completed for the homeowner's possession).
- Requires additional annual reporting for Development Charges for the Treasurer to set out whether the municipality still anticipates incurring the capital costs projected in the municipality's Development Charge (DC) background study for a given service. If not, an estimate of the anticipated variance from that projection would be provided along with an explanation for it.