

DECEMBER 13, 2022

MORE HOMES BUILT FASTER ACT, and RELATED PROVINCIAL CHANGES



More Homes Built Faster Act

- Bill 23 received Royal Assent on November 28, 2022 and is intended to support Ontario's Housing Supply Action Plan with a stated aim of increasing the supply of housing in the Province
- Bill 23 amends the following statutes and associated regulations:

City of Toronto Act, Conservation Authorities Act, Development Charges Act, Municipal Act, New Home Construction Licensing Act, Ontario Heritage Act, Ontario Land Tribunal Act, Ontario Underground Infrastructure Notification System Act, Planning Act, and Supporting Growth and Housing in York and Durham Regions Act

Other Proposed Changes

- The Province is also reviewing and consulting on various proposed regulatory and policy changes to identify and remove barriers to building more homes
- This includes undertaking a housing-focused review of 'A Place to Grow' and the 'Provincial Policy Statement (PPS)' and seeking input on how to create a streamlined province-wide planning framework
- In some cases, the province has provided Consultation Guides that identify considerations for proposed changes but has not yet specified the proposed changes

Consultation Postings

- There were 19 concurrent postings on the Environmental and Regulatory Registries, some of which were or are subject to public comment, with various comment periods
- The opportunities for comment and for change appear to be limited (for example, the Bill 23 changes were subject to comment until Friday November 25th and the Bill was passed on Monday November 28th)
- From a land use planning perspective, for Middlesex County the changes that are anticipated to be the most consequential are amendments to the Conservation Authorities Act, the Development Charges Act, the Ontario Land Tribunal Act and the Planning Act

Conservation Authorities

- The changes to the Conservation Authorities Act and Planning Act build on previous legislative changes and further focus conservation authorities on the 'core' mandate of natural hazards
- Changes include the freezing of CA fees, scoping of matters that a CA can consider, and technical changes related to permit processes
- Unless acting as the applicant, CAs are not able to appeal planning applications unless related to natural hazard matters
- CAs are required to complete a conservation area strategy and land inventory of all lands they own or control to identify lands 'suitable' for residential development

Conservation Authorities Continued

- Bill 23 allows the Province to exempt developments under the Planning Act within certain municipalities from requiring CA permits where conditions are satisfied
- The Act prohibits Conservation Authorities from entering into a memorandum of understanding with a municipality to provide a program or service that is related to reviewing and commenting on a proposal, application or other matter under a prescribed Act
- As of January 1, 2023, the CAs are no longer able to review and comment on development applications and supporting studies on behalf of municipalities beyond natural hazards

Development Charges

- Bill 23 provides several exemptions to DCs including for Additional Residential Units (ARUs), affordable residential units, attainable residential units, non-profit housing and inclusionary zoning residential units
- Development charges for rental housing will be reduced based on number of rental units
- Changes will impact the specifics of DCs that can be charged including by capping the amount of interest that a municipality can charge and the phasing in of DC increases over five years

Development Charges Continued

- The definition of capital costs that are eligible for DC funding is revised to remove matters such as housing services and the costs of studies including the preparation of a DC background study
- Development charge by-laws will expire after 10 years, extended from the current 5-year expiration period
- The amount of Community Benefits Charges that a municipality can collect is capped
- Changes except for DC / CBC / parkland exemptions and changes to capital costs eligible for DC funding are in effect as of November 28, 2022 and aspects of the changes apply retroactively to January 1, 2022

Ontario Land Tribunal

- Bill 23 provides the Tribunal with additional authority to dismiss proceedings without a hearing where a party has contributed to undue delay or if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order
- The Act clarifies that the Tribunal has the authority to order an unsuccessful party to pay a successful party's costs
- The Province is granted the authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings and to prescribe timelines that would apply to steps taken by the Tribunal in specified classes of proceedings
- OLT Act changes will come into effect on a day to be named by proclamation of Lieutenant Governor

Ontario Land Tribunal Continued

- Limit third party appeals:
 - Bill 23 removes Planning Act third-party appeal rights for consents and minor variances by limiting prospective appellants to public bodies (such as municipalities) and 'specified persons' (such as railways)
 - This effectively removes the appeal rights of citizens for certain Planning Act applications unless they are the applicant
 - Subject to transition provisions, this is retroactive to October 25, 2022
- The appeal changes are a retraction from the draft Bill 23 that would have also shielded from appeals County Council decisions on local official plans

Planning Act

- Additional Residential Units
 - Bill 23 supersedes existing official plans and zoning by-laws to allow Additional Residential Units (ARUs) on all 'parcels of urban residential land' which are lots within fully serviced settlement areas
 - Previously the Act provided for two units in the primary building and one in an ancillary building or structure where enabled by municipal planning documents including within rural areas
 - Bill 23 provides that additional residential units can take the form of up to three units in the primary building, or up to two in the primary building and one in an ancillary building or structure
 - These changes are in effect as of November 28, 2022

Planning Act Continued

- Site Plan Control
 - Residential developments containing 10 or less units are exempt from site plan control
 - Exterior design can no longer be reviewed through the site plan control process
 - These changes are in effect as of November 28, 2022
- Ministerial amendments to official plans
 - The Minister is granted the authority to amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest
 - This change is in effect as of November 28, 2022

Planning Act Continued

- Parkland dedication requirements are further limited and allow the owner to identify, subject to a process, the portion of their property that is proposed to be conveyed as parkland and this could include encumbered lands
 - This change will come into effect on a day to be named by proclamation of the Lieutenant Governor
- Non-profit housing and ARUs are exempt from parkland dedication
- Public meeting requirements for plans of subdivision are removed
 - These changes are in effect as of November 28, 2022

Other Notable Changes

- Introduction of municipal housing targets for 29 municipalities with populations of 100,000+
 - Does not apply to Middlesex County
- Removal of upper-tier planning authority for regional municipalities in the Greater Golden Horseshoe with the Minister becoming the 'Approval Authority'
- Land lease communities are permitted to be approved through site plan control (as opposed to a plan of subdivision) and to increase the maximum lease period from 21 years to 49 years

Other Notable Changes Continued

- Amendments to the Ontario Heritage Act
- Amendments to Ontario's Wetland Evaluation System
- Changes to consumer protection for new home buyers through amendments to the New Home Construction Licensing Act
- Amendments to the Ontario Building Code that are intended to reduce barriers for certain types of residential development

Implications for County

- The re-start of the Provincial review of Official Plan Amendment No. 3 is not yet known however Planning staff are working with Ministry staff
- Further amendments to the County official plan will be required in response to a likely updated PPS and to address matters such as additional residential units
- Review programs and processes in which the CAs are involved:
 - Land use planning advice (including the large number of existing plans of subdivision that require CA clearances)
 - The proposed changes essentially represent the delegation of responsibility for matters such as natural heritage, aspects of natural hazards and wetlands
 - Impact on stewardship programs like the Clean Water Program unknown

Implications for Local Municipalities

- Existing third-party OLT appeals for consents and minor variances without a scheduled hearing are dismissed
- Review Development Charge By-laws and Fee By-laws
- Significant reductions in Development Charges to be collected
- Amendments to official plans will be required in response to an updated PPS and to address matters such as additional residential units
- Zoning By-law updates closely following official plan reviews
- Site Plan By-laws may need to be updated
- Review programs and processes in which the CAs are involved including matters such as storm water management, natural heritage review, etc

Consultation Feedback

Past Warden Warwick provided comments within the Bill 23 consultation window to Minister Clark on four areas:

1. Review of A Place to Grow and Provincial Policy Statement
2. Coordinated and Streamlined Planning System
3. Use it or Lose It Approvals
4. Infrastructure to Support Growth

Staff have (and will continue to) provide more detailed comments on key areas through the Environmental and Regulatory Registries.

Additional Resources

[Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023](#)

[Proposed Planning Act and City of Toronto Act Changes \(Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022\)](#)

[Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges](#)

[Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 \(Schedule 6\) - the Proposed More Homes Built Faster Act, 2022](#)

[Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0](#)

[Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario](#)

Additional Resources

[Proposed Amendment to O. Reg 232/18: Inclusionary Zoning](#)

[Proposed Changes to Ontario Regulation 299/19: Additional Residential Units](#)

[Proposed Amendments to the Ontario Land Tribunal Act, 2021](#)

[Amendments to the New Home Construction Licensing Act, 2017 to protect purchasers of new homes](#)

[Proposed Building Code Changes to Support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023](#)

[Review of A Place to Grow and Provincial Policy Statement](#)

[Conserving Ontario's Natural Heritage](#)

[Proposed Updates to the Ontario Wetland Evaluation System](#)