

City Clerk's Office

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Ref.: 22-CC1.2**

November 25, 2022

MUNICIPALITIES IN ONTARIO**Subject: New Business Item 1.2
Update on Bill 23 - More Homes Built Faster Act, 2022 (Ward All)**

City Council on November 23 and 24, 2022, adopted this Item, as amended, and in so doing has:

1. Requested the Province of Ontario to extend the commenting period on Bill 23, More Homes Built Faster Act, 2022 to at least January 31, 2023 to enable time for consultation, consideration of alternative options and thorough analysis of both short and long-term impacts.

2. Requested the Province of Ontario to:

a. not proceed with any changes that reduce municipal development charges, community benefit charges or parkland dedication, including:

i. removing housing services from development charges;

ii. retroactively phasing in development charges over a 5 year period on top of City Council's previously adopted two-year phase-in that was mutually agreed upon with the development industry;

iii. discounting rates for purpose built rental units;

iv. adding new exemptions;

v. introducing caps to the development charges determined date and instalments interest rates;

vi. extending the development charges historic service level caps from 10 to 15 years;

vii. removing growth studies and land acquisition costs from development charges recovery; and

viii. reducing caps to parkland dedication by-laws;

b. instead of the above-noted changes, create a provincial incentive program provided directly to developers or homeowners through targeted grants, rebate and other financial incentive programs; and

- c. alternatively, create a municipal compensation fund to compensate municipalities for the impacts of Bill 23 on municipal growth funding revenues.
3. Requested the Province of Ontario to amend Bill 23 to preserve the City's Green standard, Rental Replacement Policy, parkland provisions, community benefits charges and Development Charges to facilitate responsible growth.
4. Requested the Province of Ontario to amend Bill 23 to preserve Toronto's ability to require a green development standards checklist (Toronto Green Standard) for a complete planning application.
5. Requested the Province of Ontario to amend the Planning Act to enable the implementation of Inclusionary Zoning across the City and incorporate definitions of affordable housing that respond to low and moderate household income.
6. Requested the Province of Ontario to amend the definition of "Affordable Housing" to follow the City of Toronto's "Official Plan Amendment 558 - Updating the Definitions of Affordable Rental and Ownership Housing", as approved by City Council on November 9, 2021.
7. Requested the Province of Ontario to enact a Regulation to permit the use of conditional zoning, pursuant to Section 113 of the City of Toronto Act, 2006.
8. Requested the Province of Ontario to delay the implementation of refunds for development applications in light of the significant changes to the Planning regulations and internal City processes regarding development.
9. Requested the Provincial government to provide funding and funding tools to the City, matching the amount of revenue lost through development charges, community benefits charges, and Section 42 of the Planning Act in Bill 23 to ensure the services needed to facilitate responsible growth continue to be delivered.
10. Requested the Province of Ontario to rescind the proposed changes to the Greenbelt to protect environmental features that support biodiversity, natural spaces, recreation trails, agricultural land, and watersheds that sustain all residents of the Greater Toronto and Hamilton Area.
11. Requested the Province of Ontario to retain the existing roles and responsibilities of the regional conservation authorities.
12. Requested the Minister of Municipal Affairs and Housing to change the effective date of the Refund of Fees for official plan amendments, zoning by-laws and site plan control applications contained in Bill 109, from January 1, 2023 to July 1, 2023.
13. Requested the Minister of Municipal Affairs and Housing to postpone enacting regulations under Schedule 4 of Bill 23, which would grant the Minister authority to impose limits and conditions on municipalities' regulation of demolition or conversion of rental units, until such time as there has been focused consultations with municipalities as part of the development of Minister's regulations to ensure municipalities can continue to require replacement rental housing and support impacted tenants.
14. Requested the Legislative Assembly of Ontario, through a majority vote, to withdraw Bill 23.

Yours truly,



for City Clerk

S. Przedziecki/mm

Attachment

Sent to: Premier, Province of Ontario
Minister of Municipal Affairs and Housing, Province of Ontario
Leader of the Official Opposition, Province of Ontario
President, Association of Municipalities of Ontario
Executive Director, Association of Municipalities of Ontario
Ontario MPPs
Ontario Municipalities

c. City Manager

City Council

New Business - Meeting 1

CC1.2	ACTION	Amended		Ward: All
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Update on Bill 23, More Homes Built Faster Act, 2022

City Council Decision

City Council on November 23 and 24, 2022, adopted the following:

1. City Council request the Province of Ontario to extend the commenting period on Bill 23, More Homes Built Faster Act, 2022 to at least January 31, 2023 to enable time for consultation, consideration of alternative options and thorough analysis of both short and long-term impacts.
2. City Council request the Province of Ontario to:
 - a. not proceed with any changes that reduce municipal development charges, community benefit charges or parkland dedication, including:
 - i. removing housing services from development charges;
 - ii. retroactively phasing in development charges over a 5 year period on top of City Council's previously adopted two-year phase-in that was mutually agreed upon with the development industry;
 - iii. discounting rates for purpose built rental units;
 - iv. adding new exemptions;
 - v. introducing caps to the development charges determined date and instalments interest rates;
 - vi. extending the development charges historic service level caps from 10 to 15 years;
 - v. removing growth studies and land acquisition costs from development charges recovery; and
 - vi. reducing caps to parkland dedication by-laws;
 - b. instead of the above-noted changes, create a provincial incentive program provided directly to developers or homeowners through targeted grants, rebate and other financial incentive programs; and
 - c. alternatively, create a municipal compensation fund to compensate municipalities for the impacts of Bill 23 on municipal growth funding revenues.

3. City Council request the Province of Ontario to amend Bill 23 to preserve the City's Green standard, Rental Replacement Policy, parkland provisions, community benefits charges and Development Charges to facilitate responsible growth.

4. City Council request the Province of Ontario to amend Bill 23 to preserve Toronto's ability to require a green development standards checklist (Toronto Green Standard) for a complete planning application.

5. City Council request the Province of Ontario to amend the Planning Act to enable the implementation of Inclusionary Zoning across the City and incorporate definitions of affordable housing that respond to low and moderate household income.

6. City Council request the Province of Ontario to amend the definition of "Affordable Housing" to follow the City of Toronto's "Official Plan Amendment 558 - Updating the Definitions of Affordable Rental and Ownership Housing", as approved by City Council on November 9, 2021.

7. City Council request the Province of Ontario to enact a Regulation to permit the use of conditional zoning, pursuant to Section 113 of the City of Toronto Act, 2006.

8. City Council request the Province of Ontario to delay the implementation of refunds for development applications in light of the significant changes to the Planning regulations and internal City processes regarding development.

9. City Council request the Provincial government to provide funding and funding tools to the City, matching the amount of revenue lost through development charges, community benefits charges, and Section 42 of the Planning Act in Bill 23 to ensure the services needed to facilitate responsible growth continue to be delivered.

10. City Council request the Province of Ontario to rescind the proposed changes to the Greenbelt to protect environmental features that support biodiversity, natural spaces, recreation trails, agricultural land, and watersheds that sustain all residents of the Greater Toronto and Hamilton Area.

11. City Council request the Province of Ontario to retain the existing roles and responsibilities of the regional conservation authorities.

12. City Council request the Minister of Municipal Affairs and Housing to change the effective date of the Refund of Fees for official plan amendments, zoning by-laws and site plan control applications contained in Bill 109, from January 1, 2023 to July 1, 2023.

13. City Council request the Minister of Municipal Affairs and Housing to postpone enacting regulations under Schedule 4 of Bill 23, which would grant the Minister authority to impose limits and conditions on municipalities' regulation of demolition or conversion of rental units, until such time as there has been focused consultations with municipalities as part of the development of Minister's regulations to ensure municipalities can continue to require replacement rental housing and support impacted tenants.

14. City Council request the Legislative Assembly of Ontario, through a majority vote, to withdraw Bill 23.

15. City Council direct the City Manager make public the impacts of Bill 23 on specific capital projects which will not proceed in each Provincial and Federal Riding.

16. City Council direct the City Solicitor and the Chief Planner and Executive Director, City Planning to report to the Planning and Housing Committee on guiding policies to assist City Council in gauging planning importance when considering requests that City Council initiate a Toronto Local Appeal Body appeal.

17. City Council request the City Solicitor and the Chief Planner and Executive Director, City Planning to report to the Planning and Housing Committee with a legal strategy to challenge the Province of Ontario's potential removal of Section 111 of the City of Toronto Act, and explore alternate means to protect rental units from demolition and conversion.

18. City Council direct the Chief Planner and Executive Director, City Planning to commence a public information campaign to inform all City residents of the impacts of Bill 23 and the changes to neighbourhoods, prevailing built forms, housing, civic engagement, the greenbelt, climate change, affordable housing, rental protection, community infrastructure, parks, heritage and cost of living that it may bring about.

19. City Council forward this item to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Official Opposition, all Ontario Members of Provincial Parliament, the Association of Municipalities of Ontario, and all Ontario municipalities for their consideration.

Summary

On October 25, 2022 the Honourable Steve Clark, Minister of Municipal Affairs and Housing, introduced Bill 23, More Homes Built Faster Act, 2022 in the Ontario Legislature.

Bill 23 proposes extensive changes to the policy-led planning and development system under which municipalities in Ontario work. Details and preliminary analysis of the implications of Bill 23 were shared with the Mayor and City Councillors on November 3, 2022 (see Attachment 1).

Bill 23 passed 2nd Reading on October 31, 2022 and was referred to the Standing Committee on Heritage, Infrastructure and Cultural Policy (Standing Committee) for review. The Standing Committee has held two days of public hearings to date (November 8, 2022 in Markham and November 9, 2022 in Brampton), and is scheduled to hear two more on November 16 and 17, 2022 in Toronto.

The Chief Planner, along with supporting staff, is scheduled to depute to the Standing Committee at 1:00 pm on Thursday, November 17, 2022. A livestream of the public hearing will be made available on the Ontario Legislative Assembly website at this link: <https://www.ola.org/en/legislative-business/video/committees-room-no-1>.

Staff are also preparing written comments for submission to the Standing Committee.

The Standing Committee is scheduled to conduct a clause-by-clause review of Bill 23 on Monday, November 21, 2022, during which amendments to the bill may be proposed, considered and voted upon.

Staff will provide a supplementary report outlining City staff's submission to the Standing Committee and the Environmental Registry of Ontario posting regarding Bill 23 and the results from the Standing Committee's consideration of the bill in advance of the November 24, 2022 meeting of City Council.

Background Information (City Council)

(November 16, 2022) Report from the City Manager and the Chief Planner and Executive Director, City Planning on Update on Bill 23, More Homes Built Faster Act, 2022 (CC1.2)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/bgrd/backgroundfile-230055.pdf>)
(November 3, 2022) Attachment 1 - Interim City Manager's FYI Briefing Note to Mayor and Members of Council - Bill 23, More Homes Built Faster Act, 2022
(<https://www.toronto.ca/legdocs/mmis/2023/cc/bgrd/backgroundfile-230056.pdf>)
(November 22, 2022) Supplementary report from the Interim City Manager, the Chief Financial Officer and Treasurer, and the Chief Planner and Executive Director, City Planning on City Staff Comments on Proposed Bill 23 - More Homes Built Faster Act, 2022 (CC1.2a)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/bgrd/backgroundfile-230130.pdf>)
Attachment 1 - City of Toronto Comments on Proposed Bill 23 (submitted to the Environmental Registry of Ontario and Ontario Regulatory Registry November 22, 2022)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/bgrd/backgroundfile-230131.pdf>)
Attachment 2 - Chief Planner Presentation Notes to the Standing Committee on Heritage, Infrastructure and Cultural Policy (November 17, 2022)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/bgrd/backgroundfile-230132.pdf>)

Communications (City Council)

(November 21, 2022) Letter from Geoff Kettel and Cathie Macdonald, Co-Chairs, Federation of North Toronto Residents' Associations (FoNTRA) (CC.Supp)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156534.pdf>)
(November 22, 2022) Letter from Andria Babbington, President, Toronto and York Region Labour Council (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156573.pdf>)
(November 23, 2022) Letter from Jason Ash, Chair, Leaside Towers Tenants Association (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156570.pdf>)
(November 22, 2022) Letter from Les Veszlenyi and Angela Barnes, Co-Chairs, Mimico Lakeshore Community Network (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156571.pdf>)
(November 22, 2022) Letter from Maureen Kapral, President, Lytton Park Residents' Organization (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156572.pdf>)
(November 24, 2022) Letter from Walied Khogali, Regent Park Neighbourhood Association (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156578.pdf>)
(November 24, 2022) Letter from Henry Wiercinski, Vice President, Annex Residents' Association and Sue Dexter, Board, Harbord Village Resident's Association (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156579.pdf>)
(November 24, 2022) Letter from Jin Huh, Executive Director, Social Planning Toronto (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156581.pdf>)
(November 24, 2022) Letter from Mike Mattos, President, Judith Hayes, Vice President, and Rick Ciccarelli, Executive Board Associate, Mount Dennis Community Association (CC.New)
(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-156542.pdf>)