Oshawa

Public Report

To:	Development Services Committee
From:	Warren Munro, HBA, RPP, Commissioner, Development Services Department
Report Number:	DS-19-106
Date of Report:	May 22, 2019
Date of Meeting:	May 27, 2019
Subject:	City Comments on Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters
File:	D-1100

1.0 Purpose

The purpose of this report is to obtain Council approval of City comments on Bill 108, an Act to amend various statutes with respect to housing, other development and various other matters (Bill 108). Bill 108 consists of proposed amendments to the following legislation:

- The Cannabis Control Act, 2017
- The Conservation Authorities Act
- The Development Charges Act, 1997
- The Education Act
- The Endangered Species Act, 2007
- The Environmental Assessment Act
- The Environmental Protection Act
- The Labour Relations Act, 1995
- The Local Planning Appeal Tribunal Act, 2017
- The Occupational Health and Safety Act
- The Ontario Heritage Act
- The Planning Act
- The Workplace Safety and Insurance Act, 1997

For the purposes of this report to Development Services Committee, staff have commented on all of the proposed amendments other than amendments to:

- The Labour Relations Act, 1995
- The Occupational Health and Safety Act
- The Workplace Safety and Insurance Act, 1997

The changes contemplated by Bill 108 to the three above-noted Acts have no material effect on land use planning in the City of Oshawa.

Additional information on Bill 108 and the proposed amendments to the various Acts can be found at the following link: https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108.

The proposed amendments to the following Acts were posted on the Province's Environmental Registry website on May 2, 2019 with comments due by June 1, 2019:

- The Planning Act (link: https://ero.ontario.ca/notice/019-0016);
- The Development Charges Act, 1997 (link: https://ero.ontario.ca/notice/019-0017); and
- The Ontario Heritage Act (link: https://ero.ontario.ca/notice/019-0021).

Staff are seeking authority to send City comments on the above noted Environmental Registry postings in advance of Council's endorsement of the comments in order to meet the June 1, 2019 deadline.

It is anticipated that additional proposals related to Bill 108 will be posted to the Environmental Registry for comment. If future proposals related to Bill 108 do not materially change, staff are also seeking authority to submit comments contained in this report in response to the associated proposals on the Environmental Registry.

Attachment 1 presents staff comments on proposed amendments to the Cannabis Control Act.

Attachment 2 presents staff comments on proposed amendments to the Conservation Authorities Act.

Attachment 3 presents staff comments on proposed amendments to the Development Charges Act.

Attachment 4 presents staff comments on proposed amendments to the Education Act.

Attachment 5 presents staff comments on proposed amendments to the Endangered Species Act.

Attachment 6 presents staff comments on proposed amendments to the Environmental Assessment Act.

Attachment 7 presents staff comments on proposed amendments to the Environmental Protection Act.

Attachment 8 presents staff comments on proposed amendments to the Local Planning Appeal Tribunal Act.

Attachment 9 presents staff comments on proposed amendments to the Ontario Heritage Act.

Attachment 10 presents staff comments on proposed amendments to the Planning Act.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That Report DS-19-106 dated May 22, 2019 including Attachments 1 to 10, inclusive, be endorsed as the City's comments on Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters.

2. That staff be authorized to forward Report DS-19-106 dated May 22, 2019 and any related resolution of the Development Services Committee to the Ministry of Municipal Affairs and Housing and to provide subsequent follow-up once Council has considered this matter.

3. That staff be authorized to submit comments contained in Report DS-19-106 dated May 22, 2019, related to the Development Charges Act, 1997, the Ontario Heritage Act and the Planning Act in response to the associated proposals on the Environmental Registry website and to provide subsequent follow-up once Council has considered this matter.

4. That staff be authorized to submit comments contained in Report DS-19-106 dated May 22, 2019, related to the Cannabis Control Act, 2017, the Conservation Authorities Act, the Education Act, the Endangered Species Act, 2007, the Environmental Assessment Act, the Environmental Protection Act and the Local Planning Appeal Tribunal Act, 2017 in response to any future associated proposals posted on the Environmental Registry website related to these Acts where, in the opinion of the Commissioner of Development Services, the proposals are not materially different from the amendments proposed under Bill 108.

5. That a copy of Report DS-19-106 dated May 22, 2019, and the related Council resolution be sent to the Association of Municipalities of Ontario, the Region of Durham, Durham area municipalities, Durham area M.P.P.s, the Central Lake Ontario Conservation Authority, the City's Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association (B.I.L.D.) and the Durham Region Home Builders' Association.

3.0 Executive Summary

Bill 108, an Act to amend various statutes with respect to housing, other development and various other matters, was introduced on May 2, 2019 to the Legislative Assembly of Ontario by the Minister of Municipal Affairs and Housing, and includes proposed amendments to 13 different Acts.

The proposed amendments serve, in part, to enable the proposed Housing Supply Action Plan which was also released on May 2, 2019. The Housing Supply Action Plan outlines the Province's proposed approach to addressing housing supply issues in Ontario.

Under the lead of the Ministry of Municipal Affairs and Housing and the Ministry of Tourism, Culture and Sport, the Province released three proposals for comment on the Environmental Registry in relation to the proposed Housing Supply Action Plan, which are:

- Bill 108 – (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act;

- Bill 108 – (Schedule 3) – the proposed More Homes, More Choice Act: Amendments to the Development Charges Act, 1997, and;

- Bill 108 – (Schedule 11) – the proposed More Homes, More Choice Act: Amendments to the Ontario Heritage Act.

It is anticipated that additional proposals related to Bill 108 will be posted to the Environmental Registry for comment. This Department recommends that the comments in this report on Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters, be endorsed as the City's comments.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- City Manager
- Finance Services
- Legal Services
- Central Lake Ontario Conservation Authority

Owing to the timing of the posting on the E.B.R. versus the scheduling of meetings of the Oshawa Environmental Advisory Committee (O.E.A.C.) and Heritage Oshawa, it was not possible to obtain O.E.A.C. and Heritage Oshawa comments to inform this report.

Staff provided a copy of Bill 108 and Report DS-19-NNN dated May 22, 2019 to O.E.A.C. and Heritage Oshawa members and advised committee members to submit their comments directly to the Province by the June 1, 2019 deadline.

5.0 Analysis

5.1 Increasing Housing Supply Consultation Document

On November 28, 2018, under the lead of the Ministry of Municipal Affairs and Housing, the Province posted the Increasing Housing Supply in Ontario consultation document to the Environmental Registry to inform the development of an action plan to help increase the supply of ownership and rental housing in Ontario. The consultation document discussed five broad themes related to barriers to new housing supply, namely:

1. Speed: it takes too long for development projects to get approved;

2. Mix: there are too many restrictions on what can be built to get the right mix of housing where it is needed;

3. Cost: development costs are too high because of high land prices and government-imposed fees and charges;

4. Rent: it is too hard to be a landlord in Ontario, and tenants need to be protected; and

5. Innovation: other concerns, opportunities and innovations to increase housing supply.

The Increasing Housing Supply in Ontario consultation document served to advance the preparation of the Province's Housing Supply Action Plan (the "Plan"). With the release of the proposed Plan on May 2, 2019, it is now appropriate to provide input to the Province.

5.2 Housing Supply Action Plan

The Plan is predicated on a vision that, "all Ontarians can find a home that meets their needs and budget". Furthermore, the proposed Plan seeks to:

- Cut red tape to make it easier to build the right types of housing in the right places;
- Make housing more affordable; and
- Help taxpayers keep more of their hard-earned dollars.

Additional information on the proposed Plan can be found at the following link: https://files.ontario.ca/mmah-housing-supply-action-plan-en-2019-05-02.pdf.

The proposed Plan is also complemented by the Province's Community Housing Renewal Strategy, which outlines the Province's approach to improve community housing across the province. Objectives of this strategy include:

- Helping tenants become economically self-sufficient;
- Making it easier to predict and calculate rent;
- Shortening waiting lists;
- Helping people in greatest need; and
- Making community housing safer.

Additional information on the Province's Community Housing Renewal Strategy can be found at the following link: https://www.ontario.ca/page/community-housing-renewal-strategy.

The five themes discussed in the Increasing Housing Supply in Ontario consultation document were used to advance and inform the proposed Housing Supply Action Plan's Five-Point Plan to address housing supply in the Province. Accordingly, the five-point plan focuses on the following elements:

1. Speed: maintain Ontario's strong environmental protections, while making the development approvals process faster;

2. Cost: make costs more predictable, to encourage developers to build more housing;

3. Mix: make it easier to build different types of housing – from detached houses and townhomes to mid-rise rental apartments, second units and family-sized condos;

4. Rent: protect tenants and make it easier to build rental housing; and

5. Innovation: encourage more innovation and creativity in Ontario's housing sector and make sure government is not standing in the way.

5.2.1 Current Initiatives

The proposed Plan identifies the following actions that have been undertaken by the Provincial government to address housing related issues:

- More choice for renters: exempted new rental units from rent control to encourage new rental construction so that there can be more choice for tenants;

- Cost-effective building: committed to increase the use of timber in the home building industry, including training architects, engineers and skilled trades to work with wood and encourage mass timber demonstration projects;

- Investing in infrastructure: improve Ontario's roads and bridges, increase the capacity of our transit systems and improve community, cultural and recreational facilities across the province through the $30 billion bilateral infrastructure program. Additional information on the infrastructure program can be found at the following link: https://news.ontario.ca/moi/en/2019/03/ontario-launches-30-billion-infrastructure-funding-program.html.

- Improving transportation networks: invested in transit across the province, including improved service for transit users and commuters as well as the reveal of our government's transit vision. Additional information on the Transportation Vision can be found at the following link: https://news.ontario.ca/opo/en/2019/04/premier-ford-unveils-transportation-vision.html.

- Greater Golden Horseshoe: updating A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

5.2.2 Next Steps

The proposed Plan identifies various actions the Province is currently undertaking to address housing related issues in Ontario.

The following proposed changes are included in proposed amendments to legislation under Bill 108.

5.2.2.1 Proposed changes to the Planning Act

The proposed changes to the Planning Act are intended to achieve the following:

- Bring housing to market faster by speeding up local planning decisions and making the appeals process more efficient;

- Make it easier for homeowners to create residential units above garages, in basements and in laneways;

- Help build housing, including affordable housing, near transit;
- Help municipalities implement community planning permit systems (e.g. in major transit station areas and provincially significant employment zones), which will streamline planning approvals to 45 days;
- Simplify how funds are collected for community benefits such as parks and daycares;
- Make upfront development costs easier to predict; and
- Give communities and developers more certainty on what they can build, and where they can build it.

5.2.2.2 Proposed changes to the Local Planning Appeal Tribunal Act

The proposed changes to the Local Planning Appeal Tribunal Act are intended to achieve the following:

- Hire more adjudicators to help address the backlog of legacy cases by investing $1.4 million in 2019-20;
- Ensure the tribunal has the powers and resources needed to make more timely decisions;
- Allow the tribunal to make the best planning decisions in the place of Council; and
- Charge different fees and move towards a cost recovery model, while allowing community groups and residents to maintain affordable access to the appeals process.

5.2.2.3 Proposed changes to the Development Charges Act, 1997

The proposed changes to the Development Charges Act, 1997 are intended to achieve the following:

- Reduce the costs to build priority housing types, such as second units;
- Fully cover municipalities' waste diversion costs; and
- Make the costs of development clear from the outset. This will protect new home buyers, as development charges are often passed directly on to the consumer.

5.2.2.4 Proposed changes to the Education Development Charge framework

The proposed changes to the Education Act are intended to achieve the following:

- Allow only modest increases in education development charges to help make housing more affordable; and
- Allow for innovative and lower-cost alternatives to site acquisition.

5.2.2.5 Proposed changes to the Ontario Heritage Act

The proposed changes to the Ontario Heritage Act are intended to achieve the following:

- Maintain local control over heritage conservation decisions, while providing clear direction and timelines for local decision-makers, heritage professionals and development proponents about protecting heritage properties; and
- Create a consistent appeals process.

5.2.2.6 Proposed changes to the Environmental Assessment Act and the Environmental Protection Act

The proposed changes to the Environmental Assessment Act and the Environmental Protection Act are intended to achieve the following:

- Address duplication and streamline processes for projects that pose little risk to the environment;
- Provide clarity to proponents from the outset by better recognizing other planning processes;
- Reduce the amount of soil sent to landfill from construction sites, by making it easier and safer to reuse soil and penalizing those who illegally dump excess soil;
- Clarify the rules and remove unnecessary barriers to building on vacant land, to put prime land back to good use while protecting the environment and human health; and
- Improve service standards to reduce delays.

5.2.2.7 Proposed changes to the Conservation Authorities Act

The proposed changes to the Conservation Authorities Act are intended to achieve the following:

- Clearly define conservation authorities' core programs and services, such as flood protection, and only require municipalities to pay for these services, not frivolous additional expenses;
- Give municipalities more say over non-core programs and services and how municipalities pay for them;
- Streamline and standardize conservation authorities' role in municipal planning to reduce overlap, making approvals faster and less expensive; and
- Improve governance and accountability.

5.2.2.8 Proposed changes to the Endangered Species Act

The proposed changes to the Endangered Species Act are intended to achieve the following:

- Make it easier to harmonize the Endangered Species Act with other equivalent legislation;
- Establish Canada's first Species at Risk Conservation Trust so project proponents can support strategic, coordinated and large scale actions instead of completing piecemeal requirements for permits, agreements and regulatory exemptions;
- Offer more certainty by improving processes;
- Provide clarity on how protected species are identified and transparent rules on how to protect habitat; and
- Support a modern ecosystem-wide approach to species protection, one that balances competing interests, that is effective and efficient.

5.3 Bill 108

On May 2, 2019, the Minister of Municipal Affairs and Housing introduced Bill 108 to the Legislative Assembly of Ontario, which passed first reading. Bill 108 includes amendments to the following legislation:

- The Cannabis Control Act, 2017
- The Conservation Authorities Act
- The Development Charges Act, 1997
- The Education Act
- The Endangered Species Act, 2007
- The Environmental Assessment Act
- The Environmental Protection Act
- The Labour Relations Act, 1995
- The Local Planning Appeal Tribunal Act, 2017
- The Occupational Health and Safety Act
- The Ontario Heritage Act
- The Planning Act
- The Workplace Safety and Insurance Act, 1997

On May 8, 2019, Bill 108 was introduced for second reading debate and was further debated on May 9, 2019 and May 13, 2019. All bills introduced in the House must be debated for a minimum of 6.5 hours before being referred to Committee.

The current status of Bill 108 is second reading debate.

5.4 Staff Comments

Staff have provided comments on proposed amendments to the following provincial legislation as it relates to land use planning:

- Staff comments on the proposed amendments to the Cannabis Control Act can be found in Attachment 1.
- Staff comments on the proposed amendments to the Conservation Authorities Act can be found in Attachment 2.
- Staff comments on the proposed amendments to the Development Charges Act can be found in Attachment 3.
- Staff comments on the proposed amendments to the Education Act can be found in Attachment 4.
- Staff comments on the proposed amendments to the Endangered Species Act can be found in Attachment 5.
- Staff comments on the proposed amendments to the Environmental Assessment Act can be found in Attachment 6.
- Staff comments on the proposed amendments to the Environmental Protection Act can be found in Attachment 7.
- Staff comments on the proposed amendments to the Local Planning Appeal Tribunal Act can be found in Attachment 8.
- Staff comments on the proposed amendments to the Ontario Heritage Act can be found in Attachment 9.
- Staff comments on the proposed amendments to the Planning Act can be found in Attachment 10.

Where appropriate, staff have also recommended support or opposition to the proposed amendments to the following legislation which relates to the core business of Development Services:

- The Conservation Authorities Act
- The Development Charges Act
- The Local Planning Appeal Tribunal Act
- The Ontario Heritage Act
- The Planning Act

City of Oshawa staff have considered the proposed amendments under Bill 108 and, in addition to the specific comments listed in the attachments to this report, provide the following additional general comments:

- Bill 108 was introduced to the Ontario Legislative Assembly on the same day as the Environmental Registry postings concerning the proposed amendments to the Development Charges Act, the Ontario Heritage Act and the Planning Act. Staff note that this limits the opportunity for the public to provide fulsome comments, and that the Province should seek additional consultation on the proposed amendments.

- The Environmental Registry postings concerning the proposed amendments to the Development Charges Act, the Ontario Heritage Act and the Planning Act only provide for a 30-day consultation period. Staff note that it is challenging to conduct a fulsome review including obtaining comments from municipal advisory committees and reporting to municipal standing committees and Council in a 30-day period.

- Bill 108 proposes amendments to 13 different Acts. Staff note that clearly defined transitional provisions are required for municipalities and stakeholders.

6.0 Financial Implications

There are no financial implications associated with the comments in this report. However, it is not clear how the proposed amendments in Bill 108 will impact taxpayers and the City's financial resources.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendations advance the Economic Prosperity and Financial Stewardship, Accountable Leadership and Cultural Vitality goals of the Oshawa Strategic Plan.

Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Staff Comments on Proposed Amendments to the Cannabis Control Act

Policy	Description	Staff Comments
Subsection 18 (3.1)	Subsection 18 (3.1) “No entry” is proposed to be added to prohibit persons from entering or attempting to enter closed premises during the closure. Note: an exception to the bar entry is added in subsection 18 (3.2) for police officers and other emergency responders, in exigent circumstances.	No comment.
Subsection 18 (7)	Subsection 18 (7) under “Interim closure of premises – non-application” which provides that section 18 does not apply to premises used for residential purposes, is proposed to be repealed.	Staff note that this amendment repeals a provision that exempted residences from interim closure orders. This will eliminate the loophole of putting a residential unit within an illegal cannabis dispensary to avoid closure.
Subsection 21.1	Subsection 21.1 “Obstruction” is proposed to be added to provide for a general prohibition on obstructing police officers and other persons enforcing the Act.	No comment.
Subsection 23 (2)	Subsection 23 (2) “Penalties” is proposed to be amended to add minimum penalty amounts.	Staff note that this amendment adds a minimum penalty amount, as it relates to unlawful sale, distribution, and landlords. This may help discourage illegal cannabis dispensaries.
Section 25	Section 25 “Order to close premises” is proposed to be amended to authorize court-ordered closure of premises in specified circumstances following conviction.	No comment.

Staff Comments on Proposed Amendments to the Conservation Authorities Act

Policy	Description	Staff Comments
Section 14.1	Section 14.1 “Members of authority” is proposed to be amended to clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority.	Staff note that under Section 2(3) of the Act, Board representatives have the authority to vote and generally act on behalf of their respective municipalities. Staff further note that board members who are appointed as representatives of a stakeholder group should ensure that representing their stakeholder group does not conflict with acting in the best interest of the conservation authority. Staff support the proposed amendment to clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority.
Section 21.1	Section 21.1 “Mandatory programs and services” is proposed to be amended to provide a list of specific programs and services that are required to be provided by an authority, which are: 1. Natural hazard protection and management; 2. Conservation and management of conservation authority lands; 3. Drinking water source protection; and 4. Protection of the Lake Simcoe watershed.	Staff note that the Province has identified four core programs and services to be provided by conservation authorities. Staff further note that watershed management is not identified as a core program area, and recommend that this considered as a key component required to carry out the core program areas. Staff support the proposed core program areas, as they have been key components of conservation authority programming in the past. Staff recommend that the Province consult with conservation authorities and other stakeholders on the development of the regulations outlining the requirements for the identified core program areas.

Policy	Description	Staff Comments
Section 21.1.2	Section 21.1.2 “Other programs and services” is proposed to be amended to provide that for programs and services that do not fall within the core program areas, that the conservation authority and the municipality enter into agreements for the delivery of non-mandatory programs and services. A transition period will be established (e.g. 18 to 24 months) for conservation authorities and municipalities to enter into agreements.	Staff note that increased transparency would be accomplished through service agreements with municipalities that clearly define non-mandatory programs and services that will be provided by the conservation authority with municipal funding. Staff further note that some municipalities will have to work with multiple conservation authorities, and that the transition period for agreements should allow time for the agreements to be endorsed by Councils and Boards. On April 29, 2013, Council endorsed the Partnership Memorandum between the City and the Central Lake Ontario Conservation Authority for Plan Review services. As a result, staff support the use of service agreements for non-mandatory programs and services provided by a conservation authority, to increase transparency and clearly define roles and responsibilities.
Section 23.1	Section 23.1 “Information required by Minister” is proposed to be amended to enable the appointment of an investigator to investigate or undertake an audit and report on a conservation authority.	Staff note that the ability to appoint an investigator, when warranted, will contribute to improved transparency. Staff support the ability for the Minister to appoint an investigator. However, it will be important to define clear rules to ensure that there is a justifiable need for an investigation. Staff recommend that the Province determine the circumstances and establish mechanisms for the Ministry and/or municipalities to intervene, when necessary, in conservation authorities’ operations.

Policy	Description	Staff Comments
Section 27.2	Section 27.2 “Other amounts owing to authority – specified municipality” is proposed to be added to authorize a conservation authority to determine the amounts owed by “specified municipalities” in connection with the programs and services the authority provides in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*.	Staff note that the proposed amendments to this section will allow for clarity and consistency in fees charged and increase conservation authority transparency. Staff support the proposed amendments to increase transparency and clarify permitting actions related to conservation authority fees. Staff recommend that the determination of classes of programs of services for which an authority may charge be informed by discussions between the Province, conservation authorities, municipalities, the building and development industry and the public.

Staff Comments on Proposed Amendments to the Development Charges Act, 1997

Policy	Description	Staff Comments
Subsection 2(4)	Subsection 2(4) "Ineligible services" is proposed to be amended to set out the only services in respect of which a development charge by-law may impose development charges. The services are those set out in current subsection 5 (5), which is proposed to be repealed, and waste diversion services.	Staff note that "soft services" including administration, fire protection, transportation, operations, watercourse improvements, parks, recreation and trails and libraries will no longer be eligible for development charges, but may be included as a new Community Benefits Charge, under Sections 26, 34 or 41 of the Planning Act. What is unclear is what happens on a go forward basis to funds that have already been collected for soft services. Staff further note that the proposed amendments will shift the development costs for soft services from the Development Charges Act to the Planning Act. Staff recommend that this provision remain in the Development Charges Act. Staff require additional information on the proposed amendments to Sections 26, 34 and 41 of the Planning Act that relate to Community Benefits charges in order to assess the impact of the proposed amendments to this subsection.
Section 26.1	Section 26.1 "When a development charge is payable" is proposed to be added to set out rules for when a development charge is payable in respect of five types of development: rental housing, institutional, industrial, commercial and non-profit housing. Unless certain exceptions apply, the charge is payable in six annual installments beginning on the earlier of the date of permit issuance and the date the building is	Staff note that the delay in receiving revenue from development charges will impact municipal cash flow as the cost of goods and services may increase over the five-year period. In addition, the proposed amendment to this section does not clearly define rental housing and non-profit housing. Staff note that Oshawa's current Development Charge By-law has a non-statutory exemption for non-profit housing.

Policy	Description	Staff Comments
	first occupied, continuing on the following five anniversaries of that date. Section 52 “Non-parties bound by agreement” is proposed to be amended to set out equivalent rules in respect of these types of development in the context of non-parties to a front-ending agreement.	It is noted that the proposed amendments do not provide a clear path for municipalities to collect funds if the use does not pay taxes, or to collect overdue payments. Staff further note that the requirement to manage multiple-year collections for building permits issued for each rental housing, non-profit housing and commercial/industrial/institutional development will increase municipal staff requirements and increase opportunities for administrative errors. Staff require additional information and effective mechanisms (i.e. criteria for developers to receive a five-year payment period) to ensure that municipalities are protected in order to assess the impact of the proposed amendments to this section.
Section 26.2	Section 26.2 “When amount of development charge is determined” is proposed to be added to set out rules for when the amount of a development charge is determined. The amount is determined based on the date of an application under Section 41 of the Planning Act (site plan control area) or, if there is no such application, on the date of an application under Section 34 of the Planning Act (zoning by-laws). If neither such application has been made, the amount continues to be determined in accordance with Section 26 of the Act. If a specified period of time has elapsed since the approval of the subject development application, the amount continues to be determined in accordance with Section 26 of the Act.	Staff note that locking in the development charge rates well in advance of the building permit issuance would produce a shortfall in revenue, as the chargeable rates will not reflect the current rate as of the time the development is built. Staff further note that the proposed amendment does not clearly define what constitutes “a specified period of time”. This is problematic as municipalities may have approved development applications that date back to the 1990s that have not yet been built. It is also unclear as to what rules would apply in circumstances of multiple rezoning applications on the same site. It is equally unclear on the impact of the proposed amendments to the City’s current Development Charge By-

Policy	Description	Staff Comments
		law Background Study which is expected to conclude in June of 2019. As a result, staff do not support the proposed amendments to Section 26.2. Staff recommend that the status quo be maintained which requires payment of Development Charges at the time of issuance of a building permit. This is fair and equitable to the development community and ensures the municipality collects an appropriate amount of revenue to provide growth-related capital infrastructure. Staff also continue to support the fiscally responsible position that growth must pay for growth.

Staff Comments on Proposed Amendments to the Education Act

Policy	Description	Staff Comments
Section 195	Section 195 "Dealings with Property" is proposed to be amended to require a school board to give notice to the Minister if it plans to acquire or expropriate land and to allow the Minister to reject the board's plans.	Staff note that the amendments to this section limit a school board's ability to acquire or expropriate land. Staff further note that additional information is required to determine the grounds on which the Minister may reject a school board's plans to acquire or expropriate land.
Section 257.53.1	Section 257.53.1 "Alternative project" is proposed to be added to provide for alternative projects that, if requested by a board and approved by the Minister, would allow the allocation of revenue from education development charge by-laws for projects that would address the needs for the board for pupil accommodation and would reduce the cost of acquiring land.	Staff note that the amendments to this section may help school boards implement alternative projects that advance their core business. Staff further note that additional information is required to define alternative projects and to determine which alternative projects may be eligible to receive an allocation of revenue from education development charges.
Section 257.53.2	Section 257.53.2 "Exemption for localized education development agreement" is proposed to be added to provide for localized education development agreements that, if entered into between a board and an owner of the land, would allow the owner to provide a lease, real property or other prescribed benefit to be used by the board to provide pupil accommodation in exchange for the board agreeing not to impose education development charges against the land.	Staff note that the amendments to this section may encourage school boards to foster partnerships with local land owners for the extended use of their land or facilities, as an alternative to educational development charges.

Staff Comments on Proposed Amendments to the Endangered Species Act

Policy	Description	Staff Comments
Subsection 7 (4)	Subsection 7 (4) "Species at Risk in Ontario List" is proposed to be amended to extend the time frame for making the regulation from 3 months to 12 months after receiving the Committee on the Status of Species at Risk in Ontario (COSSARO) report.	Staff note that this amendment will extend the time frame for the Minister to make a regulation from 3 months to 12 months after receiving the COSSARO report. Staff further note depending on the results of the COSSARO report, this may be problematic for species that have become more endangered or threatened and require immediate consideration.
Subsection 8 (3) and (4)	Subsections 8 (3) and (4) are proposed to be amended to provide that, once the Minister requests that COSSARO reconsider the classification of a species set out in a report to the Minister, the requirement to make a regulation under section 7 within 12 months of receiving that report no longer applies. The 12-month period will only begin to run once COSSARO submits a second report to the Minister.	Staff note that if the Minister requests that COSSARO reconsider the classification of a species, that the 12 month requirement to make a regulation upon receiving that report would no longer be reasonable. Staff further note that the 12-month period may be problematic if, based on the second COSSARO report, a species is determined to be more endangered or threatened than previously reported.
Section 8.1	Section 8.1 "Ministerial requirements" is proposed to be amended to allow the Minister, by regulation, make an order when a species is listed on the Species at Risk in Ontario List (SRO List) as an endangered or threatened species for the first time. The order would temporarily suspend all or some of the prohibitions in subsections 9 (1) and 10 (1) of the Act with respect to the species for a period of up to three years.	Staff note that this amendment will limit the prohibitions under subsections 9 (1) and 10 (1) when a species is on the SRO List for the first time. Staff further note that additional information is required to determine which specific prohibitions

Policy	Description	Staff Comments
		under subsections 9 (1) and 10 (1) will be permitted.
Section 8.2	Section 8.2 “Delay of prohibitions upon initial listing” is proposed to be added to provide that, for a period of one year after a species is listed for the first time on the Species at Risk in Ontario List as an endangered or threatened species, some of the prohibitions under subsection 9 (1) or 10 (1) will not apply to persons who were issued permits or otherwise authorized under the Act to engage in activities before the species was so listed. This one-year delay applies in addition to any order made under Section 8.1 that temporarily suspends the relevant prohibitions for a period of up to three years.	Staff note that this amendment will limit the prohibitions under subsections 9 (1) and 10 (1) to those who were issued permits or authorized to engage in the listed activities for a period of one year after the species is on the SRO List. Staff further note that additional information is required to determine which specific prohibitions under subsections 9 (1) and 10 (1) will be permitted.
Subsection 9 (1)	Subsections 9 (1.2) to (1.4) under “Protection and Recovery of Species” are proposed to be added to give the Minister the ability to make regulations limiting the application of the prohibitions with respect to a species. The limitations may relax the prohibitions in various ways, including by indicating that some of the prohibitions do not apply, by limiting the geographic areas in which they apply or by providing that the prohibitions only apply to the species at a certain stage of their development.	Staff note that this amendment allows the Minister to make regulations limiting the application of the prohibitions in subsection 9 (1) with respect to a species. Staff further note that additional information is required to determine on what grounds the Minister may limit the application of the prohibitions in subsection 9 (1).
Section 16.1	Section 16.1 “Landscape agreements” is proposed to be added to allow the Minister to enter into landscape agreements with persons. A landscape agreement authorizes a person to engage in activities that would otherwise be prohibited under Section 9 or 10 with respect to one or more species that are listed on the Species at Risk in Ontario List as endangered or threatened species. The person so authorized is required under the agreement to execute specified beneficial actions that will assist in the protection or recovery of one or more species. The	Staff note that the proposed landscape agreements will authorize activities that would otherwise be prohibited with respect to one or more listed species, specifically under Sections 9 and 10. Staff further note that additional information is required to determine on what grounds a

Policy	Description	Staff Comments
	agreement applies only to the geographic area specified in the agreement. The species impacted by the authorized activities are not necessarily the same as the species that benefit from the beneficial actions. The agreement may only be entered into if specified criteria are met.	landscape agreement will be entered into, and to define "beneficial actions". Staff recommend that specified beneficial actions to the benefit of one species should not negatively impact a different species. More detail should be added to clarify. Staff further recommend that the Minister should consult with the local municipality and conservation authority before entering into a landscape agreement.
Section 18	Section 18 "Instruments under other Acts" is proposed to be amended to provide that the person authorized to engage in the regulated activity may carry out the activity, despite Section 9 or 10, provided certain conditions are met. The conditions require that the regulated activity itself be prescribed by regulations under subsection 18 (3) for the purposes of the section, that the species affected by the regulated activity be similarly prescribed and that other conditions set out in those regulations be met.	Staff note that this amendment will allow an authorized person to engage in activities that are regulated under other Ontario or federal legislation, but prohibited under Section 9 or 10 of this Act, provided that certain conditions are met. Staff further note that additional information is required to further scope the matter and determine which specific activities under Sections 9 and 10 will be permitted, provided that certain conditions are met.
Sections 20.1 to 20.18	Sections 20.1 to 20.18 under "Species at Risk Conservation Fund" are proposed to be added to provide for the establishment of the Species at Risk Conservation Fund and of an agency to manage and administer the Fund. The purpose of the Fund is to provide funding for activities that are reasonably likely to protect or recover species at risk. The primary source of money for the Fund are species conservation charges that certain persons may be required to pay into the Fund under the Act. Those persons are	Staff note that the Species at Risk Conservation Fund will provide funding to activities that are likely to protect and recover species at risk. For municipal works or developments that damage a habitat, a charge in lieu of meeting certain conditions would be possible with a permit. However the municipality or developer would still be required to minimize impacts and seek alternatives.

Policy	Description	Staff Comments
	required to pay the charge as a condition of a permit or other authorization issued or entered into under the Act. Were it not for the permit or authorization, those activities would be prohibited under Section 9 or 10 of the Act with respect to species that are designated by the regulations.	Staff further note that additional information is required to determine the grounds on which a permit will be issued to allow for the damage or destruction of a habitat.
Section 27.1	Section 27.1 “Species protection order” is proposed to be added to give the Minister the power to order a person to not engage in an activity or to stop engaging in an activity that may have a significant adverse effect on a species listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species. The order may also require the person to take steps to address the adverse effect of the activity.	Staff note that the “species protection order” will help protect species that are endangered or threatened. Staff support the amendment to give the Minister the authority to issue a species protection order as a means of protecting species that are threatened or endangered.
Sections 55 to 57	Sections 55 to 57 are proposed to be amended to provide that some regulations are made by the Lieutenant-Governor in Council and others made by the Minister. Section 57 would prevent certain regulations from being made unless the Minister is satisfied that the regulation is not likely to jeopardize the survival in Ontario of a species listed on the Species at Risk in Ontario List as an endangered or threatened species or to have any other significant adverse effect on such a species.	No comment.

Staff Comments on Proposed Amendments to the Environmental Assessment Act

Policy	Description	Staff Comments
Section 11.4	Section 11.4 “Reconsiderations of decisions” as well as Section 12.4 “Transition” are proposed to be amended to provide that Section 11.4 applies in respect of environmental assessments that were prepared under the predecessor of Part II of the Act.	No comment.
Section 15.3	Section 15.3 “Non-application of Act, certain undertakings” is proposed to be added to provide that a Class Environmental Assessment (Class E.A.) may exempt specified categories of undertakings within the class from the Act, based on evaluation criteria specified within one of the following Class E.A.s: 1. Class E.A. for MNR Resource Stewardship and Facility Development Projects; 2. Class E.A. Process for Management Board Secretariat and Ontario Realty Corporation; 3. Class E.A. for Provincial Parks and Conservation Reserves; 4. Class E.A. for Activities of the Ministry of Northern Development and Mines under the Mining Act; and 5. Class E.A. for Minor Transmissions Facilities of Hydro One.	Staff note that the new Section 15.3 exempts certain undertakings within five identified types of Class E.A. based on certain evaluation criteria specified in each type of E.A. Staff further note that the Class E.A. for Municipal Infrastructure Projects is not included in subsection 15.3 (3), and should be considered.
Section 15.4	Section 15.4 “Amendment of an approved class environmental assessment” is proposed to be added to provide a new process governing amendments to approved class environmental assessments. This includes enabling the Minister of the Environment, Conservation and Parks to exempt other undertakings from the Act by amending class environmental assessments and providing rules governing those amendments, including requirements for public consultation.	Staff note that the new Section 15.4 allows the Minister to amend an approved Class E.A. It is noted that additional information is required to determine the grounds on which the Minister may amend an approved Class E.A. and to further define “adequate public notice” under subsection 15.4 (2).

Policy	Description	Staff Comments
		Staff further note that the proposed amendments to this section enable the Minister to exempt amendments to an approved class E.A. from further public consultation. For example, this would be problematic in the case of the Lakeshore East GO Rail Extension in Oshawa, as it would limit public participation in the planning process.
Section 16	Section 16 "Order to comply with Part II" is proposed to be amended to add several new subsections to Section 16 of the Act, and accomplish the following: • The amendments would limit the Minister's ability to issue such orders to only prevent, mitigate or remedy adverse impacts on constitutionally protected aboriginal or treaty rights or a prescribed matter of provincial interest. The amendments would also provide that the Minister must make an order within any deadlines as may be prescribed and should the Minister fail to do so, that written reasons be provided. • The amendments impose limitations on persons making requests for orders under Section 16 by requiring that the person be a resident of Ontario and make the request within a prescribed deadline. • The amendments to Section 16 would also require the Director to refuse any requests for an order under Section 16 that do not comply with the applicable criteria: o Raises an issue related to the existing aboriginal and treaty rights; or	Staff note that the amendments to this section would limit the Minister's ability to issue orders to comply with Part II "Environmental Assessments" to matters relating to constitutionally protected aboriginal or treaty rights or a prescribed matter of provincial interest. Staff further note that a request for an order under subsection 16 (5) has been limited from any person to a resident of Ontario. Further, requests for orders must either raise an issue related to existing aboriginal and treaty rights, or be made by a qualified person. Staff recommend that a "person who is qualified to make the request" be further defined.

Policy	Description	Staff Comments
	○ Is made by a person who is qualified to make the request. • The amendments further update the name of the Minister and Ministry, make complementary amendments governing the preparation of new class environmental assessments, set out transitional provisions related to the new Section 15.4 and amendments to Section 16, and provide complementary amendments to the Minister's delegation powers and the authority of the Lieutenant Governor in Council to make regulations.	

Staff Comments on Proposed Amendments to the Environmental Protection Act

Policy	Description	Staff Comments
Part V.1	Part V.1 "Vehicle Permits and Number Plates" is proposed to be amended to provide that a provincial officer may seize the number plates for a vehicle, including number plates issued by an authority outside Ontario, if he or she reasonably believes that the vehicle was used or is being used in connection with the commission of an offence and the seizure is necessary to prevent the continuation or repetition of the offence. The provincial officer is required to provide notice of the seizure to the driver, the owner of the vehicle and the Registrar of Motor Vehicles under the Highway Traffic Act. The notice must specify a prohibition period, not exceeding 30 days. During the prohibition period, the Registrar is prohibited from taking various steps, including the issuing of number plates to the holder of the permit for the vehicle. In addition, if a person is convicted of an offence, the court may make orders in respect of the permit and number plates for any vehicle that the court is satisfied was used in connection with the commission of the offence. The clerk of the court is required to notify the Registrar and the Registrar is required to take appropriate steps to give full effect to the order.	No comment.
Section 182.3	Section 182.3 "Administrative penalties" is proposed to be amended to broaden the scope of administrative penalties and to provide that they may be prescribed by the regulations.	Staff note that broadening the scope of administrative penalties to any requirement or order under the Act, would improve the protection and conservation of the natural environment in Ontario.

Staff Comments on Proposed Amendments to the Local Planning Appeal Tribunal Act, 2017

Policy	Description	Staff Comments
Sections 32 and 33	Sections 32 “Rules” and 33 “Powers of Tribunal re proceedings” are proposed to be amended to provide that, in certain circumstances, participation in alternative dispute resolution processes is mandatory by the parties.	Staff note that alternative dispute resolution processes are generally preferred to minimize costs and resolve matters sooner. Staff support the proposed amendment to provide for the participation in alternative dispute resolution processes by the parties.
Subsection 33 (2.1)	Subsection 33 (2.1) under “Powers of Tribunal re proceedings” is proposed to be added to empower the Tribunal to limit any examination or cross-examination of a witness if: • The Tribunal is satisfied that all matters relevant to the issues in the proceeding have been fully or fairly disclosed; or • Any other circumstances the Tribunal considers fair and appropriate.	Staff note that the L.P.A.T. Act currently prevents any party from adducing evidence or calling or examining witnesses at an oral hearing of certain planning appeals. The interpretation of this restriction is controversial and has made its way up to the Divisional Court from the Tribunal's decision at the first Case Management Conference (C.M.C.); a decision which may be moot, depending on the transition provisions for Bill 108. The proposed amendments to the L.P.A.T. Act remove this restriction but also specifically grant the Tribunal the power to limit the examination or cross-examination of a witness in appropriate circumstances. It is noted that the proposed amendments to examination and cross-examination would align the L.P.A.T.’s procedure with the Statutory Powers and Procedures Act, as well as with other boards and tribunals in Canada. The proposed amendments would allow the evidence before the Tribunal to be fully tested, especially when there are competing expert opinions, while enabling the Tribunal to limit unnecessary or repetitive evidence to ensure that hearings remain efficient and cost-effective. The proposed amendments would give the Tribunal the power to limit any examination or cross-examination if it is satisfied that all relevant information

Policy	Description	Staff Comments
		and/or issues have been fully disclosed and any other circumstances the Tribunal considers fair and appropriate. Staff require additional information on the proposed amendments to this section, as it is unclear as to how much weight municipal decisions will continue to have under the proposed structure.
Section 33.2	Section 33.2 under "Power to examine" is proposed to be added to limit submissions by non-parties to a proceeding before the Tribunal to written submissions only. Subsection 33 (2) is amended to confirm that such non-parties may still be examined or required to produce evidence by the Tribunal.	Staff note that the proposed amendments to this section would limit submissions to the Tribunal by non-parties to written submissions only, whereas under the former O.M.B. procedures, non-parties were also permitted to provide oral evidence submissions. Staff further note that the list of persons for which the Tribunal can examine or require to produce evidence has been narrowed to those persons who are actively involved in the proceeding. As a result, staff do not support the proposed amendments to this section, as it restricts public participation in the planning process.
Section 36	Section 36 "Stating case for opinion of Divisional Court" is proposed to be repealed.	Staff note that the proposed amendments to this section repeal the Tribunal's power to state a question of law to the Divisional Court, which minimizes flexibility and increases the threshold for municipalities to appeal a decision. Staff require additional information on the proposed amendment to this section, as it is unclear how it will translate into practice and impact municipalities.
Sections 38 and 42	Section 38 "Application of section" and 42 "Oral hearings" are proposed to be repealed. Section 33.1 is proposed to be added, which requires a C.M.C. in certain such appeals.	Staff note that the proposed amendments maintain the requirement that the Tribunal hold a C.M.C. for certain *Planning Act* appeals. Mandatory C.M.C.s add further structure to the former O.M.B. practice of requiring pre-hearing conferences for more complex matters to help identify parties, focus issues and set deadlines for the hearing. C.M.C.s are generally helpful in facilitating a more efficient hearing and appear to be in line with the

Policy	Description	Staff Comments
		government's goal of ensuring that planning appeals are resolved more quickly and in a cost-effective manner. As a result, staff support the proposed amendments to this section in principle, as it may result in more efficient and cost-effective hearings.
Subsection 14 (2)	Subsection 14 (2) "Power to set, charge fees" is amended to remove the requirement for the Tribunal to obtain the Attorney General's approval in setting and charging fees, and to provide that this Tribunal may set and charge different fees in respect of different classes of persons or proceedings.	Staff note that the Tribunal is currently permitted to set and charge different fees for different types of proceedings. The proposed amendments would also allow it to set and charge different fees for different classes of persons. Staff further note that the Minister's bulletin emphasizes the importance of ensuring that community groups and residents can maintain affordable access to the L.P.A.T. appeals process, which suggests that the Tribunal may set fees for developers and/or municipalities at higher rates than for individuals or community groups. As a result, staff support the proposed amendments to this section in principle, as it may grant the public increased access to the L.P.A.T. process through reduced fees. However, additional information is required to ensure that fees are determined fairly for all parties.

Staff Comments on Proposed Amendments to the Ontario Heritage Act

Policy	Description	Staff Comments
Section 27	Section 27 "Register" is proposed to be amended to require a municipal council to notify the owner of a property if the property has not been designated, but the council has included it in the register because it believes the property to be of cultural heritage value or interest. The owner is entitled to object by serving a notice of objection on the clerk of the municipality and the council of the municipality must make a decision as to whether the property should continue to be included in the register or whether it should be removed.	Staff note that it is important to include property owners in the heritage designation and/or listing process to improve overall transparency. It is noted that the Heritage Oshawa Inventory consists of all properties formally listed or designated under the Ontario Heritage Act on the City's Register of Properties of Cultural Heritage Value or Interest, as well as properties informally identified by Heritage Oshawa as "Class A" or "Class B" (i.e. having the "highest potential" or "good potential" for designation, respectively). Staff further note that it is not clear if municipalities are required to retroactively notify property owners, if a register is already in place. Additional information is required in this regard. As a result, staff support the notification of property owners on a go forward basis if their property is added to the register in the event council considers the property to be of cultural heritage value or interest.

Policy	Description	Staff Comments
Section 29	Section 29 “Designation by Municipal By-law” is proposed to be amended to require municipal council, after a person objects to notice of intention to designate the property, to consider the objection and to make a decision whether or not to withdraw the notice of intention within 90 days. Council may pass a by-law designating the property within 120 days after the notice of intention was published. If a by-law is not passed within that period, the notice of intention is deemed to be withdrawn. If a prescribed event occurs, a notice of intention to designate a property under that section may not be given after 90 days have elapsed from the prescribed event, subject to such exceptions as may be prescribed.	Staff support the proposed amendment to implement the new timelines for notices and decisions, in principle, to ensure that property owners receive timely information. However, staff note that the proposed amendment to this section does not clearly define a “prescribed event” as it relates to a notice of intention to designate a property. Additional information is required in this regard. Staff further note that the timelines affect two processes, both of which have 120 day timelines that would take place simultaneously (i.e. 120 days to pass a by-law on one hand and on the other 30 days to appeal plus 90 days to respond). As such, it would be difficult to meet the legislated deadline for the passing of the by-law, in the event the applicant objected on the 30th day and Council then took the full 90 days to respond, there would be no time to pass the by-law.
Section 32	Section 32 “Repeal of Designation By-law, owners initiative” is proposed to be amended to provide that the municipal council must give notice of the application and that any person may object to the application. The council must, within 90 days after the period for serving a notice of objection on the council ends, make a decision to refuse the application or consent to it and pass a repealing by-law. If the council refuses the application, the owner of the property may appeal the council’s decision to the Tribunal or if the council consents to the application, any person may appeal the decision to the Tribunal.	Staff note that allowing any person to object to an application to repeal a designation may improve transparency in the process. It is noted that the proposed amendment to this section may result in a more costly and extensive process. Staff further note that the proposed 90 day timeline for Council to make a decision on an

Policy	Description	Staff Comments
		application to repeal a designation will add more certainty to the process. As a result, staff support the proposed amendments to this section, in principle.
Section 33	Section 33 “Alteration of the Property” is proposed to be amended to provide that an application under the section must be accompanied by the prescribed information and materials required by municipal council. Re-enacted subsection 33 (4) provides that the council must, upon receiving all of the required information, notify the applicant that the application is complete. The council is also permitted, under re-enacted subsection 33 (5), to notify the applicant of the information that has been provided, if any, or that has not been provided. The council must make a decision on the application within 90 days after notifying the applicant that the application is complete. However, if the applicant is not given a notice under subsection (4) or (5) within 60 days after the application commenced, the council’s decision on the application must be made within 90 days after the end of that 60-day period. Similar amendments are made to Section 34. Subsection (9) enables the owner of a property to appeal the council’s decision to the Tribunal, within 30 days after receipt of the notice.	Staff note that it is important for heritage property owners seeking to make alterations to their property receive a timely response from council. Staff support the proposed amendments to this section, in principle, as it will provide clear expectations and timelines for the decisions related to the alteration of heritage properties. Staff recommend that extended timelines should be considered for larger-scale alterations, such as the relocation of a designated structure within a new development, as this could require a Heritage Impact Assessment which would possibly require longer than the 60+90 days to be completed, and would be critical to the decision to approve or deny the alteration.

Policy	Description	Staff Comments
Section 34	Section 34 “Demolition or Removal of Structure” is proposed to be amended to also restrict the demolition or removal of any of a designated property’s heritage attributes. Consequential amendments are made to Sections 34.3, 41 and 69. Section 1 of the Ontario Heritage Act is amended to provide that, for the purposes of certain specified provisions of the Act, the definition of “alter” (or “alteration”) does not include demolition or removal.	Staff note that the amendments to restrict demolition or removal of a designated property’s heritage attributes will help municipalities conserve cultural heritage resources. Staff further note that the amendments provide additional clarity on the meaning of “alteration” and “demolition”, as it relates to heritage attributes. As a result, staff support the proposed amendments to this section.
Section 70	Section 70 “Regulations” is proposed to be amended to provide regulation-making powers in connection with the amendments described above.	No comment.
Section 71	Section 71 “Regulations re transitional matters” is proposed to be added to give the Lieutenant Governor in Council the power to make regulations governing transitional matters.	No comment.

Staff Comments on the Proposed Changes to the Planning Act

Policy	Description	Staff Comments
Subsection 16 (3)	Subsection 16 (3) "Official Plan – Second Unit Policies" is proposed to be amended to require official plans to contain policies authorizing additional residential units by authorizing two residential units in a house and by authorizing a residential unit in a building or structure ancillary to a house.	It is noted that the Planning Act currently authorizes a second residential unit in association with a detached house, semi-detached house or row house by permitting either two units in the main dwelling or one unit in the main dwelling and one unit in an ancillary building. Staff note that the proposed amendments would allow the creation of a third unit on a property to facilitate a mix of housing types. Staff further note that the proposed amendments may negatively impact residential parking requirements. Permitting a third additional residential unit on a property may result in additional vehicles parked on the street, as well as blocked sidewalks and driveways. This will directly impact residents' safety and accessibility, as well as municipal road maintenance. Staff support the proposed amendment to this section, in principle, as it may help facilitate a mix of housing types. However, additional information and details concerning appropriate mechanisms are required to ensure that adequate parking is available for residents and that public safety, accessibility and road maintenance are not negatively impacted.
Subsection 16 (5)	Subsection 16 (5) "Official Plan – Inclusionary Zoning Policies" is proposed to be amended to provide that official plans of municipalities that are not prescribed for the purposes of subsection 16 (4), may contain those policies in respect of an area that is a planned major	It is noted that the Planning Act currently does not limit the area in which a municipality may implement inclusionary zoning policies. Staff note that the proposed amendments in this section would limit inclusionary zoning to areas around planned major transit

Policy	Description	Staff Comments
	transit station area or an area in respect of which a development permit system is adopted or established in response to an order made by the Minister of Municipal Affairs and Housing under Section 70.2.2, as re-enacted.	stations or areas with a development permit system in place. The proposed changes would restrict the application of this affordable housing tool. Staff further note that there are generally fewer major transit station areas in smaller municipalities, which further limits their ability to use the inclusionary zoning mechanism. For example, the City of Oshawa does not currently have any major transit station located in the vicinity of areas designated for residential purposes. If the Lakeshore East GO Train Extension through Oshawa to Bowmanville is cancelled, it would restrict the City's ability to implement inclusionary zoning policies. However, staff further note that municipalities may implement inclusionary zoning where a development permit system is in place. As a result, staff do not support the proposed amendments to this section. Additional information and details concerning appropriate mechanisms are required to support municipalities without major transit station areas, or lacking major transit station areas in appropriate locations, in developing affordable housing.
Sections 17, 22, 34, and 36	Sections 17, 22, 34, and 36 are proposed to be amended to reduce the timeframe for decisions related to official plans from 210 to 120 days (Sections 17, 22 and 34), those related to zoning by-laws reduced from 150 to 90 days (Sections 34 and 36), and the timeline for making decisions related to plans of subdivision reduced from 180 to 120 days (subsection 51 (34)).	Staff note that the amendments reduce timelines for making decisions related to official plans, which may help speed up the development process. However, staff further note that reducing timelines for official plan, zoning and subdivision decisions may limit public consultation, which could result in more appeals and ultimately extend the development process. It is important for municipalities to have adequate time to consider all

Policy	Description	Staff Comments
		development applications, resubmissions and compliance issues. As a result, staff do not support the proposed amendments to this section.
Section 17	Section 17 “Approvals” is proposed to be amended to repeal the following subsections: • 17 (24.0.1) and (36.0.1) “Basis for appeal”; and • 17 (49.1) to (49.12) “Rules of appeals”.	Staff note that the subsections proposed to be repealed restrict the grounds of appeal to adopt or approve an Official Plan (O.P.) or Official Plan Amendment (O.P.A.) to inconsistency with a policy statement and non-conformity with provincial plans or upper-tier municipal official plans. It is noted that the proposed removal of subsection 17(24.0.1) will allow any of the authorized parties, under subsection 17(24), the right to appeal the adoption or approval of an O.P. or O.P.A. on any basis. Staff further note that this proposed approach is consistent with the Province’s proposed amendments to the L.P.A.T. Act. As such, the L.P.A.T. would revert to the previous Ontario Municipal Board *de novo* approach, which evaluates appeals based on the “best planning outcome”. This may slow down the approval process, and subsequently delay O.P.A.s that would address local priorities and changing community needs. As a result, staff do not support the proposed amendments to this section. Staff recommend that the province consult with municipalities and key stakeholders to revise subsection 17(24.0.1) to expand the Basis for Appeal, rather than remove it completely.

Policy	Description	Staff Comments
Subsection 17 (40)	Subsection 17 (40) “Appeal to L.P.A.T.” is proposed to be amended to give appeal rights to the following persons or public bodies: the municipality that adopted the plan, the Minister and, in the case of a plan amendment adopted in response to a request under Section 22, the person or public body that requested the amendment.	It is noted that the Planning Act currently allows any person or public body to appeal to the Tribunal with respect to all or any part of an official plan. Staff note that the amendments to this section limit the appeal rights to the municipality that adopted the amendment, the Minister, and the person or body who requested a plan amendment. However, in the case of a two-tier system, it is unclear whether an upper tier municipality would have appeal rights in relation to an amendment adopted by a lower tier municipality. Staff note that the proposed amendments may help speed up the appeal process; however, it limits the opportunity for public participation in the planning process. As a result, staff do not support the proposed amendments to this section.
Section 37	Section 37 “Increased Density, etc.” is proposed to be amended to allow a municipality by by-law to impose Community Benefits Charges against land to pay for capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.	Staff note that Community Benefits Charge By-law may help address the costs of providing services to new residents as a result of growth. However, it is not clear which items are to be included in the Community Benefits Charge strategy and what percentage of the “value of land” is to be eligible for collection. Staff further note that it is unclear how the Community Benefits Charge will be implemented in a two-tier municipal system. More information is required on how funds collected under Community Benefits Charges will be allocated to the upper and lower tiers. As a result, staff do not support the proposed amendments to this section. Additional information is required to guide municipalities on how to effectively use this tool and ensure that

Policy	Description	Staff Comments
		all costs that are currently eligible under the Development Charges Act will also be eligible under the Community Benefits Charge.
Section 42	Section 42 “Conveyance of Land for Park Purposes” is proposed to be amended to provide that a by-law passed under subsection 42 (1) is of no force and effect if a Community Benefits Charge by-law under Section 37 is in force.	Staff note that parkland costs may be included in either the Community Benefits Charge, or under subsection 42 (1). Staff further note that it is not clear how the value of parkland will be determined under the proposed Community Benefits Charge and if the “one hectare for each 300 dwelling units” under subsection 51.1(2) will still apply. As a result, staff do not support the proposed amendments to this section. Additional information is required to provide clarity on the Community Benefits Charge and to ensure that the provision of an appropriate amount of parkland continues to be maintained.
Subsection 51 (39)	Subsection 51 (39) “Plan of Subdivision Approvals – Appeal” is proposed to be amended to: ▪ Remove an individual person’s ability to appeal a plan of subdivision approval; and ▪ Add the requirement that the person also be a person listed in new subsection 51(48.3), including: 1. A corporation operating an electric utility in the municipality or planning area; 2. Ontario Power Generation Inc.; 3. Hydro One Inc.; 4. A company operating a natural gas utility in the local municipality or planning area;	It is noted that the Planning Act currently enables any person or public body who made an oral or written submission to appeal a plan of subdivision approval. The proposed amendments no longer enable a person who made an oral or written submission to appeal a plan of subdivision approval. Staff note that the amendments to this section limit the appeal rights for a plan of subdivision to those listed in subsection 51(48.3). Staff further note that this may help speed up the appeal process; however, it limits the opportunity for public participation in the planning process. As a result, staff do not support the proposed amendments to this section.

Policy	Description	Staff Comments
	5. A company operating an oil or natural gas pipeline in the local municipality or planning area; 6. A person required to prepare a risk and safety management plan in respect of an operation under O. Reg. 211/01 within the subdivision area; 7. A company operating a railway line any part of which is located 300 metres of any part of the subdivision area; and 8. A company operating as a telecommunication infrastructure provider in the subdivision area.	
Subsection 51.1	Subsection 51.1 “Parkland” is proposed to be amended to provide that the development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge by-law under Section 37, as re-enacted, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection 51.1 (1) on or after the day Section 37 comes into force.	It is noted that the Planning Act currently enables the approval authority to impose a condition that land be conveyed to the local municipality for a park or other public recreational purposes. Staff note that under the proposed amendments, if parkland is conveyed to a municipality under subsection 51.1, the plan of subdivision is not also subject to the Community Benefits Charge. Staff require additional information to provide clarity on the Community Benefits Charge and the implications on parkland.
Subsection 70.2.2	Subsection 70.2.2 “Regulation re Development Permit System” is proposed to be amended such that the Minister may require a municipality to adopt or establish a development permit system that applies to a specified area or to an area surrounding and including a specified location.	Staff note that a development permit system may be used to help achieve a community’s land use vision and to address land use planning challenges. Staff support the proposed amendments to this section in principle.

Policy	Description	Staff Comments
		However, further information is required to provide clarity as to when a municipality may be required to adopt or establish a development permit system.
Section 70.10	Section 70.10 “Regulations re Transitional Matters” is proposed to be added to give the Minister the power to make regulations governing transitional matters.	Staff note that additional information is required to provide clarity on the circumstances under which the Minister may determine that a matter is to continue or be disposed of under this Act.