

## Attachment A - Process, Resource, By-law, and Policy Considerations of Bill 109

**More Homes for Everyone Act, 2022 (Bill 109)** – Royal Assent April 14, 2022

Legislation Amended by Bill 109	Change & What It Means	Effective Date	Kitchener Process, Resource, By-law, and Policy considerations
<b><u>Development Charges Act, 1997</u></b>			
Subsection 43 (2.1)	<p><u>Change</u> A Development Charges statement must be made available to the public by posting it on the City's website.</p> <p><u>What it means</u> The schedules that are already prepared on an annual basis and attached to a Council report will now need to be posted separately on the website</p>	April 14, 2022	<p><u>Process considerations</u> The annual report will be posted on the City's website.</p> <p>There are no anticipated changes to resources, by-laws or policies at this time.</p>
<b><u>Planning Act, 1990</u></b>			
New subsections 17(40) and (55) to (64) (Regional Official Plan)	<p><u>Change</u> The Minister of Municipal Affairs and Housing can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan.</p> <p><u>What it means</u> The Minister can pause "the clock" on the approval of Regional Official Plans or Regional Official Plan amendments.</p>	April 14, 2022	<p>Timely updates to Kitchener's planning framework (Official Plan and Zoning By-law) may be delayed should the Minister pause "the clock" on a decision of the Region of Waterloo's Official Plan (once it has been submitted to the Province).</p> <p>There are no anticipated changes to processes, resources, by-laws, or policies at this time.</p>
New subsections 17 (55) to (64)	<p><u>Change</u> The Minister can refer upper tier Official Plans to the Ontario Land</p>	April 14, 2022	<p><u>Resource considerations</u> More information is needed on the OLT process and whether or</p>

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(Regional Official Plan)	<p>Tribunal (OLT) for a recommendation or a decision.</p> <p><u>What it means</u> If the Minister refers all or parts of the Region's Official Plan to the OLT, the OLT will make a recommendation to the Minister whether to approve the plan, parts of the plan or make modifications to the plan.</p>		<p>not there could be parties to any hearing on matters referred. Should the Region's Official Plan be referred to the OLT for a recommendation or decision, Kitchener may wish to allocate legal and planning resources to participate in any hearings.</p> <p>There are no anticipated changes to processes, by-laws, or policies at this time.</p>
<p>New subsection 34 (10.12) (Zoning Bylaws) New subsection 41 (11.1) (Site Plans)</p>	<p><u>Change</u> New rules around when municipalities are required to refund fees in respect of applications.</p> <p><u>What it means</u> If the City fails to make a decision on a Site Plan application within 60 days, a Zoning By-law Amendment (ZBA) within 90 days or an Official Plan Amendment within 120 days, the City shall refund 50% of the development application fee. If the decision takes 30 days longer than the timeframe for Site Plans or 60 days longer than the timeframe for ZBAs, the City shall refund 75% of the development application fee.</p>	<p>January 1, 2023</p>	<p><u>Process considerations</u> Process changes will be necessary to address the fee refund requirements of Bill 109 and may include changes to community engagement timing and processes; Planning and Strategic Initiatives Committee and Site Plan Review Committee meeting frequency; and additional requirements for complete applications (e.g. technical studies required to be submitted, reviewed and approved and neighbourhood meetings held prior to an application being deemed complete).</p> <p><u>Resource considerations</u></p>

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	<p>If the decision takes 60 days longer than the timeframe for Site Plans or 120 days longer than the timeframe for ZBAs, the City shall refund 100% of the development application fee.</p>		<p>Through the 2023 budget process, consideration will be needed to verify direction on a target completion in the timeframe required by the Planning Act and the associated resource implications across the corporation to meet that goal (e.g. 100 per cent within target, 80 per cent within target etc.).</p> <p>Staff will assess the impacts of these changes and will report back to Council as necessary.</p> <p><u>By-law considerations</u> The ongoing Planning Fee Review Study will determine if changes are necessary to implement Bill 109.</p> <p>There are no anticipated changes to existing City policies at this time.</p>
<p>New detail to Section 34.1 (Zoning Bylaws)</p>	<p><u>Change</u> An additional type of Minister's order has been added that can be made by the Minister at the request of a municipality.</p> <p><u>What it means</u> City Council may pass a resolution requesting that the Minister pass a</p>	<p>April 14, 2022</p>	<p>As this is an enabling provision and not a requirement, there are no anticipated process, resource, by-law, or policy changes at this time. Once more is understood about this new tool, changes to the above may be necessary.</p>

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	Minister's order that involves the municipality's powers under Section 34 (Zoning By-law Amendments) for the purpose of accelerating community infrastructure and/or housing.		
New subsections 37 (54) to (59) (Community Benefits Charge)	<p><u>Change</u> A requirement for regular reviews of community benefits charge by-laws every 5 years.</p> <p><u>What it means</u> If a Community Benefits Charges By-law is in effect, the City shall ensure that a review of the CBC By-law occurs every 5 years. If the City does not pass a resolution within 5 years, the CBC By-law shall be deemed to have expired 5 years after the By-law was passed. Municipalities will be required to report on how the municipal need for parks as set out within their parks plans is being addressed through parkland dedication levies.</p>	April 14, 2022	There are no anticipated changes to processes, resources, by-laws, or policies at this time.
Amendments to Section 41 (Site Plan)	<p><u>Change</u> New rules regarding consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications.</p>		<p><u>Process considerations</u> Continuous improvements are already being explored as part of ongoing work through the Streamline Development Approvals Fund. This work is</p>

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	<p><u>What it means</u> The approval of site plan applications submitted on or after July 1, 2022 is required to be delegated to staff.</p> <p>The site plan application review period is extended from 30 days to 60 days.</p> <p>The province can pass regulations to establish complete application requirements for site plan applications (similar to what currently exists for Zoning By-law Amendments and Official Plan Amendments).</p>	<p>July 1, 2022</p> <p>April 14, 2022</p> <p>April 14, 2022</p>	<p>targeting site plan approval in principle (Site Plan AIP) within 60 days where this timeline is not currently being met. Staff already target a site plan review committee meeting within the 60 day timeframe.</p> <p><u>By-law considerations</u> Kitchener already utilizes delegated approval authority for site plan applications. No changes are required to the Site Plan Control By-law to enact this change.</p> <p>Updates to the Site Plan Control By-law will be needed to align with Bill 109 requirements for complete applications once established through Provincial regulations.</p> <p><u>Policy considerations</u> Once the Provincial regulations for complete applications for site plan are established, updates to the Official Plan may be required to outline additional pre-submission requirements for site plans.</p>

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			There are no anticipated resource changes at this time.
Amendments made to Sections 42 and 51.1 with respect to parkland requirements.	<p><u>Change</u> New requirements for alternative parkland dedication rates and ability for the Minister to order acceptance of parkland.</p> <p><u>What it means</u> The Province has implemented a tiered alternative parkland dedication rate for Transit-Oriented Communities (TOCs) to provide increased certainty of parkland requirements:</p> <ul style="list-style-type: none"> <li>- For sites less than or equal to five hectares, parkland would be dedicated up to 10% of the land or its value</li> <li>- For sites greater than five hectares, parkland would be dedicated up to 15% of the land or its value.</li> </ul> <p>Parkland could be identified through an order by the Minister of Infrastructure and would be deemed to count towards any municipal parkland dedication requirements.</p>	April 14, 2022	There are no anticipated process, resource, by-law, or policy changes at this time.

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Amendments to Section 51 (Subdivisions)	<p><u>Change</u> New requirements regarding extensions of subdivision approvals by approval authorities.</p> <p><u>What it means</u> If an approval of a plan of subdivision lapses before an extension is given, Council may deem the approval not to have lapsed unless five or more years have passed since the approval lapsed or the approval has previously been deemed not to have lapsed under this subsection.</p> <p><u>Change and what it means</u> The Province can establish regulations to prescribe what cannot be required as a condition of subdivision approval.</p>	April 14, 2022	<p>There are no anticipated process, resource, by-law, or policy changes at this time.</p> <p>As the regulation making authority has now been established through Bill 109, staff request that the Province consider flexibility in what they may consider not being permitted as a condition of subdivision approval. The City has traditionally been flexible, allowing staff to tailor conditions to specific developments and has a strong desire to continue this approach.</p> <p>The associated regulations have not yet been released to understand the limitations the Province intends to impose through limiting conditions of approval.</p>
New Section 70.3.1	<p><u>Change</u> This section authorizes the Minister to make regulations regarding surety bonds and other instruments in relation to land use planning approvals.</p> <p><u>What it means</u></p>	To be proclaimed.	There are no anticipated process, resource, by-law, or policy changes at this time.

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	<p>The Minister can authorize landowners and applicants to stipulate the type of surety bonds and other instruments to be used to secure obligations in connection with land use planning approvals. The increased use of surety bonds to secure development-related obligations in connection with land use planning matters could free up resources which developers could use to invest in more housing projects.</p>		
New Section 64	<p><u>Change</u> New requirement for Council to require public reporting on development applications and approvals.</p> <p><u>What it means</u> Associated regulations are anticipated to establish the information about planning matters to be included in the report; the persons to whom the report must be provided; the frequency with which reports must be produced and provided; and the format in which the report must be provided.</p>	April 14, 2022	<p><u>Resource considerations</u> Depending on the requirements of the reporting to be established through Provincial regulations, there may be additional resources or reallocation of existing resources required.</p> <p>There are no anticipated process, by-law, or policy changes at this time.</p>