



Staff Report PLAN-2022-74
Planning Committee
April 14, 2022

TO: Chair Bridgeman and Members of Planning Committee

AUTHOR: David Pink, Director of Development Services & Environmental Sustainability

SUBJECT: Bill 109, More Homes for Everyone Act 2022

RECOMMENDATION

THAT Staff Report PLAN-2022-74 be forwarded to the Ministry of Municipal Affairs and Housing as the Township's response to their request for comments on Bill 109, the *More Homes for Everyone Act*.

REPORT HIGHLIGHTS

This report provides an overview of Bill 109, the *More Homes for Everyone Act*, of which the Province has sought feedback.

BACKGROUND

On March 30, 2022 the Province announced the *More Homes for Everyone Act, 2022*. Based on public consultations, ongoing dialogue with municipalities, and recommendations provided by the Housing Affordability Task Force, the Government of Ontario is committing to delivering an updated housing supply action plan every year over the course of four years, starting in 2022-2023. The *More Homes for Everyone Act* represents the first iteration of this 4-year policy roadmap.

Key policy objectives of Ontario's More Homes for Everyone Plan include:

- Red tape reduction to enable the construction of more homes;
- Making community housing construction easier; and
- Protecting homebuyers, homeowners, and renters.

The omnibus bill includes changes to the *Development Charges Act, 1997, Planning Act, 1990*, and others. This staff report concentrates on more notable changes in relation to the Township, in particular to the *Planning Act*.

ANALYSIS

The Province's approach to the housing affordability issue as evidenced by the current Bill is to utilize its powers to continue to increase the supply, as opposed to attempting to tamper demand. These initiatives look to continue streamlining approvals, reducing red tape, and accelerating development timelines.

Benchmarking

In this regard, the Building Industry and Land Development Association (BILD) retained Altus Group Economic Consulting to undertake a study of several factors that may be contributing to housing affordability issues such as municipal approval processes and resulting timelines for approvals. The September 2020 study compared the approaches that 18 municipalities across the GTA have in place to deal with the approval and ultimate development of new housing.

The study found, amongst others, the following notable conclusions:

- Features such as development tracking portals, which provide insight into the status of applications by the applicant and other interested parties, and easy to find resources such as zoning maps and other parcel level data, were not used extensively by all municipalities. It is noted that the Township recently entered into an agreement to implement E-permitting software for both building and planning applications, and approved Communications and GIS technician positions to improve outreach and the availability of data with the community.
- The number of different studies required by municipalities range from 17 to 28 for a single project, adding costs and time to the development process. Council has recently had discussions surrounding the increased technical complexity of planning applications, length of agenda packages, Committee meetings, etc.
- Approval timelines starting from when an application is deemed complete by the municipality to planning approval (not Building Permit) had an overall range from 12-30 months and an average of 18 months for Site Plan Applications, and a range of 9-25 months and an average of 15 months for Zoning By-law Amendments. The Township currently averages approximately 2-3 months for Site Plan Applications and 6-7 months for Zoning By-law Amendments, these timelines currently above normal due to volume.
- The municipalities employ an average of 75.1 FTE municipal planning staff per 1,000 housing starts. Based on this average and the last three years of Building Permit data for new dwellings and accessory buildings only (not including commercial development, docks, dwelling additions, etc.) to fall in the average the Township would employ 22.6 planning staff.

Proposed Streamlining Measures

To improve upon those timelines noted above and expedite approvals for new developments and housing, Bill 109 would result in the following changes:

1. Site Plan Control

- The mandatory delegation of decisions related to site plan control from municipal Councils to planning staff;
- An extension of the review period for Site Plan Applications from 30 days to 60 days; and,
- Establishing complete application requirements for Site Plan Applications, with options for recourse within 30 days if an application has not been deemed complete.

The majority of decisions related to site plan control have already been delegated to staff, leaving those not considered to be minor by the Director of Planning to be submitted to Planning Committee and Council for approval. It has been staff's practice that most commercial Site Plan Applications have not been considered minor.

These changes speak to the technical nature of Site Plan Applications. Provided development complies with the Zoning By-law and satisfactory plans and drawings have been submitted, the *Planning Act* does not provide for a process to deny a Site Plan Application and imposes relatively short timelines. Staff have no concerns with the proposed changes.

2. Plans of Subdivision

- The establishment of a regulation-making authority to determine what can and cannot be required as a condition of a draft plan of subdivision approval; and,
- A one-time discretionary authority which allows municipalities to reinstate draft plans of subdivision which have lapsed within five years without a new application.

While the goal of preventing scope creep and providing clarity as to permitted conditions of draft approval may be beneficial, it is difficult to provide comments as the prescribed matters have yet to be provided. Ultimately however, staff would support flexibility to deal with the myriad of unique situations and development proposals that arise in a municipality such as the Township. In regards to re-instating lapsed approvals, this measure may run counter to the District of Muskoka goal of reducing longstanding draft approved plans in relation to their water and wastewater capacity and allocation strategy.

3. Application Timelines

- Incentives to have decisions made on applications within the timelines in the *Planning Act* through the refund of application fees. The refund of fees is proposed to be as follows:

Amount of Refund	Days following application of no decision		
	Zoning	Zoning & OPA	Site Plan
50%	90	120	60
75%	150	180	90
100%	180	240	120

Staff is not supportive of these changes, insofar as financial penalties should not be utilized to effect the streamlining of development approvals. A review and consideration of complex proposals from a public interest perspective takes time, and that process should not be rushed solely in an effort to ensure user fees cover services and save taxpayer money. Further, in many instances timelines are out of the municipality's control, such as when a decision on an application is deferred by Committee/Council in order for the applicant to discuss their proposal with neighbouring landowners, or in the consideration of requested changes. This may lead to the potential of intentional abuse by applicants. It is also questionable if the changes will result in the expedited approval of additional housing. It is likely many municipalities will not be pressured to approve of development based on a possible loss of fees, resulting in a loss of revenue and resultant staffing and resource pressures. Lastly, these changes will place an additional administrative burden on municipalities and result in difficulties in the budgeting process.

4. Building Code

- To address challenges that slow the delivery of development projects and to better reflect modern building practices, changes to the OBC would allow up to 12-storey mass timber buildings.

This change may have implications on the provision of Emergency Services.

5. Development Charges

- With the goal of creating more transparency and certainty, a requirement for municipalities to post annual financial reports for development-related charges on their websites.

Staff is supportive of efforts to increase transparency.

6. Ontario Land Tribunal

- The Ministry also announced increased funding for the Ontario Land Tribunal in order to help clear out case backlogs and make the appeal process more efficient

Staff would recommend that increased funding be utilized to retain additional land use planning mediators and to allow for greater utilization of the mediation process.

Administration

As the consultation period set by the Province closes on April 29, 2022, comments endorsed by Planning Committee may be forwarded without Council ratification.

ALTERNATIVES

Committee may choose to not forward any comments to the Province or suggest alternative approaches to increase housing stock.

FINANCIAL IMPLICATIONS

None as a result of this report.

STRATEGIC PLAN

Goal: Strengthen Key Relationships

Goal: Strengthen and Diversify the Muskoka Lakes Economy

Goal: Enhance and Sustain Public Services and Infrastructure

COMMUNICATIONS

This staff report was distributed to Committee and all those registered to receive notification through the meeting agenda electronic notification system, and was published on the Township's website in accordance with the Township's Procedural By-law.

ATTACHMENTS

None

PREPARED BY

Original signed by D. Pink

David Pink

Director of Development Services
& Environmental Sustainability

705-765-3156 ext. 230

dpink@muskokalakes.ca

Original signed by D. Hammond

CAO Acknowledged

Derrick Hammond

Chief Administrative Officer

705-765-3156 ext. 272

dhammond@muskokalakes.ca



PLANNING COMMITTEE MEETING

Agenda Item 8.c

Date: April 14, 2022

PLN- _____ **-14/04/22**

MOVED BY: Councillor Roberts

SECONDED BY: Councillor Mazan

Be it resolved that Planning Committee recommend to Township Council that Staff Report PLAN-2022-74 be forwarded to the Ministry of Municipal Affairs and Housing as the Township's response to their request for comments on Bill 109, the *More Homes for Everyone Act*.

RECORDED VOTE:	NAYS	YEAS	
COUNCILLOR BRIDGEMAN (Chair)	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR EDWARDS	<input type="checkbox"/>	<input type="checkbox"/>	
MAYOR HARDING (Ex-Officio)	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR JAGLOWITZ (Vice-Chair)	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR KELLEY	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR MAZAN	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR NISHIKAWA	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR ROBERTS	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR HAYES	<input type="checkbox"/>	<input type="checkbox"/>	
COUNCILLOR ZAVITZ	<input type="checkbox"/>	<input type="checkbox"/>	
TOTALS	_____	_____	
Recorded Vote Requested by: _____			

DEFEATED

CARRIED

B. Bridgeman
CHAIR