

November 10, 2022

The Honourable Doug Ford, M.P.P.
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

The Honourable Steve Clark, M.P.P.
Minister of Municipal Affairs and Housing
17th Floor
777 Bay St.
Toronto, ON M5G 2E5

Sent via email: premier@ontario.ca and steve.clark@pc.ola.org

**Re: St. Catharines Response to Bill 23 (More Homes, Built Faster Act)
Our File 35.31.18**

Dear Premier Ford and Minister Clark,

At its meeting held on November 7, 2022, St. Catharines City Council approved the following motion:

That Council, via the Mayor's Office, advise the Premier of Ontario, the Minister of Finance and the Minister of Municipal Affairs and Housing, of the following comments of the City regarding Bill 23 – More Homes Built Faster Act, 2022:

1. Bill 23, as presented, fails to address the stated goals of increasing housing supply, housing affordability, and improved process and instead will result in the loss of environmental protections, heritage conservation, urban design, and accountability to the public, in addition to severe financial implications for the City and Region, as follows:
 - a. Removing conservation of land and protection of significant environmental features, allowing development within protected areas worthy of protection.
 - b. Limiting tools for conservation of heritage resources.
 - c. Removal of primary quality control mechanism to promote good design.
 - d. Loss of cohesive Regional systems oversight with the removal of the Region of Niagara from review and approval of planning applications and Official Plan creation.
 - e. Elimination of appeal rights for the public on Planning Act applications and reduction in overall public consultation and involvement.

- f. Transfer of financial responsibility from private developers to the individual property taxpayer.
 - g. 73% of the City's projected growth for the next 30 years is now to be accommodated in 10 years, despite the building industry's inability to deliver; and
2. Council requests the Province defer passage of Bill 23 until such time as further evaluation, analysis, and meaningful consultation has occurred with municipalities, AMO, Niagara Region, ROMA, RPC, NPCA, Conservation Ontario, OPPI, MFOA, and OBCM; and
 3. Council strongly recommends that substantial Provincial investment be provided to support municipalities to fund anticipated infrastructure upgrades to accommodate new intensification goals and compensate for decrease of development charge funding opportunities as outlined in the proposed legislation; and

That staff forward Report PBS-181-2022 and its Appendices to those identified in the Notifications section of this report, including the Premier, the Minister of Municipal Affairs and Housing, and local Members of Provincial Parliament; and

That Council authorize staff to provide comments to the Environmental Registry of Ontario regarding proposed Bill 23, prior to November 24, 2022; and

Further, that staff include a summary of this report on the City's website.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Kristen Sullivan, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

cc: Sam Oosterhoff, MPP – Niagara West
Jennie Stevens, MPP – St. Catharines
Jeff Burch, MPP – Niagara Centre
Provincial Standing Committee on Heritage, Infrastructure and Cultural Policy
M. Sergi, Commissioner of Planning, Region of Niagara
Niagara Regional Council
Niagara Peninsula Conservation Authority
Niagara Escarpment Commission
All local area municipalities in Niagara Region
Association of Municipalities of Ontario
Ontario Professional Planners Institute
Niagara Home Builders Association



Niagara Construction Association
Ontario Federation of Agriculture
Grape Growers Association
Rural Ontario Municipalities Association
Greenbelt Foundation
Tami Kitay, Director of Planning and Building Services
Scott Rosts, Chief of Staff, Mayor Sendzik's Office
Melissa Wenzler, Government Relations Advisor

Encl. Report PBS-181-2022

Report from: Planning and Building Services

Report Date: November 5, 2022

Meeting Date: November 7, 2022

Report Number: PBS-181-2022

File: 35.31.18

Subject: St. Catharines Response to Bill 23 (More Homes, Built Faster Act)

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars:



Recommendation

That Council, via the Mayor's Office, advise the Premier of Ontario, the Minister of Finance and the Minister of Municipal Affairs and Housing, of the following comments of the City regarding Bill 23 – More Homes Built Faster Act, 2022:

1. Bill 23, as presented, fails to address the stated goals of increasing housing supply, housing affordability, and improved process and instead will result in the loss of environmental protections, heritage conservation, urban design, and accountability to the public, in addition to severe financial implications for the City and Region, as follows:
 - a) Removing conservation of land and protection of significant environmental features, allowing development within protected areas worthy of protection.
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 - d) Loss of cohesive Regional systems oversight with the removal of the Region of Niagara from review and approval of planning applications and Official Plan creation.
 - e) Elimination of appeal rights for the public on Planning Act applications and reduction in overall public consultation and involvement.
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 - g) 73% of the City's projected growth for the next 30 years is now to be accommodated in 10 years, despite the building industry's inability to deliver; and

2. Council requests the Province defer passage of Bill 23 until such time as further evaluation, analysis, and meaningful consultation has occurred with municipalities, AMO, Niagara Region, ROMA, RPC, NPCA, Conservation Ontario, OPPI, MFOA, and OBCM; and
3. Council strongly recommends that substantial Provincial investment be provided to support municipalities to fund anticipated infrastructure upgrades to accommodate new intensification goals and compensate for decrease of development charge funding opportunities as outlined in the proposed legislation; and

That staff forward Report PBS-181-2022 and its Appendices to those identified in the Notifications section of this report, including the Premier, the Minister of Municipal Affairs and Housing, and local Members of Provincial Parliament; and

Further, that Council authorize staff to provide comments to the Environmental Registry of Ontario regarding proposed Bill 23, prior to November 24, 2022.

Summary

On October 25, 2022 the Province introduced [Bill 23](#), *More Homes Built Faster Act, 2022* with associated regulations and legislative changes (the Bill). The stated intent of the Bill is to support increasing housing supply, affordability, and improvements to process to facilitate timely approvals. However, the proposed amendments do not serve this intent and will result in the loss of environmental protections, heritage conservation, urban design, and accountability to the public, in addition to severe financial implications for the City and Region. The Bill, as presented by the Province, proposes significant changes to a number of Acts, including the Planning Act, Heritage Act, and Conservation Authorities Act, that threaten the foundation of planning in Ontario.

The City is supportive of the stated goals and has been continuously working to ensure St. Catharines is well situated to support infill, intensification, and growth within the built boundary and will continue to do so. The Bill, if passed, would undermine and reverse progress the City has made to date.

The purpose of this report is to highlight for Council the proposed amendments and the anticipated implications for the City of St. Catharines.

Relationship to Strategic Plan

Bill 23, if implemented as currently proposed, will have substantial negative impacts that threaten all five pillars of the City's Strategic Plan:

- **Economic Prosperity:** Support the City's commitment to building and growing a diverse and resilient economy through fiscal responsibility, urban regeneration, and collaborative partnerships.
- **Social Well-Being:** Build and support strong, inclusive neighbourhoods, that provide high quality of life for residents of all ages.

- Environmental Stewardship: Adopt innovative approaches and continue responsible community planning and decision-making that balances growth, enhances quality of life, manages emergencies, and minimized the environmental impacts of climate change.
- Cultural Renaissance: Celebrate the City’s rich history, diversity, arts and cultural assets through leadership, promotion and investments that support measurable, sustainable creative growth.
- Organizational Excellence: Create operational and organizational enhancements with a review of the organizational structure, policies and processes, and allocation of resources to discover efficiencies, strengthen customer service, evolve delivery of services and programs and support an inclusive workplace.

Background

On April 7, 2022, Council considered two reports relating to the province’s plan to address housing affordability:

1. [PBS-059-2022](#), titled “St. Catharines Response to the Ontario Housing Affordability Task Force Recommendations”
2. [PBS-067-2022](#), titled “St. Catharines Response to Bill 109 – Supplemental to Report PBS-059-2022”

Bill 23 (the Bill), announced on October 25, 2022, is the next step in the Province’s plan to address housing supply and affordability in Ontario and has been presented in support of Ontario’s More Homes Built Faster: Ontario’s Housing Supply Action Plan: 2022-2023. The Bill is posted on the Environmental Registry of Ontario (ERO) and indicates that additional regulations, not yet published, will be forthcoming.

The Bill is proceeding through the legislature and at the time of writing this report, has passed a second reading. The Standing Committee on Heritage, Infrastructure and Cultural Policy will consider the omnibus Bill on November 17, 2022. There is a 30 day comment period to submit comments on the proposed Bill, which closes on November 24, 2022. It is prudent for the City to submit comments quickly, as it is possible for the Bill to receive Royal Assent prior to the closure of the comment period.

Report

The Province has proposed Bill 23 and associated amendments (the Bill) in an effort to increase the supply of housing and expedite development approvals. The City has undertaken numerous proactive policy and regulatory approaches to expedite development that implements the vision set out in the Garden City Official Plan, which has been brought into conformity with the Province’s Growth Plan population targets. The City has demonstrated commitment to Provincial goals of creating more housing, providing a greater mix of housing types, and expediting approvals, where under municipal control.

The Bill proposes amendments to ten (10) Acts, accompanied by associated regulations. While the entirety of the Bill proposes significant change, the amendments proposed to the Planning Act, Ontario Heritage Act, Conservation Authorities Act and

Development Charges Act will have considerable impact to the City. Following review of the proposed legislation, staff are concerned that the direction of some of the proposed amendments do not serve the goal of increasing housing supply but will result in the loss of environmental protections, heritage conservation, urban design and accountability to the public. There are also anticipated serious financial implications for the City as a result of responsibilities being downloaded from the Region, the need for amendments to existing policies and programs that were not in the workplan, and loss of revenues to support growth, which will force Council choose to either reduce service levels or transfer the burden to the taxpayer.

There are additional regulations anticipated to be released by the Province in support of the Bill. In the absence of all proposed amendments, the entirety of potential impact to the City is not yet known. To this extent, on November 4, 2022, the Province announced additional amendments to the Greenbelt Plan and Greenbelt Area boundary regulation. This announcement indicates a shift towards development within protected, environmentally significant lands. The direction in which the proposed provincial policy amendments are setting Ontario is extremely concerning.

Staff will continue to review the proposed legislation presented by the Province, consider the effects to the City and provide further reports, as necessary. The key impacts of the Bill are outlined in the following sections.

Conservation and Natural Environment

- Removing conservation of land and protection of significant environmental features allowing development within protected areas worthy of protection.

Conservation Authorities take a systems approach to watershed-based policies to protect people and property from flooding and other natural hazards, while conserving natural resources, such as water quality. The amendments proposed by the Bill will result in the loss of protection of environmental features, creating the ability for development to sprawl into previously protected areas. Through the Bill, Conservation Authorities will lose the ability to regulate effects on pollution or the conservation of land and will be limited to the control of flooding, erosion, and dynamic beaches.

The Bill proposes significant updates to the Ontario Wetland Evaluation System (OWES), reducing the procedures and criteria to determine and identify significant wetlands and their boundaries, and no longer requiring Ministry of Natural Resources and Forestry review and approval of wetland evaluations. This action will lead to wetland degradation, including impacts to water quality and flora and fauna habitats.

The amendments propose exempting development approved via a planning application from obtaining a permit under the Conservation Authority Act. There is also an indication that the Province is considering consolidation of the existing 36 conservation authority regulations (one for each local conservation authority) into one provincial regulation and potential to develop an ecological offsetting policy that would allow

offsetting the loss of natural heritage to restore or create new natural heritage features, where avoiding and mitigating the impact is not possible.

The proposed amendments would result in a significant change to the role of Conservation Authorities in reviewing Planning Act applications, issuing permits, and the scope of their regulations. The City of St. Catharines, along with many other municipalities in Ontario, has declared a climate emergency. The role of Conservation Authorities within our community is critical to the protection of life and property from natural hazards and features. The reduction of Conservation Authority involvement in reviewing development applications and elimination of responsibility for pollution and the conservation of land could be detrimental to the health and wellbeing of our community and is a regression in the City's efforts to fight the effects of climate change.

The proposed changes to the OWES in combination with consideration for ecological offsetting substantially removes protections in place for Provincially Significant Wetlands and opens the door for development to sprawl into currently identified natural areas that serve functions for flood attenuation, biodiversity, water quality, and may have financial implications for liability, insurance and long-term maintenance.

Heritage Impact

- Limiting tools for conservation of heritage resources.

Bill 23 proposes significant changes to the existing framework for conserving heritage properties across the province. The changes will limit some of the tools available to municipalities for conserving properties, making it more challenging for communities to conserve important heritage buildings. The City of St. Catharines has over one thousand heritage properties. The Official Plan speaks to the importance of heritage preservation, not only because it connects us to our past and helps us to interpret our history, but also because it can benefit the local economy by attracting both visitors to the city, and new investment or residents. Over the past three years, Council has supported staff's efforts to protect the City's heritage by approving the addition of over 100 properties to the City's Heritage Register. The proposed legislation will reverse some of those efforts and make it more challenging for the City to conserve its heritage for future generations.

The most significant changes to the Ontario Heritage Act have been identified and analyzed in the chart in Appendix 1. As part of this analysis, staff have participated in discussions with heritage planners across the province to fully understand the impacts of the legislation. Throughout the province, the most significant concern relates to the dismantling of Heritage Registers through the removal of listed properties after two years unless they are designated by the municipality. The resources required to designate each property individually under Part IV of the Ontario Heritage Act would be immense and will result in the loss of thousands of heritage properties across the province.

The City currently has 163 Listed properties, with two-thirds located in the downtown core. Given the large number of properties in this concentrated area, an alternative strategy to designating properties individually may be to devote resources towards the pursuit of a downtown heritage conservation district. This would efficiently ensure the protection of a large portion of the existing Heritage Register, along with other downtown properties that may be significant. Downtown heritage districts have been pursued in a number of similarly sized communities recently, including Cambridge and Peterborough. The scope of work, which includes extensive research, analysis and the creation of a property inventory, would be too substantial to be completed internally and would require the retention of heritage consultants. Depending on the size of the study area, staff anticipate that a downtown heritage conservation district may cost approximately \$150,000 to complete both the background study and conservation district plan. This amount is consistent with costs found in other municipalities with a similar number and concentration of heritage assets.

Given that the downtown is slated for intensification, it may seem counter-intuitive to introduce a heritage district at this time. However, staff are not of the opinion that heritage and development cannot co-exist. In fact, the marriage of old and new can create very vibrant and interesting communities that maintain a sense of place. Staff view a potential downtown heritage district as an opportunity to manage change in a predictable way that is respectful of the City's built heritage and the character of downtown. The added benefit of a heritage district is the robust public engagement component, which would allow property owners and members of the community to help shape their downtown and determine what they value about its past and hope for in its future.

Site Plan and Urban Design

- Removal of primary quality control mechanism to promote good design.

The Bill proposes amendments to Site Plan Approval, which is a process used to ensure developments include suitable form, function, and appropriate servicing, as well as considerations for impacts and integration with surrounding lands. The Bill would remove exterior design as a consideration in the process and no longer require developments of ten (10) or fewer units to receive Site Plan Approval.

The City's Official Plan is clear that urban design, which includes exterior design and landscaping, is crucial in St. Catharines, a mature City with a finite urban boundary. The City will need to accommodate growth primarily through intensification and redevelopment, and these forms of development require innovative and sensitive design to ensure high quality urban environments that promote compatibility and improve sense of place. The removal of exterior appearance considerations from the site plan review process is anticipated to result in reduced built form quality, negative impact to the streetscape, and less integration between new developments and the existing community character. In short, the City would be stripped of a primary quality control

mechanism to promote good design. The City's image and the quality of our neighbourhoods may suffer accordingly.

The City's existing Site Plan Control By-law establishes that development of four (4) or more residential units is subject to site plan approval. Should the proposed amendments be approved, the Site Plan Control by-law would need to be amended. Developments that obtain site plan approval and propose condominium tenure are typically granted exemption from Draft Plan of Condominium Approval, and benefit from an expedited process. An anticipated impact for those developments of ten (10) units or fewer is they would no longer be eligible for exemption from Draft Plan of Condominium and would be subject to a decision of Council, adding additional time to the process. Bill 23 in this regard will actually increase the time required to process approvals for condominium developments of 10 units or less.

Public Engagement and Appeal Rights

- Elimination of appeal rights for the public on Planning Act applications and reduction in overall public consultation and involvement.

The Bill proposes to eliminate the right of appeal for third parties (e.g. residents) from all Planning Act applications. Only the applicant, approval authority and specified public bodies retain the right to appeal. There would also no longer be a requirement to host a public meeting prior to approval of a Draft Plan of Subdivision.

While these amendments may be proposed to facilitate timely approvals and reduce the number of appeals to be considered by the Ontario Land Tribunal (OLT), the result is the diminishment of the democratic process. Community involvement in the planning process is vital to engage various perspectives and better understand the needs of the community. Eliminating the ability for third party appeals will result in frustration and a community that feels shut out of the process. This will lead to a further loss of meaningful engagement in other stakeholder events.

Upper-tier Planning Framework

- Loss of cohesive Regional systems oversight with the removal of the Region of Niagara from review and approval of planning applications and Official Plan creation.

The Bill identifies the Region of Niagara as an upper-tier municipality without planning responsibilities, meaning the Region would no longer have a role in the review of planning approvals. The City would effectively inherit the components of the Region's Official Plan that affect St. Catharines and have the ability to revoke or amend the Plan. Further, the Region would no longer have public body appeal rights on any planning applications. It is unknown the extent to which this approach may result in the loss of cohesive regional vision and the implementation of broader services.

The Region is currently responsible for natural heritage and archaeology review throughout local area municipalities and it appears these responsibilities could be downloaded to the City.

The Region has recently completed an Archaeological Management Plan that was intended to identify areas of significance, ensure the long-term protection of archaeological resources (such as the Welland Canal), and provide a clear direction for when archaeological assessments will be required. Archaeology is a specific area of expertise with only partial overlap with the heritage field and requires relationship building with Indigenous peoples in the area to ensure that sites and objects are managed appropriately. Similarly, the review of natural heritage and associated environmental studies is a specific area of expertise that the City has relied heavily upon the Region to provide. Given the amount of Indigenous history, early European settlement, and natural heritage value within the city, the staff review related to archaeology and natural heritage may result in a significant increase in required resources in order to meet provincial timelines for planning applications.

Financial Programs

- Transfer of financial responsibility from private developers to the individual property taxpayer.

The Bill proposes changes affecting Development Charges (DCs), Community Benefits Charges (CBC) and Parkland Dedication. DCs fund infrastructure including water, wastewater, stormwater drainage, bridges, and roads. CBCs support culture and public realm improvements, and Parkland Dedication provisions are used to acquire parkland or improve the creation of parks. All three of these programs were reviewed and approved by Council within the last year in response to changes in legislation introduced in 2020.

The proposed legislation also includes definitions for affordable and attainable residential units which are tied to market value. The proposed definition refers to associated regulations that have not yet been released. As such, it is not clear what other criteria may apply. In the absence of the complete set of regulations, staff do have initial concern that attributing values based solely on market rate may not adequately address affordability in the context of an individual's income and the cost of living. The parameters around "attainable housing" need to be understood to determine the overall loss of financial contributions for integral infrastructure works.

Development Charges

The City reinstated DCs as of January 1, 2022 as a growth funding tool to recover costs associated with growth, as an alternative to those costs being paid for by existing taxpayers through property taxes, increased rates and fees, water and wastewater bills. The Bill proposes residential unit exemptions, new statutory exemptions, mandatory phase-in DC charges, rental housing discounts and interest rates on eligible installment

plans, background study preparation, eligible capital costs to be funded by DCs, and the allocation of funds received. These changes will reduce funding to build the infrastructure that housing growth needs, and the City will have to make the decision to drastically reduce service levels or raise property taxes to fund growth related costs.

Community Benefits Charges

The City's Community Benefits By-law came into effect on September 1, 2022. CBCs are a revenue tool aimed to support capital costs related to intensification and to offset amendments to the Development Charges Act that limits the City's ability to collect DCs for certain services that were previously eligible. There are sufficient planned developments that meet the density requirements to implement the approved 4% charge (based on value of land) and there is a sufficient portfolio of eligible capital projects within the 10-year planning horizon eligible for funding. The financial impacts of these updates include reduced CBC collections at the initial development stage for eligible exemptions, but also on corresponding phases of eligible developments. Reduced CBC collections results in less funding for the critical infrastructure and services not traditionally covered by DCs and parkland dedication.

Parkland Dedication

The City has used parkland dedication as a means to acquire land for parks purposes since 1974. The City recently approved a new Parkland Dedication By-law, which will come into effect January 1, 2023. The Bill proposes new statutory exemptions, non-profit housing exemptions, additional residential unit exemptions, timing of when parkland dedication is determined, maximum alternative parkland dedication requirements, identification of lands for conveyance and requirements for municipalities. With further exemptions and requirements for parkland cut in half based on the number of dwelling units, and the option to provide shared outdoor private spaces such as condo courtyards or laneways in a housing complex, inclusion of encumbered parkland or parks built on top of infrastructure for parkland dedication, this will reduce quality, safe and accessible parkland available to the community.

Unless the Province financially assists the funding to support growth-related projects, the proposed reduced fees will shift the financial burden onto existing taxpayers instead of "growth paying for growth".

Residential Growth

- 73% of the City's projected growth for the next 30 years is now to be accommodated in 10 years, despite the building industry's inability to deliver.

The Bill proposes a target of 11,000 residential units to be constructed in St. Catharines by 2031. Based on recently completed Land Needs Assessment (LNA) the City's existing planning framework can support 11,000 new units. However, it's important to note that the growth forecasted through the LNA projected 15,000 units by 2051. It is unclear how the target of 11,000 units will integrate with existing growth projections and

whether the accelerated timeframe will have other impacts such as, servicing upgrades, facility improvements, and capacity of staffing resources and workplans.

In support of additional dwelling units, the Bill would require that Official Plans and Zoning By-laws permit second and third residential units, as of right, in a detached, semi-detached or townhouse dwelling. The units can be provided both interior to the principal dwelling, or one interior and one detached (e.g. laneway, garden suite). The City's existing Official Plan and Zoning By-law permit one accessory dwelling unit (second residential unit). If Bill 23 is approved, Planning and Building Services would be required to amend the Official Plan and Zoning By-law to permit a second accessory dwelling unit (third residential unit).

The City has championed permissive development rights in the downtown since 2010 (no height cap, no density cap, no required parking) and until 2021, little attempt was made to capitalize on these benefits. The development industry will always phase development to reduce downward pressure on price and purchase price will always be set by what the market dictates at that time. Staff remain concerned with the fundamental premise that by reducing "barriers" to development in favour of developers that the market will flood with supply and housing costs will substantially decrease. The City will continue to support development and intensification within the urban boundary and the goal of increased housing supply, however recognizing that there are factors affecting the rate of development that are beyond the City's control. There has also been no information provided as to the consequences of not meeting the allocated growth target.

Financial Implications

The proposed changes to the Development Charges Act (DCA) and Planning Act regarding DCs, CBCs and Parkland Dedication have direct financial impacts to the City.

The reduction of DC and CBC revenues collected due to phase in of DC charges, added exemption categories and discounts for rental housing and unit classifications, will have a significant impact on the City's capacity to fund growth-related costs to support infrastructure and the community.

Expanding growth will not be able to fiscally support the service level needed under the proposed changes. Unless the Province financially assists the funding to support growth-related projects, the proposed reduced fees will shift the financial burden onto existing taxpayers instead of growth paying for growth. This will put significant stress on the City's budget and planning to accommodate for the lost revenue required for the City's capital projects. Projects will become deferred or cancelled due to the prioritization of required projects that will more accurately reflect the current growth.

Further financial risk will be taken by the City due to the downloading of responsibilities, additional studies, programs, staffing and increased need for long term debt. Without the ability to rely on funding from development charges, the reserves will be relied on to supplement the loss of revenue and going forward a restructuring of revenue will be

needed to support future service levels. Allocating and spending collected funds will also impact the City's ability to build up the reserve to fund larger scale capital projects. The City will continue to analyze the proposed regulations of the Bill and provide additional financial implications to the City.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report. However, if the proposed legislation and amendments are approved, there will be significant and generational impact to the natural heritage system, watershed, and the City's ability to invest in resilient infrastructure and parkland development.

Conclusion

The City is facing a housing crisis and climate crisis. We have a responsibility to review existing practices and policies and adapt and make changes in the public interest. However, the proposal as presented by the Province fails to address the goals of increasing housing supply, housing affordability, and improved process and instead will result in the loss of environmental protections, heritage conservation, urban design and accountability to the public, along with severe financial implications for the City and Region.

The Bill threatens the foundation of planning and community building further and generates conflict and division in the process when it is critical that all levels work together. Should the Bill be passed as proposed, it will have a detrimental impact to the environmental, social and economic health and wellbeing of our community, setting the City back instead of progressing forward.

The City agrees that additional housing supply is warranted; however, housing alone does not create community. Bill 23 has no regard or consideration for infrastructure funding, asset management, environmental systems, public realm, and quality of space. The erosion of community input into the built environment is undemocratic, draconian, and offends the principle of public interest.

Bill 23 includes varying timelines for the proposed amendments with some coming into force upon the Act receiving Royal Assent and others only coming into force by proclamation of the Lieutenant Governor, of which the timing is currently unknown. There are a number of associated regulations anticipated that the Province has not yet released. It is difficult to fully evaluate the potential impacts until all of the details have been published, however staff are recommending that Council authorize staff to comment on the ERO postings that have been released, prior to the associated deadline of November 24, 2022.

Notifications

It would be prudent to notify the following individuals of Council's recommendation:

- Office of the Premier
- Steve Clarke, Minister of Municipal Affairs and Housing

- Sam Oosterhoff, MPP
- Provincial Standing Committee on Heritage, Infrastructure and Cultural Policy
- Jennie Stevens, MPP
- Jeff Burch, MPP
- M. Sergi, Commissioner of Planning, Region of Niagara
- Niagara Regional Council
- Niagara Peninsula Conservation Authority
- Niagara Escarpment Commission
- All local area municipalities in Niagara Region
- Association of Municipalities of Ontario
- Ontario Professional Planners Institute
- Niagara Home Builders Association
- Niagara Construction Association
- Ontario Federation of Agriculture
- Grape Growers Association
- Rural Ontario Municipalities Association
- Greenbelt Foundation

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Appendices

1. Ontario Heritage Act Implications
2. Niagara Region Memorandum
3. Niagara Peninsula Conservation Authority Comments
4. Letter from Conservation Halton
5. Environmental Defence Comments
6. Big City Mayors Comments
7. Letter from Minister Clark regarding Greenbelt Plan
8. ACO Statement

Bill 23 - Changes to the Ontario Heritage Act

The More Homes Built Faster Act 2022 proposes significant changes to the existing framework for conserving heritage properties across the province. The changes will limit some of the tools available to municipalities for conserving properties, making it more challenging for communities to conserve important heritage buildings. The City of St. Catharines has over one thousand heritage properties. The Official Plan speaks to the importance of heritage preservation, not only because it connects us to our past and helps us to interpret our history, but also because it can benefit the local economy by attracting both visitors to the City, and new investment or residents. Over the past three years, Council has supported staff’s efforts to protect the City’s heritage by approving the addition of over 100 properties to the City’s Heritage Register. The proposed housing legislation will reverse some of those efforts and make it more challenging for the City to conserve its heritage for future generations.

The most significant changes to the Ontario Heritage Act have been included in the chart below, with preliminary analysis about the anticipated effects of the proposed changes.

Item	Analysis
Heritage Register and Designations	
<p>Properties may only be on a municipality’s Heritage Register for up to two years. If a property has not been designated under Part IV of the Ontario Heritage Act, the property is removed from the Heritage Register and cannot be re-added for five years.</p>	<p>The City of St. Catharines currently has over one thousand heritage properties. The properties are protected in one of three ways:</p> <ul style="list-style-type: none"> ○ Listed on the City’s Heritage Register (163 properties); ○ Individually designated under Part IV of the Ontario Heritage Act (48 properties); or ○ Designated under Part V of the Ontario Heritage Act as part of a heritage conservation district (799 properties). <p>Along with the properties already identified, City staff and the St Catharines Heritage Advisory Committee have been actively identifying and adding new properties to the Heritage Register, including 52 properties in 2020 and 50 in 2022. More properties were anticipated to be added in 2023 and beyond. Most of the properties added to the Register since 2020 have been located downtown,</p>

where many of the City's oldest and most architecturally significant buildings are located and where there is significant development pressure. These buildings help to tell the city's story and make St. Catharines what it is today. Staff are not opposed to more development in the downtown core (where intensification will help businesses and create a vibrant downtown), but the goal of adding properties to the Register was to help manage change and ensure that elements of the City's history are retained while welcoming more people to the community. The changes to the Ontario Heritage Act will require staff to reconsider this strategy and will create significant challenges for conserving the City's built heritage resources.

Listing buildings on the Heritage Register is generally considered good planning practice. It has provided property owners, developers and property buyers with a level of certainty about the status of their property and the expectations under the Ontario Heritage Act. Listing only affects a property owner's ability to demolish a building (in which case, the owner must provide the City with 60-days notice, at which point the City may designate the building to deny the demolition permit). Alterations or additions to Listed buildings do not require heritage permits, though City staff were able to request a Heritage Impact Assessment for alterations related to a planning application. This system provided property owners with the flexibility to make changes to their property, while ensuring that buildings will be retained for future generations. The changes to the Listing of properties will effectively eliminate the City's ability to treat heritage in a balanced manner.

The City will need to consider how it will handle the two-year window in which the existing 163 Listed properties will need to be designated under the Heritage Act, or else removed from the Register. Each property will require an evaluation under Ontario Regulation 9/06 to determine if it merits designation under Part IV of the Ontario Heritage Act. Research and evaluation takes significant time and resources, and with only one heritage planner on staff, properties will need to be prioritized for research and evaluation. Though our Listed properties are already sorted by priority level, it is likely that further prioritization will be required and tough decisions will need to be made. The City is lucky to have engaged and informed volunteers on its Heritage Advisory Committee, but staff do not want to put the onus on the volunteer members to take on this amount of work. The new legislation states that if the City is unable to designate properties within the next two years, the City will lose the ability to add those properties back to the Register for five years. In that time, given the pressure to create more housing and the City's intention to intensify with infill development, it is likely that many significant buildings will be lost.

Beyond the logistics of researching and evaluating the properties, approximately 100 properties were added to the Register since 2020, and as part of those efforts, property owners were notified that their properties were only to be Listed and not designated unless proposed for demolition. The most common concern brought to staff upon notification that their property will be Listed, was the ability to make changes to their property. Once owners were informed that Listing only pertains to demolitions, it often quelled any concerns. Though the legislation has

created this situation, some property owners will have concerns about the sudden change of course and may be opposed to a designation.

In terms of a strategy going forward, staff will need to review the existing Heritage Register to determine a course of action for prioritizing designations over the next two years. It is unlikely that new properties will be added to the Heritage Register, likely resulting in the loss of buildings which may be significant. Over 100 Listed buildings are located within the downtown (see map below), and there are certainly other downtown properties that would have been added over the coming years. Given the large number of properties in this concentrated area, an alternative strategy to designating properties individually may be to devote resources towards the pursuit of a downtown heritage conservation district. This would efficiently ensure the protection of a large portion of the existing Heritage Register, along with other downtown properties that may be significant. An interim control by-law could be put in place to ensure that no buildings are lost during the study. Downtown heritage districts have been pursued in a number of similarly sized communities recently, including Cambridge and Peterborough. Each of these studies were completed by qualified heritage consultants, given the extensive research and analysis required. The intention of a heritage district in the Downtown would not be to prevent development, but rather to help manage development in a predictable way that is respectful of the City's built heritage. Furthermore, the process for creating a Heritage District involves a robust public engagement strategy and would allow property owners and members of the

	<p>community to help shape their downtown. A heritage district would also help to counter the changes to the Planning Act that will restrict staff's ability to control urban design elements of new buildings. Heritage district guidelines would effectively bring an urban design component to development in the downtown core.</p>
<p>Municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the Ontario Heritage Act unless the property is already on the Heritage Register when the current 90-day timeline for designating properties involved in Planning Act applications is triggered.</p>	<p>Previously, properties could be designated without first being on the Heritage Register, allowing the municipality to designate properties which had been previously overlooked either due to lack of resources or new information about the property. The goal of adding properties to the Heritage Register was to provide property owners, developers and potential buyers with certainty about the heritage status of their property. Going forward, there will be limited incentive to list buildings proactively unless it is anticipated that they are under threat of demolition or development. Rather than being proactive with Listings, staff will now have to be reactive. This is not regarded as good heritage planning. Though the intent of the housing bill is to create a smooth process for housing development, this will actually create greater uncertainty for property owners in St. Catharines. Staff will unfortunately be in the position where they will need to tell developers and property owners that the time and resources spent on development concepts will need to be reconsidered in order to protect significant buildings that are not designated. Staff will have to provide this feedback as part of pre-consultations for planning applications, and quickly work to List and then designate buildings within the short timelines prescribed by the Ontario Heritage Act. It is likely that this will result</p>

	<p>in a more combative planning process, which is not good customer service. The City may also find that buildings are pre-emptively demolished before a planning application comes forward in order to avoid heritage implications all together.</p>
<p>All properties listed on a municipal heritage register must meet criteria for determining whether property is of cultural heritage value as prescribed, i.e. Ontario Regulation 9/06 criteria including physical or design value, historical or associative value, or contextual value.</p>	<p>Previously, Council only needed to believe that a property may be of cultural heritage value or interest in order to add the property the Heritage Register. As part of the most recent additions to the Heritage Register, staff have added properties using Ontario Regulation 9/06 criteria as a basis for the addition of properties to the Register, though the rationale has not been explicitly described beyond the require statement explaining the perceived cultural heritage value of the property. Conducting more thorough research and evaluation will be required going forward, though this work will help to inform the designation process as heritage evaluations under Ontario Regulation 9/06 provide the basis for designating properties.</p>
<p>Owners of properties added to the Heritage Register at any time may serve a notice of objection on the municipality. The new legislation identifies the objection process for property owners and requires Council to make a decision in this regard within 90 days.</p>	<p>As part of the City's ongoing efforts to add properties to the Heritage Register, staff have made efforts to communicate to all property owners in advance of their properties being added to the Heritage Register. This has been completed to ensure that any questions or concerns are raised, and that property owners have an understanding of their rights under the Ontario Heritage Act. At this time, no property owners have requested removal from the Heritage Register. Staff anticipate that given the other changes to the Act, and the limited reliance upon Listing to protect buildings, that the addition of this clause will not have a significant impact.</p>

<p>The City of St. Catharines will be required to maintain a list online of all properties on the Heritage Register</p>	<p>A list of properties on the City’s Heritage Register is available online, though requires updating after the most recent additions to the Heritage Register. Staff anticipate that this list will be updated before the end of 2022.</p>
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Heritage Conservation Districts

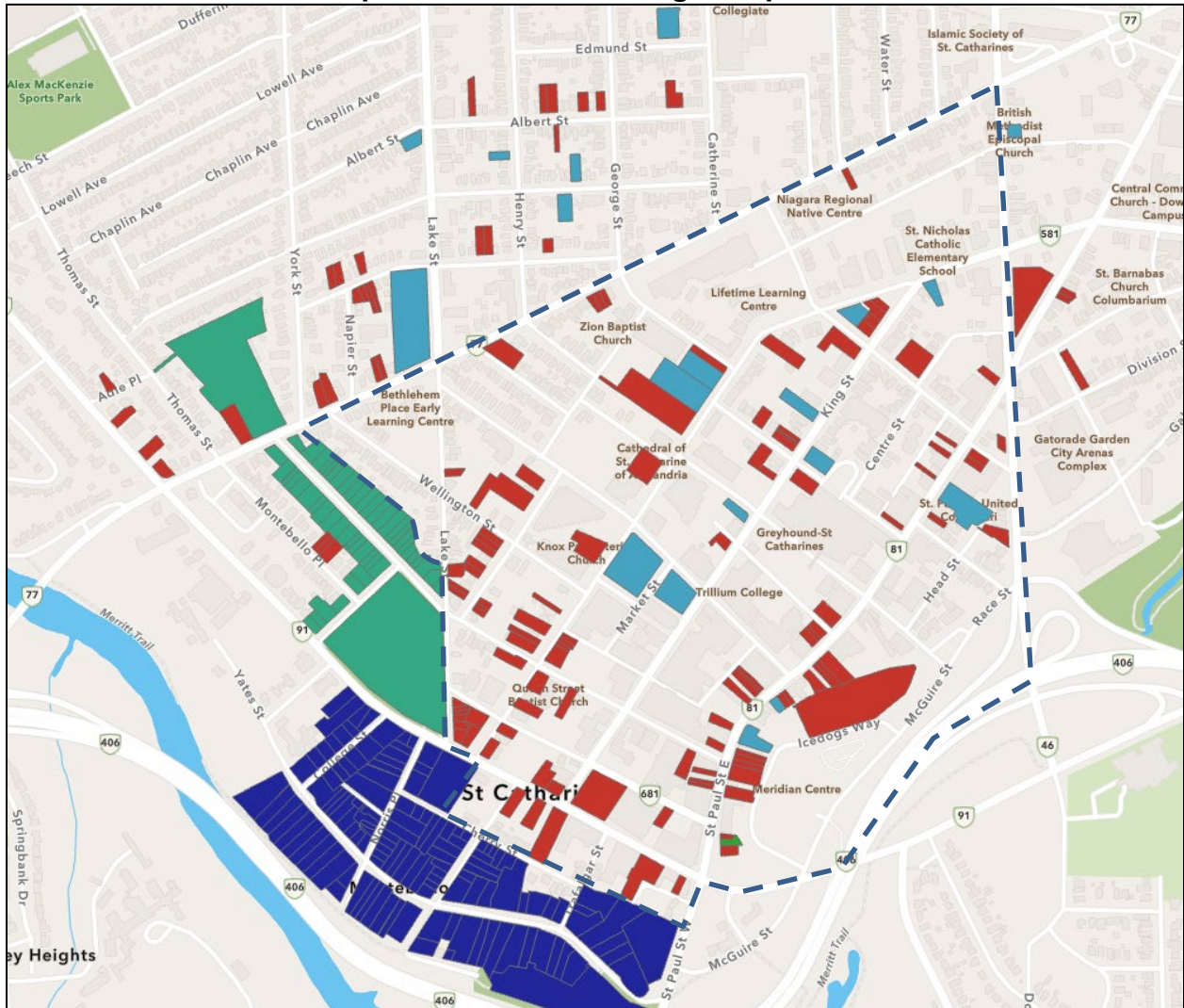
<p>A process will be created as part of a regulation to allow for Heritage Conservation District Plans to be amended or repealed.</p>	<p>The proposed legislation will provide an update to Part V of the Ontario Heritage Act, which covers Heritage Conservation Districts. Municipalities will now have the ability to amend Heritage Conservation District By-laws. The process for amending the by-law will be prescribed in a Regulation which has not been released at this time.</p> <p>This change is important for the City of St. Catharines as nearly 80% of the city’s heritage properties are in Heritage Districts. The City’s five Heritage Conservation Districts include:</p> <ul style="list-style-type: none"> ○ Queen Street Heritage Conservation District (1989) ○ Yates Street Heritage Conservation District (1995) ○ Port Dalhousie Heritage Conservation District (2001) ○ Power Glen Heritage Conservation District (2010) ○ Port Dalhousie Heritage Conservation District (2022) <p>Best practices in the heritage field have changed over time and Heritage Conservation District Plans and Guidelines have evolved, particularly after 2005 when the Ontario Heritage Act underwent a significant overhaul. Similarly, the language used in District Plans has evolved, particularly as more plans have been subject to appeals. Previously, there was no prescribed course of action for amending Heritage Conservation Districts. Amendments</p>
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	<p>were challenging to pursue because it involved repealing the designation by-law and re-designating the heritage district under Part V of the Ontario Heritage Act, with an updated District Plan. This involved significant risk due to the potential for appeals to the Ontario Land Tribunal.</p> <p>It is possible that the City may wish to pursue updated plans for its heritage districts plans, especially Queen Street, Yates Street and Port Dalhousie, which are now each decades old. Along with updating Plans to ensure that best practices and language are up-to-date, it is also important to revisit District Plans to determine if they are working as intended and resulting in desirable outcomes. Ultimately, a heritage district is only as good as its District Plan, and the changes to the Act will hopefully allow for the City to make changes in the future that will allow for the continued conservation of properties in our Heritage Districts.</p>
<p>Criteria for Heritage Conservation Districts will be established as part of a regulation.</p>	<p>Previously, Ontario Regulation 9/06 was used to determine cultural heritage value of Heritage Conservation Districts. It is not known at this time if the new regulation will use similar criteria to designate heritage districts. Though no new heritage conservation districts are planned at this time, if the City were to pursue a new heritage district in the downtown or another area of the city, the regulation will provide guidance for its creation.</p>
<p>Provincial Government, Ministry and Public Body Rights</p>	
<p>New rights given to the Provincial Government, Ministries and public bodies to override heritage standards and guidelines if the exemption would</p>	<p>Previously, the Provincial Government, Ministries and public bodies were expected to comply with standards and guidelines without exceptions. The changes that will allow for the Provincial</p>

<p>advance transit, housing, health/long-term care or other infrastructure projects.</p>	<p>Government, Ministries and public bodies to override heritage standards and guidelines for specific projects, should not have a significant impact on the City's ability to conserve properties and minimize impacts on heritage resources. Should a project emerge where this may be a factor, staff will work with these public stakeholders to emphasize the importance of good heritage conservation work and to find strategies that meet the goals of all parties. Heritage conservation does not have to be in opposition to the creation of important projects like housing and transportation and should be regarded as an important asset that can be used to enhance these projects.</p>
<p>Archaeology</p>	
<ul style="list-style-type: none"> • The removal of the Region from the planning approval process, which may affect the review of archaeological sites. 	<p>Currently, the Niagara Region is responsible for archaeology throughout the Region. The Region has recently completed an Archaeological Management Plan that was intended to identify areas of significance, ensure the long term protection of archaeological resources, such as the Welland Canal, and provide a clear direction for when archaeological assessments will be required. At this time, it is not clear whether the responsibility of managing archaeology will be downloaded to City staff or how the work of the Archaeological Management Plan will be carried out if the Region is no longer part of the planning process. Given the amount of Indigenous history and early European settlement within the City, the amount of staff review related to archaeology may result in a significant increase in required resources in order to meet provincial timelines for planning applications. Furthermore, archaeology is a specific area of expertise with only partial overlap with the heritage field and</p>

	requires relationship building with Indigenous peoples in the area to ensure that sites and artefacts are managed appropriately.
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Map of Downtown Heritage Properties



Listed Properties – Red

Designated Part IV (Individual) – Light Blue

Yates Street Heritage District – Dark Blue

Queen Street Heritage District – Green

Potential Downtown Heritage Conservation District Study Area – Dashed line

Note: The intent of the boundary shown above is to reflect the general area of the downtown where heritage properties are currently located and subject to removal from the Register in two years. The potential boundary for a downtown heritage conservation district study is not definitive and can be reduced as necessary.

MEMORANDUM

CL-C-145-2022

Subject: Proposed Provincial Legislation—Bill 23 More Homes Built Faster Act, 2022

Date: November 3, 2022

To: Regional Council

From: Michelle Sergi, Commissioner, Planning and Development Services; Todd Harrison, Commissioner, Corporate Services/Treasurer; Bruce Zvaniga, Commissioner, Public Works

On October 25, 2022, the Provincial government introduced Bill 23 *More Homes Built Faster Act, 2022*. The government has indicated that the intent of the Act is to create conditions that will result in the construction of more homes to address the housing supply crisis. This memo provides information and preliminary commentary with respect to the legislative changes introduced in Bill 23.

This omnibus Bill proposes to amend nine different statutes with limited commenting periods. A full list of the Acts proposed to be amended by Bill 23, as well as all 15 postings on the Provincial ERO website are attached as **Appendix 1**. The proposed legislative changes that will impact the Region most directly include the Development Charges Act, the Planning Act, the Ontario Land Tribunal Act, and the Conservation Authorities Act. **Appendix 2** provides a high level summary of the various legislative changes that impact Niagara Region. Staff are reviewing the legislation to understand the full implications of the changes, how they will impact the Region, Area Municipalities (AMs), Niagara Peninsula Conservation Authority (NPCA) and ultimately the residents of Niagara. The Association of Ontario Municipalities (AMO) issued a news bulletin on October 25, 2022 which provides an overview of the impacts to municipalities and outlines initial concerns with the legislation, see Appendix 3.

The proposed changes in Bill 23 appear to have negative impacts on the extensive work already undertaken by Niagara Region to address housing supply and affordability including integrated growth management, streamlining initiatives, as well as the

collaboration with the AMs to assist with harmonizing and improving the development review process to ensure it is consistent throughout Niagara Region. On the whole, the proposed slate of changes will create unintended consequences and challenge the Region's ability to support and contribute to building more housing in a sustainable way. Below is a summary of some of the proposed changes that would have the most direct impact on Niagara Region.

Financial Sustainability

- 1) Growth paying for growth has been an accepted taxation principle for some time, however, Bill 23 has the potential to shift a portion of the obligation for funding growth-related infrastructure onto existing property taxpayers. Bill 23 proposes a variety of development charge (DC) discounts and exemptions, including a five year phase in of DC rate increases. The effect of this legislation will be to reduce development charge revenue and prompt municipalities to fund growth with property taxes unless the Province offers a new funding source. This will increase the on-going cost of home ownership because of higher tax rates. It will also exacerbate already known gaps in infrastructure maintenance, renewal, and expansion.
- 2) Development Charge by-laws would expire 10 years after the day the by-law comes into force. The Region's 2022 DC By-law would remain with a five year expiry (i.e., August 31, 2027). However, the 2027 By-law would have a 10 year expiry. This length of time could result in growth projections and capital programs becoming stale dated and not being as responsive to the Region's changing growth needs.
- 3) Currently, a municipal DC by-law may impose development charges to pay for increased capital costs required to provide a variety of municipal services. Bill 23 proposes the removal of housing services as an eligible service for development charges impacting the Region's ability to provide affordable social housing units. The Region's new 2022 DC By-Law provides funding for an additional 193 units of social housing and the former 2017 By-law provided funding for 54 units. This funding for Regional social housing provides housing for the most vulnerable residents with deeper affordability requirements which is generally not the target of private development.

Growth and Infrastructure: Regional Coordination

- 4) Unlike other upper-tier municipalities, Niagara Region has already delegated responsibilities for development approvals to the Area Municipalities and has a Memorandum of Understanding (MOU) governing the division of planning roles. As proposed in Bill, 23 Niagara would be identified as an “upper-tier municipality without planning responsibilities”. The Region would no longer hold an Official Plan, commenting on development applications would potentially be limited and the Region would not be able to appeal development decisions. The potential consequence is that regional aspects of development, such as water/wastewater infrastructure planning, phasing, and capacity allocations may not be coordinated. Cross-jurisdictional transportation policies on regional roads are critical to goods movement and will be impacted. Supporting rapid growth requires a degree of coordination between Area Municipalities, and without a coordinating body to facilitate such planning, ensuring adequate capacity and identifying where infrastructure will be located will likely cost more; and, it may not occur where needed, when needed. It may impact the overall ability of Niagara Region to plan for and support growth in a financially sustainable manner.

- 5) In the proposed legislation, Local Official Plans would be submitted to the Ministry of Municipal Affairs and Housing (MMAH) for approval. The importance of Regional Council having approval authority of local official plans is that there is an opportunity for local interests to be heard and represented in local official plans. With the proposed changes, approval authority rests with MMAH and there may be limited ability to discuss potential changes. Modifications would be made by Ministry staff and approvals granted by the Minister, with no right to appeal the decision. This change would limit the ability for local decision making and influence over land use planning matters including where growth occurs and the protection of the local environment and agricultural resources.

Natural Environment

- 6) As part Bill 23, there are a number of proposed changes to the Conservation Authorities Act which would impact the roles and responsibilities of Conservation Authorities (CAs) and how they interact with municipalities. CAs will have a reduced ability to ensure sensitive environmental lands are appropriately considered during development since they will change from an “approval authority” to a “commenting agency” on issues that are not part of their core

mandate. When this change is combined with removing formal planning responsibilities from upper tiers and other postings on the Environmental Registry including proposed changes to the evaluation criteria for wetlands, compensation, and the potential merging of the Provincial Policy Statement with the Growth Plan, there is an overarching concern related to the direction that is being signaled related to the protection of the natural environment and water resource as systems.

Next Steps/Conclusion

Niagara Region is working with other upper-tier municipalities to understand the impacts and share that information with Councils, CAOs, Treasurers, Legal Services, and Planning. Niagara Region is working with Area Municipalities to understand the implications of Bill 23 locally. In addition, the proposed legislation includes significant changes related to natural heritage, agriculture, and cultural heritage, site plan approval, parkland dedication and residential intensification that may have an impact on Area Municipalities directly.

The stated goals of Bill 23 are important goals, as everyone needs to be working to increase housing supply. Niagara Region has long been committed to this goal as demonstrated through our new Niagara Official Plan, the Regional Affordable Housing Strategy that includes the Niagara Housing Statement, the Consolidated Housing Master Plan, and the Housing and Homelessness Action Plan.

Internal work continues to understand the specific financial implications of Bill 23 with respect to planned infrastructure projects and future needs of growth. Staff will be preparing a formal response on behalf of Niagara Region to the Provincial ERO postings.

Given the extent of the changes a number of transition provisions are included in Bill 23 with some coming into force upon the Act receiving Royal Assent while others with respect to Regional Planning authority only coming into force by proclamation of the Lieutenant Governor, of which the timing is currently unknown. The Province also has not yet released the associated regulations that will need to be introduced to support the proposed changes to the legislation. In addition, it is anticipated that there will be further changes introduced in the following months that could see the consolidation of the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. It is difficult to fully evaluate the potential impacts until all of the details have been published.

Respectfully submitted and signed by

Michelle Sergi, MCIP, RPP
Commissioner, Planning and Development Services

Todd Harrison, CPA, CMA
Commissioner, Corporate Services/Treasurer

Bruce Zvaniga, P.Eng.
Commissioner, Public Works

Appendix 1 – Bill 23 ERO List and Comments Deadline

ERO Number	Title	Description	Comment Due Date	Link
019-6141	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0	Legislative and regulation changes under the Conservation Authorities Act to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate.	2022-11-24	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6141)
019-6160	Proposed Updates to the Ontario Wetland Evaluation System	Legislative and regulation changes under the Conservation Authorities Act to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate.	2022-11-24	Proposed Updates to the Ontario Wetland Evaluation System Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6160)
019-6196	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022	A proposal to make legislative and regulatory amendments to the Ontario Heritage Act to help remove barriers to housing development by updating how heritage properties are identified and conserved by municipalities and the Province of Ontario.	2022-11-24	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6196)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6161	Conserving Ontario's Natural Heritage	In support of Ontario's Housing Supply Action Plan 3.0 and the government's commitment to support the construction of 1.5 million new housing units over the next ten years, the province is seeking feedback on the discussion paper entitled Conserving Ontario's Natural Heritage.	2022-12-30	Conserving Ontario's Natural Heritage Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6161)
019-6192	Supporting Growth and Housing in York and Durham Regions Act, 2022	The province is proposing new legislation that, if passed, would require the expansion of crucial wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The ministry is seeking comments on the proposed legislation.	2022-11-24	Supporting Growth and Housing in York and Durham Regions Act, 2022 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6192)
019-2927	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario	The ministry is proposing a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety.	2022-12-30	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-2927)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6162	Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023	The government is seeking feedback on potential legislative changes, regulatory changes, policy and other matters to help the government achieve its goal of building 1.5 million homes over the next ten years as part of More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023.	N/A	Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6162)
019-6163	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X - the proposed More Homes Built Faster Act, 2022)	The government is proposing changes to the Planning Act and the City of Toronto Act, 2006 to make it easier and faster to build new homes for Ontarians as part of its commitment to build 1.5 million homes over the next ten years.	2022-11-24	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X - the proposed More Homes Built Faster Act, 2022) Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6163)
019-6171	2031 Municipal Housing Targets	The Province has assigned housing targets to 29 selected lower- and single-tier municipalities in Southern Ontario. These selected municipalities will work towards achieving these targets by 2031.	N/A	2031 Municipal Housing Targets Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6171)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6167	Proposed Revocation of the Parkway Belt West Plan	The Ministry of Municipal Affairs and Housing is seeking feedback on a proposal to revoke the Parkway Belt West Plan, 1978, under the Ontario Planning and Development Act, 1994.	2022-12-30	Proposed Revocation of the Parkway Belt West Plan Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6167)
019-6172	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges	To reduce the cost of building homes, the government is proposing changes to the Planning Act and the Development Charges Act through Bill XYZ “More Homes Built Faster Act, 2022” introduced in support of Ontario’s More Homes Built Faster: Ontario’s Housing Supply Action Plan: 2022-2023.	2022-11-24	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6172)
019-6173	Proposed Amendment to O. Reg 232/18: Inclusionary Zoning	Proposing amendments to O. Reg. 232/18 (Inclusionary Zoning) to provide more certainty/clarity and make inclusionary zoning rules more consistent across the province by setting maximum affordability period at 25-years, limiting the number of affordable units to 5%, and standardizing the approach to determining the price/rent of the affordable units	2022-12-09	Proposed Amendment to O. Reg 232/18: Inclusionary Zoning Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6173)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6177	Review of A Place to Grow and Provincial Policy Statement	The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the Provincial Policy Statement. MMAH is seeking input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply.	2022-12-30	Review of A Place to Grow and Provincial Policy Statement Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6177)
019-6211	Proposed Changes to Sewage Systems and Energy for the Next Edition of Ontario's Building Code	The Ministry of Municipal Affairs and Housing is entering its third and final phase of consultation on the next edition of Ontario's Building Code. As part of this phase, changes to an energy requirement and sewage system provisions (Part 8 of the Building Code) are proposed.	2022-12-09	Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario's Building Code Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6211)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6197	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units	Changes are being proposed to Ontario Regulation 299/19: Additional Residential Units. These are consequential amendments resulting from changes to the Planning Act proposed through Bill X to make it easier to build new homes for Ontarians as part of the government's commitment to build 1.5 million homes over the next ten years.	2022-12-09	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6197)
019-6174	Proposed Revocation of the Central Pickering Development Plan	The Ministry of Municipal Affairs and Housing is seeking feedback on a proposal to revoke the Central Pickering Development Plan, under the Ontario Planning and Development Act, 1994.	2022-11-24	Proposed Revocation of the Central Pickering Development Plan Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6174)

Appendix 2

Summary of Bill 23 Highlights (proposed More Homes Built Faster Act, 2022) Introduction/First Reading - October 25, 2022

Conservation Authorities Act proposed changes (Schedule 2)	Impacts on Region
A conservation authority cannot provide any service related to reviewing and commenting on a development application or other matter.	Potentially reduces protections.
Conservation authorities must issue permits for community infrastructure and housing accelerator orders.	Reduces authority over regulated features (floodplains, wetlands). Potential impact on Regional infrastructure in the future (operational and maintenance issues).
The regulations of the 36 conservation authorities have been revoked.	No Regional impact.
Expand the program to offset development pressures on wetlands requiring a net positive impact on wetlands.	Reduced protection for PSWs, impacts environment which could have negative impacts on Regional infrastructure in the long term.
Identify conservation authority owned land that could support housing development. Streamline the process to sell or lease Conservation Authority owned land.	No Regional impact. Overall impacts—allow development of protected land for housing. Reduction in conservation areas and community recreation opportunities.

Development Charges Act proposed changes (Schedule 3)	Impacts on Region
Development charges may no longer be collected for housing services.	<p>Increased burden on existing tax base – formerly DC eligible capital projects related to housing would need to be funded by an alternative funding source which often falls on the existing tax base.</p> <p>Increases cost of affordable housing to the Region and may be a barrier to constructing new Regional affordable housing units.</p>

Appendix 2

Development Charges Act proposed changes (Schedule 3)	Impacts on Region
Development charges may no longer be collected for studies including background studies for development charge by-laws.	Alternative funding source to pay for DC background studies will be required – this will be an impact on the overall tax levy.
Five year phase-in of DC rate increases.	The DC Background Study and related DC charges are calculated based on the Region's capital requirements. If the Region is not collecting at a rate of 100% an alternative funding source will be required for many of these projects – this burden will fall on the existing tax payers.
Historical service level for DC eligible capital costs (except transit) extended from 10 to 15 years.	Increased burden on the tax base as service levels over a 15 year period may not accurately reflect the current growth rate.
The creation of affordable residential units, attainable residential units, non-profit housing developments and inclusionary zoning residential units are exempt from the imposition of development charges.	Creation of these types of units contributes to overall growth in the Region and increased service needs. Alternative funding sources will be required to fund these growth projects putting an increased burden on tax base due to less revenue from DCs. There is additional concern over the definitions of affordable and attainable as these may provide incentives to build units that are not truly affordable for the Region. There is also no promise that by exempting these DCs that the cost of housing will correspondingly be reduced.

Appendix 2

Development Charges Act proposed changes (Schedule 3)	Impacts on Region
<p>Development charges in respect of rental housing development is reduced by a percentage based on the number of bedrooms. Attainable Housing, which includes only ownership housing, is exempt from Development charges.</p>	<p>Creation of rental housing units contributes to overall growth in the Region and increased service needs. Alternative funding sources will be required to fund these growth projects putting an increased burden on tax base due to less revenue from DCs. Having market rental construction pay more DCs than attainable ownership will disincentivize new rental construction in favour of ownership housing. In contrast, in Niagara 24.6% (12,705) of renter households compared to 4.9% (6,870) of owner households are in core housing need (Census 2021). Adequate supply of rental housing is critical for reducing need for social housing.</p>
<p>Development charge by-laws expire after ten years (currently five years)</p>	<p>Reduction in consultant fees, however there is a risk that capital project listings may become stale or may have changes that need to be accommodated in an updated background study/By-law in order to adequately collect and pay for capital needs which could result in increased consultant fees.</p>
<p>Requirement to spend or allocate at least 60% of monies in a reserve fund.</p>	<p>Could impact ability to build reserve funds for large scale infrastructure projects.</p>

Ontario Land Tribunal proposed changes (Schedule 7)	Impacts on Region
<p>LGIC is given the authority to make regulations requiring the Tribunal to prioritize the hearing of appeals of applications/decisions that would permit the most housing to be created.</p>	<p>Limited Regional impact.</p>

Appendix 2

Ontario Land Tribunal proposed changes (Schedule 7)	Impacts on Region
Expand the authority of the Tribunal to dismiss appeals for unreasonable delay and failure to comply with Tribunal orders.	Local matter. Overall impact—less community input into the planning process and less checks and balances.
Expand the authority of the Tribunal to include the power to order an unsuccessful party to pay for the successful party's costs.	Local matter. Overall impact is local municipalities may be hesitant to appeal because if they lose and costs are awarded against local municipalities the impact to budgets could be significant especially for smaller municipalities.

Planning Act proposed changes (Schedule 9)	Impacts on Region
Up to three residential units are permitted “as of right” on most land zoned for one home in residential areas without needing a municipal by-law amendment. No parking and no minimum floor area requirements.	Limited Regional impact related to infrastructure. Local matter.
The area municipalities in the Region are no longer required to provide an official plan and official plan amendments to the Region for approval.	<p>No ability to identify for road widths of Regional roads or lands for infrastructure projects which means no ability to take road widenings if not included in local official plans impacts to Regional roads and goods movement.</p> <p>Removing upper tiers from planning decision-making will lead to misalignment between capital investments in infrastructure by upper-tiers and areas where growth is targeted by area municipalities, which will increase regional costs/taxes and/or create gaps in service.</p>
Niagara Region, now defined as an upper tier municipality without planning responsibilities. Region does not have the ability to appeal or be added as a party to an appeal of adopted lower-tier official plans/official plan amendments, zoning by-law amendments, interim control by-laws, minor variances, approval of plans of subdivision or granting of consents.	Most planning responsibilities are moved from the Region to the area municipality or the Minister. Limited input over future growth and ability to ensure Regional interests are considered as the Region becomes solely a commenting agency without appeal rights or the ability to seek party status on appeals.

Appendix 2

Planning Act proposed changes (Schedule 9)	Impacts on Region
<p>The Region of Niagara is no longer required to have an official plan, which means the twelve local municipalities will address matters such as the allocation of growth, protection of natural heritage and greenbelt areas, other region wide considerations, in the local plans.</p>	<p>No ability to protect for Regional interests in local official plans or local planning matters/approvals.</p> <p>Limited input over future land development on a Region wide basis.</p> <p>Limited ability to coordinate growth management and to plan for delivery of Regional infrastructure projects.</p>
<p>Conservation authorities no longer have the ability to appeal or be added as a party to an appeal of adopted lower-tier official plans/official plan amendments, zoning by-law amendments, interim control by-laws, minor variances, approval of plans of subdivision or granting of consents</p>	<p>Conservation Authorities become a commenting agency.</p>
<p>The Minister may by order amend an official plan if he is of the opinion that the plan is likely to adversely affect a matter of provincial interest</p>	<p>As the existing process has been simplified there is a potential impact the Minister will exercise this power.</p>
<p>The two year freeze following the effective date of new official plans, secondary plans, and zoning by-laws no longer applies to aggregate extraction applications.</p>	<p>Potential increase in aggregate resource applications during first two years.</p>
<p>Residential development proposals with less than ten units are exempt from site plan approval.</p>	<p>Reduced workload; less ability to mitigate potential impacts of development.</p> <p>Potentially stormwater management needs may not be adequately regulated/addressed could result in flooding of Regional roads, natural environment impacts.</p>
<p>Developments with more than ten units will be subject to matters of health and safety under the amended site plan approval process.</p>	<p>Reduced Regional involvement in development applications.</p>
<p>Public meetings for applications for draft plans of subdivisions are now optional for approval authorities.</p>	<p>No Regional impact. Overall impact—could streamline the process, however, less public input.</p>

Appendix 2

Planning Act proposed changes (Schedule 9)	Impacts on Region
Land lease community homes are now included as an exception to the prohibition against the transfer of land.	No Regional impact.
The approval of plans of subdivisions and consent (severance) are now solely within the jurisdiction of the area municipalities.	No impact. Niagara Region delegated approval for subdivision and consent in the 1990s.
Remove the ability of third parties to appeal decisions on official plan and zoning by-law amendments, minor variance and consents.	No Regional impact. Reduced public input in the planning process.

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POLICY UPDATE

October 25, 2022

AMO Policy Update – *More Homes Built Faster Act*

Today, the government [introduced](#) the [More Homes Built Faster Act, 2022](#) which proposes significant legislative and regulatory changes that aim to advance the [province's goal](#) to increase housing supply in Ontario. It builds on the province's More Homes, More Choice Plan and the More Homes for Everyone Plan.

The *More Homes Built Faster Act, 2022* proposes changes to several acts including, but not limited to the *Planning Act*, *Conservation Authorities Act*, and *Development Charges Act*, in accordance with four main themes:

- building more homes
- helping homebuyers
- reducing construction costs and fees
- streamlining development approvals

AMO is encouraged to see the province focus on increasing supply, including building more affordable and purpose-built rental housing. However, we are concerned that the province is proposing to exert more centralized control over local planning decisions and limit public consultation and appeals through this Plan.

In AMO's view, the proposed changes to municipal development charges, parkland dedication levies, and community benefits charges may contradict the goal of building more housing in the long-term. Unless fully offset by funding to support growth-related projects, reductions in these fees will shift the financial burden of growth-related infrastructure onto existing municipal taxpayers.

Many of the proposed changes need to be better understood, as they seem to transfer risk from private developers to the public. At first glance these changes seem punitive in nature – at a time where staffing shortages of planners, building officials, and skilled labour are a key factor beyond the control of municipal governments.

AMO will be reviewing the [various proposals](#) and cross-ministry initiatives included in today's announcement. We look forward to actively participating in any ongoing consultations and also hope that this work will be informed by the [Housing Supply Action Plan Implementation Team](#).

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

10.28.2022

STATEMENT FROM NPCA ON CHANGES TO THE CA ACT

Earlier this week, the Ministry of Municipal Affairs and Housing outlined the next phase of Ontario's Housing Supply Action Plan, the "More Homes Built Faster Act." As part of the plan, the government proposes new legislative changes that will impact Niagara Peninsula Conservation Authority (NPCA) and other Conservation Authorities (CAs) across Ontario.

Key changes being proposed that impact conservation authorities include:

- Changes to the CA's role in reviewing and commenting on planning applications on behalf of municipalities under prescribed Acts: Aggregate Resources Act, Condominium Act, Drainage Act, Endangered Species Act, Environmental Assessment Act, Environmental Protection Act, Niagara Escarpment Planning and Development Act, Ontario Heritage Act, Ontario Water Resources Act, and the Planning Act.
- New regulation-making ability has been introduced in the Conservation Authorities Act to enable exemptions from natural hazard permits where Planning Act approvals are in place in select municipalities.
- Amendment to the Conservation Authorities Act enables the Minister to direct CAs to maintain development fees at current levels for the specified period.
- Proposal to remove terms 'conservation of lands' and 'pollution' as considerations in permit decisions and changes to the definition of watercourse.
- Changes have been proposed in the Ontario Wetland Evaluation System (OWES).
- It is proposed that CAs identify potential conservation lands that could support housing development.

We understand bold steps are required to address the housing crisis affecting communities across the Province. We have been working collaboratively with stakeholders and all levels of government to improve service delivery while protecting critical watershed ecosystems and preventing risks from natural hazards and climate change to ensure the health and safety of Ontarians.

The NPCA supports Conservation Ontario's call for meaningful engagement of CAs through the re-establishment of the Multi-Stakeholder Conservation Authority Working Group, comprised of members from conservation authorities, municipalities, the development sector, and agriculture. The CA Working Group helped guide the Province in implementing the last round of changes to the Conservation Authorities Act.

The NPCA will be working over the next few days to understand these changes' impacts better and provide comments and suggestions for consideration by the Province.

The Niagara Peninsula Conservation Authority (NPCA) is responsible for reviewing planning applications affected by natural environmental hazards while working in partnership with local municipalities to further the conservation of natural resources.

About the NPCA

The Niagara Peninsula Conservation Authority (NPCA) is a community-based natural resource management agency that works to protect, enhance, and sustain healthy watersheds. With over 60 years of experience, the NPCA offers watershed programs and services focusing on flood and hazard management, source water protection, species protection, ecosystem restoration, community stewardship, and land management. Learn more at npca.ca.

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October 31st, 2022

Dear Premier Ford, Minister Clark, Minister Smith and Minister Piccini,

We are writing to you in response to Bill 23, the *More Homes Built Faster Act*, which was announced on Tuesday, October 25th, 2022, specifically regarding Schedule 2.

We agree that there is a housing supply and affordability issue in Ontario that needs to be pragmatically addressed. We support the government's commitment to reducing unnecessary barriers to development and streamlining processes. We share this commitment and publicly report on the standards of service delivery to illustrate our goal of providing the best customer service to the municipalities, communities, residents and developers we serve.

We will do our part to help the Province meet its goal of building 1.5 million homes in Ontario over the next ten years. We think your stated outcomes are important but are concerned that your proposed legislative changes may have unintentional, negative consequences. Rather than creating the conditions for efficient housing development, these changes may jeopardize the Province's stated goals by increasing risks to life and property for Ontario residents.

1. Potential sweeping exemptions to transfer CA regulatory responsibilities to municipalities

Conservation Halton would like to understand the government's intentions with this proposed exemption. It is unclear whether it will be limited to certain types of low-risk development and hazards, or if the purpose is to transfer Conservation Authorities (CA) responsibilities to municipalities on a much broader scale. While the government wants to focus CAs on their core mandate, this proposed sweeping exemption signals the exact opposite. As proposed in the legislation, the CA exclusions will nullify the core functions of CAs and open up significant holes in the delivery of our natural hazard roles, rendering them ineffective. This will negatively

impact our ability to protect people and property from natural hazards, which seem to be more and more prevalent with extreme weather events.

Without limitations or further scoping, these proposed changes signal the likelihood of future delegation of CA permitting roles to municipalities that have neither capacity nor expertise in water resources engineering, environmental planning and regulatory compliance. This will result in longer response times and increased costs and impede the government's goal of making life more affordable.

Municipalities will also assume sole liability for the impact of development on natural hazards within municipal boundaries and on neighbouring upstream and downstream communities, which is a significant and new responsibility that they have never had to manage.

Key Recommendations:

- Address this risk expressly – keep all hazard-related responsibilities with CAs.
- Engage with the existing multi-stakeholder Conservation Authorities Working Group (CAWG) to ensure there is a streamlined, consistent and scoped process for CAs to help the Province achieve its housing goals while ensuring costs are low, the process is fast and Ontario taxpayers are protected.

2. Proposed change that would prohibit CAs from entering into MOUs with municipalities for other services (e.g., natural heritage reviews, select aspects of stormwater management reviews, etc.)

Conservation Halton has demonstrated that we can deliver these services efficiently without lengthening the approvals process. There is no evidence that municipalities can do this faster or cheaper. Bill 23 as currently written, precludes municipalities from entering into agreements with CAs to provide advice on environmental and natural heritage matters. They will have to coordinate with neighbouring municipalities and the Province on a watershed basis, rather than taking advantage of expertise already available within many CAs.

Key Recommendations:

- Municipalities should retain the option to enter into MOUs with CAs, with clearly defined terms, timelines and performance measures, as allowed under Section 21.1.1 (1) of the CA Act.
- Work with the CAWG to develop guidance for commenting and exploring the option of limiting CAs from commenting beyond natural hazards risks except where a CA has entered into an agreement or MOU.

3. Proposed change to freeze CA fees

This proposal has no guidelines on the timing or permanence of the fee freeze. Conservation Halton has already undertaken an extensive cost-based analysis that has been benchmarked against other development review fees to ensure our fees do not exceed the cost to deliver the service. We meet regularly with developer groups and municipalities to ensure our fees, processes and service standards are transparent, consistent and fair. We hope that you will be guided by your already approved fee policy that Conservation Halton supports, otherwise this change will impose additional costs on municipalities.

Key Recommendation:

- Require CAs to demonstrate to the Province that permit and planning fees do not exceed the cost to deliver the program or service and only consider freezing fees if CAs are exceeding 100% cost recovery.

4. Wetland Offsetting

Wetlands play a critical role in mitigating floods. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Wetlands are a cost-effective strategy for protecting downstream properties. The

government must be prudent when considering changes like offsetting, which could negatively affect the ability of wetlands to reduce flooding and confuse roles in wetland management and protection between municipalities and CAs.

Conservation Halton is disciplined and focused on providing mandatory programs and services related to natural hazards. We have a transparent and proven track record of providing regulatory services that are streamlined, accountable and centred on rigorous service delivery standards. Our commitment focuses on stakeholder engagement, from meeting homeowners on-site to engaging with the development community to better understand perceived barriers. This approach helps us find innovative solutions for continued and safe growth in the municipalities we serve.

To ensure the most effective implementation of this Bill, we believe it is critical that the government presses pause on the proposed changes we have highlighted and meet with us to clarify and consider more effective alternatives. It is our hope that we can work with you again to safeguard the best possible outcomes for the people of Ontario.

You had such great success through the multi-stakeholder CA Working Group, which your Progressive Conservative government created and which Hassaan Basit, President and CEO of Conservation Halton, chaired. We strongly suggest continuing this engagement and we stand ready to help.

Sincerely,

Gerry Smallegange



Chair
Conservation Halton Board of Directors

Mayor Gordon Krantz



Town of Milton
Conservation Halton Board member

Mayor Rob Burton, BA, MS



Town of Oakville
Conservation Halton Board member

Mayor Marianne Meed Ward



City of Burlington
Conservation Halton Board member

cc:

MPP Ted Arnott
MPP Parm Gill
MPP Stephen Crawford
MPP Effie Triantafilopoulos
MPP Natalie Pierre
MPP Donna Skelly
MPP Deepak Anand
MPP Peter Tabuns



Protecting Ontario's environment TAKE ACTION

For Immediate Release: October 31, 2022

Ontario's Housing Bill is Actually a Trojan Horse for Environmentally Catastrophic Rural Sprawl

*Statement and Detailed Analysis of Bill 23 from Phil Pothen,
Ontario Environment Program Manager, Environmental
Defence*

Toronto | Traditional territories of the Huron-Wendat, the Anishnaabeg, Haudenosaunee, Chippewas and the Mississaugas of the Credit First Nation – The Ontario government's Bill 23 "More Homes Built Faster Act" includes only tepid measures to enable more badly needed home construction in existing cities, while diving deep into dangerous attacks on wetland habitat, woodlands and other conservation lands and encouraging even more of the expensive rural sprawl that caused Ontario's housing crisis.

The most glaring feature of Bill 23 and its associated policy proposals is an attack on Conservation Authorities, woodlands and provincially significant wetlands that aims

to enable destruction of wetland habitats and conservation lands:

Across Ontario, municipalities largely leave it to Conservation Authorities to use refusal of permits – and their authority to appeal land use decisions – to ensure that sprawl doesn't destroy the ecological function of the habitat and water bodies they protect.

However, this Bill prohibits Conservation Authorities' power to protect anything beyond managing floodwaters and erosion. It would leave vast swathes of Ontario's most important habitats largely unprotected. This measure is useless as a spur to housing supply, because Ontario has more than enough room in existing neighborhoods and lands already designated for development than it will need for housing for many decades.

This Bill's attack on regional planning is counterproductive for housing affordability – as well as being environmentally disastrous:

Devolving planning decisions to lower-tier municipalities would produce development that is more scattered and thus much more environmentally harmful, but also more uncoordinated and expensive.

This is precisely the opposite of what's needed at a time when we need to preserve every acre of farmland and habitat, and use scarce construction materials, construction labour, equipment and supporting infrastructure to maximize the number of well-designed

and low-cost homes, and transform existing post-WWII subdivisions into public transit-supporting complete communities.

One of the few bright spots in this Bill is a mandate for as-of-right zoning for building more densely near major transit stations:

However, promised reforms to remove or reduce exclusionary “single detached” zoning, which is desperately needed to add compact and low-cost family housing to existing low-rise neighborhoods, were watered down to such a degree that, according to the government’s own documents, they would create just 50,000 of the 1,500,000 promised homes.

This means that families would still be pushed out into low-density car-dependent sprawl.

The government seems to be using this bill to destroy many of the most effective measures that cities have created to ensure that development can go ahead smoothly without causing social and environmental problems, including ending the requirement for rental unit replacement when old buildings are replaced and putting restrictions on inclusionary zoning.

Unless the major flaws in Bill 23 are addressed, it will further the destruction of critical natural areas in a time of climate crisis, while also failing to deliver the urban transformation – or the affordable housing – that Ontario needs.

Below is a detailed analysis of Bill 23.

BACKGROUNDER: A SCHEDULE BY SCHEDULE ANALYSIS OF THE BIGGEST ENVIRONMENTAL IMPACTS OF BILL 23

SCHEDULE 1: CITY OF TORONTO ACT, 2006

Jeopardizing Rental Replacement

The amendment to s. 111 of the *City of Toronto Act* would empower the Minister of Municipal Affairs and Housing to unilaterally limit the City of Toronto's much-lauded rental replacement policy.

The Rental Replacement Policy ensures that when rental apartments are demolished to make way for new development, the tenants are entitled to a replacement unit of roughly the same size and type in the new development, at the same rent as before – as well as temporary accommodation at the interim.

In the absence of the Rental Replacement Policy, construction of much-needed new housing will frequently result in the displacement of existing tenants who currently pay lower rents, and will require them to enter new leases at rents that will almost always be much higher.

Killing the Toronto Green Standard?

The amendment to s. 114(6) of the City of Toronto Act, and the addition of to s. 114 (1.2) would remove the statutory authority for many parts of the Toronto Green Standard, and narrow its application considerably – potentially making it impossible for the City of Toronto to meet its building emissions targets.

SCHEDULE 2: CONSERVATION AUTHORITIES ACT

Facilitating a Mass Sell-Off of Conservation Lands

When land is owned by Conservation Authorities, Ontarians trust that it will remain permanently off-limits for destruction. Outside of extraordinary circumstances, in which case there is direct approval from the Minister or a provincial agency, board or commission, Conservation Authorities are not permitted to sell off conservation lands for development. Bill 23 would remove the requirement for government permission, and allow the sale of conservation lands – including endangered or threatened species habitat, wetlands, and areas of natural and scientific interest.

Where a sale is for “provincial or municipal infrastructure and municipal purposes”, the authority is not even required to consult on these dispositions.

Open Season for Sprawl on Wetlands

Many of Ontario’s rarest and most at-risk wildlife and habitats are concentrated in the same “crisis ecoregions” which the vast majority of the province’s people live, and where pressure for suburban residential, commercial and residential sprawl is most intense

This Bill would remove the power of Conservation Authorities to regulate or prohibit sprawl developers and land speculators from destroying wetlands, river or stream valleys, within their jurisdiction, in almost every case. It does this through Section 7 of the Bill, which would amend s. 28 of the *Conservation Authorities Act* to exempt any project that has received land use planning approval under the *Planning Act* from Conservation Authority regulations

regulating water-taking, interference with rivers, creeks, streams, watercourses, and wetlands, or controlling flooding, erosion, conservation of land.

Sections 8. (3)(a), 8(6)(a), 9 (1) (a), 9 (2) (a) & (b), 10 (4) (a), 10 (7)(a), 11(2)(1), 12 (2)(i) of the Act would remove the power of Conservation Authorities to protect the ecological function and potentially the long-term stability and viability of wetlands. It would do this by removing the power to regulate and refuse permits based on “pollution or the conservation of land”, and removing the obligation of the Minister to consider those matters in appeals.

Gagging Conservation Authorities

Bill 23 doesn't just prohibit Conservation Authorities from protecting conservation lands, wetlands wetlands, river or stream valleys themselves. Amendments to s. 21.1.1 and s. 21.1.2 of the *Conservation Authorities Act* actually goes so far as to “gag” them – prohibiting them from providing Municipalities with the information they need in order to start protecting conservation lands themselves when they consider land use planning approvals.

If the Bill passes, Conservation Authorities will not be allowed to “provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.”

The result will be a massive gap in Ontario's system for protecting public safety and ecosystems, and ultimately, the unleashing of bulldozers and backhoes on cumulatively vast

areas of wetland, forest and other sensitive areas currently off-limits for development.

SCHEDULE 3: DEVELOPMENT CHARGES ACT, 1997

Bill 23 would seem to jeopardize the ability of municipalities to use development charges as intended – to gather funds for large infrastructure projects to accommodate and support growth. It would do this by requiring municipalities to spend or allocate 60 per cent of reserve funds each year.

SCHEDULE 4: MUNICIPAL ACT, 2001

Opening the Door to Displacement of Lower-Income Tenants

Just as Schedule 1's amendments to the City of Toronto Act, attack rental replacement policies in Toronto, Schedule 4 amendments to the *Municipal Act, 2001* would empower the Minister of Municipal Affairs and Housing to unilaterally limit – and even dismantle – rental replacement policies of other Ontario municipalities.

As mentioned above, these policies ensure that when rental apartments are demolished to make way for new development, the tenants are entitled to a replacement unit of roughly the same size and type in the new development, at the same rent as before – as well as temporary accommodation at the interim.

In the absence of the rental replacement policies, construction of much-needed new housing will frequently result in the displacement of existing tenants who currently

pay lower rents, and will require them to enter new leases at rents that will almost always be much higher.

SCHEDULE 9: PLANNING ACT

Contrary to the government's messaging, the main thrust of its amendments to the *Planning Act* – and the main thrust Bill 23 overall – is to legalize and provoke a massive acceleration of suburban sprawl into wetlands, forests, farmland, and other areas on the rural outskirts of major population centers in Ontario's most sensitive ecoregions.

Unilaterally Imposing Sprawl on Municipalities that Choose Smart Growth

Over the past year, Ontario municipalities like Hamilton, Halton and and Waterloo have made extraordinary strides in protecting wildlife habitat and farmland and delivering the denser, walkable, lower-cost forms of housing in existing neighborhoods, by adopting groundbreaking plans that would allocate all – or almost all – of their new homes and workplaces to existing neighborhoods, built up areas, and their existing supply of unused designated greenfield area.

One of the most glaring features of this Bill's amendments to the *Planning Act* is the removal of the last procedural obstacles to the Minister unilaterally imposing sprawl on those conscientious municipal governments. Recent legislation allowed the provincial government to amend these plans, but only if there was an adverse affect on provincial interests protected by the Provincial Policy Statement, and only after the municipality was given the opportunity to remedy any non-compliance.

This Bill's amendments to the s. 23 of the Planning Act would allow the government to directly impose sprawl on those municipalities, without any opportunity to accommodate demand for housing and workplaces in their own way.

Destroying Regional Planning in the Greater Golden Horseshoe

Even more concerning is the Bill's proposal to entirely eliminate coordinated regional planning in Ontario's Golden Horseshoe. In Simcoe, Durham, Halton, Peel, Niagara and Waterloo and York Region, regional planning is meant to prevent "patchwork" sprawl that wastes construction resources and infrastructure, to enable regional governments to ensure that development can be serviced effectively, and to ensure that land isn't wasted.

The Bill would remove the power of Regional governments to plan where new homes and workplaces go, and the densities at which they are built, to prevent the squandering of farmland and wildlife to habitat, and to ensure that new and existing communities can be serviced with public transit, water and other infrastructure.

The effect of Bill 23 will be a region-wide race to the bottom when it comes to land-use planning, with lower-tier municipalities that lack experienced land use planning staff pressured to expand settlement boundaries onto vital farmland and habitat, or into places where they can never be serviced effectively.

Failure to Deliver on Densification: Exiling Families to Sprawl

All of Ontario's major municipalities are on a race against time to bring post-WWII neighborhoods, in particular, up to densities that support frequent, reliable public transit, and allow most residents to get by comfortably without a car. That is in part because of the need to both to make room for everyone who wants to live there – and to stop pushing residents into sprawl. It is also because reducing car trips is vital to meeting Ontario's obligations to eliminate greenhouse gas emissions before it is too late. However, it is also because the population growth that enables us to deliver them without massive hardship will not continue forever. Ontario cannot afford to squander homes and workplaces that are needed to fix existing sprawl right now on the creation of even more sprawl suburbs in wetlands and farms.

Unfortunately, Bill 23 fails to deliver the changes required to meet demand for housing in existing neighborhoods. Measures to require that zoning be updated to facilitate densification around public transit are a modest step in the right direction. However, *Planning Act* amendments hyped as meeting demand for family homes in low-traffic residential neighborhoods are nowhere near what is required to meet the demand for that kind of housing – particularly in Toronto, where vast numbers of family homes must be created within the next 30 years. Promised reforms to remove or reduce exclusionary “single detached” zoning, were watered down to such a degree that, according to the government's own documents, they would create just 50,000 of the 1,500,000 promised homes. Contrary to government messaging, amendments to s. 16(3) of the *Planning Act* do not allow modest, purpose-built walk-up apartments or even townhomes to be built as of right on the

existing lots currently being squandered on single detached McMansions. It is difficult to see how the changes permitted by the Bill – which allows up to two additional residential units within a detached house, semi-detached house or rowhouse, or in a modest ancillary structure – go meaningfully beyond what is already permitted in the City of Toronto.

SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022

Unleashing Sprawl in York Region and Northern Durham Region

While municipalities like Hamilton and Waterloo made an unprecedented effort to deliver housing in affordable and environmentally sustainable way, York Region, in particular, allowed itself to strong-armed by the provincial government into defying existing land use planning rules by submitting boundary expansion requests that would mark far more farmland and wildlife habitat for destruction than could ever plausibly be required to meet housing need. Moreover, York Region approved boundary expansion on large swathes of land in the overtaxed Lake Simcoe watershed that lacked any capacity at all for further expansion.

The new “Supporting Growth and Housing in York and Durham Regions Act, 2022”, which would be created by Bill 23, aims to facilitate York Region’s reckless and excessive boundary expansion by forcing a massive sewage tunnel through the Greenbelt and the sensitive Oak Ridges Moraine. This law would exempt the project from many features of an Environmental Assessment, and even from the Environmental Bill of Rights.

ABOUT ENVIRONMENTAL DEFENCE

(environmentaldefence.ca): Environmental Defence is a leading Canadian environmental advocacy organization that works with government, industry and individuals to defend clean water, a safe climate and healthy communities.

- 30 -

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— **OBCM** —
Ontario's Big City Mayors

Ontario's Big City Mayors (OBCM) Statement on the Introduction of More Homes Built Faster Act, 2022

Posted on Oct 27, 2022

On Tuesday, Ontario's Minister of Municipal Affairs and Housing introduced legislation to address the housing supply shortage being faced across the province. The *More Homes Built Faster Act, 2022*, if passed, will make changes to multiple pieces of existing legislation and supporting regulations as part of Ontario's Housing Supply Action Plan for 2022-2023.

Ontario's Big City Mayors (OBCM) support the governments' goal of building 1.5 million homes over the next 10 years, there is a housing crisis in Ontario and daily we see the impact of this on our residents. Delivering more housing, affordable for all income levels, is a priority for municipalities and while we are seeing results more needs to be done.

"OBCM welcomes the introduction of the *More Homes Built Faster Act, 2022*," said Cam Guthrie, Mayor of Guelph, and Chair of OBCM. "There are some very positive things in here, and there are some items that will require further review, such as the impact of removing development charges. We look forward to further discussions with Minister Clark and his colleagues on these matters before legislation is passed."

OBCM understands that the province and the federal government have initiated conversations on how all three levels of government can collaborate to solve some of these issues. OBCM would like to see the municipal sector at the table as decision-making progresses – there is no solution without all three parties involved.

OBCM will be providing a more detailed position on this extensive legislation after meeting collectively with our membership. We look forward to welcoming twelve newly-elected Mayors and to welcoming back seventeen re-elected Mayors at our first meeting – after new Councils are sworn-in and inaugural meetings are held mid-to-late November.

Because of this timing, OBCM is also requesting that the Government of Ontario extend the comment period for all 30- and 31-day postings for feedback on potential legislative, regulatory, policy and other changes, to 45- or 66-day postings as some already are, to allow for full municipal participation. The current list of postings is as follows:

Environmental Registry of Ontario Postings:

- Proposed Planning Act and City of Toronto Act Changes (30 days)
- Proposed Planning Act and Development Charges Act Changes (30 days)
- Proposed Ontario Heritage Act and Regulatory Changes (30 days)
- Proposed Conservation Authorities Act and Regulatory Changes (30 days)
- Proposed Natural Hazards Regulatory Changes (66 days)
- Proposed Inclusionary Zoning Regulatory Changes (45 days)
- Proposed Changes to Ontario Regulation 299/19: Additional Residential Units (45 days)
- Proposed Supporting Growth and Housing in York and Durham Regions (30 days)

Regulatory Registry Postings:

- Proposed Municipal Act and City of Toronto Act Changes (30 days)
- Proposed Ontario Land Tribunal Act Changes (31 days)
- Proposed Ontario Underground Infrastructure Notification System Act Changes (31 days)
- Proposed New Home Construction Licensing Act Regulatory Changes (45 days)
- Proposed Building Code Regulatory Changes (45 days)

A review of various housing and land use policies to identify and remove barriers to getting more homes built:

- Provincial Policy Statement and A Place to Grow review proposal (66 days)
- Proposed Revocation of the Parkway Belt West Plan (66 days)
- Proposed Revocation of the Central Pickering Development Plan (30 days)
- Conserving Ontario's Natural Heritage (66 days)
- Ontario Wetland Evaluation System Proposal (30 days)
- Potential measures to support Rent-to-Own (45 days)

“The mayors stand ready to work with the province to implement their changes effectively, however it is critical that the full impacts of these measures are explored before implementation occurs. We need to get this right,” said Cam Guthrie, Mayor of Guelph, and Chair of OBCM. “This is an opportunity for all three orders of government to align behind our shared objective of building more homes and setting a new trajectory for housing affordability in Ontario.”

About Ontario's Big City Mayors

Ontario's Big City Mayors (OBCM), formerly known as the Large Urban Mayors' Caucus of Ontario, includes mayors of 29 single and lower-tier cities with a population of 100,000 or more, who collectively represent nearly 70 per cent of Ontario's population. OBCM advocates for issues and policies important to Ontario's largest cities

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**Ministry of Municipal
Affairs and Housing**

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7

November 4, 2022

Dear Clerks, CAOs, and Conservation Authority Administrators:

As you are aware, on October 25, 2022 the government introduced the [More Homes Built Faster](#) plan, which takes bold action to advance our plan to address the housing crisis by building 1.5 million homes over the next 10 years. The government is taking further action to support this goal by launching a consultation on proposed changes to the Greenbelt that would support our municipal partners to plan for responsible growth and help build housing faster and in a targeted manner, while leading to an overall expansion of the Greenbelt.

Ontario is expected to grow by more than two million people by 2031, with approximately 1.5 million people living in the Greater Golden Horseshoe Region.

To accommodate that growth and support the building of more homes, MMAH is seeking feedback on proposed amendments to the Greenbelt Plan, the Greenbelt Area boundary regulation (O. Reg. 59/05) and the Oak Ridges Moraine Conservation Plan in order to:

- Remove/redesignate lands from the Greenbelt Plan and Oak Ridges Moraine Conservation Plan that would be suitable for residential development; and
- Add a portion of the **Paris Galt Moraine area**, designated as Protected Countryside with a Natural Heritage System.

The proposed strategic removal of lands from the Greenbelt Area was considered in the context of the objectives and policies of the Greenbelt Plan and the requirement in the Greenbelt Act, 2005 that the total amount of land within the Greenbelt Area shall not be reduced. The area of the Paris Galt Moraine lands that are proposed to be added would be in addition to the proposed 13 Urban River Valley areas that were consulted upon previously in March 2022 (see [ERO Posting 019-4485](#)). The total lands proposed to be added would be greater than the area of the lands proposed for removal from the Greenbelt Plan under this proposal.

For more information on this proposal and the consultation, please visit the following links where you will find information including a description of the proposed amendments to the Greenbelt Plan, Greenbelt boundary regulation, Oak Ridges Moraine Conservation Plan, and the associated maps.

- [ERO 019-6216 Proposed amendments to the Greenbelt Plan](#)
- [ERO 019-6217: Proposed amendments to the Greenbelt Area boundary regulation O. Reg. 59/05](#)
- [ERO 019-6218: Proposed redesignation of land under the Oak Ridges Moraine Conservation Plan O. Reg. 140/02](#)

The comment period on the Environmental Registry of Ontario will close on December 5, 2022.

The government is building a strong foundation for action that will continue to ensure Ontario is a prosperous and growing province – and the best place in the world to call home. The Province looks forward to continued collaboration with municipal partners to get more homes built faster.

Sincerely,



Steve Clark

Minister

- c. Kate Manson-Smith, Deputy Minister, Municipal Affairs and Housing
Sean Fraser, Assistant Deputy Minister, Municipal Affairs and Housing



**ARCHITECTURAL
CONSERVANCY
ONTARIO**

Media Release

October 27, 2022

Undermining Heritage Conservation Won't Solve Ontario's Housing Supply Issues

Response to More Homes Built Faster Act, 2022

According to figures discussed at the National Trust for Canada Conference in Toronto last weekend, heritage protected buildings amount to approximately 4 percent of Canada's existing building stock. "Making it harder for communities to preserve places is misguided, cannot solve the housing crisis but will certainly lead to loss of heritage valued by the diverse peoples of the province.", says Diane Chin, ACO President. "As one example of poorly thought out proposals, requiring two criteria for designation, instead of one, will make it practically impossible to protect the often-humble buildings that tell the stories of BIPOC and other marginalized communities.

ACO sees a missed opportunity with the lack of emphasis on converting buildings larger than houses for new housing, absolutely the fastest way to bring new housing online compared to the environmentally destructive practices of demolition and new builds. Diane Chin, ACO President, says "We advocate KEEPING FIXING REUSING our older buildings."

ACO supports many of the Ford government's proposals which would make it easier to achieve infill (gentle) housing development such as permitting secondary suites, laneway housing. We are also pleased that overdue changes to make it easier to amend Heritage Conservation District Plans will be included. We are disappointed that the promised Ontario Building Code proposals that would permit easy conversion of commercial buildings to residential and retrofitting of Ontario's historic main-streets buildings received no mention. Such changes would make it easier to retain and convert existing buildings, build around them, as well as create a new class of small investors in housing provision.

Architectural Conservancy Ontario is the largest voice for heritage in Ontario, founded in 1933 with branches in 17 communities across the province.

For more information contact: Diane Chin President, president@acountario.ca or Will Coukell, Chief Operating Officer will@acountario.ca 416 367 8075