



**Ontario**  
Home Builders'  
Association

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Environmental Policy Branch  
40 St Clair Avenue West, 10th Floor  
Toronto, ON M4V 1M2

**Proposal Number: ERO # 019-6163**

**RE: Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)**

**The Ontario Home Builders' Association**

The Ontario Home Builders' Association (OHBA) is the voice of the residential construction industry in Ontario. OHBA represents over 4,000 members including builders, developers, professional renovators, trade contractors and many others within the residential construction sector.

The OHBA is coordinating our public policy response with regards to Bill 23, the More Homes Built Faster Act, 2022 with input from members across Ontario. OHBA is proudly affiliated with the Building Industry and Land Development Association (BILD), the West End Home Builders' Association (WE HBA) and the Greater Ottawa Home Builders' Association (GOHBA).

**Feedback**

Bill 23 proposes changes to the *Planning Act* and *City of Toronto Act, 2006* to further streamline approvals for housing and reduce barriers and costs to development so that cities, towns and rural communities can grow with a mix of ownership and rental housing types – from single family homes to townhomes and mid-rise apartments.

**Proposed *Planning Act* Amendments**

Schedule 9 of the Bill proposes a number of amendments to the *Planning Act*. The proposed amendments would, among other matters, support:

**Addressing the Missing Middle**

- Changes are proposed to strengthen the existing “additional residential unit” framework. The proposed changes would allow, “as-of-right” (without the need to apply for a rezoning) up to 3 units per lot in many existing residential areas.
- The proposed changes would supersede local official plans and zoning to automatically apply province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands).
- To remove barriers and incent these types of units, the proposed changes would also prohibit municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements, applying minimum unit sizes or



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requiring more than one parking space per unit in respect of any second unit in a primary building and any unit in an ancillary structure.

OHBA applauds the provincial government for being responsive to the Housing Affordability Task Force recommendation to look to the missing middle housing stock to address the housing supply crisis. Allowing 3 units per lot is a highly positive step in the right direction to address the need to increase the supply of missing middle housing. In many cases, however, residential lots could easily allow for, at minimum 4, and even up to 12 units in some cases. Recognizing that there are varying lot sizes, and that this is a very positive initiative, it is the hope that as we see municipal take up on this initiative, that all stakeholders will see the benefit to adjusting these permissions to allow for even greater opportunities to increase the stock of missing middle housing.

With the infrastructure and public services that already exists in these areas, so does the opportunity to support added population and intensify existing residential lots. This is a positive direction which will support neighbourhood renewal and rejuvenation, leverage transit investment and remove barriers to development by including the suite of proposed incentives.

#### **Higher Density Around Transit**

- Changes are proposed to require municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit stations, known as “major transit station areas” (MTSAs), and “protected major transit station areas” (PMTSAs) that have been approved by the Minister.
- The changes would require municipalities to update their zoning by-laws to permit transit-supportive densities as-of-right within 1 year of MTSA or PMTSA approval; if zoning updates were not undertaken within the 1-year period, the usual protection from appeals to the Ontario Land Tribunal for PMTSAs would not apply.

OHBA welcomes these proposed amendments, as recommended by the Housing Affordability Task Force, which should lead to the optimization of investments in transit infrastructure. OHBA has been a long-time advocate for the modernization of zoning by-laws to permit transit-supportive densities as-of-right, and this proposed amendment will assist in achieving the provincial objective of transit-oriented communities, especially in areas where the infrastructure exists to support growth and additional housing supply. We further recommend clear accountability and direction if the municipalities fail to implement the changes after 12 months. The “as-of-right” zoning around transit is critical to supporting critical transit infrastructure and ensuring density is prioritized around these transit station areas. Therefore, there should be no shelter for appeals if the municipalities fail to update zoning by-laws accordingly. Furthermore, at a minimum, the provincial government should require minimum densities, reflecting the local context, within 600 m around high order transit and ensure municipalities pre-zone accordingly.

#### **Streamlining Municipal Planning Responsibilities**

- Changes are proposed to remove the planning policy and approval responsibilities from certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel, Simcoe, Waterloo, York). These proposed changes would come into effect upon proclamation at a future date.
- Future regulations would identify which official plans and amendments would not require approval by the Minister of Municipal Affairs and Housing (i.e., which lower-tier plans and amendments of the lower-tier municipality would need no further approval).



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- The proposed changes could also potentially be applied to additional upper-tier municipalities in the future via regulation.

Reducing red-tape and eliminating duplication related to planning approvals will lead to the quicker delivery of needed housing supply. OHBA looks forward to the upcoming discussions related to the shift in planning responsibility between regions and municipalities. It will be important to provide clarity around the roles of cross-jurisdictional items such as transit planning, and the provision of certain services. It will also be imperative to ensure that municipal resources exist to support any change, and to avoid any unintended consequences that would result in decreasing approval timelines.

**Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design**

- Changes are proposed to exempt all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).
- Changes are proposed to limit the scope of site plan control by removing the ability for municipalities to regulate architectural details and landscape design.

OHBA has continuously expressed concerns with certain municipalities slowing down the approvals process with over-regulation and over-requirements related to architectural control at the stage of site plan. A good example of which is the over regulation of architectural and landscape designs. OHBA is strongly in favour of removing the ability of municipalities to regulate architectural controls/details, landscape design and energy modelling. The Ontario Building Code does not allow Chief Building Officials to require that homes be better than code, therefore the province should eliminate the ability for municipalities to demand “Better Than Code” standards or guidelines as part of approving site plan and/or subdivision agreements. These additional requirements only add more cost to new home buyers. Exempting smaller developments from site plan control is a positive proposed amendment that should assist in the rate to which much needed housing supply will be delivered, especially as this proposed change will lead to greater municipal focus of true development aspects of applications.

We thank the Ministry for the opportunity to comment on these proposals. We also recognize that there is still more work to do and OHBA as a critical housing stakeholder in the housing sector may provide further comments at a later date. We look forward to continuing engaging with the Ministry in order to ensure these proposals are aligned with the goals of improving housing attainability.