

Friday, December 9, 2022

**To be sent via email to [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca), [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca), and the Environmental Registry of Ontario**

The Honourable Steve Clark  
 Minister of Municipal Affairs and Housing  
 Government of Ontario  
 17th Floor, 777 Bay St.  
 Toronto, ON M7A 2J3

Dear Minister Clark,

**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) (ERO# 019-6163)**

The City of Guelph (the City) welcomes the opportunity to provide comments on the proposed Planning Act changes. It is extremely unfortunate that the province did not complete consultation prior to the Bill receiving Royal Assent and we will hope that our comments will be reflected in amendments to the legislation. This submission will provide comments from the City’s Planning and Building Services perspective.

**Overall comments**

<b>Change</b>	<b>Preliminary Impact Assessment</b>
<p>Bill 23 proposes to amend the Additional Residential Unit regulations of the Planning Act and Ontario Regulation 299/19. The proposed changes will allow as-of right permission for three residential units in a detached house, semidetached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. This is in addition to the previous permissions introduced through Bill 108, More Homes More Choice Act, which allows:</p>	<p>The City’s Official Plan and Zoning Bylaw were updated in December 2020 to align with Additional Residential Unit regulations introduced through Bill 108. A future zoning bylaw amendment would be required to conform to the changes introduced through Bill 23, allowing as-of-right three residential units within a detached house, semidetached house or rowhouse. Accessory dwelling unit policies will have to be amended to remove size caps.</p> <p>Proposed changes to the Planning Act and O. Reg. 299/19 align with the direction taken by draft Comprehensive</p>

<b>Change</b>	<b>Preliminary Impact Assessment</b>
<p>(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;</p> <p>(b) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. Proposed changes maintain that no more than one parking space per residential unit can be required by a municipality and parking spaces can be provided in tandem. In addition, no minimum floor area shall be required for a residential unit.</p> <p>Furthermore, an additional residential unit may be occupied by any person regardless of whether,</p> <ul style="list-style-type: none"> <li>i. the person who occupies the additional residential unit is related to the person who occupies the primary residential unit, and</li> <li>ii. the person who occupies either the primary or additional residential unit is the owner of the lot.</li> </ul>	<p>Zoning Bylaw and proposed changes to end exclusionary zoning within the city. There are no concerns with the proposed changes.</p>
<p>Residential development proposals with less than ten units (10) are exempt from site plan approval.</p>	<p>The City's Official Plan is clear that urban design, which includes exterior design and landscaping, is critical. The City will need to accommodate 48% of its growth primarily through intensification and redevelopment, and these forms of development require innovative and sensitive design to ensure high quality urban environments</p>

Change	Preliminary Impact Assessment
	<p>that promote compatibility, sustainability and improve sense of place. The removal site plan review process is anticipated to result in reduced built form quality and negative impact to accessibility, sustainability and tree canopy targets. Less ability to mitigate potential impacts of development. Potentially stormwater management needs may not be adequately regulated/addressed could result in flooding of roads, natural environment impacts.</p> <p>To give some specific examples, this jeopardizes the City's ability to: to ask for bird-friendly glass, ensure non-invasive plantings are installed as part of site plan, achieve the urban canopy cover goals and ensure the character of the elevation elements (e.g., door placement, windows or materials) contribute to the surrounding neighbourhood/create a pedestrian friendly environment.</p> <p>Removal of Site Plan for less than 10 units shifts additional work to plans examiners and local guidelines will not apply but only building code. E.g., Sidewalk width in the building code is 1.1m. This will also impact the ability to approve building permits within the legislative timeframe and have staffing impacts in the Building division.</p> <p>Recommendation:</p> <p>That this provision be removed and that the site plan process within 60 days be re-instated to ensure the site meets accessibility and grading, stormwater provisions.</p>
<p>Public meetings for applications for draft plans of subdivisions are now optional for approval authorities.</p>	<p>Could streamline the process, however, less public input and awareness for the community of what will be happening in their neighbourhood.</p>

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<p>Requires zoning to be updated to include minimum heights and densities within approved Major Transit Station Areas (MTSA) and Protected MTSA's within one year of MTSA/PMTSA being approved.</p>	<p>Overall, 1 year seems to be a reasonable amount of time to update the zoning bylaw for specific policies. This would ensure that development conforms to current policy and provide certainty to developers and residents.</p> <p>The City has one MTSA, downtown, which has current zoning in place that conforms to the Downtown Secondary Plan. Minor adjustments will be needed to the bylaw to conform to the City's update Official Plan (OPA 80).</p>
<p>Amendment to affordable residential units' definition. The update for rents to no greater than 80%.</p> <p>Bill 23 proposed definition:</p> <p>Affordable residential unit rented (2) A residential unit intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria: 1. The rent is no greater than 80 per cent of the average market rent, as determined in accordance with subsection (5). 2. The tenant is dealing at arm's length with the landlord.</p> <p>Affordable residential unit, ownership (3) A residential unit not intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria: 1. The price of the residential unit is no greater than 80 per cent of the average purchase price, as determined in accordance with subsection (6). 2. The residential unit is sold to a person who is dealing at arm's length with the seller.</p>	<p>Affordability would now be determined solely based on market rents and market purchase price and does not have consideration for incomes.</p> <p>For Guelph, this represents a major change in achieving affordable units and could be detrimental to low to mid income households. This is particularly evident in affordable ownership housing.</p> <p>Annually we calculate the ownership housing benchmark using the income-based price method (1) results in a benchmark price of \$455,125. Calculating the benchmark using the average purchase price method above (2) uses the 2021 average resale price of \$702,964 for all types of dwellings sold in Guelph, which results in a benchmark price of \$632,668. The less expensive of the two methods is the income-based method (1), which sets the 2022 affordable housing ownership benchmark price of \$455,125.</p> <p>The definition of affordable should consider both incomes and regional market rates as set out in the Provincial Policy Statement. The update for rents to no greater than 80%, the definition should also consider incomes.</p>

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	<p>Recommendation 1: The Province define affordable ownership as a percentage of household income for the municipality, rather than as a percentage of the average purchase price</p> <p>Recommendation 2: The Province provide municipalities with the ability to secure the tenure of rental and attainable housing for a period of 25 years and tie DC exemptions to a longer period.</p>
<p>Road widenings: Remove the ability to require a road widening unless it is on a public transit right of way.</p>	<p>Road widenings identified in the Official Plan and/or in the Transportation Master plan may not be eligible to be provided as part of a development application. This may impact the City’s ability to provide future infrastructure or to provide transit in the future.</p> <p>Recommendations:</p> <p>Remove this provision as road widenings are required for active transportation infrastructure including bike lanes that may not be on a public transit right of way.</p>

The City is grateful for the opportunity to provide input on this important matter. If you have any questions, please feel free to contact us.

We will continue to request additional time for consultation when it is posted on the ERO. With the volume of additional consultations that have redirected staff time from our streamlining of approvals processes and request an extension from the February timeframe to July 1, 2023.

Sincerely,



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