



Date: May 6, 2023

Subject: Comments Concerning *Proposed Planning Act, City of Toronto Act, 2006, Development Charges Act* and *Minister of Municipal Affairs* changes through *Bill 97*, the proposed *Helping Homebuyers, Protecting Tenants Act*, introduced in support of Ontario's Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023

Mattamy Homes Canada supports the Government of Ontario's ambitious plan of building 1.5 million new homes by 2031. We believe it is going to take all of us – the private sector, municipalities and provincial and federal levels of government - working together to ensure the dream of homeownership stays within reach of all Ontarians, including those of generations to come.

We are North America's largest privately owned homebuilder with operations in four (4) Canadian and eleven (11) US markets, and each year we are proud to help 8,000 families realize the dream of home ownership. In Canada our communities stretch across the Greater Golden Horseshoe Area, as well as in Ottawa, Calgary and Edmonton, and we build homes of every type, including single detached, townhomes, mid-rise and high-rise units.

We were pleased to see the continuation of the government's efforts to address the housing supply shortage in Ontario with the introduction of *Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023*. We believe that to provide Ontarians with attainable, accessible, and sustainable housing a few key issues must still be addressed. Please find our comments below.

- 1) Site Plan Applications:** The amendments to the *City of Toronto Act* and the *Planning Act* intended to require timelines for site plan approvals to be observed has ultimately led to longer approval timelines because they:
- a. Have forced municipalities to refuse any site plan application for a site not yet fully zoned, i.e., even sites with zoning approved in principle cannot advance until final zoning by-laws are in place.
 - b. Resulted in municipalities moving more of the process to a moment "prior" to the application, which, in turn, takes away a developer's right to appeal to the OLT as that right to appeal is triggered only where there is an application filed.

Recommendation:

1. Allow for an applicant and municipality to agree to extended timelines without refund if applications are bundled (i.e., zoning and site plan are run concurrently); AND/OR
2. Provide for the concurrent review of site plan and zoning applications by shifting the commencement of the site plan approval timelines to after zoning approval is in place.

- Both options would allow for reviews to occur in parallel, allowing for better coordination and flexibility for complex applications and a streamlined review without the municipalities feeling they are at risk of triggering the refund policies.

2) Planning Act s.49.2(4): The power to impose agreements that can go beyond anything otherwise required in the *Planning Act* or the *Development Charges Act* (or any other legislation) runs contrary to the other provincial initiatives to streamline the system and provide greater cost and time certainty.

Recommendation:

Section 49.2(4) should be limited to only those agreements/obligations that are otherwise capable of being imposed and made clear that where this happens, the developer would not have to pay twice (i.e., if the agreement imposed a community benefit charge, then there would not be a second CBC charge imposed by the municipality).

3) Area of Employment - Planning Act, section 1(1.1): the proposed transition language assists with maintaining the permission for an existing use on a property, but it does not provide clarity as to how this would address broad "area of employment" issues. For example, where an "employment area" designated under a current Official Plan provides that an employment area can have independent office uses, but also industrial or warehousing uses, the Act should provide clear guidance as to how that conflict should be resolved.

Recommendation:

A municipality should be required to select whether that area of employment, going forward, should be for economic uses or for mixed uses. This would allow economic uses to be given their proper protection, while uses that are more appropriately addressed in mixed use areas are converted to such areas in a timely way allowing them to develop.

4) Site Plan Control for fewer than 10 units: Bill 97 provided some clarity; however, there is still a lack of consistency in implementation. Some municipalities require site plan control for townhouse blocks, even if there are fewer than 10 units in each block in situations where the quantum of units within the broader plan of subdivision is over 10 units.

Recommendation:

Remove the need for site plan control for all blocks with fewer than 10 units within a draft plan of subdivision, to provide consistent application across municipalities.

Other Issues:

There remain issues regarding the implementation of previously introduced government bills. We believe these need to be addressed in order to provide clarity to all stakeholders. They will also assist in achieving the intended goals and outcomes.

- 1) Appointing the Regional Provincial Facilitators.
- 2) Clear employment land "conversion" policies.
- 3) Aligning the CBC "valuation" process with what is currently (and successfully) used for Parkland valuations. Having two separate processes to value the same lands at almost the exact same time is extra red tape – especially since the "protest" system for each is very different which can lead to inconsistencies.

- 4) CBC still has a "hole" in it that is inconsistent with general policy thrust and does not apply to a pure non-residential development but appears to apply to the non-residential portion of a mixed-use development that includes 10 or more residential units. This is a disincentive to desirable mixed-use developments.
- 5) Development Charges: there remain issues surrounding the calculation and application of the "freeze," including the fact that there is no "cap" to limit "frozen DC's" so that they are never higher than the current municipal DC rates (i.e., the freeze can lead to higher DC's than if you could pay the straight rates).
- 6) Regulations for residential housing demolition.
- 7) Regulations around stratified parks.
- 8) Include limits on the amount of pre-application procedure and on which studies are required for a complete application.
- 9) Include limits as it relates to "complete application requirements." For example, only requiring those studies/reports that are absolutely necessary.
- 10) Provide definitions for affordable and attainable units.
- 11) Provide clearer timelines regarding the removal of region planning functions and clarity on roles and responsibilities for on-going appeals.

For further information:

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