

## Proposed Planning Act, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 - the proposed Helping Homebuyers, Protecting Tenants Act, 2023)

Provincial Comment Period closes on May 6, 2023 (ERO: 019-6821)

Proposed Changes	Potential City Impacts	Comments to the Province
<b>Schedule 1 – Building Code Act</b>		
<p><b>Appointment of Building Inspectors by the Ministry</b> Subsection 4 (4) would be re-enacted to require the Deputy Minister of Municipal Affairs and Housing to appoint inspectors necessary for the enforcement of the Act in areas where Ontario has jurisdiction.</p>	<ul style="list-style-type: none"> <li>The proposed change only applies to areas of the Province that are without municipal organization. As Mississauga is an organized municipality, the proposed changes do not apply.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Schedule 3 – Development Charges Act, 1997</b>		
<p><b>Parcel of Land</b> The proposed changes would replace “parcel of urban residential land” with “parcel of land”.</p>	<ul style="list-style-type: none"> <li>Without having a definition of “Urban residential land” in the Development Charges (DC) Act, City staff understood that this exemption would apply broadly. Therefore, this amendment would not materially change the City’s anticipated DC revenues.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Schedule 4 – Ministry of Municipal Affairs and Housing Act</b>		
<p><b>Development Facilitator</b> Act to be changed to authorize the Minister to appoint a Provincial Land and Development Facilitator and up to four Deputy Facilitators. It would fix their terms of reference and require the Facilitator and Deputy Facilitators to perform</p>	<ul style="list-style-type: none"> <li>The impacts are unclear until we receive more guidance on “other matters” or “other functions”.</li> <li>It is unclear when the Facilitators and Deputy Facilitators would be used.</li> </ul>	<ul style="list-style-type: none"> <li>It is unclear when the Facilitators and Deputy Facilitators would be used and when/who is going to request their intervention. Mississauga staff request clarification from the Province through regulation, and the opportunity to provide</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
specified functions at the direction of the Minister.		input for a terms of reference on these new roles.
<b>Schedule 5 – Municipal Act, 2001</b>		
<p><b>Housing – Municipal Act</b> The Minister would be able to pass regulations relating to the powers local municipalities have to protect rental housing, including restricting municipal powers, prescribing rental housing protection by-law contents, authorizing local municipalities to require owners of land to make payments and provide compensation, and prescribing steps municipalities must take before adopting rental protection by-laws.</p>	<ul style="list-style-type: none"> <li>• The impacts on Mississauga’s Rental Housing Protection By-law are unclear as the current change would give the Minister regulatory powers only, and no draft regulations have been received.</li> <li>• Future Provincial regulations may limit and undermine municipal efforts to preserve an important part of the City’s existing affordable housing stock.</li> </ul>	<ul style="list-style-type: none"> <li>• Mississauga’s By-law is flexible and seeks to achieve a balance between preserving affordable rental housing and allowing upgrades to old rental stock and infill on rental housing sites.</li> <li>• Staff would support approaches to rental protection that allow landowners to reinvest in the stock while protecting the existing (more affordable) supply. One example of flexibility is how Mississauga regulates the number of bedrooms, but not unit sizes (i.e. gross floor area). Financial offsets, provincial/federal tax credits and other innovative solutions should also be explored.</li> <li>• Staff would welcome participation in any working groups before regulations are enacted.</li> </ul>
<b>Schedule 6 – Planning Act</b>		
<p><b>Changes to how Employment Areas are Defined</b> Bill 97 is proposing to change how employment areas are defined. The new definition of employment areas would narrow the list of uses in an employment area and prohibit commercial (including office and retail) and institutional uses.</p>	<ul style="list-style-type: none"> <li>• The Province’s proposals as currently worded, may have implications for the City’s economic tax base, the future of office development, and risks and costs for manufacturing and industrial sectors. Bill 97 proposes significant changes to the</li> </ul>	<ul style="list-style-type: none"> <li>• City staff understands that the nature of employment may be changing due to long-term trends, some of which pre-date the pandemic. Over the past few years, the City and the Region have undertaken numerous</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Bill 97 proposes a clause that may allow municipalities to keep lands with existing commercial and institutional uses in employment areas.</p>	<p>City's employment area policy regime. The City has many sites with office and retail uses in employment areas that may no longer meet the Province's new definition.</p> <ul style="list-style-type: none"> <li>• By making removal of commercial lands from employment areas easier, the Province's proposed changes may have far reaching consequences on land values. These changes could result in increasing land values for commercial lands – leading to higher property tax rates and further financial strain on property owners and business tenants. This would ultimately destabilize commercial uses and reduce local employment options for Mississauga residents.</li> <li>• Bill 97 changes could have impacts on nearby heavy industry if commercial lands are redeveloped with sensitive land uses. Commercial lands often serve as a buffer between industry and nearby residential areas. They can also be located in the middle of an employment area where their removal may impact the overall integrity and viability of the remaining employment area. These lands provide access to small-scale retail that support the wider employment area – e.g. restaurants, print shops, medical office,</li> </ul>	<p>studies that have resulted in the removal of lands from employment areas.</p> <ul style="list-style-type: none"> <li>• Staff are also looking at city-initiated changes to allow more life science uses in office areas.</li> <li>• Given the points above, City staff seek clarification on why changes are needed to the current MCR process for employment area conversions which has worked well. Municipalities know the composition and investment focus of their employment areas and can tailor land use policies accordingly (e.g. some have a prestige office, a manufacturing or a power centre retail focus).</li> <li>• The lack of a clear, unambiguous transition clause in Bill 97 is problematic. The City should be given sufficient time to undertake a proper review of commercial lands before any are removed from employment areas.</li> <li>• The Mississauga experience demonstrates that the removal of lands from employment areas can result in an increase in land value, potentially increasing taxes and making it more difficult to retain existing office buildings and for new office uses to compete for space. The loss of office buildings would place a strain on the</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
	<p>banks, etc. Through our engagements with industry, they have expressed concerns that allowing sensitive land uses in close proximity may have cost and risk implications to their operations.</p> <ul style="list-style-type: none"> <li>• Bill 97 provides for a clause to keep lands with existing commercial and office uses in an employment area. However, it is unclear whether this clause would allow for existing clusters of business and economic uses to be sheltered by current official plan policies which recognize their long term use, or whether a city-initiated Official Plan Amendment would be required</li> <li>• Bill 97 also has implications for Mississauga’s Corporate Centres that have an office focus and are identified as strategic growth areas (e.g. Gateway Corporate Centre and Airport Corporate Centre). Office uses in these locations support the Province’s push for higher density, transit-supportive growth; but with Bill 97, they may no longer be permitted subject to clarity on how the proposed clause in Bill 97 is intended to apply. Some of these areas are within the Airport Operating Area, which prohibits new sensitive land uses.</li> </ul>	<p>residential tax base, and weaken Mississauga’s economy.</p> <ul style="list-style-type: none"> <li>• City staff strongly recommend that the Province give municipalities the flexibility to decide which commercial lands should be removed from employment areas. At a minimum, lands with existing commercial uses should be grandfathered into the new definition for employment areas. In addition, lands, such as those around the airport where residential uses are not permitted, should also be able to both maintain and grow their commercial base.</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
<p><b>New Ministerial powers regarding transitions</b>  The proposed changes would give the Ministry the authority to make regulations regarding transitional matters necessary to implement a policy statement and related to the applicability of a new provincial policy statement.</p>	<ul style="list-style-type: none"> <li>• New regulations may provide transitional matters for applications received before or after the new PPS comes into effect.</li> <li>• New regulations may also offer clarifications on situations when the new PPS does not apply to specified matters or applications.</li> <li>• Furthermore, when implementing the PPS, the Ministry may make decisions that take into account “other considerations” to balance government priorities. However, it unclear what those “other considerations” are and the weight that would be given to the formally established <i>Planning Act’s</i> matters of Provincial interest.</li> </ul>	<ul style="list-style-type: none"> <li>• The City is in the advanced stages of its 10-year comprehensive Official Plan Review and working to the 1-year deadline to conform to the Region of Peel Official Plan. City staff recommend that the Province include transitions with clear direction on which conformity process should be followed.</li> <li>• The regulation should be clear whether one of the following scenarios would apply: <ol style="list-style-type: none"> <li>1) Region of Peel lower-tier municipalities are to conform to the recently approved Region of Peel Official Plan in its entirety and work on a second conformity to the proposed changes at a later date.</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>2) Lower-tier municipalities must update their Official Plans to conform to the new changes in the <i>Planning Act</i> and be consistent with the new PPS AND conform to Region of Peel Official Plan for the remainder of the policies not affected by the proposed changes.</li> </ol> <p>The second scenario would be more efficient in time and taxpayer resources, while providing more certainty for the planning review process.</p> </li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
		<p>If the second scenario is to be followed, the Province should provide a reasonable timeline for lower-tier municipalities to complete their Official Plan reviews. Furthermore, if the Region of Peel is still the City's planning authority to review the City's revised or new Official Plan, the regulation should exempt the lower-tier municipalities from conforming to those sections in the Region of Peel Official Plan policies that have become inconsistent with the introduction of a new PPS.</p>
<p><b>New effective date for Bill 109 planning fee refunds</b>  The effective date for Bill 109 planning application fee refunds where no decision is made within the statutory time periods is proposed to be changed to July 1, 2023 (from the original date of January 1, 2023). If any fee refunds were owed as a result of applications filed and not decided, between January 1 and July 1, 2023, the refund is deemed not to have been required. New subsection provides that a municipality is not required to refund fees if the municipality is prescribed by regulation.</p>	<ul style="list-style-type: none"> <li>• No fiscal impact</li> </ul>	<ul style="list-style-type: none"> <li>• City staff have already commented on the challenges planning staff and agencies are likely to face to implement the new timelines. In particular, the Province's own commenting agencies often do not meet the existing deadlines. Any additional shortening of these timelines will further reduce opportunities for municipalities to meaningfully refine applications, and likely further add to OLT caseloads. Notably, Bill 109 almost halved development timelines and in the intervening period there has been no noticeable improvement in affordability.</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
<p><b>Interim Control By-law</b></p> <ul style="list-style-type: none"> <li>• Notice of a by-law: The period of time required to give notice of a by-law made under subsection 38(1) or (2) (Interim Control By-law) would be shortened to 20 days</li> <li>• Appeals to Tribunal: Any person or public body who was given notice of passing of an Interim Control by-law could appeal within 50 days after the date of the passing of the by-law</li> </ul>	<ul style="list-style-type: none"> <li>• The City will need to adapt to the new timeframe for interim control by-laws.</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Parking for additional units</b> Change to clarify that official plans and zoning by-laws could still require more than one parking space for the primary residential unit</p>	<ul style="list-style-type: none"> <li>• Mississauga was not intending to amend the parking requirements for the primary unit.</li> <li>• Second units are already exempt from requiring additional parking.</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Section 41 changes</b> <b>Authority for Site Plan Control for 10 Units or Less</b> Residential developments of 10 or fewer units on a single lot would constitute “development” if the parcel of land is located in a prescribed area (see table 3 for proposed Regulation).</p>	<ul style="list-style-type: none"> <li>• Although some types of developments could now be subject to site plan control, the issues previously identified through Bill 23 remain (in particular for larger sites with multiple units).</li> <li>• The return of site plan review in the newly prescribed areas will address some of the previous concerns about how to manage top of bank hazards and noise/safety issues in proximity to rail corridors. In addition, other issues could now be addressed for those sites such as</li> </ul>	<ul style="list-style-type: none"> <li>• Clarity is required on the definition of ‘shoreline’. Based on existing definitions in other O.Reg.s. staff assume it includes lands adjacent to a water body, meaning a lake, permanent stream, intermittent stream and seepage area.</li> <li>• City staff recommend that the regulation for site plan control authority of residential developments of 10 or fewer units be further expanded to include all lands with natural or human-made hazards.</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
	servicing capacity, access, local improvements, land dedications, easements, etc.	
<p><b>New Authority for Minister’s Zoning Orders (MZO)</b>  New authority would exempt lands subject to an MZO from complying with policy statements, provincial policies and official plans when planning approvals are applied for, such as plans of subdivision. This gives the Minister the ability to address circumstances where an MZO permits residential uses in an area where the official plan does not.</p>	<ul style="list-style-type: none"> <li>• This change could have implications for servicing and capital budget improvements that are allocated based on Official Plan policies and land use designations.</li> <li>• The Ministry will now be able to issue an MZO without regard for their own planning policies or the policies of the Region and the City. For example, an MZO could result in the removal of a heritage building that would normally be protected by planning policy.</li> <li>• This latest change appears to signal a willingness for the Province to approve more development through MZOs.</li> </ul>	<ul style="list-style-type: none"> <li>• At a minimum, the Province should ensure MZOs remain consistent with key provincial and City policies that protect public health and safety. This would include policies restricting sensitive uses and development on hazard lands, within significant natural heritage features or their buffers, and where land use compatibility issues exist.</li> <li>• City staff recommend that the Province publish a guidance document that indicate how they intend to use MZOs in the future.</li> <li>• If the Province intends to continue to make frequent use of MZOs, then City staff suggest that their use should be limited to situations that have a clear public benefit and rationale (such as creation of affordable housing, long-term care and major institutional/health care uses).</li> <li>• Consultation with upper and lower-tier municipalities should be a mandatory part of this process.</li> <li>• The Province should be responsible for advising the public when MZOs are issued.</li> </ul>



Proposed Changes	Potential City Impacts	Comments to the Province
<p><b>Ministerial Authority to Require Development Agreements</b>  New section would give the Minister the power to require landowners and municipalities to enter into an agreement with the Minister or the municipality in matters where the Provincial Land and Development Facilitator have been appointed. The order would have a similar effect as an interim control by-law as it would only permit existing uses to continue until agreements have been signed.</p>	<ul style="list-style-type: none"> <li>The impact to the City’s development review process is uncertain. The new powers will give the facilitator influence over required contributions under the <i>Planning Act, Development Charges Act</i> and any other legislation. It is unclear how this will impact community and infrastructure investment at the local level.</li> </ul>	<ul style="list-style-type: none"> <li>City staff need more clarity to understand what would be required by the Minister as part of a development agreement. For example, the agreements may require that servicing and health and safety requirements be addressed.</li> <li>City staff recommend that the Province ensure that agreements allow the City to address a range of possible issues, including servicing. The City should be able to request the necessary studies to support safe and efficient development (e.g., Transportation Impact Study, Functional Servicing Report, Noise Study, Hydro/Geo Studies, etc.). Agreements should also allow the City to identify additional requirements that may not have been included in the agreement by the Province.</li> <li>Through regulation, the Province should clarify the role of the facilitator in determining the matters to be included in the agreement.</li> </ul>
<b>Schedule 7 – Residential Tenancies Act, 2006</b>		
<p><b>Air Conditioner Installation permissions for Tenants</b>  A new provision would allow tenants to install and use air conditioning if it is not supplied by the landlord, with conditions and rules on rent increases.</p>	<ul style="list-style-type: none"> <li>No impacts to Mississauga are anticipated as tenancy issues are dealt with under the authority of the Landlord and Tenant Board.</li> </ul>	<ul style="list-style-type: none"> <li>City staff are encouraged by the Province’s intent to enhance rights for tenants.</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
<p><b>Termination of Tenancy for Renovation Purposes</b>  A new provision would require that a landlord provide a report when giving notice of termination of a tenancy in order to complete repairs or renovations. The report would need to be prepared by a person who has the prescribed qualifications and would need to state that the repairs or renovations are sufficiently extensive that they require the unit to be vacant (and would also need to address any other prescribed requirements).</p> <p>Currently, a tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations may have the right of first refusal to re-occupy the unit. The section would be amended to provide that, if a tenant gives notice that they wish to have a right of first refusal, the landlord would need to provide specified notices to the tenant regarding the readiness of the unit for occupancy. The landlord would need to give the tenant at least 60 days to exercise the right of first refusal to occupy the unit.</p>	<ul style="list-style-type: none"> <li>No impacts to Mississauga are anticipated as tenancy issues are dealt with under the authority of the Landlord and Tenant Board.</li> </ul>	<ul style="list-style-type: none"> <li>City staff are encouraged by the Province’s intent to enhance rights for tenants.</li> </ul>
<p><b>Notice of Tenancy Termination in Bad Faith</b>  Currently, under the Act, the Landlord and Tenant Board may make various orders if it determines that a landlord has given a notice of termination under section 48 in bad faith and no person (i.e. landlord, landlord’s family member, caregiver) occupied the rental unit within a reasonable time</p>	<ul style="list-style-type: none"> <li>No impacts to Mississauga are anticipated as tenancy issues are dealt with under the authority of the Landlord and Tenant Board.</li> </ul>	<ul style="list-style-type: none"> <li>City staff are encouraged by the Province’s intent to enhance rights for tenants.</li> </ul>

Proposed Changes	Potential City Impacts	Comments to the Province
<p>after the former tenant vacated the rental unit. A new provision indicates that it would now be presumed to be notice in bad faith without the need for the Landlord and Tenant Board to make a determination.</p>		
<p><b>Written Agreement</b> The Act would be amended to require that the written agreement reached between the landlord and the tenant to resolve the subject-matter of an application to the Board regarding non-payment of rent be completed with the form approved by the Board.</p>	<ul style="list-style-type: none"> <li>• No impacts to Mississauga are anticipated as tenancy issues are dealt with under the authority of the Landlord and Tenant Board.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff are encouraged by the Province’s intent to enhance rights for tenants.</li> </ul>
<p><b>Fine Increases for Offences</b> The Act would be amended to increase the maximum fines for offences under this Act from \$50,000 to \$100,000 in the case of a person other than a corporation and from \$250,000 to \$500,000 in the case of a corporation.</p>	<ul style="list-style-type: none"> <li>• No impacts to Mississauga are anticipated as tenancy issues are dealt with under the authority of the Landlord and Tenant Board.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff are encouraged by the Province’s intent to enhance rights for tenants.</li> </ul>