



Ontario
Home Builders'
Association

20 Upjohn Rd., Suite 101 (416) 443-1545
North York, Ontario Toll Free 1-800-387-0109
M3B 2V9 Fax: (416) 443-9982
<http://www.ohba.ca> info@ohba.ca

May 5, 2023

Ministry of Municipal Affairs and Housing

Proposal Number: ERO # 019-6847

RE: Proposed Planning Act, City of Toronto Act, 2006, 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)

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 97, the *Helping Homebuyers, Protecting Tenants Act, 2023* with input from members across Ontario. OHBA is proudly affiliated with 27 local chapter HBAs from across the province and are coordinating our responses accordingly. OHBA has prepared the following consultation response regarding proposed changes to the *Planning Act, City of Toronto Act*, and the *Ministry of Municipal Affairs and Housing Act*, speaking to a number of the proposed changes.

Fee Refund Provisions

OHBA begins from the premise that builders in Ontario desire a predictable permitting process that gives confidence to new home buyers. This must be the basis of any and all municipal processes related to residential development. Approval of the timing and delivery of housing must be the overarching objectives as part of changes to fee refund provisions being proposed.

OHBA strongly supports changes made through the *More Homes for Everyone Act* to induce a sense of urgency towards legislated timelines of zoning by-law and site plan application fees. Fee refund measures will ultimately encourage municipalities to make more timely decisions by requiring a gradual return of site plan control and zoning by-law amendment fees where sufficient time has passed since a municipality has received the complete application and fee. This system is much needed to help expedite the decision-making process. As has been noted before, in the long-term, OHBA recommends that the Ministry of Municipal Affairs and Housing conduct a full and detailed review of all aspects of site plan control set out in Section 41 of the *Planning Act*. OHBA believes there are further opportunities for streamlining and that some aesthetic, urban design, and exterior design elements considered through the site plan control process should not be a component of the land use approvals process.

OHBA encourages the province to move swiftly on implementing this requirement for refunding fees and to continue working proactively with municipalities to ensure the new proposed deadline of July 1, 2023 is met. This will provide greater predictability for both municipalities and builders.

Consequential Changes to Support Implementation of the *More Homes Built Faster Act, 2022 (Bill 23)*

In our initial comments on the implementation of additional residential units, OHBA articulated that municipalities should only be allowed to require up to one parking spot for the primary unit. This proposed implementation change does not meet that metric. OHBA appreciates the Ministry recognizing that requiring up to three units and therefore three parking



Ontario
Home Builders'
Association

20 Upjohn Rd., Suite 101 (416) 443-1545
North York, Ontario Toll Free 1-800-387-0109
M3B 2V9 Fax: (416) 443-9982
<http://www.ohba.ca> info@ohba.ca

spaces on a typical residential lot in many Ontario communities would make most conversions unviable and works against most municipalities' desire to utilize public transit. OHBA therefore strongly recommends further amendments to completely eliminate parking requirements from being imposed.

Regulation-Making Authority for Site Plan Control for 10 Units or Less

In prior comments, on the *More Homes Built Faster Act*, OHBA 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 ending 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.

OHBA understands that the Ministry has heard that municipalities require more flexibility to use site plan control under certain circumstances. OHBA would suggest that the setbacks be reduced to 100 metres for both shoreline and rail lines.

Appeals of Interim Control By-laws

OHBA strongly supports this proposed measure. Currently, Interim Control By-Laws (ICBL) can act as a significant impediment to new housing supply and are not subject to an effective or timely appeal process. Enabling appeals following the passage of an ICBL as opposed to when it is extended is a prudent move that will enable faster collaboration between municipalities and builders.

New Authority for Minister's Zoning Orders

Often, the new home construction sector experiences more challenges the farther down the development process they are. By creating a new Ministerial authority to establish uses, this measure will help ensure downstream approvals do not become an extraordinary barrier to new housing. This proposed change ensures that Ministerial Zoning Orders have greater clarity once they are issued.

Ministerial Authority to Require Development Agreements

Ensuring that priority projects which bring forward the correct supply and variety of new housing is crucial as the province aims to reach 1.5 million new homes by 2031 to meet our population growth trajectory. A Ministerial Authority to require development agreements on priority projects through the Provincial Land Facilitator is a prudent and clear avenue to advance priority projects and get shovels in the ground, faster.

Changes to Employment Area Protections

Rescoping what constitutes an "area of employment" will help clarify that land uses not connected to primary industrial uses can be better converted for local use. Currently, significant areas within urban boundaries where new housing could



Ontario
Home Builders'
Association

20 Upjohn Rd., Suite 101 (416) 443-1545
North York, Ontario Toll Free 1-800-387-0109
M3B 2V9 Fax: (416) 443-9982
<http://www.ohba.ca> info@ohba.ca

be built, is encumbered by the existing employment land definitions found in the *Planning Act*. This proposed change will help redirect commercial and institutional uses closer to transportation corridors. Furthermore, it would also perverse the ability of municipalities to designate employment lands so long as they adopt official plan policies that specifically authorize the continuation of that lawfully existing use prior to the modified “area of employment” definition coming into effect.

However, OHBA does not support the proposed definition change that will preclude institutional uses from being able to locate in an area of employment. There are many examples of institutional uses, such as places of worship or even day cares, that can be located within areas of employment without conflict. To permit municipal flexibility, area or site-specific assessments could be undertaken to determine what appropriate uses are rather than this being stated in the *Planning Act* to help provide an appropriate mix of uses on a site-specific basis.

Proposed Ministry of Municipal Affairs and Housing Act Amendment

With the scale of changes being proposed as part of Bill 97, it is prudent that the Ministry evaluate their own capacities and upgrade where needed to ensure Ontario can meet its housing supply goals. Appointing up to four Housing Deputy Provincial Land Development Facilitators will help the entire Ministry move priority projects ahead.

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.