

Ministry of Municipal Affairs and Housing
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ERO Number: 019-6821 | 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)

The West End Home Builders' Association (WE HBA)

The West End Home Builders' Association (WE HBA) is the voice of the land development, new housing and professional renovation industries in Hamilton. The WE HBA represents 300 member companies made up of all disciplines involved in land development and residential construction. The residential construction industry employed over 550,000 people, paying \$37.7 billion in wages, and contributed over \$76.9 billion in investment value across Ontario in 2021.

The WE HBA is coordinating our public policy response with input from members across Ontario. WE HBA proudly affiliated with the **Ontario Home Builders' Association (OHBA)** and is working in conjunction with the **Building Industry and Land Development Association (BILD)** and the **Greater Ottawa Home Builders' Association (GOHBA)** to provide the provincial government our recommendations and comments.

Environmental Registry Background

Proposed Planning Act, City of Toronto Act, 2006, Development Charges Act and Ministry of Municipal Affairs Act 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.

Fee Refund Provisions

WE HBA 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 incentivize 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, WE HBA 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. WE HBA believes there are further opportunities for streamlining and that some aesthetic and exterior design elements considered through the site plan control process should not be a component of the land use approvals process.

The timelines provisions in Bill 109 were a laudable initiative, intended to incent municipalities to speed up the time it takes to approve applications. It was also intended to allow for greater predictability in the planning process and increased confidence for the consumer as they embarked on purchasing a new home, as application fees are significant in certain municipalities. Unfortunately, completely opposite municipal action and responses have occurred. In

response to Bill 109's fee refund regime, many municipalities have adopted or proposed new official plan policies and by-laws that impose additional pre-application requirements, effectively front-ending municipal application review prior to considering an application complete in order to avoid triggering Bill 109 timelines, contrary to the purpose of Bill 109.

New pre-application requirements currently proposed by some municipalities include an initial round of substantive, technical review of initial application materials and the requirement to submit revised application materials, third party (agency and ministry) consultation and clearances, public meetings and community consultations, and the requirement to enter into agreements. These requirements can take several months if not longer. Many municipalities have done this by parsing out large segments of the development application process before allowing the "approval clock" to start on the legislative timelines. In other words, they have frontload substantive issues that are identified in the project proposal even prior to allowing an application to be made. These should not be imposed prior to an application being considered complete, and where an applicant has no recourse.

WE HBA encourages the province to move swiftly while delaying this requirement for refunding fees and to continue working proactively with municipalities to ensure the province's goals of streamlined development approval process and delivering housing faster are not undermined. 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, WE HBA 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 as it allows municipalities to assign a higher parking ratio than one space for the primary unit. WE HBA 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*, WE HBA 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. WE HBA 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 on true development aspects of applications. WE HBA understands that the Ministry has heard that municipalities require more flexibility to use site plan control under certain circumstances.

Appeals of Interim Control By-laws

WE HBA 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. It will also establish a higher bar for the implementation of ICBLs if they are subject to potential appeals.

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 a 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 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 preserve 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.

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.

Closing Comments

WE HBA thanks the provincial government for the opportunity to submit these comments. Our members believe that the provincial government has recognized the severity of our housing supply crisis and have taken bold and definitive action with these proposed legislative and policy changes. We trust that you will take our comments and recommendations into consideration, and we look forward to the outcome of these consultations.

Sincerely,



Mike Collins-Williams, MCIP, RPP
Chief Executive Officer
West End Home Builders' Association