

# Bill 23

## Committee of the Whole Meeting Presentation

January 10, 2023

# Bill 23 Overview

Bill 23 received Royal Assent on November 28, 2022. The Bill made amendments to 5 statutes:

- Development Charges Act, 1997
- Ontario Heritage Act, 2017
- Ontario Land Tribunal Act
- Planning Act
- Conservation Authorities Act

This presentation will focus on the changes that impact City operations.

# Planning Act Changes

(in effect as of November 28, 2022)

## OLT Appeal Rights

- Third party appeal rights removed for minor variance or consent decisions

## Gentle Intensification

- As of right zoning to permit up to three residential units per lot (two in the main building and one in an accessory building), with no minimum unit sizes

# Planning Act Changes (in effect as of November 28, 2022)

## Plans of Subdivision and Plans of Condominium

- Public meetings not required

## Site Plan Control

- Developments  $\leq 10$  residential units exempted from site plan control
- Architectural details and landscape design aesthetics removed from the scope of site plan control

## Parkland Dedication Cap

- 10% of the land or its value for sites  $\leq 5$  ha
- 15 % for sites  $> 5$  ha

# Planning Act Changes (in effect as of November 28, 2022)

- Maximum **alternative dedication** rate reduced to 1 ha/600 units for land and 1 ha/1000 units for cash in lieu
- **Parkland rates** frozen as of the date that a zoning by-law or site plan application is filed.
- **Parks plans** required prior to the passing of any future parkland dedication by-law
- Parkland dedication can't be imposed for existing units
- Municipalities required to spend or **allocate** 60% of parkland reserve funds at the start of each year

# Planning Act Changes not yet in force

- Encumbered parkland/strata parks, as well as privately owned publicly accessible spaces (POPS) to be eligible for parkland credits
- Landowners can identify land they intend to provide for parkland, with the municipality able to appeal to the Tribunal if there is a disagreement

# Ontario Land Tribunal Procedures

- Tribunal will have increased powers to order **costs** against a party which loses a hearing at the Tribunal
- Tribunal given increased power to dismiss appeals for undue **delay**

# Development Charges Act Changes

- **Historic Service Level Period:** Extension from 10 to 15 years prior to the DC study; used to calculate DC rate caps by service except for transit.
- **Maximum DC By-Law Life:** Extension from 5 to 10 years.
- **Interest Rate Cap:** Imposition of a cap of “average prime” plus 1% on the interest rate chargeable on DC payment installments and freezes.

# Development Charges Act Changes

- **Expenditure / Allocation Requirement:** At least 60% of DC reserves for water, wastewater and roads services must now be spent or “allocated” annually.
- **Studies:** Study costs are no longer DC-eligible, even those for DC studies.
- **Housing:** Housing is no longer a DC-eligible service.

# Development Charges Act Changes

- **Land for Prescribed Services:** Land costs for prescribed services are no longer DC-eligible.
- **Phase-in of DC Rates:** DC rates must be phased in at 80%, 85%, 90% and 95% of their DC study-determined values for years 1-4, respectively, of a DC by-law.
- **Expansion of Residential DC Exemption:** A third unit within a qualifying new residential dwelling is now DC-exempt.

# Development Charges Act Changes

- **DC Rate Discounts for Rental Housing:** Rental housing now receives a DC rate discount of 15%-25% depending on the number of bedrooms.
- **DC Exemption for Certain Housing:** Non-profit housing, affordable housing, and attainable housing now DC-exempt.

# Changes for Housing

- Exempt **affordable housing** (priced at no greater than 80% of the average price/rent) from DC and parkland dedication as of November 28, 2022
- Introduce a category of “**attainable housing**” which will be defined in future regulations
- An upper limit of 5% of the total number of units in a development that can be required to be affordable as part of inclusionary zoning – CKL does not qualify for **inclusionary zoning**

# Conservation Authorities

- On January 1, 2023: Limits are in effect on what Authorities are permitted to comment on as part of the planning approvals process: focus on natural hazards and flooding
  - **Implications** on City approval operations: Review functions for matters other than natural hazards and flooding will need to be brought in house or completed through peer review
- On a date to be determined: Permits will not be required within regulated areas (including wetlands) for activity that is part of a development authorized under the Planning Act

# Next Steps

- Report to Council January 2023 re City planning process response to Bill 23
- Report to Council Q2 2023 re City financial response to Bill 23

Thank you.  
Questions?