

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 ≤ 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 ≤ 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?