

## ADDENDUM

Date: Monday, December 5, 2022  
Time: 6:30 p.m.  
Location: Council Chamber

Town Hall is open to the public and live streaming video is available on [oakville.ca/live.html](https://oakville.ca/live.html) or at the town's YouTube channel at <https://www.youtube.com/user/TownofOakvilleTV>. Information regarding written submissions and requests to delegate can be found at <https://www.oakville.ca/townhall/delegations-presentations.html>.

	Pages
7. Discussion Item(s)	
*7.2 Bill 23, More Homes Built Faster Act, 2022 – December 5, 2022	3 - 31
Recommendation:	
1. That the report titled “Bill 23, <i>More Homes Built Faster Act</i> , 2022 – December 5, 2022” dated November 29, 2022, be received.	
2. That the staff comments included in the report titled “Bill 23, <i>More Homes Built Faster Act</i> , 2022 – December 5, 2022” dated November 29, 2022, be submitted to the Environmental Registry of Ontario to inform future regulations associated with Bill 23.	
3. That the report titled ““Bill 23, <i>More Homes Built Faster Act</i> , 2022 – December 5, 2022” dated November 29, 2022, be forwarded by the Town Clerk to the Minister of Municipal Affairs and Housing, Ministry of Citizenship and Multiculturalism, Ministry of Natural Resources and Forestry, Ministry of the Attorney General, Halton Area MPPs, Halton Region, the City of Burlington, the Town of Halton Hills, the Town of Milton, Conservation Halton and Credit Valley Conservation.	

## 9. Advisory Committee Minutes

### \*9.1 Heritage Oakville Advisory Committee Minutes - November 29, 2022

32 - 36

Recommendation:

That the following recommendation pertaining to Item 4.1 of the Heritage Oakville Advisory Committee minutes from its meeting on November 29, 2022, be approved and the remainder of the minutes be received:

#### **4.1 Heritage permit application HP050/22-42.20L 1475 Lakeshore Road East – Relocation of house, demolition of existing structures and wings, and construction of new additions**

1. That Heritage Permit Application HP050/22-42.20L for the relocation of the house within the property, the demolition of existing structures and wings, and the construction of new additions at 1475 Lakeshore Road East, as attached in Appendix B to the report dated November 22, 2022 from Planning Services, be approved subject to the following:
  - a. That a Heritage Easement Agreement for the relocation, rehabilitation and restoration of the Griggs House, located at 1475 Lakeshore Road East, be entered into between the town and the owner in keeping with the content of this report, with the Agreement to be in form and content satisfactory to the Town Solicitor and the Director of Planning Services or their designate;
  - b. That the Heritage Easement Agreement be executed in accordance with Executions By-law 2013-057 and be registered on title to the lands on which the Griggs House is located;
  - c. That the Town Solicitor be authorized to discharge the Heritage Easement Agreement from title to the lands on which it is registered, at the expense of the owner, once the requirements in the Heritage Easement Agreement have been fully satisfied to the satisfaction of the Director of Planning Services or their designate; and
2. That this heritage permit expire two years from the date of final approval by Council.

## REPORT

### Planning and Development Council

**Meeting Date: December 5, 2022**

---

**FROM:** Planning Services Department

**DATE:** November 29, 2022

**SUBJECT:** Bill 23, More Homes Built Faster Act, 2022 – December 5, 2022

**LOCATION:** Town-wide

**WARD:** Town-wide Page 1

---

#### RECOMMENDATION

1. That the report titled “Bill 23, *More Homes Built Faster Act, 2022 – December 5, 2022*” dated November 29, 2022, be received.
2. That the staff comments included in the report titled “Bill 23, *More Homes Built Faster Act, 2022 – December 5, 2022*” dated November 29, 2022, be submitted to the Environmental Registry of Ontario to inform future regulations associated with Bill 23.
3. That the report titled ““Bill 23, *More Homes Built Faster Act, 2022 – December 5, 2022*” dated November 29, 2022, be forwarded by the Town Clerk to the Minister of Municipal Affairs and Housing, Ministry of Citizenship and Multiculturalism, Ministry of Natural Resources and Forestry, Ministry of the Attorney General, Halton Area MPPs, Halton Region, the City of Burlington, the Town of Halton Hills, the Town of Milton, Conservation Halton and Credit Valley Conservation.

#### KEY FACTS

The following are key points for consideration with respect to this report:

- On October 25, 2022, the province introduced the latest housing initiative *More Homes Built Faster: Ontario’s Housing Supply Action Plan 2022-2023*
- The Action Plan supports the province’s commitment to build 1.5 million new homes over the next 10 years to address Ontario’s housing crisis.

- Central to the Action Plan is Bill 23, the *More Homes Built Faster Act, 2022*. This is an omnibus bill affecting several planning and development statutes, including the *Planning Act*, *Development Charges Act*, *Conservation Authorities Act*, *Ontario Land Tribunal Act* and the *Ontario Heritage Act*.
- In conjunction with Bill 23, the province announced a number of updates to regulations and consultations on various provincial plans and policies including the 2020 Provincial Policy Statement and the 2019 Growth Plan.
- On November 4, 2022, the province proposed policy changes to the Greenbelt Plan that would remove certain areas of land in exchange for the addition of other areas of land including the Paris Galt Moraine.
- Town staff is aligned with the province's objectives to increase housing supply, to reduce duplication in development review and to streamline development approvals.
- Town staff is providing comments to the province on the proposed changes to the legislation through the Environmental Registry of Ontario and the Ontario Regulatory Registry while the commenting periods are open.
- The scope of the proposed legislative changes is broad and the potential implications to the town are extensive. There are a number of questions raised about the continued role of the regional governments and conservation authorities in land use planning and the delegation of planning responsibilities and decision making to local municipalities.
- An initial review of the potential implications to municipal finance and revenue relating to classes of development being exempt from development charges, community benefit charges and parkland dedication raises questions about the longer term impacts on the town's capital forecast and the ability to deliver infrastructure in a timely manner.
- Based on the 2022-2031 DC Study, the proposed legislative changes will result in a total decrease in revenue in the range of 12% to 37% (\$79M to \$237M) depending on final details to come.
- A High-level estimate of the impact within the Strategic Growth Areas projects that the town could lose between 60 and 70 percent (\$65-\$75 million) of the total \$109 million required for parkland.

- The province's proposals potentially affecting the conservation of cultural heritage, natural heritage and directing growth to established areas in the town raise questions about the impacts to the town's urban structure.

On November 28, 2022 Bill 23 was given Royal Assent. Staff will continue to analyse and report back to Council as information is provided.

## BACKGROUND

On October 25, 2022, the province introduced the latest housing initiative *More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023* in support of the province's commitment to build 1.5 million new homes over the next 10 years in order to address the housing crisis in Ontario.

[Bill 23, the More Homes Built Faster Act, 2022](#) (Bill 23) is a key component of the province's Action Plan and proposes amending various statutes including the *Planning Act*, *Development Charges Act*, *Conservation Authorities Act*, *Ontario Land Tribunal Act*, and the *Ontario Heritage Act*. Bill 23 also presents various bulletins proposes to revoke various regulations.

Staff have provided comments to the province, within the commenting windows, generally on the following:

- The province address how municipalities will be "made whole" pending the reduction in Development Charge, Parkland dedication CIL and tax levy revenue.
- Remove the land value caps placed on parkland dedication rates.
- Allow municipalities the ability to determine parkland locations to ensure the delivery of complete communities.
- Allow municipalities to determine an appropriate value for crediting POPS towards parkland dedication requirements.
- Restore the provisions to review exterior design, sustainable design and landscape details through site plan control to ensure delivery of safe, healthy and liveable communities.
- Grant municipalities more time to identify properties of cultural heritage significance and subsequent designation under the *Ontario Heritage Act*.
- Restore the ability for conservation authorities to participate in the development review process to ensure development meets PPS requirements (i.e. protection of the natural environment and limit development within provincially-significant wetlands and natural hazards).
- Ensure the existing Ontario Wetland Evaluation System is maintained such that a systems-based approach, as is established in North Oakville, can continue to assist the town in working towards its climate change objectives.

## COMMENTS

The Town of Oakville is aligned with the province's goal of building 1.5 million homes. The town also supports the purpose and intent of sustaining the province's land use planning framework exemplified in the *Planning Act* and the 2019 Growth Plan, including the:

- protection of ecological systems, including natural areas, features and functions;
- conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- integrated planning, adequate provision and efficient use of communication, transportation, sewage and water services, waste management systems and public service facilities;
- orderly development, protection and achievement of safe, healthy & complete communities;
- adequate provision of a full range and mix of housing, including affordable housing with the prioritization of intensification in strategic growth areas;
- protection of the financial and economic well-being of the province and its municipalities;
- promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- integration of climate change considerations into land use planning and growth management.

Land use planning for growth and development that supports economic prosperity, protects the environment and helps communities achieve a high quality of life remains a key goal for the Town of Oakville and the Province of Ontario.

An overview of the proposed legislation is provided in Appendix 'A'.

While the proposed legislation is well-intended to deliver housing quickly in the province, there remain areas of concern relating to:

- downloading of regional planning matters to the town,
- responsibilities being transferred from conservation authorities to the town,

- identifying what properties on the town's heritage register need to immediately move towards designation and the potential loss of irreplaceable cultural heritage resources,
- there will be a funding shortfall with the loss of revenue for matters otherwise covered by development charges,
- ensuring review of stormwater and canopy coverage matters as part of residential development with less than 10 units,
- ensuring the adequate provision of land for parks and public recreation purposes,
- how to ensure quality development and the built environment otherwise addressed through site plan control, and
- overall staffing implications as a result of additional responsibilities where the town currently does not have expertise (i.e. in ecology, biology, hazard land administration).

### **Infrastructure Implications**

Oakville does not deliver new housing alone. It is a partnership among several public agencies, provincial ministries, the development industry and other stakeholders. This co-ordination ensures there is sufficient direction, oversight and funding to deliver infrastructure.

To meet the province's stated goal of 1.5 million homes across Ontario, all of these parties need to work towards the common goal, and share responsibility. As currently outlined in the proposed legislation, the municipalities will bear the brunt of the burden which will not assist in addressing the housing challenge.

The initial review of the proposed legislation undertaken by town staff has led to the consideration that there may be unintended consequences that will actually slow or restrict the delivery of a co-ordinated housing program for Oakville and Halton Region. There are a number of questions raised about the continued role of the regions and conservation authorities in land use planning and the delegation of planning responsibilities and decision making to local municipalities. The province's proposed changes may have the potential to undermine its own stated interest in "the orderly development of safe and healthy communities".

What were once Halton Region and Conservation Halton responsibilities are expected to be downloaded to Oakville in an effort to streamline planning approvals. This will prove challenging since additional technical expertise will likely be required for development review and additional town staff resources will be required to assume what were Halton Region planning and Official Plan responsibilities. The role and ability of municipalities to recover the costs of growth-related infrastructure and services will also be significantly affected, as detailed earlier in this report.

The added challenge will be co-ordination of the town's longer term land use planning, with the delivery of infrastructure by Halton Region. Without Halton Region Planning to assist in this co-ordination, the orderly planning infrastructure for growth areas identified by the local municipality will prove difficult. This will undoubtedly result in delays to deliver housing supply.

### **Meeting the 2031 Housing Targets**

Oakville's town-wide urban structure sets out the framework for where and how the town will grow; it provides for the long-term protection of natural heritage, public open space and cultural heritage resources, maintains the character of residential areas and is the foundation to direct growth to identified centres and corridors.

The town's urban structure is comprehensive and provides certainty to guide major infrastructure investment and to maximize cost effectiveness. It is the basis for the policies in the town's Official Plan and for making planning decisions.

Given the potential increase in new housing allocated to the town – up to potentially 52,000 units – it is expected that the majority of this can be directed to the Strategic Growth Areas (i.e. Midtown, Bronte GO, Uptown, Hospital District) and corridors. The town's Official Plan already accommodates this potential. It also recognises that some "gentle intensification" will occur in established neighbourhoods.

The town's Official Plan allows opportunities to add secondary residential units throughout the town, subject to enabling regulations in the Zoning By-law. This is to ensure that additional units support the fabric of a neighbourhood and can be added without undue pressure on existing infrastructure.

While there is merit with permitting opportunities for gentle intensification; total as-of-right permissions throughout the town is likely to create unforeseen complications. Staff has raised several questions and issues: if these "as-of-right" permissions supersede local zoning regulations; will the province provide any direction for the construction of such ancillary buildings?

If not, then conceivably, an ancillary building could be constructed anywhere on a residential property with no limitation on size, scale, height, proximity to side and rear lot lines, and no regard to the impacts on the increase of impermeable surface and associated stormwater runoff.

Similarly, if an extra dwelling unit is constructed within an existing dwelling, is the zoning of that existing dwelling also suspended in favour of the "as-of-right" permissions? There is also a question as to whether property owners may seek to vary, or amend the "as-of-right" permissions (i.e. minor variance, or otherwise) to allow other forms of housing (i.e. duplex, triplex, condominium townhouses) to allow up to three units per lot.



Unplanned growth and development in areas which cannot accommodate it, can lead to having insufficient infrastructure, services and facilities within neighbourhoods. This can undermine the province's stated policy to plan for complete communities – especially when new development is not required to deliver the necessary parks and open space system to support the new population.

As noted above, another significant change to the *Planning Act* is the exemption of residential development with less than 10 units from site plan control. The implications from this proposed change are difficult to quantify at this time since the key areas of concern – including stormwater management and canopy coverage – arguably still need to be addressed with new development. This will be a key implementation task as part of further development application process reviews.

### **Financial Implications**

A central tenet for Oakville Council considering growth and development is that “growth should pay for growth”. This is premised on the belief that growth should not be subsidised by the tax levy.

Bill 23 proposes changes intended to lower the overall cost of delivering housing thereby making it more affordable for purchasers and increasing housing supply. Municipalities have long stated that the costs relating to new development – such as the extension of infrastructure – should be borne by the development itself. Given the proposed changes, the scope of new growth-related infrastructure will result in more pressure on tax payers to cover the cost of growth.

An initial review of the potential implications to municipal finance and revenue relating to classes of development being exempt from development charges, community benefit charges and parkland dedication raises questions about the longer term impacts on the town's capital forecast and the ability to deliver infrastructure to meet the growth expectations.

Bill 23 proposes a five-year phase in of new Development Charge rates as a measure to lower rates and provide cost certainty for developers. The DC phase-in would apply to rates set out in by-laws passed since January 1, 2022 (including Oakville's) where a percentage reduction from the full rate is provided that gradually decreases each year. This proposed rate reduction will significantly reduce DC collections by approximately 12.5% (\$34M) of the anticipated DC revenue over the four-year phase in period. Based on the 2022-2031 DC Study, the proposed legislative changes will result in a total decrease in revenue in the range of 12% to 37% (\$79M to \$237M) depending on final details to come, depending on the extent land acquisition can be included in the DC.

The proposed changes to the parkland dedication legislation cap the amount of land that can be conveyed or paid in lieu. This is contrary to that which was recently passed by Council as part of the new *Parks Plan 2031*. The proposed changes will make it extraordinarily challenging for the town to realise the goals of the strategy.

With the approval of the Strategy was a companion Parkland Dedication By-law which set a per unit rate for new residential units in Strategic Growth Areas. By establishing a maximum land or cash-in-lieu dedication, the amount that the town will be able to collect for new parkland to support complete communities will be significantly reduced.

The full impact of these changes is difficult to quantify due to the variety of locations within the town experiencing growth. A high-level estimate of the impact within Strategic Growth Areas projects that the town could lose between 60% and 70% (\$65-\$75 million) of the total \$109 million required for parkland in the 2022-2031 timeframe. On a site by site basis, reductions for a high density development could be up to 85% of current requirements under the by-law.

The town also recently endorsed a new Community Benefits Charge (CBC) Strategy and by-law. The proposed changes to the structure of the CBC includes exemptions for affordable units and credits for existing buildings on a redevelopment site. Credits for existing buildings are not expected to have a significant impact based on the recently completed CBC Strategy and developments that are in the pipeline over the next ten years.

Regarding the property tax levy, the province plans to explore ways of reducing property taxes for certain residential types. This includes possible reductions to property tax assessments for affordable rental units and rental housing development, and potential approaches to reduce the current tax burden on multi-residential apartment buildings. Any reduction to property taxes on one class will shift the burden to the other property classes, including our employment uses, potentially impacting our economic competitiveness.

It has not yet been identified if there are opportunities for the province to provide offsetting dollars to the loss of revenue Oakville is expected to see with these legislative changes.

### **Natural Heritage Implications**

The town declared a Climate Emergency on June 24, 2019, and Council has reiterated its desire to enhance the town's natural heritage system (NHS), limit unnecessary sprawl and guide growth in a resilient and sustainable manner. Key to delivering on this mandate is the town's partnership with both Conservation Halton and Credit Valley Conservation. The skills, expertise and professional disciplines

within these organisations assist the town in ensuring it is working towards its climate change mitigation objectives.

Currently, the town relies on the conservation authorities' participation in the development process through a Memorandum of Understanding (MOU) for environmental review of development that includes risks to the public and impacts to the health of natural heritage systems, ecology, habitat, endangered species, stormwater management, floodplains and natural hazards.

Bill 23 would result in the elimination of the current MOU and will present a major gap in the development review process since these responsibilities will likely fall to the town to administer. The benefit of the existing MOU is CA staff have the expertise to review, consider and monitor development in proximity to natural hazards. The delegation to the town for environmental review of development proposals would create a new responsibility, and the town does not have the resources or expertise to carry out detailed environmental reviews at this time.

The town will also be obligated to take on the evaluation and monitoring of natural hazard areas which otherwise would be under the purview of the CA. This can potentially lead to broader issues, risk to public safety and future management challenges. Essentially, Oakville will have to take on the oversight of development within hazard areas, including wetlands.

One of the foundational elements of the North Oakville Secondary Plans is a systems-based approach to creating the NHS – one of the largest in the GTA. Key features within North Oakville's NHS are wetlands and as development has proceeded, great care has been taken to preserve wetland and hydrologic functionality throughout.

The proposed changes to the Ontario Wetland Evaluation System (OWES) through Bill 23 will mean that the province will absolve itself of reviewing or approving wetland evaluations, instead being undertaken by an unknown "decision maker". Further, there will be no more wetland complexing, and existing provincially significant wetland complexes can be broken apart, with each small wetland re-evaluated separately. This could prove detrimental to the provincially significant wetland complexes in North Oakville.

Town staff is seeking clarification from the province about the continued role of CAs in the process of wetland evaluation and to determine the degree to which the town would become responsible for providing such services.

---

### **Cultural Heritage Implications**

In a general sense, some of the proposed changes to the *Ontario Heritage Act* represent a fundamental shift in the provincial direction for conserving cultural heritage resources. The changes appear to create high-risk conditions for the loss of cultural heritage resources.

In a more specific sense, responding in a timely manner to the provincial changes if they come into law as proposed, have the potential to create significant resourcing concerns.

Using the municipal Register as an example, there are approximately 300 properties listed in Oakville. When sorted and prioritized, that number may be condensed to a list of 100 properties. This represents Oakville's most important cultural heritage that should be designated under Part IV of the *Ontario Heritage Act* within the proposed two-year period.

At present, the town has a contract heritage planner on staff solely dedicated to historical research in support of designating properties. That position addresses approximately 20 properties per year.

There are also additional cultural heritage resources which may be identified going forward, further burdening the cultural heritage work program. It should also be noted that not all designations will be undertaken with the support of willing property owners. This increases the risk of appeals of designating by-laws to the Ontario Land Tribunal, further exacerbating heritage resourcing concerns.

### **NEXT STEPS**

Staff continue to review the broader implications resulting from the proposed legislation, as well as what changes and updates will be needed to town responsibilities, processes and procedures.

Bill 23 has a significant and direct impact on the Town's ability to create and fund complete communities. The changes to the Growth Plan, potentially adding significant population and employment, will require Council's attention on how to create complete communities in the face of these challenges. The province has not addressed how the Town can meet its current and new obligations related to the delivery of critical road and transit infrastructure, infrastructure that is required for healthy communities (i.e. recreation and parks) and infrastructure that is needed to mitigate the impact of additional growth on climate change in the face of funding gaps created through Bill 23.

Staff will also need to examine the approach to such things as the master plans for transportation and recreation, parkland strategy, development charges and community benefits and other process changes that result.

## **CONCLUSION**

The thrust of the changes can be summarised as the province requiring municipalities to do more, do it faster, but with less revenue.

Staff continues to review the proposed changes as this process unfolds. This process can be characterised as dynamic as the province continues to release new information while at the same time making changes to information already released. Staff will undertake further analysis of the potential implications for Oakville as additional information and regulations are available, and the details around implementation are further understood.

Staff will report back with additional information, analysis on workforce and budget implications, as well as potential solutions.

## **CONSIDERATIONS**

### **(A) PUBLIC**

Members of the public may provide comments on Bill 23 including matters discussed in this report through the related postings on the Environmental Registry of Ontario (ERO) website (<https://ero.ontario.ca/>) and Ontario's Regulatory Registry (ORR) website: <https://www.ontariocanada.com/registry>

### **(B) FINANCIAL**

There are no financial implication arising from the recommendation in this report. However, Bill 23 as proposed, would result in a significant reduction in the amount the town can collect from development to pay for growth-related land and infrastructure to maintain service levels, thereby increasing the cost of growth to the town substantially. In the absence of alternative funding from the provincial and federal government, the delivery of growth-related infrastructure may be slowed or there will be an impact on property taxes.

### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

This report was prepared by Planning Services, Finance, Transportation & Engineering and Legal staff, in collaboration with the senior leadership team. Follow-up reports on the implications and implementation for Oakville will be provided to Council a more information becomes available.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goals to:

- be accountable in everything we do,
- always act as a team, and
- be the most liveable town in Canada.

**(E) CLIMATE CHANGE/ACTION**

Staff continues to be concerned about the adverse effects that Bill 23 may have on environmental sustainability (e.g., compromising our natural heritage features and a reduced role for conservation authorities and economic sustainability (e.g., undermining municipalities' ability to ensure that growth pays for growth to the maximum extent possible).

**APPENDICES**

Appendix A – Overview of Bill 23

**Prepared & Recommended by:**

Kirk Biggar, MCIP, RPP, RFP  
Manager, Policy Planning & Heritage

Nadia Chandra  
Assistant Solicitor

Matt Day, CPA, CGA, MBA  
Manager, Development Financing & Investments

Kristina Parker, M.ASc, P.Eng  
Manager, Development Services

**Submitted by:**

Jonathan van der Heiden, CPA, CA  
Deputy Treasurer and Director of Finance

Douglas Carr  
Town Solicitor

Jill Stephen, P.Eng.  
Director, Transportation & Engineering

Gabriel A.R. Charles, MCIP, RPP  
Director, Planning Services

## Appendix A Overview of Bill 23

Legislation that the province proposes to change is posted to the Environmental Registry of Ontario (ERO) and the Ontario Regulatory Registry (ORR). A list of the postings for the proposed changes to legislation by Bill 23 includes:

ERO-ORR Posting	Title and link
<b>BULLETIN</b>	
ERO 019-6171	<a href="#">2031 Municipal Housing Targets</a>
<b>STATUTES</b>	
ERO 019-6172	<a href="#">Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges</a>
ERO 019-6163	<a href="#">Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)</a>
ERO 019-6196	<a href="#">Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022</a>
22-MAG011	<a href="#">Proposed Ontario Land Tribunal Act Changes</a>
<b>REGULATIONS</b>	
ERO 019-6141	<a href="#">Proposed Conservation Authorities Act and Regulatory Changes</a>
ERO 019-6217 (added Nov 8)	<a href="#">Proposed amendments to the Greenbelt Area boundary regulation</a>
ERO 019-6173	<a href="#">Proposed Inclusionary Zoning Regulatory Changes</a>
ERO 019-6197	<a href="#">Proposed Changes to Ontario Regulation 299/19: Additional Residential Units</a>
ERO 019-2927	<a href="#">Proposed Natural Hazards Regulatory Changes</a>
22-MMAH016	<a href="#">Proposed Building Code Regulatory Changes</a>
ERO 019-2927	<a href="#">Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario</a>
ERO 019-6211	<a href="#">Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario's Building Code</a>
<b>POLICIES</b>	
ERO 019-6216 (added Nov 8)	<a href="#">Proposed Amendments to the Greenbelt Plan</a>
ERO 019-6160	<a href="#">Ontario Wetland Evaluation System Proposal</a>
ERO 019-6177	<a href="#">Provincial Policy Statement and A Place to Grow review proposal</a>
ERO 019-6167	<a href="#">Proposed Revocation of the Parkway Belt West Plan</a>
ERO 019-6161	<a href="#">Conserving Ontario's Natural Heritage</a>

The Bill 23 proposals are accompanied by public commenting periods with deadlines ranging from November 24 to December 30, 2022.

In the time since Bill 23 was introduced, the province has revised its proposals around third party appeals and extended most of the November 24, 2022, commenting periods out to December 9, 2022.

## **OVERVIEW OF BILL 23**

The provincial proposals are sweeping in nature with the intent of increasing housing supply by reducing duplication of process, reducing financial costs, and streamlining approvals.

Town staff supports the creation of opportunities to increase housing supply, along with identifying ways to make the development approvals process more efficient. Always seeking continuous improvement, the town is in the midst of several process reviews with our partner agencies to address these challenges.

The changes proposed by the province include:

- integrating the 2020 Provincial Policy Statement with the 2019 Growth Plan,
- removing planning responsibilities from upper-tier municipalities including Halton Region,
- revoking the Parkway Belt West Plan and the corresponding implementing Minister's Zoning Orders,
- implementing standardized tools for zoning,
- removing requirement for public meetings for draft plans of subdivision,
- altering the functionality of municipal funding tools including Development Charges, Community Benefit Charges, and parkland dedication rates,
- limiting a Conservation Authority's ability to review and comment on development applications,
- granting as-of-right permissions for up to three residential units per lot,
- significant changes to how/when heritage properties are identified and conserved
- excluding developments of less than 10 units from site plan control,
- removing the ability to review exterior design and landscaping from site plan control,
- administrative changes to the Ontario Land Tribunal (OLT) respecting the dismissal of appeals, cost awards and prioritisation of certain proceedings, and
- eliminating some third party appeal rights to the OLT.

The balance of this section provides a more detailed overview of the proposed changes and early indications around implications and implementation for Oakville.

### **Proposed new 2031 Municipal Housing Targets**

ERO Number: 019-6171

Commenting Period: Bulletin - no commenting period

The province has assigned municipal housing targets to 29 of the region's largest and fastest-growing municipalities to address the "gap" of housing supply already experienced today. The Town of Oakville is assigned a housing target of 33,000 units as part of the province's overall



target of 1,229,000 homes. This works out to Oakville delivering 3,300 units per year, for the next 10 years.

Municipalities with a target will be responsible for developing a “housing pledge”, and identifying the tools and strategies that will be used to achieve their housing targets. Pledges may include, but are not limited to, priorities for site-specific planning decisions to expedite housing in priority areas, plans to streamline the development approval process, commitments to plan, fund and build critical infrastructure to support housing, and strategies to use municipal surplus lands.

For context, over the last five years, the town has approved development applications for approximately 10,000 residential units. This works out to 2000 units per year representing a mix of apartments, townhouses and detached dwellings. At present, the town has approximately 13,000 residential units under review.

The direction from the province around the housing target states, “these pledges are in addition to existing, longer-term targets in municipal plans”. It is not evident what Oakville’s “existing, longer-term targets” actually are and to what the pledge would be added to and town staff are seeking clarity from the province on this.

Estimates by town staff indicate that the total number of units (a combination of planned and new) to be accommodated by the town by the year 2031 could be as high as 52,000 units. In addition to seeking clarity from the province on the amount of growth to manage, town staff will be evaluating opportunities to accommodate this additional housing growth within the town-wide urban structure with an emphasis on existing strategic growth areas.

#### **Proposed *Planning Act* and *City of Toronto Act* Changes**

Schedules 9 and 1 of Bill 23

ERO Number: 019-6163

Consultation Closes: December 9, 2022

#### **Zoning Requirements for Protected Major Transit Station Areas**

The province is proposing new legislation through changes to the *Planning Act* that affect Protected Major Transit Station Areas (PMTSAs). Midtown Oakville and Bronte GO comprise the town’s PMTSAs.

The changes would require municipalities to update their zoning by-law to ensure as-of-right zoning is in place that specifies minimum heights and densities to meet minimum density targets within one year of PMTSA approval.

Appeals of these zoning by-law amendments would only be permitted if a municipality does not implement the changes within the one-year timeframe, so there is an incentive to update the zoning by-law within this year.

In this current process, Halton Region is the approval authority for official plan amendments for PMTSAs. Under the new legislation, the Minister of Municipal Affairs and Housing would become the approval authority.

In addition to the uncertainty around timing and transition related to planning Midtown Oakville and Bronte GO, with the changes to approval authority, the province's proposed changes would require existing staff resources to be re-allocated to update the zoning by-law within the specified timeframe in order to utilize the ability to shelter the amendments from appeals.

Although the province recently approved Regional Official Plan Amendment 49 with several modifications, there are further implications to the town's Official Plan Review due to uncertainty around the future role of regional planning and the unfinished Regional Official Plan Review and the completion of the Municipal Comprehensive Review (MCR).

### **Site Plan Control**

Bill 23 introduces changes to section 41 of the *Planning Act* relating to the exemption of site plan control for any residential development with less than 10 units. This can be in any form – a single-detached house up to a townhouse development of 9 units. These will not be subject to site plan control, and will only need a building permit to proceed to construction.

Site plan control for such developments enables the municipality to govern such matters as stormwater management, environmental protections, protection of municipal and boundary trees, ingress and egress, and appropriate on-site vehicular and pedestrian circulation.

The exemption of site plan control over such developments could result in grading, drainage and flooding possibilities for adjacent and downstream properties, safety issues with respect to inappropriate driveway locations and impacts on the road and traffic network, the inability to acquire identified hazard lands and associated buffers, along with identified road widenings.

The cumulative impact could diminish and undermine environmental protection, vehicular and pedestrian safety. The inability to require robust landscaping could undermine the municipal tree canopy objectives and establishing appropriate screening and buffering from adjacent properties.

Oakville has seen an increasing trend of redevelopment of single lot residential properties, or "tear down/rebuilds". Typically, this involves a large lot with a small home, and replacing it with a larger dwelling along with hardened amenity spaces including patios, pools, basketball courts and decks.

For infill redevelopment (tear down/rebuild) applications for single units, the Development Engineering Site Plan (DESP) process is used. The DESP is a scoped site plan, under the Site Plan by-law. The DESP process provides oversight of grading and drainage, as well as tree protection requirements. The scoped site plan review considers the increase of hardened surfaces on a lot basis, which is typically significant for this type of redevelopment. This results in additional runoff, with less soft areas to allow infiltration and recharge of groundwater.

Without the DESP, or similar, process and required mitigative stormwater management, the cumulative impacts of the additional runoff from hardened residential lots could overwhelm the town's stormwater system, increase flood risk and erode any climate change resiliency available.

DESP also allows the town to set canopy targets for these single lot redevelopments. Without this process, there will be a gap in tree protection requirements. Tree replacement requirements

may be considered through the Private Tree Protection By-Law, however preservation and protection are not prescribed through the Building Code.

In addition to the exemption identified above, Bill 23 proposes removal of the town's ability to review the exterior design of the built form. Matters relating to exterior building design include the character, scale, appearance and design features of buildings, and their sustainable design.

As well, the proposed changes exempt the consideration of the appearance of elements, facilities and works through site plan review, except to the extent that the appearance impacts are matters of health, safety, accessibility or the protection of adjoining lands.

Removing the ability to guide the detailed design of buildings and landscape treatments will restrict the implementation of crucial urban design policies directed at achieving 'innovative and diverse urban form and excellence in architectural design'. Assessing and driving matters of design that can create compatibility with existing and planned community character and establish a positive relationship to the public realm will be limited and voluntary.

### **Upper-Tier Planning Responsibilities**

Bill 23 proposes to remove planning responsibilities from upper-tier municipalities including Halton Region. This is a significant change to land use planning in the Greater Toronto Area.

Existing upper-tier official plans are proposed to be subsumed by the lower-tier official plans until such time as the lower-tier official plan is updated. The Minister of Municipal Affairs and Housing would become the approval authority for lower-tier official plan amendments and the lower-tier municipality would absorb other approvals previously required from the upper-tier, such as applications for subdivision approval or consent. Appeal rights and party status at Ontario Land Tribunal hearings for upper-tier municipalities is proposed to be removed. These changes would come into effect upon proclamation or a date to be determined, following Royal Assent.

The role of these upper-tier municipalities in providing advice and assistance to lower-tier municipalities on planning matters generally and the implications of removing a coordinated regional approach to land use planning in Ontario are not fully understood at this time.

There is a variety of reviews and oversight currently undertaken by regional staff that the town lacks both resources and expertise to undertake internally. This includes the review of servicing for wastewater and drinking water, review of contaminated sites and review of groundwater reports.

Halton Council received report [LPS72-22/FN-34-22](#), dated November 9, 2022 which provided a detailed analysis, from the region's perspective, of the changes proposed in Bill 23.

### **Appeal Rights and Public Meetings for Plans of Subdivision**

Limits on 'third party' appeals which are appeals made by someone other than the person who made the planning application, were originally proposed for all planning matters: official plans, official plan amendments, zoning by-laws, zoning by-law amendments, consents and minor variances.

An amendment at the Standing Committee proposes to restore third party appeal rights for official plans, official plan amendments, zoning by-laws, zoning by-law amendments.

For variances and consents, appeal rights would be restricted for key participants (e.g., applicants, the province, public bodies).

The limit on third-party appeals would apply to any matter that has been appealed, but has not yet been scheduled for a hearing by the OLT on the day the bill was introduced. Although third parties will not have appeal rights, there is still the potential for third parties to seek party status at an OLT hearing.

The province also proposes to remove the statutory public meeting requirement for draft plans of subdivision.

**Proposed Changes to the *Ontario Heritage Act* and its Regulations: Bill 23**

Schedule 6

ERO Number: 019-6196

Consultation Closes: November 24, 2022

The province is proposing changes to the *Ontario Heritage Act* to update how heritage properties are identified and conserved, including:

- new requirements for municipal heritage registers and the inclusion of non-designated properties on the municipal heritage register;
- an increase in the threshold for designation of individual properties and new limitations on designation for properties subject to proposed development; and
- changes to heritage consideration districts.

The province has typically advocated for the development of municipal heritage registers as a means to document these resources in the community, to be transparent with property owners and to allow protections to be introduced, as appropriate, when the property is threatened with demolition.

The province is proposing new criteria that would require the removal of non-designated properties from the Register. This includes existing listed properties that are not designated within a two-year period beginning from the date the Act comes into effect. The two-year period would also apply to new listings from the date they are added to the Register. These properties would be automatically removed from the Register and cannot be placed back on the Register for five years.

The province is proposing to increase in the threshold for individual designation under the *Ontario Heritage Act* by requiring that the property meet two or more of the criteria for designation in the regulation.

Also included on the Cultural Heritage proposals from the province are new limitations on designation for properties subject to proposed development. The proposal would preclude stating an intention to designate unless the property is already listed on the heritage register.

Lastly, the provincial proposals include new criteria and clarifications for designating and repealing heritage consideration districts. To date these details have not been released.

In the context of the province's proposal, town staff continue to assess and seek clarity on the implications for the town with a view towards resourcing to support timely responses once the legislation comes into effect.

### **Review of A Place to Grow and Provincial Policy Statement**

ERO Number: 019-6177

Consultation Closes: December 30, 2022

The province is undertaking a housing-focused policy review of the 2019 Growth Plan and the 2020 Provincial Policy Statement. Municipal Affairs and Housing is seeking input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply.

The ERO posting outlines core elements for a new policy instrument to enable municipalities to accelerate the development of housing, increase housing supply and that could include approaches focused on:

- residential land supply including settlement area boundary expansions, rural housing and employment area conversions,
- attainable housing supply and mix including housing mix, major transit station areas and urban growth centres,
- growth management including population and employment forecasts, intensification and large and fast-growing municipalities,
- environment and natural resources including agriculture, natural heritage, natural and human-made hazards, aggregates and cultural heritage,
- community infrastructure including infrastructure supply and capacity and school capacity, and
- streamlined planning framework that is outcomes-focused, relevant, fast and flexible.

The province is asking the following questions as part of this consultation:

1. What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?
2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?
3. How should the government further streamline land use planning policy to increase the supply of housing?

4. What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new policy document?
5. What policy concepts in the Provincial Policy Statement and A Place to Grow should be streamlined or not included in the new policy document?

Town staff is reviewing these questions to prepare a response for the December 30 deadline and will also be commenting when the new policy instrument is introduced.

**Proposed Amendment to O. Reg 232/18: Inclusionary Zoning**

ERO Number: 019-6173

Consultation Closes: December 9, 2022

Bill 23 proposes changes to regulations for inclusionary zoning. Inclusionary zoning is a tool in the *Planning Act* that allows municipalities to require the inclusion of affordable housing units within buildings or projects, containing other residential units, which are to be maintained as affordable housing units over time.

Inclusionary zoning is implemented through zoning by-laws, subject to policies provided in an official plan. Within Oakville, the use of inclusionary zoning is only available within identified protected major transit station areas, as identified within the official plan. This includes the Bronte GO Major Transit Station Area and Midtown Oakville.

Municipalities are required to prepare an Assessment Report under section 16(9) of the *Planning Act*, as prescribed in Ontario Regulation 232/18, to inform the development of official plan policies, which are required to enable inclusionary zoning.

Should the Assessment Report identify that inclusionary zoning is feasible in Oakville (i.e. Bronte GO and/or Midtown Oakville), official plan policies that set out the approach to authorize inclusionary zoning are required.

Proposed changes to O. Reg. 232/18 (inclusionary zoning) being considered through Bill 23 would limit certain aspects of how inclusionary zoning can be implemented, from what could previously be considered, including:

- the number of affordable housing units, or gross floor area to be occupied by the affordable housing units, within a development;
- the period of time for which affordable housing units would be maintained as affordable; and,
- how the price or rent of affordable housing units would be determined.

Proposed changes through Bill 23 limit inclusionary zoning to:

- inclusionary zoning units being a maximum of 5% of the total number of units or 5% of the total gross floor area of all residential units (not including common areas);
- a maximum affordability period of 25 years; and,

- a prescribed approach to determine the lowest price/rent that can be required for inclusionary zoning units, set at 80% of the average resale purchase price of ownerships units or 80% of the average market rent for rental units.

The town has not yet undertaken the required Assessment Report to implement inclusionary zoning. As such, it is unknown what impact the changes being made through Bill 23 would have made in the Oakville context. Notwithstanding, there is now less flexibility for municipalities when implementing inclusionary zoning.

### **Proposed Changes to Ontario Regulation 299/19: Additional Residential Units**

ERO Number: 019-6197

Consultation Closes: December 9, 2022

Bill 23 has introduced “as-of-right” zoning permissions (i.e. without the need to apply for a rezoning) for up to three dwelling units per lot in many existing residential areas. This is referred to as “gentle intensification” since the built form is intended to remain relatively static and complement the existing context.

More specifically, up to three units would be allowed in the primary building, or up to two units would be allowed in the primary building and one unit would be allowed in an ancillary building such as a garage. These “as-of-right” zoning permissions would supersede any municipal local official plans and zoning by-laws and would automatically apply to any parcel of land where residential uses are permitted in settlement areas with full municipal water and wastewater infrastructure. These permissions would not apply in the case of legal non-conforming uses, where, for example, an existing dwelling may encroach into hazard lands.

The permissions for three additional units only apply to single detached dwellings, semi-detached dwellings, and row townhouses, where each additional unit must have one dedicated parking space, even if that space is a tandem space.

### **Proposed Changes to Municipal Rental Replacement By-Laws**

Schedule 4

ORR Number: 22-MMAH017

Consultation Closes: December 9, 2022

Schedule 4 of Bill 23 proposes to amend the Municipal Act, 2001 to give the Minister the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties.

Currently, municipalities can set their own requirements for rental housing replacement by by-law. To date, only Mississauga and Toronto have enacted such by-laws. Through rental replacement by-laws, municipalities can require developers or landlords to replace rental units impacted by renovation or redevelopment at a similar affordable rent. This allows municipalities to maintain the existing stock of affordable rental housing, and in doing so, protect renters from displacement.

In its current form, Bill 23 does not propose any “limits and conditions” on a municipality’s authority concerning the demolition and conversion of residential rental properties. It is unclear the extent of the changes that may be considered. Further information is expected with the release of the associated regulations.

**Proposed Amendments to the Greenbelt Plan**

ERO Number: 019-6216

Consultation Closes: December 4, 2022

The province is proposing changes to the Greenbelt Plan that would add lands in the Paris Galt Moraine as well as Urban River Valleys (URV).

For the town, the proposed addition of Fourteen Mile Creek to the URV designation for the section from the QEW to Lake Ontario is a welcome addition. Likewise, adding portions of the Paris Galt Moraine to the Greenbelt Plan is welcome since it benefits the broader watershed within which Halton and Oakville are situated.

The Town of Oakville has regularly supported Growing the Greenbelt. These latest additions are consistent with town comments, requests and engagements under previous provincial Growing the Greenbelt initiatives.

**Conserving Ontario’s Natural Heritage**

ERO Number: 019-6161

Consultation Closes: December 30, 2022

Natural heritage recognizes a linked system of natural areas including natural features, hazard lands, buffers and linkages. It is intended that these natural areas be protected from development and preserved for the long term in order to promote sustainability and contribute to the quality of life in the town.

The province is also proposing changes to how to manage natural heritage, including wetlands, by introducing opportunities to use *ecological offsetting*. This is understood to mean enhancing/replacing natural heritage, or enabling an opportunity to pay into a fund to compensate for development impacts on natural heritage.

**Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0**

ERO number 019-6141

Consultation Closes: November 24, 2022

The province is proposing to clarify, streamline and scope Conservation Authority (CA) roles regarding development review and development permits, focusing permitting decisions on matters related to the control of flooding and erosion hazards.



The proposed changes include exempting development under the *Planning Act* from requiring a permit from the conservation authority, pending conditions to be established in regulation.

Currently the town relies on the conservation authorities, and their expertise, to issue permits relating to natural hazard areas. A Memorandum of Understanding (MOU) between the Town and CA allows the CAs to undertake limited monitoring. Without the ability to rely on the MOU, the town does not have the resources (i.e. environmental planning, water resources engineering, ecology, biology) to also issue permits for works within regulated areas or undertake a monitoring program as intended by the province's new framework.

**Proposed Updates to the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario**

ERO Number: 019-2927

Consultation Closes: December 30, 2022

The province is proposing a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety.

Ontario's 36 CAs currently have individual regulations, and the proposed legislation would consolidate that to a single regulation seeking to streamline approvals for low-risk activities, and which may include exempting the need for a permit in certain situations.

Furthermore, the proposed changes would exempt development under the *Planning Act* from a permit under the *Conservation Authorities Act*. The authority to review these forms of development would rest with the local municipality, but as noted above, the town does not have the requisite expertise or resources (i.e. environmental planning, water resources engineering, ecology, biology).

**Proposed updates to the Ontario Wetland Evaluation System**

ERO Number: 019-6160

Consultation Closes: November 24, 2022

The province is proposing updates the Ontario Wetland Evaluation System that would remove duplicate requirements and streamline the evaluation process. The proposal includes:

- new guidance related to re-evaluation of wetlands and updates to mapping of evaluated wetland boundaries; and
- changes to recognize the professional opinion of wetland evaluators and the role of local decision makers (e.g. municipalities).

Wetland evaluation is currently undertaken by CA staff (on behalf of the Ministry of Natural Resources and Forestry) who have expertise and knowledge on these matters. As a component of the co-ordinated, integrated and broad-based planning framework, town staff has relied on CA expertise to inform aspects of development review involving wetland evaluation.

This role, as well as other key roles covered under the existing MOU are integral to the development review process. Wetlands are a key component of the hydrologic system, and require due consideration during the development review process.

**Proposed Planning Act and Development Charges Act, 1997 Changes** Providing Greater Cost Certainty for Municipal Development Related Charges  
ERO Number: 019-6172  
Consultation Closes: December 9, 2022

Significant changes are proposed to the *Development Charges Act, 1997* (DCA) and the *Planning Act* that impact the town's three main growth funding tools (GFT): Development charges (DC), community benefit charges (CBC), and parkland dedication.

The town utilizes GFTs to collect funds from development to pay for increased land and infrastructure needs driven by growth, thereby minimizing the impact on the existing residents and businesses as the town grows. The town strives to ensure that "growth pays for growth", however, as reported earlier in 2022 there is an annual cost of growth to the town of \$15 million due to legislative restrictions on GFTs.

The proposed changes in Bill 23 will result in a significant reduction in the amount the town can collect from development to pay for growth-related land and infrastructure to maintain service levels, thereby increasing the cost of growth to the town substantially. In the absence of alternative funding from the provincial and federal government, the delivery of growth-related infrastructure may be slowed or there will be an impact on property taxes.

Bill 23 includes both targeted measures to incent certain types of housing and general measures that lower the cost for all types of development. Targeted measures aimed at lowering the cost of development for specific types of housing are through statutory exemptions and discounts as follows:

- To encourage the supply of gentle intensification, further exemptions for additional residential units on a lot for DCs and parkland dedication are proposed. There are also new exemptions for affordable units, attainable units, and inclusionary zoning units for all three GFTs.
- To encourage the supply of purpose-built rental buildings, DC discounts are proposed based on number of bedrooms per unit (15% for 1 bedroom, 20% for 2 bedrooms, 25% for 3+ bedrooms).

More information is to come as a bulletin from the Minister of Municipal Affairs and Housing that will provide the information needed to support municipal determination of the eligibility of a unit for exemptions.

It does appear that to benefit from an exemption, the town can require a developer to enter into an agreement, which may be registered on title, to enforce the affordability period of 25 years and any other applicable terms set out by the municipality.

The additional exemptions and discounts would be funded by the municipality, effectively through the tax levy, similar to current DC exemptions. The reduction in revenue to the town associated with these targeted measures will depend on their success, and the amount of these type of units constructed. There would be an increased administrative burden associated with the determination of eligibility of units for discounts and exemptions, and the execution of agreements to ensure units remain affordable and attainable over a period of time.

There are other measures proposed for each GFT that would lower the cost for all types of development as follows:

### **Development Charges**

Proposed adjustments to the DCA would change the rules for calculation and collection of DCs. Already in place through Bill 108 is the DC “rate freeze” which sets the DC rate at the time of planning application. This has the goal of providing cost certainty and minimizing the impact of major increases from a new by-law when a developer pays DCs at the time of building permit.

Bill 23 proposes a five-year phase in of new DC rates as a further measure to lower rates and provide cost certainty. The DC phase in would apply to rates set out in new by-laws where a percentage reduction from the full rate is provided that gradually decreases each year: 20% reduction in year 1, 15% in year 2, 10% in year 3, 5% in year 4, full rate in year 5.

These rates would apply to by-laws passed since January 1, 2022, which would include the town’s DC By-law 2022-068 passed on July 12, 2022. This proposed rate reduction will significantly reduce DC collections by approximately 12.5% (\$34M) of the anticipated DC revenue over the four-year phase in period. Clarity is being sought regarding the discount on the full rate, versus a discount on the incremental increase of the rates in a new DC by-law. In the case of the town, the phase in required over the four years would result in DC rates that are below the DC rates that existed prior to the new by-law.

The time period that a DC by-law can be in place is proposed to be extended from the current five-year expiration date to a 10-year expiration date.

The town may still update the DC by-law at any time as new by-laws are imperative for ensuring that the town is collecting appropriate charges required to service growth and taking into consideration updated capital needs and growth forecasts.

Bill 23 also proposes a cap on interest that can be charged related to DC rate freeze and instalment payments. The cap is to be set at the average Canadian banks prime rate plus 1%. There would be an increased administrative burden to ensure compliance with the maximum prescribed interest rate. As the town’s Development Charges Interest Policy includes a fixed rate of prime, modifications will likely be required to the Policy and DC calculations going forward to adjust the rate and ensure compliance.

There are also adjustments proposed to DC cost eligibility and how DCs can be calculated that would apply to new by-laws on a going forward basis as follows:

- Certain costs would be deemed ineligible for DCs with the intent of ensuring greater cost certainty. Land is a significant component of the cost to provide infrastructure such as new facilities and roadways and it is proposed that a regulation-making authority will prescribe services for which land costs would not be an eligible capital cost to be recovered through

DCs. This would result in a reduction in DC revenue by 5%-30% (2022-2031) depending on which services are prescribed.

- The cost of studies would also be deemed ineligible and would result in a reduction in DC revenue of 2% (2022-2031) depending on the types of studies this would apply to such as official plans, master plans, and DC background studies. Further clarity is being sought on this matter.
- The current 10-year historical service level which is used to calculate eligible costs that can be collected through DCs is being extended to a 15-year historical service level. This component of the DC calculation already limits the town in collecting for growth related costs, and as a growing community, this will further reduce DC revenue and the town's ability to maintain service levels through DCs.

Based on the 2022-2031 DC Study, the proposed changes listed above would result in a total decrease in revenue in the range of 12% to 37% (\$79M to \$237M) depending on final details to come.

In the absence of alternative funding made available by other levels of government, there will be an increase in DC supported debt as a result of cash flow pressures, and growth-related costs no longer eligible for DCs would be funded by the municipality, effectively through the tax levy. The changes proposed through Bill 23 both increase the need for debenture financing and reduce the DC revenue and debt capacity for growth-related capital projects. The town's Corporate Debt Policy restricts DC supported debt costs to 25% of a five-year average of forecasted DC revenues. This policy is in place so that in the event of an economic downturn resulting in lower than expected revenue, debt obligations can still be met and planned projects to accommodate growth can continue as required. Deviating from this policy would increase financial risk to the town.

### **Parkland Dedication**

The proposed changes to the parkland dedication legislation include a maximum amount of land that can be conveyed or paid in lieu. This is now capped at 10% of the land or its value for sites under 5 ha, and 15 % for sites greater than 5 ha.

This direction counters that which was recently approved by Council in its endorsement of the Town's new *Parks Plan 2031*, and new parkland dedication by-law. The *Parks Plan 2031* is a strategic document that identifies long-term needs for parkland, how it will be delivered, an urban parks hierarchy, and acquisition options, among other elements. There is also consideration for parks needs in the established community and where it is appropriate to take cash-in-lieu of parkland dedication. As well, the strategy outlined how the town will continue to maintain its parkland standard of 2.2 ha per 1000 people; and establishes a mechanism to ensure sufficient land and cash-in-lieu is available to support the town-wide parkland standard.

The proposed changes will make it extraordinarily challenging for the town to realise the goals of the strategy and it needs to be re-visited.

For residential development, the *Planning Act* provides for a maximum of 5% of land value for PD. Municipalities also have had the authority to impose an alternative rate of 1 hectare of land per 300 units or 1 hectare in payment per 500.

The proposed change would reduce the maximum alternative rate by half, to 1 hectare in land per 600 units or 1 hectare in payment per 1,000 units.

The town's recently approved Parkland Dedication By-law includes a unit rate of \$22,269 in Strategic Growth Areas, and the *Planning Act* maximum in other areas. In both cases, the amount of land, or payment in lieu, will be significantly reduced as a result of the new *Planning Act* maximum and land area caps. The full impact of these changes is difficult to quantify due to the varying types and locations of growth, and that a significant portion of growth in North Oakville is subject to the North Oakville East Master Parkland Agreement. A high-level estimate of the impact within Strategic Growth Areas projects that the town could lose between 60% and 70% (\$65-\$75 million) of the total \$109 million required between 2022-2031 for parkland. On a site by site basis, reductions for a high density development could be up to 85% of current requirements under the by-law.

There are also proposed changes to the way that parkland dedication requirements are calculated, as follows:

- To provide cost certainty, a rate freeze (similar to DCs) would be established at the date of a zoning by-law or site plan application, which would expire two years after approval of the relevant planning application. In the case of payment in lieu, calculating parkland requirements this far in advance will very likely result in the reduced purchasing power of funds when they are collected and the town is in a position to acquire parkland.
- With the intent of making more efficient use of available land in a development, developers would be able to identify land that would count towards parkland dedication with the town able to appeal to the Ontario Land Tribunal. This could result in the acceptance of land that is not optimal in the context of the town's Parks Plan – 2031, along with potential legal costs.

The legislation would also make encumbered parkland, strata parks, and privately owned public spaces (POPS) eligible for parkland credit. The town's recently approved Parkland Dedication Policy allows credits for POPS and strata parks subject to Council concurrence and potentially an accompanying agreement. The changes to s.42 of the *Planning Act* now permits an appeal should Council and a proponent disagree on the lands to be conveyed. Clarity is also needed regarding how the new appeal process will work where a municipality opts to require payment in-lieu of land.

### **Community Benefits Charges**

Proposed changes to the new community benefits charge (CBC) include the exemptions for affordable units mentioned above and credits for existing buildings on a redevelopment site. Credits for existing buildings are not expected to have a significant impact based on the recently completed CBC Strategy and developments that are in the pipeline over the near term (~2% of CBC revenue 2022-2031).

Overall, the changes proposed would increase administrative costs for the town and significantly reduce the revenue the town collects to provide growth-related land and infrastructure. In the absence of alternative funding sources to make up for this lost revenue, there could be a delay in the delivery of key infrastructure needed for growth or an increase to property taxes and the overall cost of growth to the town.

## **Property Taxes**

The province plans to explore ways of reducing property taxes for certain residential types. This includes possible reductions to property tax assessments for affordable rental units, potential Harmonized Sales Tax (HST) incentives to support new ownership and rental housing development, and potential approaches to reduce the current tax burden on multi-residential apartment buildings.

### **Proposed Amendments to the Ontario Land Tribunal Act, 2021**

ORR Number: 22-MAG011

Consultation Closes: December 9, 2022

The Ontario Land Tribunal (OLT), which reports to the Ministry of the Attorney General (MAG), plays a critical role in Ontario's land use planning system, including resolving disputes which affect development, including the creation of housing.

Bill 23 proposes amendments to the *Ontario Land Tribunal Act, 2021* with the intent to emphasise the OLT's ability to dismiss appeals which are frivolous or vexatious, and thus allow for streamlining appeals with the goal of prioritizing OLT cases that will "create the most housing".

The proposed amendments to the *Ontario Land Tribunal Act, 2021* consider:

- clarifying the OLT's powers to dismiss appeals due to unreasonable delay by parties;
- clarifying the OLT's powers to order an unsuccessful party to pay a successful party's costs;
- enabling priority criteria to be established in regulation to help ensure that OLT cases that create the most housing, for example, will be resolved as quickly as possible; and,
- enabling service standards (i.e., timelines) for specific case resolution activities at the OLT to be set in regulation.

It is a longstanding principle of law that an appeal of planning policy is not a "lis" or dispute between the specific parties to that appeal. Instead, it engages considerations of public policy and what constitutes good land use planning in the broader public interest. As such, cost awards are rare at the OLT and that practice should be maintained.

There are other service standards which will be set by regulation so the extent is currently unknown.

**Revocation of the Parkway Belt West Plan**

ERO Number: 019-6167

Consultation Closes: December 30, 2022

Town staff agrees with the proposed revocation of the Parkway Belt West Plan to support the province's direction to streamline, reduce or eliminate financial, policy, administrative burdens and potentially to increase housing supply.

Town staff also agrees with future revocation of the Minister's Zoning Orders used to implement the Parkway Belt West Plan.

Town staff is seeking clarification from the province on the timing of these actions and whether a transition period will be provided. Transition will allow for local official plans and implementing zoning to be updated accordingly.

## **Heritage Oakville Advisory Committee**

### **MINUTES**

**Date:** November 29, 2022

**Time:** 9:30 am

**Location:** Council Chamber

**Members:** Drew Bucknall, Chair  
Gerarda (Geri) Tino, Vice-Chair  
Councillor Gittings  
Russell Buckland  
Kerry Colborne  
Robert Ferguson  
George Gordon  
Susan Hobson  
Brenda Sweeney

**Regrets:** Councillor Duddeck

**Staff:** Gabe Charles, Director of Planning Services  
Kirk Biggar, Manager of Policy Planning and Heritage  
Carolyn Van Sligtenhorst, Heritage Planner  
Jill Marcovecchio, Council and Committee Coordinator

**A meeting of the Heritage Oakville Advisory Committee was held on November 29, 2022, in the Council Chamber of the Oakville Municipal Building, commencing at 9:30 a.m.**

**These minutes will go forward to the Planning and Development Council meeting of December 5, 2022 for approval. Please view those minutes to note any changes Council may have made.**

---

#### **1. Regrets**

Regrets as noted above.



Councillors Duddeck and Gittings were reappointed to the committee by Council.

**2. Declarations of Pecuniary Interest**

No declarations of pecuniary interest were declared.

**3. Confirmation of Minutes of Previous Meeting(s)**

Moved by Russell Buckland

That the minutes of the Heritage Oakville Advisory Committee meeting of October 18, 2022, be approved.

CARRIED

**4. Discussion Item(s)**

**4.1 Heritage permit application HP050/22-42.20L 1475 Lakeshore Road East – Relocation of house, demolition of existing structures and wings, and construction of new additions**

Moved by George Gordon

1. That Heritage Permit Application HP050/22-42.20L for the relocation of the house within the property, the demolition of existing structures and wings, and the construction of new additions at 1475 Lakeshore Road East, as attached in Appendix B to the report dated November 22, 2022 from Planning Services, be approved subject to the following:
  - a. That a Heritage Easement Agreement for the relocation, rehabilitation and restoration of the Griggs House, located at 1475 Lakeshore Road East, be entered into between the town and the owner in keeping with the content of this report, with the Agreement to be in form and content satisfactory to the Town Solicitor and the Director of Planning Services or their designate;
  - b. That the Heritage Easement Agreement be executed in accordance with Executions By-law 2013-057 and be registered on title to the lands on which the Griggs House is located;

- c. That the Town Solicitor be authorized to discharge the Heritage Easement Agreement from title to the lands on which it is registered, at the expense of the owner, once the requirements in the Heritage Easement Agreement have been fully satisfied to the satisfaction of the Director of Planning Services or their designate; and
2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

#### **4.2 Development Application – 492 Lakeshore Road East**

The committee provided the following heritage related comments for consideration:

- there should be landscaping, including a walkway, in the north yard of the heritage house to retain the connection between the original front entrance of the heritage house to Lakeshore Road;
- the current address of 492 Lakeshore Road East should be kept for the relocated heritage house if possible;
- the new house on the new lot is very imposing with a tall, symmetrical façade that is out of character with the Arts and Crafts style asymmetrical vernacular homes on the street and the adjacent heritage house;
- the “tower” form of the gables is very prominent, the roof could be manipulated to be hipped instead of gabled with extended eaves to reduce the prominence of the building, without changing the floor plan;
- the colours should blend more with the local aesthetic rather than the high contrast black and white palette shown; and
- the new house is too stark, tall and imposing.

Moved by Councillor Gittings

1. That a Heritage Easement Agreement for the relocation, rehabilitation and restoration of the Symmes House, located at 492 Lakeshore Road East, be entered into between the town and the owner in keeping with the content of this report, with the Agreement

to be in form and content satisfactory to the Town Solicitor and the Director of Planning Services or their designate;

2. That the Heritage Easement Agreement be executed in accordance with Executions By-law 2013-057 and be registered on title to the lands on which the Symmes House is located; and
3. That the Town Solicitor be authorized to discharge the Heritage Easement Agreement from title to the lands on which it is registered, at the expense of the owner, once the requirements in the Heritage Easement Agreement have been fully satisfied to the satisfaction of the Director of Planning Services or their designate.

CARRIED

**5. Information Item(s)**

**5.1 2023 Meeting Schedule**

**5.2 Heritage Conservation District Update**

**5.3 Bill 23, More Homes Built Faster Act, 2022**

**5.4 Membership and Committee Applications**

Moved by Susan Hobson

That the information items be received.

CARRIED

**6. Date and Time of Next Meeting**

December 13, 2022

Oakville Municipal Building

Oakville and Trafalgar Rooms - 9:30 a.m.

**7. Adjournment**

Moved by Gerarda (Geri) Tino

That this meeting be adjourned.

CARRIED

The meeting adjourned at 10:33 a.m.