

# *Planning Act* Tools to Facilitate Development of Affordable Housing

---

Housing Strategy and Action Plan: White Paper

March 2024

# Table of Contents

Table of Contents .....	i
List of Tables .....	iv
List of Figures .....	v
Executive Summary.....	vi
1 Introduction .....	1
2 Context and Key Messages.....	3
2.1 Impetus for the Oakville Housing Strategy .....	3
2.1.1 Federal Housing Need (3.5 million units Canada-wide by 2030).....	3
2.1.2 Provincial Housing Need (1.5 million units Ontario-wide by 2032).....	3
2.1.3 Town of Oakville Housing Target Pledges.....	3
2.1.4 Definition of Affordable Housing .....	4
2.2 The Town’s Role in the Provision of Affordable Housing.....	5
2.2.1 Partnership.....	5
3 Inclusionary Zoning .....	7
3.1 What is it? .....	7
3.2 How is it implemented? .....	8
3.3 Where is it currently in use? .....	9
3.3.1 City of Toronto (pending Minister of Municipal Affairs and Housing approval of PMTSA OPAs).....	9
3.3.2 City of Mississauga (In effect) .....	9
3.4 How does it facilitate affordable housing? .....	10
3.4.1 Intrinsic Affordability (tempers land value) .....	10
3.4.2 Mandatory Long-term Affordability (requires affordable price/rent over a period of time for minimum number of units).....	10
3.4.3 Spin-off Affordability (tempers overall housing market over the long-term) .....	10
3.4.4 Funding for other Affordable Housing Programs.....	10
3.5 Strengths.....	10
3.6 Weaknesses .....	11
3.7 Summary .....	12
4 Community Planning Permit System.....	14
4.1 What is it? .....	14
4.1.1 Distinguishing Elements.....	15

4.1.2	Approval Authority.....	16
4.2	How is it implemented? .....	16
4.2.1	Official Plan Policies .....	16
4.2.2	CPPS By-law Provisions .....	17
4.2.3	Limited Appeal of CPPS Policies and By-laws.....	17
4.2.4	Approval of Development Permits.....	18
4.3	Where is it currently in use? .....	18
4.4	How does it facilitate affordable housing? .....	18
4.4.1	Intrinsic Affordability (streamlined system creates development cost savings) .....	18
4.4.2	Mandatory and Long-term Affordability (Inclusionary Zoning) .....	20
4.4.3	Negotiated Long-term Affordability (as a condition of development) .....	21
4.4.4	Context Sensitive Affordability (criteria-based decision making).....	21
4.4.5	Mandatory Housing Affordability Monitoring (condition of approval post permit issuance) .....	21
4.5	Strengths .....	22
4.6	Weaknesses .....	24
4.7	Summary .....	25
5	Community Improvement Plan.....	26
5.1	What is it? .....	26
5.2	How is it implemented? .....	27
5.3	Where is it currently in use? .....	27
5.4	How does it facilitate affordable housing? .....	27
5.4.1	Land.....	27
5.4.2	Grants.....	27
5.4.3	Loans .....	27
5.4.4	Forgivable Loans .....	27
5.5	Strengths .....	28
5.6	Weaknesses .....	28
5.7	Summary .....	29
6	Other <i>Planning Act</i> Tools.....	30
6.1	Community Benefits Charge .....	30
6.1.1	What is it? .....	30
6.1.2	How is it implemented? .....	30
6.1.3	How does it facilitate affordable housing? .....	30
6.1.4	Strengths .....	31

6.1.5	Weaknesses.....	31
6.2	Community Infrastructure and Housing Accelerator (CIHA) .....	32
6.2.1	What is it? .....	32
6.2.2	How is it implemented? .....	32
6.2.3	How does it facilitate affordable housing? .....	33
6.2.4	Strengths .....	33
6.2.5	Weaknesses.....	35
6.3	Summary .....	36
7	Discussion Regarding <i>Planning Act</i> Tools .....	37
7.1	Opportunities:.....	39
7.1.1	Federal and Provincial Funding.....	39
7.1.2	<i>Planning Act</i> Changes.....	39
7.1.3	Midtown Oakville Program .....	42
7.1.4	Comprehensive Zoning By-law Review .....	42
7.1.5	Halton Region Support for Affordable Housing CIPs and Existing Community Improvement Plan.....	42
7.1.6	Existing Community Benefits Charge (CBC) Strategy and By-law .....	43
7.2	Challenges .....	43
7.2.1	Housing Targets.....	43
7.2.2	Multiple Priorities with Limited Resources .....	43
7.2.3	Trail-Blazing and Logistics .....	44
7.3	Use of Tools.....	45
7.4	Discussion.....	50
8	Recommendations & Next Steps.....	51
8.1	Recommendations .....	51
8.1.1	Undertake Option 4 (CPPS, IZ and CIP) .....	51
8.1.2	The Path to Implementation .....	52
8.2	Next Steps: .....	53
8.2.1	Adopt Midtown Oakville OPA .....	53
8.2.2	Prepare A Multi-Initiative Workplan.....	54
8.2.3	Prepare Consultation and Communication Plans .....	54
8.2.4	Initiate Procurement.....	54
8.2.5	Continue Research .....	54
8.3	Conclusion.....	55
Appendix 1.	Definition of Affordable Housing.....	56

Canada Mortgage and Housing Corporation .....	56
Provincial Policy Statement, 2020 .....	56
Development Charges Act .....	57
Halton Region Housing Comprehensive Housing Strategy .....	58
Halton Region Official Plan .....	58
Town of Oakville Official Plan .....	59
Comparison of Definitions .....	59
Appendix 2. Inclusionary Zoning Details.....	61
Implementation of Inclusionary Zoning involves a 5-step process.....	61
Step 1 – Identify Protected Major Transit Station Areas.....	61
Step 2 – Complete an Assessment Report.....	61
Step 3 – Adopt enabling Official Plan Policies .....	61
Step 4 – Adopt Inclusionary Zoning by-law(s) .....	61
Step 5 – Monitor and Report .....	61
Assessment Report Requirements.....	62
Inclusionary Zoning Official Plan Policies and By-law Provisions.....	62
Appendix 3. Municipalities Using/Contemplating Inclusionary Zoning.....	66
Appendix 4. Community Planning Permit System Details .....	70
Background .....	70
Processing a Development Permit.....	71
Classes of Development.....	73
Condition within a Development Permit Approval .....	74
Ontario Land Tribunal Involvement in the Development Permit Application Process .....	74
Enabling Official Plan Policies .....	74
CPPS By-law Provisions .....	75
Conditions of Development Permit Approval.....	77
Appendix 5. Municipalities Using/Contemplating CPPS.....	84
Appendix 6. Municipalities Using CIP in Support of Affordable Housing .....	90
References.....	100

## List of Tables

Table 1 Comparison of Application Processes, Traditional Land Use Control System to Community Planning Permit System .....	19
Table 2 Summary of Planning Act Tools .....	37
Table 3 Overview of Protected Council Decisions.....	40
Table 4 Summary of Implementation Options .....	45

Table 5 Implementation Milestones ..... 48

Table 6 2022 Value Comparison of Affordable Housing Definitions ..... 59

Table 7 Assessment Report Requirements per O. Reg. 232/18 ..... 62

Table 8 Official Plan and Inclusionary Zoning By-law requirements per Planning Act and O. Reg 232/18. 63

Table 9 CPPS By-law Mandatory and Optional Provisions ..... 75

Table 10 Possible Types of Conditions within the CPPS System..... 78

List of Figures

Figure 1 Planning Act Tools that can support Town of Oakville Draft Housing Strategy, Housing Outcomes ..... 1

Figure 2 Principles of Partnership Development Source: Ben Cornett ..... 5

Figure 3 Oakville Price Listings 2000 – 2023 (Listing.ca, n.d.) ..... 6

Figure 4 Steps to Inclusionary Zoning Implementation ..... 8

Figure 5 Comparison of Traditional System to the CPPS ..... 15

Figure 6 Implementation Options to Consider..... 45

Figure 7 Implementation Key Steps ..... 47

Figure 8 Overview of Timing to Concurrently Undertake Multiple Projects..... 53

Figure 9 CMHC definition for Halton Region, 2022..... 56

Figure 10 Definition of Affordable in accordance with the PPS, 2020 for Halton Region, 2022 ..... 57

Figure 11 Halton Region Affordable Housing Thresholds, (Halton Region, 2023) ..... 59

Figure 12 Halton Region Official Plan, Map 1 h Regional Urban Structure (excerpt) (Halton Region, 2023) ..... 61

Figure 13 Livable Oakville Schedule A1 Urban Structure (Town of Oakville, 2021)..... 61

Figure 14 Comparison of Traditional Land Use Control System with CPPS..... 70

Figure 15 CPPS Implementation Steps ..... 71

Figure 16 Process to approve a CPPS permit application. .... 72

## Executive Summary

This White Paper is supplementary to the Town's Housing Strategy and Action Plan (HSAP). The focus of this paper is with respect to the provision of affordable housing in the Town of Oakville using the following tools authorized by the *Planning Act*:

- Inclusionary Zoning (IZ)
- Community Planning Permit System (CPPS)
- Community Improvement Plan (CIP)
- Community Infrastructure and Housing Accelerator (CIHA), and
- Community Benefits Charge (CBC).

The impetus for the Housing Strategy arises from a series of Town initiatives, including: housing pledges made to the Province and Federal governments, in order to receiving funding that supports the delivery of growth-related municipal services, as well as in response to Town's affordable housing need as determined by the Region of Halton. (See Section 2.0 of the White Paper.)

This report explains that:

- Inclusionary Zoning (IZ) is a tool that can be used to require a proportion of units within new development to be affordable for a set period of time. (See Section 3.0)
- Community Planning Permit System (CPPS) is a tool that provides for a more streamlined planning approval process. Where in effect, approval of development is based on meeting requirements of the CPPS by-law, including any criteria and permission for variance from standards within the by-law. Development permits may be issued with conditions that are to be met prior to, during, and/or after a permit is issued. These conditions may include requirements to provide affordable housing, as well as other community benefits. (See Section 4.0)
- Community Improvement Plan (CIP) is a tool that authorizes a municipality to buy/sell/lease/improve land, and issue grants or loans in order to address social, environmental and/or economic needs of a community. (See Section 5.0)
- Community Benefits Charge (CBC) is a means for a community to collect fees from high-density residential development in order for a municipality to provide specified services, facilities, or matters that support new growth and that are not otherwise addressed through the collection of development charges or parkland dedication. (See Section 6.1)
- Community Infrastructure and Housing Accelerator (CHIA) is an Order (generally in the form of a site-specific zoning by-law) that is issued by the Minister of Municipal Affairs and Housing upon the request of a municipal Council intended to expedite development that is considered to be a provincial priority. (See Section 6.2)

The White Paper explains how each tool can be used to facilitate the development of affordable housing, identifies the strengths and weaknesses of each tool, and provides an overview of opportunities and challenges that the Town is currently experiencing. (See sections 3-7)

Based on the analysis and information provided, Section 8 of the White Paper recommends that the Town further investigate the use of:

- IZ within the Town’s protected major transit station areas,
- CPPS within Midtown Oakville (with an opportunity to establish in other areas of the Town), and
- CIP on a townwide scale.

More specifically, the report recommends that subject to further investigation and consultation the Town undertake the following in a three-phase process:

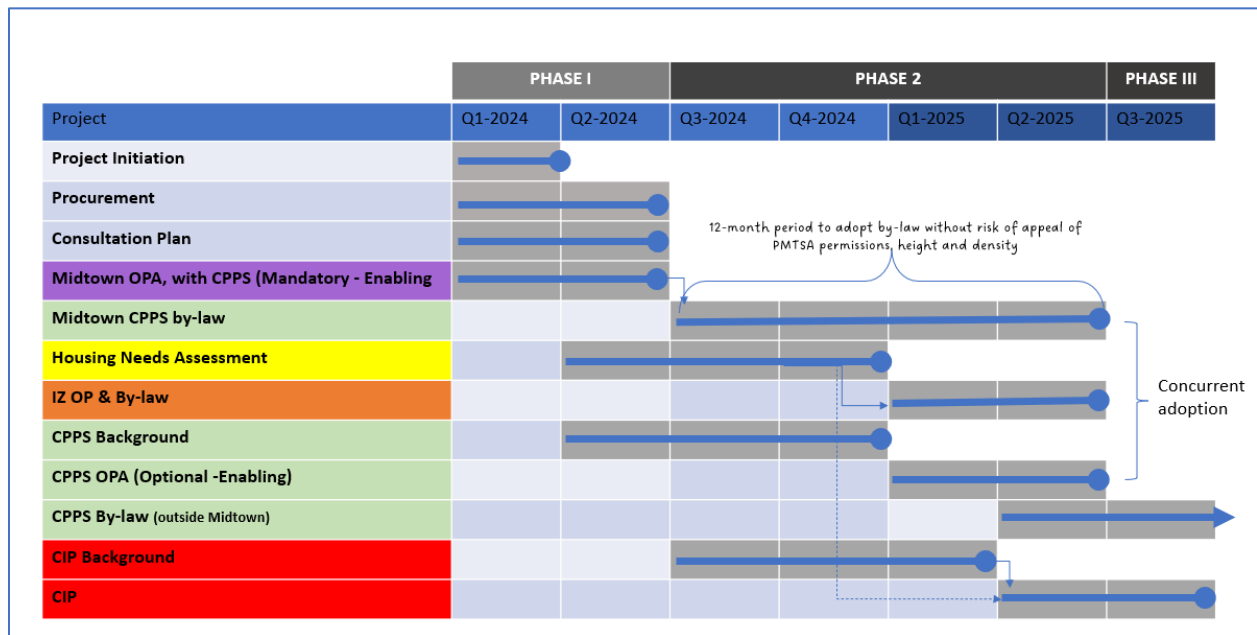
Phase I – Adopt Midtown Oakville Official Plan Amendment, including CPPS mandatory enabling policies;

Phase II – Undertake a housing needs assessment and concurrently adopt IZ enabling official plan policies, CPPS optional enabling policies, along with the Midtown Oakville implementing CPPS by-law, which would include IZ provisions; and then,

Phase III – Adopt a townwide CIP that incentivizes the provision of affordable housing; and where deemed appropriate, adopt CPPS by-law(s) in other locations and/or IZ by-law in other PMTSAs of the town.

These tools within those areas are recommended in order for the Town to work with the development community and landowners to provide affordable housing and to implement the Town’s overall community building vision.

Furthermore, to fulfill the Town’s pledges to both the Province and the Federal government, this White Paper recommends that these initiatives be undertaken concurrently and executed within a two-year period as illustrated in the figure below.



Proposed path to implementation



# 1 Introduction

In July 2023, Council received a Housing Strategy and Action Plan prepared by staff in support of the Town’s application for the Federal Housing Accelerator Fund (Town of Oakville, 2023). The Action Plan identified five housing outcomes that are expected to be achieved through the implementation of proposed actions provided in the strategy. These outcomes are as follows:

- Increased housing supply, more homes built
- Improved affordability, more homes people can afford
- Enhanced housing choice, more types of homes people need
- Accelerated housing delivery, more homes faster, and
- Development of complete communities, a place to call home with the services people need.

This White Paper is supplementary to the Town’s Housing Strategy and Action Plan (HSAP). The focus of this paper is with respect to the provision of affordable housing in the Town of Oakville using tools authorized by the *Planning Act*.

This paper explores the following tools and identifies how they can be leveraged to facilitate the development of affordable housing:

- Inclusionary Zoning (IZ)
- Community Planning Permit System (CPPS)
- Community Improvement Plan (CIP)
- Community Infrastructure and Housing Accelerator (CIHA), and
- Community Benefits Charge (CBC).

As illustrated in figure 1 below, while all of these *Planning Act* tools support the provision of affordable housing, they can also be leveraged to support one or more of the other four Housing Outcomes.



Figure 1 Planning Act Tools that can support Town of Oakville Draft Housing Strategy, Housing Outcomes

The following sections of this report further discuss the Town’s commitment to increase the supply of housing, the Town’s role in the provision of affordable housing, and explain the qualities of each of the listed tools that can be leveraged to facilitate the development of affordable housing.

**Section 2 Context and Key Message** of the report provides some context as to the impetus for the Housing Strategy and the need for considering *Planning Act* tools to facilitate affordable housing.

**Sections 3 Inclusionary Zoning (IZ), 4 Community Planning Permit System (CPPS), 5 Community Improvement Plan (CIP), and 6 Other *Planning Act* Tools**, provide an explanation of each of the tools, how they are implemented, and how they can be leveraged to facilitate the development of affordable housing. Each of these sections also provides an overview of the tool's strengths and weaknesses.

**Section 7 Discussion Regarding *Planning Act* Tools** identifies opportunities that the Town may leverage and challenges it will need to address when considering each of the tools. This section provides an overview of the tools and a suite of options regarding their implementation. This section concludes with a brief discussion about steps required to achieve housing-start targets the Town has pledged to achieve over the next 3 and 10 years, and how these *Planning Act* tools can facilitate their achievement.

**Section 8 Recommendations and Next Steps** provides recommendations and a list of next steps to be taken in order to implement *Planning Act* tools that facilitate affordable housing over the medium- to long-term. This section identifies matters that require further research and recommends reprioritizing Town of Oakville projects and realigning resources in order to proceed with a two-year program to adopt amendments to the Official Plan and new by-laws that, when implemented, will assist with facilitating the development of affordable housing, fulfill commitments made to Federal and Provincial governments, and leverage funding from these levels of government to support the development of affordable housing.

The appendices of the report provide more detailed information:

**Appendix 1 Definition of Affordable Housing** compiles and compares definitions of affordable housing used at the Federal, Provincial, Regional and Local levels.

**Appendix 2 Inclusionary Zoning Details** provides an overview of *Planning Act* requirements regarding the preparation and implementation of Inclusionary Zoning.

**Appendix 3 Municipalities Using/Contemplating Inclusionary Zoning** provides a listing of municipalities along with the status of their Inclusionary Zoning implementation.

**Appendix 4 Community Planning Permit System Details** provides an overview of *Planning Act* requirements regarding the preparation and implementation of the Community Planning Permit System.

**Appendix 5 Municipalities Using/Contemplating CPPS** lists municipalities along with the status of their CPPS implementation. This listing also includes the stated purpose of the CPPS for those municipalities who have already updated their Official Plan or drafted policies to enable adoption of a CPPS By-law.

**Appendix 6 Municipalities Using CIP in support of Affordable Housing** provides a list of municipalities along with a description of the programs they are presently implementing to incentivize affordable housing.

For more information, a list of references is also provided at the end of the report.

## 2 Context and Key Messages

### 2.1 Impetus for the Oakville Housing Strategy

The Housing Strategy is a guiding document to implement the mission and policies of the Oakville Official Plan related to the provision of housing in a manner that provides choice throughout the town with respect to form, tenure and type of housing provided. As noted in the strategy, it builds on several key documents that originate from the Canada Mortgage and Housing Corporation (on behalf of the Federal Government), Province, Region of Halton, and the Town, as follows:

- the More Homes More Choice: Ontario’s Housing Supply Action Plan (May 2019)
- the Region of Halton’s Comprehensive Housing Strategy (2014-2024) and State of Housing Report (2021)
- the town’s “Housing Information Report and Preliminary Policy Analysis” report (May 2022)
- the town’s housing pledge to the Province to build 33,000 new housing units by the year 2032 (March 2023), and
- the CMHC Housing Accelerator Fund (2023)

#### 2.1.1 Federal Housing Need (3.5 million units Canada-wide by 2030)

In September 2023, the CMHC released a report stating that “Canada needs about 3.5 million additional housing units by 2030 to restore affordability” (Canada Mortgage and Housing Corporation, 2023). The report recognizes that there is a shortfall in housing construction due to increase in cost of materials, labour supply shortage, and difficulty in securing construction financing. The CMHC estimates that in Ontario, there is a need for an additional 1.48 million units, which is approximately three times greater than what was projected in a “business as usual” scenario. The CMHC also modelled two other scenarios to determine housing need in Ontario, a “low economic growth” scenario and a “high-population-growth” scenario wherein it found that housing need by 2030 could be 1.31M or 1.65M, respectively.

#### 2.1.2 Provincial Housing Need (1.5 million units Ontario-wide by 2032)

Meanwhile, since 2022, the Ontario Government has determined that by December 31, 2031, Ontario will need to have increased its 2021 supply of housing by 1.5 million homes. Based on the Ministry of Municipal Affairs’ housing tracker, as of January 2024, the Province has achieved 12% of its target (Ministry of Municipal Affairs and Housing, 2024).

While these federal and provincial numbers may slightly differ, there is a unified policy between both levels of government to increase the supply of housing at a speed more rapid than what has been projected to occur at the municipal levels.

#### 2.1.3 Town of Oakville Housing Target Pledges

In response to direction and incentive programs issued by both levels of government, the Town of Oakville issued pledges to both the Province and CMHC, in March 2023, and in January 2024 respectively, to work with the development community to increase the supply of housing within the town. To the Provincial government, the Town pledged to increase the housing unit supply by 33,000 over 10 years, which amounts to an average annual unit increase of 3,300. This pledge was made in accordance with the quantum of unit growth the Province allocated to the Town. To the Federal Government, the Town pledged to increase the unit supply by 9,135 units over three years, which is approximately 3,233 units per year for three years. This pledge was in accordance with the Housing Accelerator Fund requirements.

Since a pledge alone is not sufficient to achieve the targets and the Town is not a builder of housing, the Town needs to work with the development community to realize these targets. The Housing Strategy provides a roadmap for the Town and development community to work together to achieve the goals established for them by both the Provincial and Federal governments. To that end, the Strategy identifies over 60 actions the Town can undertake, and in some cases is undertaking, in order to do its part to achieve these targets.

The Housing Strategy also speaks to the need for the Town to ensure that within the thousands of units pledged to be built, at least a portion of them should be affordable. The determination of what that portion should be and what level of affordability should be attributed to them is a matter that needs to be determined through a Housing Needs Assessment, in consultation with Halton Region, who is the town's Housing Service Manager and responsible for the Regionwide Housing and Homelessness Plan.

### 2.1.4 Definition of Affordable Housing

There are various definitions of affordable housing at the federal, provincial, regional, and local levels. These definitions are generally tied to household income or market conditions and can vary depending on the tenure of housing. Appendix 1 provides an overview of these definitions as well as a comparison of what those definitions mean based on 2022 data.

The CMHC definition is specific to each household. The Provincial definitions in the Provincial Policy Statement, 2020 and the Development Charges Act are tied to a specific household income group (i.e., 30% of the household income within the 60<sup>th</sup> percentile of all households for ownership housing, and the 60<sup>th</sup> percentile of all rental households) or market averages, and acknowledges that housing need for households in the 30<sup>th</sup> income percentile or below are generally government supported through the provision of subsidies or actual housing units. The Halton Region and Town of Oakville definitions in their respective Official Plans are tied to both household income and market conditions. The Region, as the Housing Service Manager, is committed to providing annual updates with respect to threshold rent and house price.

The variance in definition is largely attributed to how and when the definition is proposed to be applied. The definition provided by CMHC is for its programming purposes. The definition provided by the Province in the Provincial Policy Statement is for land use planning purposes, and the definition in Development Charges Act is in relation to granting exemptions from paying development charges (this provision of the DCA is not yet in effect). Whereas the definition provided by Halton Region responds to its service delivery. The definition provided by the Town of Oakville is intended to support Halton Region's service delivery and implement Provincial policy regarding the provision of affordable housing.

Consequently, in the preparation of any affordable housing program using *Planning Act* tools, due regard must be given to the objective of the tool and the level of affordability the tool is intended to target. For example, a more Oakville specific affordability threshold may be warranted if there are large variances in the demographics and/or rent/house price of Oakville in comparison with the Region at large.

Furthermore, reports to date indicate that achieving affordability is at greatest risk for first time home buyers and renter households. As such, consideration needs to be given regarding the proportion and profile of these households to better understand housing need and housing supply gaps.

'Affordability' may also be an issue for households who have a mortgage, as interest rates increase possibly making mortgage renewal more challenging or having to extend the amortization period to maintain payment levels. Depending on the severity of the change, these households may need to down-size or move out of their community.

On the other hand, ‘affordability’ is much less of an issue to households who own their home outright. However, these households may be challenged with paying property tax, condominium fees, and/or maintaining and repairing their home – especially with major repairs such as: roof, HVAC systems, and windows. Consequently, they too may be pressured to relocate.

A clearer picture of Oakville’s housing needs would be formed by undertaking a Housing Needs Assessment, as already contemplated by Council in its pledge to the federal government with respect to the Housing Accelerator Fund. Through this assessment, program specific definitions may be developed.

### 2.2 The Town’s Role in the Provision of Affordable Housing

Halton Region is the Housing Services Manager (HSM) for the Town of Oakville. As the HSM, the Region is responsible for funding, planning, delivering, and administering government assisted housing programs and services. These programs and services include: administering the Housing Stability Fund to assist households at risk of eviction, and service agreements with supportive housing operators for households with special needs, providing emergency shelters, operating housing developments (by the Halton Community Housing Corporation), and administering housing subsidies for low-income households. Furthermore, the HSM prepares, implements and monitors the Housing and Homelessness Plan for the Region in compliance with the Housing Services Act, 2011.

The Town’s role is to facilitate the development of new housing to accommodate needs of its community. This facilitation occurs through the Town’s implementation of its Official Plan, starting with permissive policies for residential development, providing up to date zoning by-laws to enable as of right development, and issuing timely building permits.

The Town has implemented many actions already in support of maintaining and increasing the supply of housing. Most recently, it adopted a rental housing demolition and conversion control by-law, updated its Official Plan in compliance with the *Planning Act* regarding permission for up to three units on any ground related residential property within the Town’s settlement area, and updated sections of the Official Plan related to strategic growth areas, such as the Bronte GO major transit station area. These official plan updates allow areas to intensify and provide for more compact and complete communities.

#### 2.2.1 Partnership

All of these initiatives are undertaken as part of the Town’s desire to work in partnership with higher orders of government, the development community, and the general public to provide for a more livable Oakville. With these improvements, there is more choice in terms of where to live and the form of housing in which to live. These improvements also foster the provision of nearby community amenities and employment opportunities to address daily needs.

As illustrated in Figure 2, partnership occurs where:

- there are common interests and a desire to be successful,
- there is trust and accountability among all partners,
- there are mutually agreed upon established performance standards,
- there is meaningful collaboration,
- there is teamwork, and finally,
- a desire for all partners to “win”.



Figure 2 Principles of Partnership Development  
Source: Ben Cornett

It is understood that the provision of affordable housing has become more and more difficult over time. Looking at house prices in Oakville over the last 40 years, as provided in Figure 3, it is apparent that the escalation of house prices for all types of housing needs be curtailed.

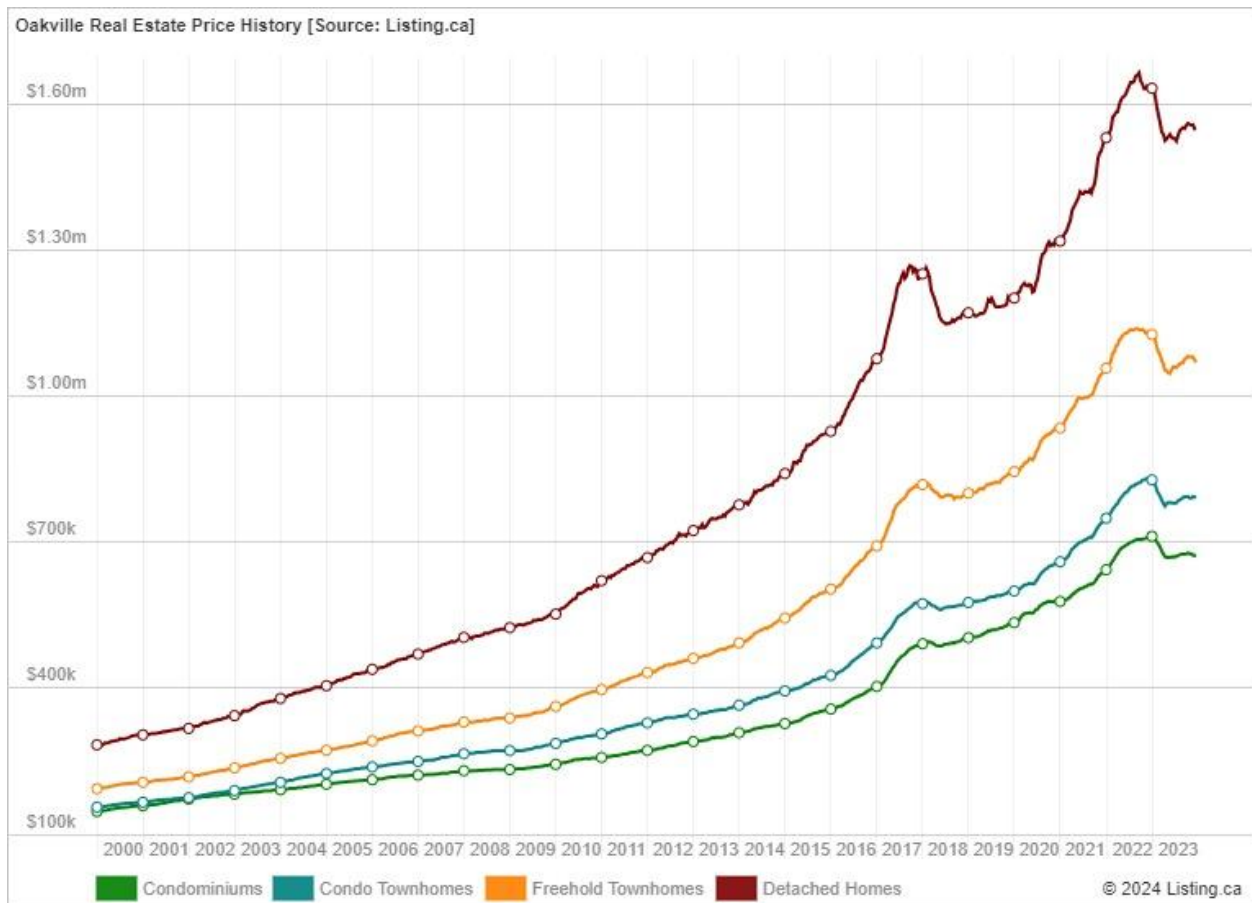


Figure 3 Oakville Price Listings 2000 – 2023 (Listing.ca, n.d.)

In that regard, the Town needs to undertake an “all hands on deck” approach to foster partnerships and do its part to facilitate the provision of affordable units that will remain affordable over the long term. This facilitation can occur through requirements or incentives, where the Town is authorized to do so. As is explained in the following sections of this report, carefully designed tools such as Inclusionary Zoning, Community Planning Permit System, and Community Improvement Plan under the *Planning Act* can be used to facilitate new housing development that addresses the Town’s affordable housing needs over the long term. The development of such tools requires an understanding of the Town’s specific needs, the resources it has to implement the tool, and a meaningful consultation process with all relevant stakeholders to ensure that the resulting programs are implementable and that desired outcomes can be achieved.

## 3 Inclusionary Zoning

### 3.1 What is it?

When the term “inclusionary zoning” was first used, it was intended to mean a zoning regime that allowed for a broad range of house forms within residential neighbourhoods. Whereas zoning that only allows for single or detached dwellings is considered to be “exclusionary zoning,” that generally barred a mix of household socio-economic types from living in the same area. Zoning that allows for a broader mix that permits townhouses, multiplexes, and walk-up apartments is considered “inclusionary” zoning, based on the assumption that these more compact forms of housing are affordable to a broader range of households.

While this notion of permitting more compact house forms provides affordable housing options may still be the case in parts of Canada and in other countries; in the case of the Greater Golden Horseshoe and increasingly other parts of Ontario, even a studio apartment can be unaffordable for some households. Meaning built form alone does not ensure that all household income groups are able to be accommodated within a given community.

The *Planning Act* does not permit municipalities to zone for people and/or tenure, but through new legislation, it is able to zone the price of a unit for a portion of certain types of development in specific areas – using “inclusionary zoning” provisions.

In 2016, the Province introduced [Bill 7, Promoting Affordable Housing Act, 2016](#). This bill amended the *Planning Act* and in so doing provided a new tool for municipalities to use that would assist households in finding places to live that would be more affordable to them, while also being located within a mixed market of housing options. 20 months after initiating consultation on Bill 7, in April 2018 through proclamation, the Province brought into effect the Inclusionary Zoning provisions of the *Planning Act*.

The objective of this tool is to provide municipalities the ability to require the provision of affordable market housing in a manner that would be viable for the development proponent. Municipalities are authorized to adopt by-laws wherein as part of a residential building permit approval, a development proponent would agree to make available a certain portion of residential units at an affordable price/rent, for a specified time-period, through an agreement that is registered on title, where the development is located within the boundary of an inclusionary zoning area.

When first introduced, municipalities were given discretion in determining where and how this tool would be used. However, in September 2019, with the passing of [Bill 108, the More Homes, More Choice Act](#), the extent of where Inclusionary Zoning could be applied was reduced to areas identified as Protected Major Transit Station Areas in accordance with definitions and provisions provided in the *Planning Act*, and in areas where the Minister has ordered a municipality to implement a Community Planning Permit System.<sup>1</sup> As such, the IZ boundary is limited to the PMTSA or CPPS (as ordered by the Minister) boundary.

---

<sup>1</sup> A Protected Major Transit Station Area is an area determined by each municipality that surrounds and includes an existing or planned higher order transit station or stop. The *Planning Act* defines “higher order transit” as transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail, and buses. This definition applies to municipalities across Ontario. As such, for municipalities within the Growth Plan for the Greater Golden Horseshoe area, the PMTSAs are not limited to those identified in A Place to Grow nor the policies of that Provincial Plan in relation to matters such as minimum density targets for PMTSAs that are not presently identified in that Plan.

#### 3.2 How is it implemented?

Inclusionary Zoning is implemented through a by-law. This by-law is in addition to other land use control tools: such as zoning, site plan control, community benefits charge and parkland dedication by-laws.

Prior to passing the by-law several actions must first be completed, as illustrated in figure 4. To start, the municipality must undertake a housing needs assessment. This assessment considers demographic and market factors and conditions to inform inclusionary zoning policies and the need for incentives to support them. (A detailed description of the assessment report is provided in Appendix 2 of this report.) The completed report is then subject to a peer review. Once Protected Major Transit Station Area boundaries are established in the Upper Tier or Single Tier Official Plan, then the municipality (Lower Tier or Single Tier) may amend its Official Plan to add inclusionary zoning enabling policies. The official plan policies are informed by the Needs Assessment and provide specific parameters that are to be implemented via the forthcoming by-law. (The IZ By-law may be adopted concurrently with or after the official plan update.) Once the by-law is in place, applications that meet specified criteria will be required to provide a number of affordable units (per the by-law's provisions and definitions) for a specified time and threshold price/rent (per the by-law), and these provisions will be set out in agreements that are then registered on title. Furthermore, the municipality is obligated to update its assessment report every five years and update policies/provisions as needed. Both the official plan policies and IZ by-law are not subject to appeal, except by the Minister of Municipal Affairs and Housing. Furthermore, private amendments to the by-law (whether approved or refused) are not subject to appeal, except by the Minister. Appendix 2 provides more details regarding the Inclusionary Zoning required components.

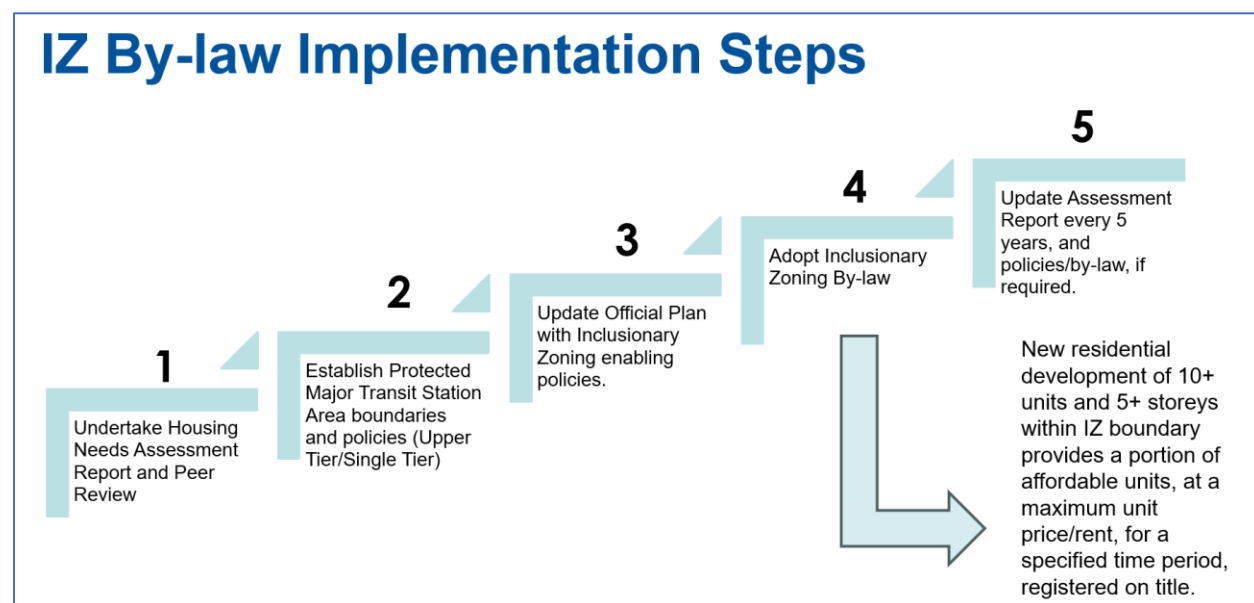


Figure 4 Steps to Inclusionary Zoning Implementation

It should be noted that in October 2022, the Province announced that it was proposing to amend [Ontario Regulation 232/18](#) (the regulation that provides further direction regarding the implementation of IZ) by setting maximum affordability periods for IZ units to 25 years and limiting the number of affordable units to 5% of the proposed development, and providing a standardized approach to determining affordable prices/rents for inclusionary zoning units. These proposed changes to the Regulation would significantly reduce municipal council discretion in terms of how this tool could be used and may not be responsive to the community's housing need and/or local context project viability analysis. While the comment period for this proposal on the Environmental Registry of Ontario ([ERO](#)



[019-6173](#)) concluded on December 9, 2022, no decision has been made on whether the proposed changes would be made to the regulation. This lack of decision has left many municipalities in a state of limbo in terms of if and how this tool can and should be used within their municipality, as noted below and in Appendix 3 of this report.

#### 3.3 Where is it currently in use?

To date, only two municipalities have adopted an Inclusionary Zoning By-law, Toronto and Mississauga. Of these, only the City of Mississauga's by-law is in effect, as of January 2023. Appendix 3 provides a listing of municipalities that are contemplating using this tool. Owing to proposed regulatory changes, work to advance the use of this tool has been put on hold in many of these places in order to ensure that their ensuing assessment report and by-laws are conducted in accordance with prescribed provisions of the *Planning Act* and the associated Inclusionary Zoning Regulation.

##### 3.3.1 City of Toronto (pending Minister of Municipal Affairs and Housing approval of PMTSA OPAs)

The City of Toronto conducted its housing needs assessment report between 2019 and 2021, developed and consulted on official plan policies and zoning provisions, which culminated with the City of Toronto's [OPA 557](#) to enable Inclusionary Zoning and adoption of Inclusionary Zoning By-law 941-2021, on November 12, 2021. In accordance with the *Planning Act*, both the OPA and Zoning By-law are not subject to appeal, except by the Minister of Municipal Affairs and Housing. No notice of appeal was filed by the Minister. However, the IZ policies of the official plan and consequently the provisions of the Inclusionary Zoning By-law do not take effect until the City's Protected Major Transit Station Areas (PMTSA) are approved by the Minister of Municipal Affairs and Housing (in accordance with the *Planning Act* and the City's approved official plan policies).

The City adopted its PMTSA policies in December 2020 ([OPA 482](#)), February 2022 ([OPA 524](#)) and July 2022 [OPA 540](#) and [OPA 570](#). Collectively, these amendments identify 98 Protected Major Transit Station Areas through site and area specific policies and mapping. They provide minimum density targets on a residents and jobs per hectare basis, in accordance with the A Place to Grow minimum density targets for major transit station areas associated with subway, light-rail, and GO stations, at minimum rates of 200, 160 and 150 respectively, identify minimum densities on a block-by-block basis in terms of floor-space-index, and defer to land use policies within the balance of the official plan with respect to authorized use of land, as well as maximum density and/or height within each area, where provided. The narrow scope of these OPAs is noteworthy because the *Planning Act* stipulates appeals related to the boundary, minimum and maximum density and height, and permitted use policies are not subject to appeal. In City of Toronto's case, the approval authority for this OPA is the Minister of Municipal Affairs and Housing (as Upper-Tier and Single-Tier OPAs that adopt those specific PMTSA policies and mapping are not exempt from the Minister's approval). To date the Minister has not issued a decision on any of these OPAs, and as such the PMTSA policies and mapping are not in effect, and consequently neither are the IZ policies and by-law.

##### 3.3.2 City of Mississauga (In effect)

In August 2022 Mississauga adopted IZ OP and By-law policies. The effective date of the policies and by-law were dependent on the Minister of Municipal Affairs and Housing approval of the Region of Peel's new Official Plan wherein PMTSA policies and mapping for the City of Mississauga were initiated (Region of Peel, 2022). The Minister's approval was issued in November 2022. According to the city's IZ website, the by-law came into effect on January 1, 2023, (City of Mississauga, n.d.).

#### 3.4 How does it facilitate affordable housing?

The implementation of this tool has many direct and indirect means of facilitating affordable housing.

##### 3.4.1 Intrinsic Affordability (tempers land value)

At the outset, identifying all or parts of Protected Major Transit Station Areas as areas that are subject to inclusionary zoning indicates to all landowners within the specified area their obligation to provide affordable housing to meet or exceed the minimum standards specified in the by-law. By doing so, once established, land value in the area is tempered and land speculation is curbed. This should therefore have a cost reduction impact on new development which can be applied specifically to the IZ units or the units of the building overall.

##### 3.4.2 Mandatory Long-term Affordability (requires affordable price/rent over a period of time for minimum number of units)

Depending on how the by-law is structured, its imposition may result in an increased supply of rental and/or not-for-profit housing that would not otherwise occur through a business-as-usual housing supply system where such proponents would have to compete with the condominium and/or luxury housing market for land. The IZ by-law may foster more for-profit and not-for-profit partnerships than what is currently occurring.

When IZ units are brought to market, they are sold or rented at or below threshold prices established in the by-law, thereby providing a guaranteed set of affordable units at the outset.

Where agreements are registered on title that specify affordability periods and threshold prices, then the affordability of the unit is passed on to subsequent renters/purchasers for the specified time period. In the case of unit sales, having these agreements on title would be a disincentive for investment-oriented purchasers and as such reduce market competition for them to ensure that households truly interested in living in an affordable home are purchasing the unit.

##### 3.4.3 Spin-off Affordability (tempers overall housing market over the long-term)

When there are a sizable number of IZ units in the market and are included in calculations of average market rent or average market price, then this provides overall downward pressure on the housing market.

##### 3.4.4 Funding for other Affordable Housing Programs

Where municipalities opt to include in their by-law a requirement to share market uplift of any IZ units sold with the municipality (as authorized in the IZ regulation), those municipalities would be able to recoup implementation costs and also divert those funds into other affordable housing initiatives to increase the overall supply of affordable housing.

#### 3.5 Strengths

##### 1. Affordable housing development certainty:

The adoption of inclusionary zoning policies and by-law provisions are not subject to appeal, except by the Minister of Municipal Affairs and Housing. Furthermore, a Council refusal to amend or lack of decision within the prescribed timeframe for private applications to amend by-law provisions are not subject to appeal. Consequently, where IZ is applied, it puts landowners and prospective development proponents on notice that a certain percentage of units must be sold for/rented at prescribed amounts for a specified period of time, and the provision of the official plan and implementing by-law are fixed and consistently applied. This provides a level playing field for all landowners/development proponents in the area. It provides certainty in

terms of conditions of approval that can be incorporated into any proforma work at the outset of a development proposal. Furthermore, it tempers land values in those areas where IZ is imposed.

**2. Housing affordability is assured for subsequent owner/renters:**

For renters or purchasers of IZ units, the cost of ownership/rent is capped at affordable rates for a specified period of time, and these commitments are registered on title. For rental units, this essentially brings back rent control to new developments that was otherwise removed from the Residential Tenancies Act, 2006 in 2018 in accordance with [Bill 57, Restoring Trust, Transparency and Accountability Act, 2018](#). From a unit purchaser's perspective, these agreements ensure that at the time of resale, the unit continues to be sold at an affordable price. This takes away the investment aspect of housing, reducing competition for the purchase of such units to those who are looking to find long term affordable housing with only a modest return on investment. Based on the use of IZ in other jurisdictions, the IZ units are typically held by non-profit groups to ensure their long-term affordability, that units are occupied by the target market group, and proper upkeep of the unit over the long-term.

**3. Greater potential to temper overall housing price/rents:**

Over the long term, with an increase of these units within the housing market, their resale and rent values become part of the overall average market rent/house price, thereby also tempering housing values in general.

**4. The Inclusionary Zoning Regulation provides transition rules regarding development proposals**

To minimize confusion and ensure a consistent approach to the implementation of IZ, the regulation provides transition rules that apply anywhere IZ is in effect within Ontario. This clarifies for Council, development proponents and the public when IZ requirements will apply to new development proposals and development proposals that may be underway while IZ policies and provisions are under development.<sup>2</sup>

**5. The *Planning Act* prohibits payment in lieu of provision of IZ units**

Given cash-in-lieu of affordable units is not permitted, this ensures that actual units are provided with each development proposal that is not exempt from implementing the requirements of the by-law.

### 3.6 Weaknesses

**1. Rules regarding Inclusionary Zoning are in limbo:**

Without a decision regarding proposed changes to O. Reg. 232/18, it is difficult for a municipality to determine the appropriate enabling official plan policies and zoning provisions for Inclusionary Zoning. For example, while the City of Toronto adopted its IZ policies in 2021, should the regulation change occur, its provisions regarding affordability period, percentage of units and level of affordability, could be voided by the regulation change.

**2. Only applicable in two areas in Oakville:**

---

<sup>2</sup> Section 8 of O. Reg. 232/18 identifies what development proposals are exempt from having to comply with a municipal Inclusionary Zoning By-law, all other development within the by-law area will be required to provide the requisite affordable housing units in accordance with the by-law.

In the case of Oakville, the current legislation limits the use of IZ to PMTSAs that are established in the Region of Halton's Official Plan. Presently, there is only two areas identified as PMTSA through the approval of [ROPA 49](#). These are Midtown Oakville and Bronte GO. In order to extend the use of IZ to other strategic growth in Oakville areas that are served or planned to be served by higher-order transit (i.e., bus rapid transit or light rail transit in a dedicated lane) and thereby increase the potential to secure more affordable housing that remains affordable for the long-term, the Town would need to initiate amendments to the Region's Official Plan and its own Official Plan to identify those areas as PMTSAs.<sup>3</sup> Expanding the area of IZ use is important to ensure that Town's urban structure objectives are achieved. In other words, the application of IZ in a very limited area might mean that developers seek to develop on lands outside of the IZ area and thereby undermine town interests to see major transit station areas achieve their growth potential in the near term.

#### **3. Implementation requires time and resources:**

Prior to adopting enabling official plan policies and subsequently the IZ by-law, the Town must undertake a housing needs assessment which then must be peer reviewed. The intent of the housing needs assessment is to understand the specific housing needs of the town and also to determine appropriate thresholds that would be established in policy and the IZ by-law for affordable housing (i.e., affordable price/rent, affordability period, proportion of housing units required to meet those thresholds, and municipal incentives to support the required proportion affordable housing provision, in a manner that makes overall development viable). The objective of the report is to ensure that the tool, when used, does not create such a disincentive to landowners/builders resulting in a situation where no new development occurs within the IZ area. Preparing and peer-reviewing this work requires time and resources, as does preparation and consultation on the official plan policies and by-law provisions.

#### **4. Municipalities must provide measures and incentives to support IZ implementation.**

In accordance with the *Planning Act*, the inclusionary zoning by-law is also required to provide measures and incentives to support the provision of affordable units and maintain the affordability of those units. When conducting housing needs assessments, several municipalities have assumed a density increase as a suitable incentive to address this provision of the Act. Other incentives may also be explored, however with recent changes and/or proposed changes to the Development Charges Act and *Planning Act* regarding parkland dedication and Community Benefit Charge, the types of incentives a municipality can consider that might have a substantive impact on the affordability of units is becoming more limited.

### 3.7 Summary

Inclusionary Zoning is a tool that has been made available to municipalities since 2018. Presently, the use of the tool is limited to areas within approved Protected Major Transit Station Areas. Implementation of this tool ensures that a proportion of new housing units is affordable, at a threshold price or rent, for a set period of time. Enabling this tool requires several steps, starting with the preparation of a Housing Needs Assessment. Once in place, the tool has both direct and indirect benefits with respect to providing housing that is affordable over the long-term. The Province has proposed changes to the

---

<sup>3</sup> Pursuant to [Bill 23, More Homes Built Faster Act, 2022](#), on a day yet to be proclaimed, the Region of Halton will no longer have planning approval authority over the Town of Oakville and portions of the Regional Official Plan in respect to any area of the Town of Oakville will be deemed to constitute the Oakville Official Plan, and the Town will then have the option to keep those portions in effect, amend them as needed, or revoke them. (See section 70.13 (1) of the [Planning Act](#).)

### 3. Inclusionary Zoning

---

Inclusionary Zoning regulation, if those changes are implemented, it removes some of Council's discretion regarding specific provisions of the by-law, which may impact how effective the tool's implementation would be to address the Oakville context.

## 4 Community Planning Permit System

### 4.1 What is it?

The Community Planning Permit System (CPPS) is an alternative land use control tool authorized by Section 70.2 of the *Planning Act*. This tool regulates planning through the development of a **by-law** that governs the issuance of development **permits**. The CPPS system is enabled by policy in the municipal official plan, established in a by-law and then implemented through the approval of development permit applications and the issuance of development permits.

The Ministry of Municipal Affairs and Housing indicates that this tool can help to:

- make development approval processes more streamlined and efficient,
- get housing to market quicker,
- support local priorities (for example, community building, developments that support public transit, and greenspace protection), and
- create certainty and transparency for the community, landowners, and developers (Ministry of Municipal Affairs and Housing, 2021)

Section 70.2 of the *Planning Act* authorizes the creation of regulations to permit municipalities to control land use in a manner that is an alternative to the system set out in Part V (Land Use Control and Related Administration) of the Act. Where Part V of the Act provides for the establishment of zoning by-laws, holding by-laws, temporary use by-laws, site plan control by-law, community benefits charges by-law, parkland dedication by-law, minor variances from zoning by-laws, etc., section 70.2 contemplates the preparation of single “development permit system” also known as the Community Planning Permit System where the intent of these Part V by-laws is executed in a more integrated manner and is implemented through the issuance of development permits.

Accordingly, the preparation of a CPPS By-law can result in a consolidation of the following by-laws where the CPPS by-law would apply (i.e., townwide or area specific):

- zoning by-law
- site plan control by-law
- parkland dedication by-law
- site alteration by-law, and
- tree-preservation by-law.

Furthermore, and as described below and in greater detail in Appendix 4, the CPPS by-law may include provisions such as the use of criteria and conditions that are beyond what is permitted in the traditional system of land use control. This consolidation of by-laws and addition of provisions could result in a by-law that can improve implementation of the municipal official plan and its complete community goals and objectives.

The implementation of the system is credited for providing a more streamlined development approval process because once it is in place, a development proponent need only make one application for a development permit, that is approved by one authority, rather than multiple applications with potentially different approval authorities. For example, the CPPS development permit application approval could address matters traditionally addressed through a minor variance to a zoning by-law, and applications for site plan, tree-removal, and site alteration, all in a single application. The two systems are illustrated in Figure 5. As noted in the figure, just as with a zoning by-law, the CPPS by-law must conform with the official plan, and the by-law and its implementation does not replace land division tools such as plan of subdivision or consent to sever. The CPPS by-law and development permits issued

under it are “applicable law” in accordance with the Building Code Act and as such inform building permit applications.

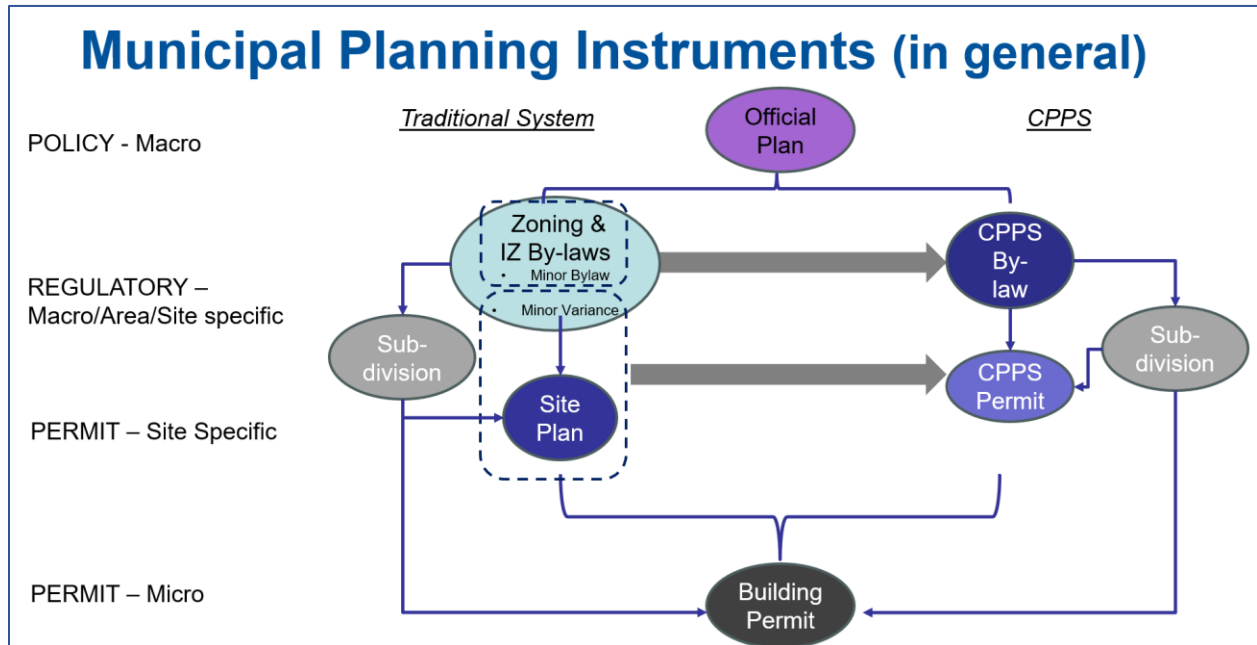


Figure 5 Comparison of Traditional System to the CPPS

#### 4.1.1 Distinguishing Elements

What distinguishes the CPPS from the traditional land use control system is that within the CPPS by-law Council has the discretion to include provisions that are not permitted either at all or not to the same degree in the traditional system. These provisions are as follows and are explained in greater detail within Appendix 4:

- **Criteria** for decision making and specific criteria to determine whether a class of development or a type of land use should be permitted.
- **Conditions** that may be applied to a development permit, these conditions may be imposed prior to, during or after a development permit is issued. These conditions may be:
  - performative (i.e., provide a study or monitor a matter),
  - tangible (i.e., provide land for public park or provide affordable housing),
  - temporal (i.e., development is permitted on a temporary basis or is not permitted until certain infrastructure is constructed) and/or
  - transactional (i.e., in return for a community benefit, a development permission may allow for an increase in height or density from “as of right” maximums).
- **Variation from standards**, while the CPPS by-law may provide minimum or maximum standards for matters, whether subject to criteria and/or a condition the by-law may allow a development permit to be issued with a variance to that standard.
- Requirement for **agreements** that may be registered on title, to ensure that conditions are carried out post issuance of an approval.

### 4.1.2 Approval Authority

As is the case with Official Plan and Official Plan Amendments, Zoning By-law and Zoning By-law Amendments, Council is responsible for adopting the CPPS Official Plan Amendment and the CPPS By-law. Council is also responsible for approving an amendment to these documents.

With respect to approving development permits, however, Council may delegate the approval of those to a committee or a member of staff (by title), this delegation of authority is similar to how applications related to minor zoning by-law matters, and site plan are approved by staff (i.e., Commissioner of Community Development or Director of Planning) and minor variances are approved by the Committee of Adjustment. When developing the enabling official plan policies and the CPPS by-law, the approval authority for development permits may be assigned along with direction regarding the scope of the approval that can be given to the assignee.

## 4.2 How is it implemented?

Ontario Regulation 173/06 Community Planning Permit System provides details regarding mandatory and optional policies and provisions for both the official plan and CPPS by-law, and also with respect to the processing of CPPS permit applications and issuing of permits. All of these are described in greater detail in Appendix 4.

### 4.2.1 Official Plan Policies

The adoption of a CPPS By-law must be enabled by the municipal official plan. Enabling official plan policies may be adopted prior to or concurrent with the adoption of a CPPS by-law. The process to adopt the enabling OPA is as it is for any municipally initiated official plan amendment with the exception that an open house is required to be held prior to the statutory public meeting for the OPA.

The enabling official plan policies must include:

- a description of the area to which a CPPS by-law may apply (this can be the whole of the municipality) or an area within the municipality.
- Identify whether approval authority for development permits may be delegated from Council to a committee or a staff member, and if so what the scope of their authority would be<sup>4</sup>, and
- Provide a statement of the goals, objectives and policies in proposing the CPPS by-law for the CPPS area.

In accordance with the goals, objectives and policies applicable to the CPPS area, the official plan may also provide policies:

- set out types of criteria that may be included in the by-law for determining whether any class of development or any use of land may be permitted by a community planning permit,
- sets out type of conditions that may be imposed when issuing a decision on a development permit application (these can be in relation to conveyance of land for public purposes (i.e., parks or streets), as well as conditions that would allow an increase in height and/or density where a community benefit is provided, or a condition that requires entering into an agreement),
- identify material (in addition to what is already prescribed) that should be submitted as part of complete application for a development permit,
- provide inclusionary zoning policies (only within protected major transit station areas), and

---

<sup>4</sup> The nature of most development permit applications is akin to applications for site plan, minor zoning by-law, or minor variance, these applications are currently approved by staff or Committee of Adjustment.



- delegate, with conditions, approval of minor amendment to the CPPS by-law to a committee or staff member.

### 4.2.2 CPPS By-law Provisions

The process to adopt a CPPS By-law is the same as that which is required for a zoning by-law, with the exception that an open house is required prior to the statutory public meeting for the by-law. The CPPS by-law must conform with the Official Plan.

The following matters must be provided in the CPPS By-law:

- boundaries for the area to which the by-law applies
- permitted uses of land
- minimum and maximum standards for development
- internal review procedures for development
- manner in which a notice of decision regarding permit application will be given
- acknowledgement and description of how permits may be amended
- acknowledgement that agreements associated with a condition or a pre-existing site plan agreement<sup>5</sup> may be amended, and describe how the amendment could occur, and
- statement that placement of portable classrooms on school sites of a district school board is exempt from seeking a permit if the school was in existence on January 1, 2007.

Where the official plan policies provide for it, the CPPS By-law is also required to:

- establish criteria for determining whether a certain class of development or use of land may be permitted, and accordingly, set out a list of classes of development or uses of land that may be permitted if the criteria have been met,
- outline conditions that may be imposed
  - conditions must:
    - be a type that is permitted in the Official Plan,
    - be reasonable for and related to the appropriate use of the lands, and
    - not conflict with federal and provincial statutes and regulations.
- list provisions related to implementation of Inclusionary Zoning

Furthermore, the CPPS by-law may:

- prohibit certain land uses,
- prohibit any development or change of use of land without a development permit,
- set out and define classes of development in order to:
  - exempt certain classes from having to apply for a development permit, and
  - assign different fees, approval authority, etc. based on the class of development.
- set out criteria to be applied when making a decision regarding a development permit application
- set out a range of possible variations from minimum and/or maximum standards that may be authorized when issuing a development permit (without imposing conditions).

### 4.2.3 Limited Appeal of CPPS Policies and By-laws

Where a municipality adopts CPPS policies and by-law on its own initiative, the policies and provisions of the official plan and CPPS by-law are subject to appeal. However, the protection of Inclusionary Zoning

---

<sup>5</sup> “Recognition of pre-existing site plan agreements” means that these agreements need not be converted to a development permit once a CPPS is in effect, this minimizes administrative efforts to transition to a CPPS.

and Protected Major Transit Station Area policies and by-law provisions continue to apply (see sections 3, 7.1.2 and Appendix 4 for more details regarding appeals).

Once the CPPS Policies and By-law are in effect and for five years thereafter, no private application to amend the CPPS enabling Official Plan policies<sup>6</sup> nor the CPPS By-law is permitted, unless Council resolves to permit an application, class of applications, or applications in general. (Ontario Government, 2021).

Furthermore, the *Planning Act* authorizes the Minister of Municipal Affairs and Housing to order a municipality to adopt CPPS policies and by-law, and when those are adopted, only the Minister has the ability to appeal them.

### 4.2.4 Approval of Development Permits

Just as the CPPS by-law must conform with the Official Plan, the approval of development permit applications, and the issuance of permits must conform with the CPPS By-law. Where a proposal is not in conformity with the CPPS by-law then, as with zoning by-laws, the proponent may apply to amend the CPPS by-law, and such an amendment would be required to conform with the Official Plan and be processed in the same manner as zoning amendments are presently processed.

### 4.3 Where is it currently in use?

Presently, the CPPS is in use within six municipalities in Ontario. The first municipality to bring into effect the CPPS was the Town of Lake of Bays in 2007 for its shoreline areas but as of 2021 has expanded its use across the Town. Carleton Place was the first community to use the CPPS on a townwide basis when its by-law came into effect in 2008. Both Gananoque (2011) and Huntsville (2022) have townwide CPPS by-laws, while Brampton (2015) and Innisfil (2017) by-laws are area specific.

The City of Toronto adopted its enabling CPPS OP policies in 2016. These policies were subsequently appealed and pursuant to an interim order from the Ontario Municipal Board, await an Ontario Land Tribunal (OLT) decision, which is pending the adoption of a forthcoming CPPS by-law (Wendy Walberg, 2017). The Town of Niagara-on-Lake also adopted CPPS enabling OP policies in 2020 but are still awaiting Niagara Region's approval of the Town's new Official Plan wherein those policies are provided. The City of Burlington proposes to bring forward both the CPPS enabling OPA and By-law for Council adoption in early 2024. These instruments would apply to four Major Transit Station Areas in the City.

As is noted in Appendix 4, eleven municipalities have undertaken CPPS studies and are contemplating its use on a municipal-wide or area-specific basis.

### 4.4 How does it facilitate affordable housing?

#### 4.4.1 Intrinsic Affordability (streamlined system creates development cost savings)

A common concern regarding housing affordability relates to the time it takes for a development proposal to be approved. Under the traditional land use control system, while a proponent may create efficiencies by submitting multiple applications concurrently, the approval of one application may be contingent on the approval of another and as such those efficiencies may not be realized. In some cases, the process can be much longer because the need for a second or third application may not be

---

<sup>6</sup> The CPPS enabling official plan policies that are protected from private applications for the first five years include: policies regarding the area for which a by-law may be established, delegation of approval, goals, objectives and policies for proposing the CPPS, types of conditions and criteria that may be provided in the CPPS by-law, complete application requirements, and types of conditions wherein specific facilities, services and matters may be provided in exchange for a specified height and density, per section 3 of Ontario Regulation 173/16 (Ontario Government, 2021)

identified until the first application is vetted through the system; meaning that the original application is then put on hold while the second and/or third applications are processed.

Under the Community Planning Permit System, because there is only one application to make, which is then approved by one approval authority, the iterative process that may happen in the traditional system may still take place but without having to interrupt the review and approval process. Table 1 provides a comparison of some of the traditional land use control tools to the Community Planning Permit System. As is demonstrated in the table, a development proposal may require three separate applications, each of which are approved by a different approval authority before all matters are addressed and a building permit can be issued. In contrast, under the CPPS, all three matters could be addressed through a single application, approved by one authority within a statutory 45-day period to issue an approval of the application. (The issuance of the development permit may be subject to addressing conditions, prior to its issuance.)

Table 1 Comparison of Application Processes, Traditional Land Use Control System to Community Planning Permit System

System	Traditional Land Use Control System			CPPS System
By-law	Zoning		Site Plan Control	CPPS
Application	Minor ZBLA	Variance	Site Plan	Development Permit
Planning Act/O. Reg section	s. 39.2	s. 45	n/a	Per O. Reg 173/16
Approval Authority	Council, Committee/ or staff	CofA	Staff	Council/Committee/ Staff
Development Application	Subject to complete app.	Subject to 4 tests and criteria <sup>7</sup>	Subject to complete application	
Decision Results	Specific standards, permissions, etc. are established to inform building permit issuance, minor zoning standard amendments may be area-wide or site specific.		Site specific approval of drawings and plans, which inform building permit issuance. May require site plan agreement including conditions.	Site specific development permit approved and issued, may include conditions and an agreement, which inform building permit issuance.
Public Notice	Required	Required	None Required	Required
Time re: App. Approval	90 days after which can appeal lack of	30 days to be before Committee of Adjustment	60 days after which can appeal lack of	45 days after which can appeal lack of

<sup>7</sup> Planning Act allows for a Regulation or Municipal By-law to provide additional criteria. No Regulation has been enacted by the Province, to date.

	decision on an application to amend		decision on application	decision on application
<b>Right of Appeal<sup>8</sup></b>	<ul style="list-style-type: none"> <li>Applicant</li> <li>Minister</li> <li>Person</li> <li>Public body</li> </ul>	<ul style="list-style-type: none"> <li>Applicant</li> <li>Minister</li> <li>Specified person<sup>9</sup></li> <li>Public body</li> </ul>	<ul style="list-style-type: none"> <li>Applicant (decision or non-decision on application, and conditions)</li> </ul>	<ul style="list-style-type: none"> <li>Applicant (decision or non-decision on application, and conditions)</li> </ul>

The Community Planning Permit System provides for some cost savings for proponents by virtue of reducing/eliminating the need to make multiple applications and reports in support of a development proposal. The expectation is that this savings can help to reduce the cost of development anywhere within the CPPS area, which could reduce end user cost (purchase price or rent) – thereby making housing more affordable. However, this alone does not guarantee that cost savings will trickle down to the end user nor that those savings will be passed along to subsequent purchasers/renters.

#### 4.4.2 Mandatory and Long-term Affordability (Inclusionary Zoning)

All of the *Planning Act* section 16 (Official Plan) and 35.2 (Inclusionary Zoning By-law) provisions may apply within the CPPS area. In other words, adopting a CPPS does not preclude the municipality from being able to also implement Inclusionary Zoning within their Protected Major Transit Station Areas. Furthermore, where IZ provisions are provided within a CPPS by-law, the requirement for a municipality to provide incentives in support of IZ implementation does not apply within the CPPS area.

As noted above, where IZ is applicable, a municipality may require the provision of a certain minimum number of IZ units, in buildings with 10 or more units, that are at or below a certain threshold price/rent, for a specified time period, and these requirements are registered on title for each unit. Consequently,

<sup>8</sup> Appeal is not permitted for changes to provisions regarding height and density, permitted uses, and IZ provisions within a PMTSA, and ARU provisions anywhere, except by the Minister.

<sup>9</sup> The *Planning Act* defines a “specified person” as:

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply (Ontario Government, 2023)

there is a guarantee that a certain amount of units will be affordable to end users over a specified period of time.

### 4.4.3 Negotiated Long-term Affordability (as a condition of development)

When adopting CPPS policies and by-law provisions, the municipality has discretion to include conditions in relation to the issuance of a permit. While some of the traditional planning tools allow for conditions to be established as part of the application approval, what is unique to the CPPS is that the range of conditions that can be imposed prior to, during and even after a permit is issued. Furthermore, only within a CPPS area, a municipality can negotiate community benefits, such as affordable housing, in exchange for an increase in height and/or density of development above thresholds provided in the by-law (similar to pre-Bill 197, COVID -19 Economic Recovery Act changes to the *Planning Act* in relation to Section 37, formerly known as “Bonusing”).

This opportunity to negotiate for community benefits, such as affordable housing, can occur anywhere in the municipality where a CPPS by-law is in place, subject to the provisions of the By-law and the policies of the Official Plan. Furthermore, the ensuing agreement regarding the provision of community benefits may be registered on title (similar to IZ) as well as with the issued development permit, as such the conditions would apply to subsequent property owners. On that basis, the IZ requirements regarding matters such as number of affordable units, affordability price/rent and length of affordability can be established in areas both within PMTSAs (perhaps along with IZ requirements) and outside of them. More details regarding the structuring of conditions are provided in Appendix 4.

### 4.4.4 Context Sensitive Affordability (criteria-based decision making)

In response to requirements to qualify for the Housing Accelerator Fund, the Town is presently considering updating its zoning by-law to permit up to 4-units on residential lots town-wide. This is one additional unit to the already as-of-right permission for up to 3 units on a lot (where 3 units may be permitted in a building, or a single accessory unit and 2 units in the primary building are permitted) pursuant to section 16(3) of the *Planning Act*<sup>10</sup>. Council direction to staff is to prepare a by-law “with due regard for heritage conservation and infrastructure capacity and servicing” that will permit up to 4 units on a property (Town of Oakville, 2024). While the *Planning Act* prohibits by-laws from reducing as-of-right permissions for 3 units on a property, proposals that contemplate 4 units could be subject to a development permit approval process, wherein the approval authority can assess the application based on criteria outlined in the by-law to ensure that the inclusion of the fourth unit does not pose an adverse condition within the site and/or the surrounding area. In this regard, the CPPS objective of creating long-term sustainable community building can be implemented and the resulting 4 units can positively contribute to the provision of creating more housing options. When tied with a density and/or height increase, the resulting fourth unit, as a minimum, could be mandated to be affordable and remain affordable over a period of time (see above “negotiated long-term affordability”).

### 4.4.5 Mandatory Housing Affordability Monitoring (condition of approval post permit issuance)

Unlike traditional planning system tools, the approval of a development permit may include conditions that are required to be met after the issuance of a permit. As such, where a condition of permit approval requires the provision of affordable housing unit(s), the property owner may be required to provide proof of affordability to maintain the permissions granted to the property. In this regard, this requirement can be used to assist the municipality with the monitoring of its programs to create and maintain its supply of affordable housing.

---

<sup>10</sup> These updated provisions of the *Planning Act* were brought into effect upon Royal Assent of Bill 23, More Homes Built Faster Act, 2022, on November 28, 2022. (Legislative Assembly of Ontario, 2022)

### 4.5 Strengths

#### 1. **Affordable housing development certainty**

Whether applying Inclusionary Zoning provisions and/or conditions of development approval, the CPPS may require affordable housing units, over a period of time at a maximum threshold price/rent. As such, the system ensures that new residential development provides affordable housing units, and that affordability is assured for subsequent owners/renters. As more of these units are brought to the market, this may have a positive impact on the overall average market price/rent.

#### 2. **May be applied anywhere**

The extent of a CPPS by-law can be area specific or townwide. The *Planning Act* provides Council with discretion to determine how broadly it would like to apply this tool, unlike the use of Inclusionary Zoning which is limited to Protected Major Transit Station Areas (PMTSA). The municipality may also choose to adopt multiple area-specific by-laws that are unique to each area within which it is intended to apply. More information regarding the extent of a CPPS by-law is provided in Appendix 4.

#### 3. **Municipality is not required to provide incentives for affordable IZ housing units**

Should the municipality choose to apply Inclusionary Zoning provisions within the CPPS by-law where it does overlap with a PMTSA, the municipality is not required to provide incentives to support IZ implementation.

#### 4. **Provides Greater Transparency and Certainty**

When developing the official plan policies and CPPS by-law provisions, the *Planning Act* identifies both mandatory and optional policy and provisions to be included in each. These provisions address administrative as well as community building matters. The cumulative impact of those matters provides a clear, transparent, and consistent process for development approval. Once the by-law is established, both residents and development proponents have certainty with respect to what is the range of development that may be approved within the CPPS area. Where an application proposes something that is in conflict with or not contemplated by the by-law, an application to amend the by-law would be required, which would then have to be addressed by Council, as with any amendment to a zoning by-law. However, as noted above, within the first five years of the CPPS By-law coming into effect, the *Planning Act's* O. Reg. 173/16 prohibits applications to amend the CPPS By-law.

#### 5. **Improved alignment with the Official Plan**

Unlike current zoning by-laws, the CPPS By-law can include criteria and conditions to direct decision making. This is especially helpful where the Official Plan provides criteria or conditions regarding certain land use permissions. In the traditional planning system, once a zoning by-law permits a use, it is permitted as-of-right. Historically, municipalities have not included discretionary uses in their by-laws and have had to require proponents to seek a by-law amendment, wherein they could then demonstrate that they are able to meet official plan criteria and/or conditions for that use to be permitted. Through the CPPS, the applicant still must demonstrate meeting the criteria/condition, but need only make a development permit application to receive that permission. The development permit application is approved by the municipality in accordance with the CPPS by-law and only subject to appeal by the applicant.

**6. Allows the municipality, in partnership with development proponents, to implement community benefits in tandem with development**

Presently, the Town can rely on its in-force Community Benefits By-law (CBC) to receive funds or in-kind contributions to provide public services, facilities, and matters. (The CBC is explained in Section 6 of this White Paper.) Further to that, the Town can rely on its Parkland Dedication by-law to receive land for parks and/or cash-in lieu of land. Through the site plan and subdivision approval process, the Town can also receive trails, road widenings, and a variety of other specified matters to support complete community development.

When using the CPPS system, all of the conditions associated with parkland, site plan and subdivision continue to apply. However, instead of the CBC by-law, the CPPS contemplates that additional community benefits, such as public art, green-building measures, community facilities that are integrated with development, and affordable housing, be negotiated with the development proponent and be provided on a proportional basis relative to density and/or height of the development that is permitted within standards and/or variations permitted to them that are set within the CPPS by-law. The determination of what that proportional relationship could be is something that requires investigation prior to adoption of the CPPS by-law. Conditions that are developed will need to consider the context and development priorities for the area in which the provisions would apply.

**7. Allows the municipality's approval of urban design and sustainability measures to be implemented through the building permit process and on-going adherence to the issued development permit.**

The approval of development permits provides municipalities with broader opportunities to require a development proponent to adhere to municipal policies regarding urban design matters<sup>11</sup> as well as implementing sustainability measures such as green roofs, permeable pavers, and active transportation facilities, than what a municipality is permitted to do through site plan, rezoning, or minor variance approval processes. Furthermore, because the whole of a development permit, the plans, drawings, and conditions are considered applicable law, the municipality has broader powers to enforce these and all other matters subject to a development permit approval. This power is authorized by Section 70.2 (8) of the *Planning Act*, wherein it states that if convicted of a contravention of the development permit by-law or the conditions of a development permit, it is an offence that is liable to fines in accordance with section 67 of the *Planning Act*.

**8. Provides additional tools to implement the Town's Community Energy Strategy**

Through the conditional approval process, the Town may work with development proponents to implement measures that support the implementation of the Town's Community Energy Strategy (CES) that is not otherwise possible through the traditional land use control process. For example, a condition of development permit issuance may be to monitor and report on energy usage and greenhouse gas emissions post construction, which would assist the Town's overall

---

<sup>11</sup> Unlike site plan control provisions in the Planning Act, O. Reg. 173/16 allows municipalities to request drawings that address: matters relating to exterior design, including without limitation the character, scale, appearance and design features of the proposed building, and its sustainable design, but only to the extent that it is a matter of exterior design, if the official plan contains provisions relating to such matters, see Schedule 1 item 17 (2)(iv) of the regulation. As such, the approval of those drawings allows the municipality to ensure its urban design and sustainable development policies are being addressed through to the construction and post construction periods.

monitoring of its CES performance. Another option may be, through the implementation of bonusing provisions, additional height and/or density may be permitted for development that commits to implementing geothermal technology for heating, cooling, and/or energy systems. Furthermore, through bonusing provisions, the Town may include policies in the Official Plan that enables itself to collect cash in support of a providing a future district energy (DE) system and require DE ready facilities within new development.

### 9. Streamlined development application approval

As is noted in Section 4.4.1 above, under the CPPS, only one application approved by one approval authority is required for a proponent to receive a development permit and then proceed to request building permits and/or construction of buildings and structures. This results in a more streamlined process than what is provided for in the traditional development control process, which may result in faster approval of development applications when they are in compliance with the CPPS by-law.

## 4.6 Weaknesses

### 1. Requires administrative changes

Presently, the Town is setup to process planning applications using the traditional system. Once the CPPS by-law is in effect, changes to the AMANDA database, planning application forms, the Town's website, etc., will be required to account for the development permit application and approval process.

### 2. Requires engagement on matters not traditionally discussed

When developing the CPPS enabling official plan policies and the provisions of the By-law, consultation with Council and the public will need to address matters that are not typically discussed, such as determining:

- the appropriate approval authority for development permits
- classes of development that require a permit
- criteria for issuing permits
- what uses should be permitted as of right and which ones should be discretionary (i.e., subject to criteria)
- what types of standards should be permitted a variation, and if so to what degree
- degree to which to pre-identify needed community benefits to support growth over the long term, and
- degree to which to establish the relationship between the permission for additional height/density in exchange for those community benefits.

This will require information level-setting to ensure that meaningful engagement occurs. It will also require as cross-departmental research and analysis to identify and plan for end-to-end implementation of the Official Plan vision to ensure that the resulting by-law provides the necessary decision-making guidance from development approval to post construction. More information regarding mandatory and optional policies and provisions is provided in Appendix 4.

### 3. Community Benefits Charges (CBC) cannot be collected within the CPPS area

The Town of Oakville has a Community Benefits Charge By-law in place. (Section 6 of this report provides more details regarding the CBC.) This by-law requires high-density development (5 storeys or greater with 10 or more units) to pay a fee or provide in-kind community benefits as described in the Town's CBC strategy. The fee or in-kind benefit is capped at 4% of the



development's land value, at the time of building permit issuance. The CPPS Regulation, however, does not permit the CBC by-law to be implemented in an area that is subject to a Community Planning Permit By-law.

As an alternative to the CBC by-law, the CPPS regulation permits a CPPS by-law to “establish a proportional relationship between the quantity or monetary value of facilities, services and matters that may be required and the height or density of development that may be allowed” as a condition of development permit. Furthermore, section 4 (4) of the regulation requires the conditions provided in the CPPS by-law be: “of a type that is permitted by the official plan, reasonable for and related to the appropriate use of land, and not conflict with federal and provincial statutes and regulations” (Ontario Government, 2021). More about these provisions is provided in Appendix 4 of this report.

When developing this “proportional” formula, the Town will need to consider current as of right permissions and the current CBC by-law requirements, along with understanding the facilities, services and matters needed within the CPPS area and how they are expected to be funded. Work done in relation to the housing needs assessment and understanding development viability will assist with determining what is appropriate within the specific CPPS area.

### 4.7 Summary

The Community Planning Permit System is a land use control system that provides a more streamlined process than the traditional system, whereby a development proponent submits one application which is approved by the assigned approval authority. Development permits are issued in conformity with the CPPS by-law. Decision makers are guided by the provisions of the by-law which include standards, permission for variances from standards, criteria for decision making, and the ability to set conditions that may apply prior to, during or after a development permit is issued. The approved development permit is considered applicable law and building permits are issued in accordance with it.

The CPPS facilitates the provision of affordable housing by including Inclusionary Zoning provisions and/or through the application of conditions of the development permit. In either case, agreements regarding affordable units, their threshold affordable price/rent and affordability period, may be registered on title, to ensure that the units remain affordable over the long-term.

Adoption of the CPPS By-law requires enabling official plan policies. Prior to adoption of official plan policies and the CPPS by-law, the Town is required to hold an open house for public review and comment. When the By-law is in effect, the public is notified of development permit applications in accordance with notification requirements set out in the by-law.

## 5 Community Improvement Plan

### 5.1 What is it?

A Community Improvement Plan provides municipalities with the opportunity to offer loans, grants, and/or land to private development in order to incentivize them to provide matters that result in overall community benefit. The preparation and adoption of a Community Improvement Plan is authorized under Section 28 of the *Planning Act*. These *Planning Act* provisions are necessary because the Municipal Act prohibits municipalities from providing direct or indirect financial assistance to the private sector, unless authorized by a Community Improvement Plan.

Section 28 of the *Planning Act* defines community improvement as:

“the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary” (Ontario Government, 2023).

As such the intent of adopting a Community Improvement Plan is to facilitate any or all of the matters expressed in the above definition within a specified area, called a community improvement project area. The Act requires that the community project area be established within a municipal by-law. [By-law 2018-098](#) was adopted by Town Council in 2018. It applies to all lands within the town (Town of Oakville, 2018).

Where the by-law and plan are in effect, a municipality may:

- Acquire, hold, and clear land to prepare it for community improvement;
- Construct, repair, rehabilitate, or improve buildings on land acquired or held by it, and
- Sell lease or otherwise dispose of such buildings or lands; or
- Make grants or loans to registered owners or tenants of lands and buildings within the project area to pay for the whole or any part of eligible costs<sup>12</sup> associated with the undertaking of matters in support of the community improvement.

Per the definition of community project area, the *Planning Act* permits CIPs to be implemented anywhere there is an environmental, social, or community economic development need that could be addressed by such a plan. As such, CIPs have been used to revitalize downtowns and/or rehabilitate brownfield sites in various locations across the province. In 2006, the *Planning Act* was updated to specify that the CIP could be used to address energy efficiency and to explicitly permit the use of this tool to facilitate the provision of affordable housing. As is noted in Appendix 6, many municipalities have put in place CIPs to support the development of affordable housing, including the Town of Oakville, within its [Brownfields Community Improvement Plan](#).

---

<sup>12</sup> Eligible costs are defined as: costs of a community improvement plan may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities, per section 28(7.1) of the *Planning Act*. (Ontario Government, 2023)

### 5.2 How is it implemented?

A Community Improvement Plan is adopted using the same procedures that the Town would follow for adopting an official plan with a few exceptions, such as: the Region is not the approval authority for the Plan and the Town must consult with the Ministry of Municipal Affairs and Housing prior to adopting the Plan and its related project area by-law. Otherwise, as with any official plan process, the Town must give notice of its intention to prepare the Plan, consult with the public, hold a public meeting wherein information about the Plan and people's views about the proposal are shared, issue notice about its adoption and await a 20-day appeal period prior to the Plan and by-law coming into full force and effect.

### 5.3 Where is it currently in use?

More than 150 municipalities in Ontario, including the Town of Oakville, have implemented Community Improvement Plans to address various community needs from brownfield land rehabilitation (as in Oakville) to the promotion of matters such as: intensification, energy efficiency, mixed-use and transit/bicycle oriented development, urban design and public realm/landscape improvements, business attraction, office creation, development of infrastructure, accessibility, aging in place, and, of course, provision of affordable housing. (Appendix 6 provides a listing of municipalities presently using CIPs in support of a range of needed housing development.)

### 5.4 How does it facilitate affordable housing?

As noted in Appendix 6, many municipalities across Ontario have put in place Community Improvement Plans that support the provision of affordable housing. These programs provide lands, grants, and/or loans where development commits to providing affordable housing.

#### 5.4.1 Land

Provision of land, at below market value or at no cost, to construct new affordable housing results in a decrease in overall cost of development. Programs that offer land generally depend on a request for proposal (RFP) process wherein specific requirements for the land use are stated up front and the municipality can enter into an agreement regarding the delivery and maintenance of the affordable units.

#### 5.4.2 Grants

Provision of grants to support a range of matters from feasibility studies to construction of affordable units results in a decrease in overall cost of development and incentivizes a proponent to at least investigate what can be done to provide affordable housing units. Grants can be offered in various forms such as rebating of application fees, development charges, or the property tax increment associated with the new property value after construction of new units.

#### 5.4.3 Loans

Provision of loans, at municipal financing rates, assists with reducing new development and construction, as well as renovation of existing units or conversion of non-residential development to residential uses.

#### 5.4.4 Forgivable Loans

Provision of forgivable loans in support of creation of additional residential units subject to the unit being rented at or below affordable thresholds maintains the incentive to keep the units affordable over a period of time.

The determination of how to design a program that will result in positive affordable housing outcomes should be informed by a housing needs study in order to understand short- and long-term needs and

how to optimize municipal resource (land or financial) to assist in reducing/eliminating housing need gaps.

### 5.5 Strengths

#### 1. Agreements on title

Pursuant to s. 28(11) of the *Planning Act*, successful applicants of municipal CIP incentives, may be required to enter into agreements with the municipality which are then registered on title. This ensures that any such incentive that is granted to the applicant can be transferred to a subsequent owner and in turn any condition of the incentive provided is similarly imposed onto subsequent property owner(s). In the case of using a CIP to create or improve affordable housing units, similar to an IZ unit, such an agreement could include maximum threshold amounts with respect to the rental or sale of an affordable home over an affordability period, for example.

#### 2. Spin-off benefits

Where a CIP is successfully implemented, the community benefit provided by the CIP often results in spin-off benefits. For example, in the case of affordable housing, there are significant social benefits to providing reliable and sustainable shelter. According to a 2014 study prepared by the Mental Health Commission of Canada, for every \$10 invested in supportive housing, there is an average savings of \$21.72 in relation to healthcare and law enforcement that would otherwise be spent in relation to unhoused persons (Paula Goering, 2014). This also increases the overall sense of safety experienced by all persons in the community and ensures that places (i.e., parks) that are not encumbered by temporary shelter (i.e., tent encampments) and continue to be available to all members of the community.

#### 3. Increased property assessment over the long-term

With the provision of additional housing and/or improved community amenities/services, overtime the municipality will receive increases in property tax assessment not only from the undeveloped/underdeveloped lands upon which the benefit is located but also from the surrounding area that receives the spin-off benefit of the community improvement. As such cost associated with the program may be recouped and collected over the long term to support continued community improvement and overall well-being.

### 5.6 Weaknesses

#### 1. Municipal financial commitment

The municipal financial commitment to a CIP program needs to be sufficient to incentivize the provision of the desired community improvements. Depending on the program(s) implemented and the cost of the incentive, the resources required to implement the program will be in addition to the municipality's regular capital and operating budgets during the implementation period of the CIP. Each type of program will result in a cost to the municipality. By making municipal surplus lands available at prices that are below market value, there is a revenue loss to the municipality. By issuing loans, the municipality is incurring short term debt and taking on a certain level of risk in the event that payments are defaulted. By issuing grants, the municipality is forgoing fees/taxes that it could otherwise collect.

### 2. Limited range of program(s)

Depending on the type of incentive, the municipality may have limited land or funds to support program delivery; and therefore, with limited opportunity to implement a program(s) the long-term and expected spinoff benefits may not be realized.

### 3. Poor uptake of/interest in program(s)

Poorly designed and/or poorly promoted programs merely result in a plan with no execution. Careful consideration needs to be given to ensure that incentives provide project viability for the proponent and desired outcomes are achieved.<sup>13</sup> This requires: clear articulation of program goals, early and proper data collection and analysis, stakeholder consultation, and targeted program promotion. Furthermore, once implemented it is important to monitor the program to ensure its objectives are being met and to make adjustments as needed to improve its execution.

## 5.7 Summary

The Community Improvement Plan is a tool that enables the Town to provide loans, grants and/or land to incentivize the private sector to undertake matters within their development that result in an overall community benefit. Many municipalities across Ontario have adopted CIPs that include programs to incentivize the provision of affordable housing. Where a proponent agrees to provide affordable housing units, these agreements may be registered on title and include provisions such as threshold affordable price/rent and minimum affordability period. Overtime, the costs associated with the implementation of a CIP may be recovered through increased tax assessment, spin-off benefits, and cost savings where the demand for other services or matters have been reduced due to the benefits provided.

---

<sup>13</sup> As an example, the City of Toronto initiated a lane-way homes incentive program in 2019 “Affordable Laneway Suites Pilot” that provides forgivable loans of up to \$50,000 in exchange for a 15-year commitment to keep the rent below the city’s average market rent. Of the 166 completed laneway homes since 2018 (when zoning was updated to permit them as of right), only 12 applicants participated in the program. The program was discontinued in 2022, when Provincial funding to support it was depleted (Leon, 2024).

## 6 Other *Planning Act* Tools

Two additional tools under the *Planning Act* are discussed below for consideration. The Community Benefits Charge which is a financial tool that the Town presently is utilizing to implement certain public projects, and the Community Infrastructure and Housing Accelerator tool which is a rezoning process that is undertaken through an order from the Minister of Municipal Affairs and Housing.

### 6.1 Community Benefits Charge

#### 6.1.1 What is it?

The Community Benefits Charge was introduced to the *Planning Act* through Bill 109, the More Homes, More Choice Act, 2019, and then amended via Bill 197, COVID-19 Economic Recovery Act, 2020. These changes to the *Planning Act* replaced Section 37 Bonussing provisions (wherein municipalities negotiated community benefits in exchange for height and/or density of development) with the authority for a municipality to pass a by-law that charges a fee to certain types of development, which then funds public facilities, services and matters that provide community benefits for the municipality overall. This tool helps municipalities fund capital costs of public services associated with new high-density growth, including parkland, if those costs are not already recovered from development charges or parkland dedication in accordance with the *Planning Act* (Ministry of Municipal Affairs and Housing, 2022).

#### 6.1.2 How is it implemented?

Prior to adopting the by-law, the municipality is required to prepare a Community Benefits Charge Strategy in accordance with directions provided in [Ontario Regulation 509/20](#). The Strategy is intended to identify facilities, services and matters that are proposed to be funded by collected fees. The Strategy is also intended to determine the upset limit that could be charged, to a maximum of 4% of the development applications' land value, prior to building permit issuance.

The Act requires that the municipality consult with persons and public bodies the municipality deems appropriate regarding the Strategy and that the municipality give notice of the passing of the by-law (within 20-days of its passing) in accordance with the associated regulation. After passing the by-law and the required 40-days from its passing appeal period, the by-law comes into force.

In 2022, the Town of Oakville completed a Community Benefits Strategy and adopted a Community Benefits Charge By-law ([By-law 2022-069](#)) which authorizes the Town to collect CBC fees. This By-law is in effect.

#### 6.1.3 How does it facilitate affordable housing?

##### *6.1.3.1 Provides Funding in Support of Affordable Housing Programs and Actual Affordable Housing Units*

Affordable housing is an eligible facility, service or matter, to which the CBC fee could be directed. For Single Tier municipalities that are Housing Service Managers, this means that CBC funds can be directed to any affordable housing development the municipality is undertaking. In the case of a Lower Tier municipality, such as Oakville, who is not directly responsible for the construction of affordable housing, the fee could be directed towards the implementation of a Community Improvement Plan that provides programs such as grants or loans to support the development of affordable housing.

The current Town of Oakville CBC Strategy does not include affordable housing as an eligible cost, as such if the Town wished to direct collected fees towards this initiative, it would have to amend the Strategy.<sup>14</sup> While a CBC by-law is subject to appeal, the Strategy is not.

### 6.1.4 Strengths

#### 1. Levels the “playing field”

The CBC charge provides a level playing field for all development that meets the eligibility criteria and is a charge that many municipalities across the province have opted to implement.

#### 2. Transparency

The collection and dispersal of fees is undertaken in a transparent manner. The fees collected are placed in a reserve fund and are allocated to predetermined projects during capital budget exercises, in accordance with the CBC Strategy. The predetermination of eligible projects is undertaken through public consultation.

#### 3. Targeted

Fees are only charged to larger scale developments of 5-storeys or greater and with 10 or more residential units. As such, lower scale developments that are likely not able to incur the additional fee are not impacted by this charge.

#### 4. Option for “in-kind” benefits

Development proponents have the option to provide the benefit “in kind” meaning that a development proponent may provide the affordable housing unit(s) outright in lieu of paying the fee if affordable housing is identified in the CBC strategy as an eligible cost. Any agreement regarding in-kind contributions may be registered on-title and enforced against current and subsequent owners of the property.

### 6.1.5 Weaknesses

#### 1. Appealable to the Ontario Land Tribunal

The CBC by-law is subject to appeal to the Ontario Land Tribunal, as of January 5, 2024, there are seven by-laws at the Tribunal.<sup>15</sup> A municipality may collect the required fee while the By-law is under appeal, however, should the appellant(s) be successful and the fee is reduced or the By-law is repealed by the OLT, then the municipality is required to refund a portion or all of the fee.

#### 2. Revenue from charge is insufficient to implement Strategy

The current fees projected to be collected are insufficient to cover the full cost of eligible facilities, services, and matters, let alone any new ones to be added to the strategy. Given the 4% cap of land value, the total fees anticipated to be collected by the Town of Oakville over the next 10 years is approximately \$11,722,440, whereas the current list of eligible costs is estimated to be \$14,423,100.

---

<sup>14</sup> For more details regarding the Town’s CBC strategy and by-law, see: [Community Benefits Charge \(oakville.ca\)](#)

<sup>15</sup> CBC by-laws under appeal according to a data search on the Ontario Land Tribunal webpage, as of January 2024: Aurora [OLT-22-004781](#), Innisfil [OLT-23-000749](#), Ottawa [OLT-22-004640](#), Markham [OLT-22-004424](#), Mississauga [OLT-22-004386](#), Richmond Hill [OLT-22-004443](#), Toronto [OLT-22-004657](#)

### 3. Disincentive for desired level of development density/height

The fees are collected from a limited number of developments. Unlike a Development Charge By-law wherein all forms of development are subject to a fee, as noted above, only development that is greater than 4 storeys and more than 9 residential units are required to pay it. The fee may then result in a disincentive for more dense development in areas where it is desirable and as such other Town's objectives related to the desire for more transit supportive development may be inadvertently undermined by the imposition of the fee.

### 4. Land appraisals may be disputed

Since the charge is based on a percentage of land value, the proponent and/or municipality are required to undertake an appraisal of the land prior to issuance of a building permit. This requires resources to be allocated to undertake such appraisals and creates a lack of uncertainty regarding anticipated fees to be collected and the additional cost associated with development that would otherwise be considered in the preparation of a development pro forma.

## 6.2 Community Infrastructure and Housing Accelerator (CIHA)

### 6.2.1 What is it?

The CIHA is a means for the Minister of Municipal Affairs and Housing, at the request of a municipality, to issue an Order under section 34.1 of the Planning that establishes site specific zoning provisions to facilitate development. In addition to providing typical zoning by-law provisions such as permitted uses and standards for development, the Minister's Order may also include inclusionary zoning provisions and any other conditions regarding the use of land or the erection, location or use of buildings or structures that are deemed reasonable. These conditions may be imposed on a municipality and/or a development proponent.

This type of Order is not permitted anywhere within the Greenbelt Plan area (including lands within the Niagara Escarpment, Oak Ridges Moraine, Protected Countryside, Glenorchy, and Urban River Valley Areas of the Greenbelt Plan).

### 6.2.2 How is it implemented?

While an Order under Section 34.1 of the *Planning Act* is issued by the Minister of Municipal Affairs and Housing, the municipality requesting the Order is required to:

- Issue notice of its intent to make the request and consult with public in a manner deemed appropriate by the Town,
- Consult with and consider interests of Indigenous communities,
- Pass a Council resolution to make the request,
- Provide the contents of the Order the municipality is seeking the Minister to issue (i.e., the draft zoning by-law), and
- Provide a certificate or attestation (signed by a land use planner or lawyer) that the draft zoning by-law, if approved, provides the necessary zoning relief to facilitate the proposed development.

The Minister than can make the following decisions:

- Issue, modify and issue, refuse to issue and revoke (after issuing) an Order;
- May provide exemption from provincial plans, Provincial Policy Statement and/or municipal official plan(s); or



- May impose conditions, **including the provision of affordable housing**, on the Town and/or landowner, including requirement to enter into agreements that are registered on title.

The Minister's decision is final, and not subject to appeal.

The Town is responsible for issuing notice of Minister's decision and, if the decision is to issue an Order, the Town must make the Order available to the public until it is revoked. As such, the Order is not listed as a Regulation pursuant to the *Planning Act*, as are Minister's Zoning Orders issued under Section 47 of the *Planning Act*).

### 6.2.3 How does it facilitate affordable housing?

#### 6.2.3.1 *Expedites approved zoning for a site/area*

The intent of issuing such an Order is to accelerate development by establishing zoning provisions that may or may not be consistent with Provincial Policy Statements, and/or in conformity with provincial plans and/or municipal official plans, and further remove any right of appeal with respect to the Minister's decision regarding the issuance of the Order.

In that regard, where the Minister does issue such an Order, the understanding is that building permits can be issued more expeditiously than they would where the development proponent would otherwise need to seek amendments to Provincial or municipal policies and/or plans, and/or have to defend a development application before the Ontario Land Tribunal. It is expected that this time savings would help to make the resultant housing and/or infrastructure to support such housing more affordable than if the traditional planning process were relied upon.

#### 6.2.3.2 *May secure long term affordable units through agreements registered on title*

When making the Order, the Minister may impose any number and range of conditions. These conditions could include requirements for affordable housing including setting threshold price/rent and affordability periods for such units, similar to Inclusionary Zoning. Agreements regarding the fulfillment of these conditions can be registered on title and be imposed on subsequent property owners.

### 6.2.4 Strengths

#### 1. **An accelerated re-zoning process**

An Order from the Minister may be issued in a manner that is faster than having to undertake traditional planning processes for a re-zoning of land to take place. In addition, outside of the Greenbelt Plan area, this Order need not be consistent with the Provincial Policy Statement, conform with a provincial plan (e.g., the Growth Plan for the Greater Golden Horseshoe or Parkway Belt West Plan for lands not within the Greenbelt Plan), nor municipal official plans (e.g., Halton Region Official Plan or Livable Oakville Official Plan). As such, the issuance of the Order is very much expedited because it does not have to await the conclusion of or run concurrently with processes that would otherwise require amending any one of those plans or policy statement.

#### 2. **A more transparent process and greater Council control than with Minister's Zoning Orders**

Unlike the issuance of a Minister's Zoning Order, the public and Indigenous communities are required to be consulted, and Council has the ability to draft the contents of the Order, prior to the request to the Minister being made. (See above: How is it Implemented?)

### **3. A customized public consultation process**

The nature and duration of public and Indigenous consultation is at the discretion of the municipality, unlike consultation requirements for planning initiatives provided in the *Planning Act* and complementary Provincial Acts. How broad and comprehensive the consultation should be, can be customized to the nature of the request/development proposal. In cases where the request is deemed to be of little impact to the public and/or Indigenous communities, this may mean that a request to the Minister and his/her subsequent decision is considerably accelerated from having to undertake traditional processes to facilitate development.

### 6.2.5 Weaknesses

#### 1. Greater possibility for error owing to a hasty process

Despite the requirements for consultation with both the public and Indigenous communities, the requirement for a Council resolution, and a certificate/attestation regarding the nature of the by-law, the haste in which it is understood that this tool is to be implemented may result in ill-prepared zoning by-laws that are based on ill-prepared information.

#### 2. Prioritizes provision of housing and/or infrastructure over other matters of provincial or local interests, which may have negative consequences

Because the Order is not required to be consistent with the PPS or conform with provincial plans or municipal official plans, the resulting in development approval that may have negative consequences, such as: permitting development in floodplains and increasing risk to health and safety, permitting development over provincially significant wetlands and other important natural areas thereby reducing natural heritage protection, permitting unnecessary urban sprawl on prime agricultural lands resulting in loss of agricultural lands and negatively impacting the rural economy, or loss of employment lands thereby precluding large employers and economic opportunities for the community. This potential is further compounded by the possibility that the mayor could exercise strong mayor powers pursuant to the Municipal Act and seek to request the Order with as little as one-third of Council's support.<sup>16</sup>

#### 3. Loss of Council autonomy

Once a request is made to the Minister, the requesting municipality loses autonomy with respect to the requested Order, given that the Minister's discretion with respect to issuing such an Order to bring the by-law into effect includes:

- Not issuing the Order,
- Issuing the Order, or
- Modifying and issuing the Order.

As such, there is a risk that while a municipality may have put together a defensible, well informed zoning by-law, the resulting by-law may or may not satisfy all of the municipality's interests in relation to the ultimate development of the site. Furthermore, the Minister's decision is not subject to appeal and the ability to revoke the resultant zoning by-law continues to be a decision only rendered by the Minister.

#### 4. Lack of broader public transparency

When the Minister issues a decision with respect to the municipality's request, the municipality is responsible for issuing notice of the decision and, if the decision is to issue an Order, only the municipality is responsible for making that decision available to the public until the decision is revoked. As such, there is no single source of information regarding when, where and for what

---

<sup>16</sup> It should be noted that [O. Reg. 580/22](#) Provincial Priorities in relation to section 284.10, 284.11 and 284.11.1 of the Municipal Act stipulate that the following are Provincial Priorities:

1. Building 1.5 million new residential units by December 31, 2031
2. Constructing and maintaining infrastructure to support housing, including:
  - i. transit,
  - ii. roads,
  - iii. utilities, and
  - iv. servicing.

All of these matters relate to matters for which a CIHA request is intended to be used.

purpose these Orders are being rendered; unlike how Minister's Zoning Orders are recorded in the Ontario Gazette, E-laws, the Environmental Registry of Ontario, and the Ontario Regulations filed with the Registrar of Regulations, etc. Furthermore, aside from requiring the municipality to make the Order available on the municipality's website (if it has one) there is no further guidance in terms of its availability and accessibility to the public.

### 6.3 Summary

The use of a Community Benefits Charge By-law, if supported by a CBC Strategy that includes programs to support the provision of affordable housing, can be a means to allocate collected CBC fees towards affordable housing programs such as a Community Improvement Plan. Furthermore, in lieu of paying the CBC charge, a proponent may provide affordable housing units within the development project. Presently, the Town of Oakville has an in-effect CBC By-law, however the Strategy does not identify any affordable housing programs as a CBC eligible project.

The Town could request an Order from the Minister of Municipal Affairs and Housing to expedite rezoning for a development proposal that would provide affordable housing units. Such an Order is typically site specific and related to a proponent driven project that is under tight timelines for its construction.

## 7 Discussion Regarding *Planning Act* Tools

This White Paper identifies five tools authorized by the *Planning Act* that a municipality can implement to facilitate the development of affordable housing, among other matters. The tools can work independently or in combination with each other. This section of the report identifies opportunities and challenges of using these tools from the perspective of the Town of Oakville.

Table 2 provides an overview of the tools in terms of the type of tool, what outcomes of the housing strategy it can support, where the tool can be applied, the role of Council, the Minister of Municipal Affairs and Housing and the public have in relation to the tool, the tool's relationship with the Town's Official Plan, the tool's community building function, the ability to impose conditions and register agreements related to the tool (and ultimately for the provision of affordable housing) on title, and appeal rights related to the initiation of the tool. The table also provides information regarding private applications, the role of the public in relation to those, and rights of appeal.

Table 2 Summary of *Planning Act* Tools

	IZ	CPPS	CIHA	CIP	CBC
<b>Type of Control</b>	Land Use	Land Use	Land Use	Incentive	Fee
<b>Housing Strategy Outcomes<sup>17</sup></b>	<ul style="list-style-type: none"> <li>Affordable</li> <li>Increase choice</li> </ul>	All 5	<ul style="list-style-type: none"> <li>Increase supply</li> <li>Affordable</li> <li>Choice</li> <li>Accelerate</li> </ul>	<ul style="list-style-type: none"> <li>Affordable</li> <li>Choice</li> </ul>	<ul style="list-style-type: none"> <li>Affordable</li> <li>Choice</li> </ul>
<b>Area of Application</b>	PMTSA only	anywhere	anywhere	anywhere	anywhere
<b>Role of Council</b>	Adopt IZ policy and By-law	Adopt CPPS policy and By-law	Make request to Minister	Adopt CIP and Project Area by-law	Adopt CBC by-law
<b>Role of Public</b>	To be consulted	To be consulted (May appeal By-law)	To be consulted	To be consulted (May appeal By-law)	To be consulted (May appeal By-law)
<b>Role of Minister</b>	May appeal OP/By-law	May appeal OP/By-law or order CPPS <sup>18</sup>	Orders CIHA By-law	Reviews draft Plan/By-law May appeal Plan/By-law	May appeal By-law

<sup>17</sup> The Housing Strategy outcomes are: increased housing supply; improved affordability, enhanced housing choice, accelerated housing delivery, and development of complete communities. (Town of Oakville, 2023)

<sup>18</sup> Section 70.2.2 of the *Planning Act* authorizes the Minister of Municipal Affairs and Housing to, by order, require a municipality to adopt a development permit system by-law. Once the municipality adopts the by-law, it is not subject to appeal, except by the Minister, as per [O. Reg. 173/16](#) s. 4 (1.1) and (1.2).

	IZ	CPPS	CIHA	CIP	CBC
<b>Conform with OP</b>	Required	Required	Optional	Required	n/a
<b>Community Building function</b>	Tool is specific to affordable housing	Provisions in the CPPS by-law address all policies of the OP, including setting community building standards, criteria and conditions.	Order may address all provisions typically identified in a zoning or CPPS by-law, including setting community building standards, criteria, and conditions.	CIP may incentivize all matters deemed necessary to address environmental, social, and/or economic needs within the project area.	Funds collected may be used towards any facility, service or matter that is identified within the CBC strategy.
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• % of affordable units</li> <li>• \$ of affordable units</li> <li>• Affordability period</li> </ul>	Any	Any	Any	<ul style="list-style-type: none"> <li>• Fee or in-kind contribution</li> <li>• Max 4% of land value</li> </ul>
<b>Agreements Registered on Title</b>	Yes	Yes	Yes	Yes	Yes, only where in-kind contribution is proposed
<b>Appeal Rights related to Tool Initiation</b>	None, except Minister	<ul style="list-style-type: none"> <li>• Person</li> <li>• Public Body (Limited<sup>19</sup>)</li> <li>• Minister</li> </ul>	None	<ul style="list-style-type: none"> <li>• Person</li> <li>• Public Body</li> <li>• Minister</li> </ul>	<ul style="list-style-type: none"> <li>• Person</li> <li>• Public Body</li> </ul>
<b>Re: Private Applications (i.e., Development permit and CIP grant/loan)</b>					
<b>Approval Authority</b>	Council	Council/Cmte/Staff	n/a	Council/Cmte/Staff	n/a
<b>Public Consultation</b>	Required	Required	n/a	None	n/a

<sup>19</sup> While the CPPS official plan policies and by-law provisions are subject to appeal, matters within the enabling policies and/or by-law related to Inclusionary Zoning, Protected Major Transit Station Area permitted use, height and density are not subject to appeal.

	IZ	CPPS	CIHA	CIP	CBC
<b>Appeal Rights</b>	None, except Minister	Applicant only	n/a	None	n/a

## 7.1 Opportunities:

### 7.1.1 Federal and Provincial Funding

In response to the housing crisis declared by both the Federal and Provincial governments and initiatives they have undertaken, the Town of Oakville Council has made housing pledges to facilitate 3,300 housing starts per year over the next three and an average of at least 2,700 housing starts over the next ten years, respectively. Should the Town be successful in fulfilling these pledges, then over the next three years, it is eligible to receive approximately \$50M from both levels of government combined, with approximately an additional \$238M in development charges from the projected housing units.<sup>20</sup> Collectively, these funds would cover 40% of capital costs identified in the Town’s recently approved budget for the 2023-2026 period.<sup>21</sup> Funds received can be directed to programs and resources that facilitate the construction of affordable housing. For example, some of the funds could be used to support the implementation of a Community Improvement Plan wherein grants are provided to development proponents that commit to providing all or a portion of new housing units at an affordable price/rent threshold for a period of time.

### 7.1.2 Planning Act Changes

Over the last five years, there have been many changes to the *Planning Act* through numerous initiatives aimed at the provision of affordable housing, increasing housing supply, empowering local Councils, and delegating administrative matters to staff. Collectively, these changes when implemented contribute positively to the overall planning process and have the potential to support the provision of affordable housing specifically. To date, the Town has implemented many of these changes through updates to the Official Plan and town by-laws, such as the delegation of approval of minor zoning by-law matters, such as: removal of hold, temporary use, and minor housekeeping changes. While some of the Provincial changes, such as the permission for up to three units per single-detached, semi-detached or townhouse unit, occurred automatically.

Changes identified in this report relate to the reduction/limitation of appeal rights in order to address matters of provincial interest that include: provision of affordable housing and orderly development, and efficient/timely decision making; new planning tools such as Inclusionary Zoning, the Community Benefits Charge, and the Community Infrastructure and Housing Accelerator, and introduction of Protected Major Transit Station Areas. Section 3 provides information regarding Inclusionary Zoning, and Section 6 provides information regarding the Community Benefits Charge and Community Infrastructure and Housing Accelerator; as such, the following provides more information regarding Protected Major

<sup>20</sup> The funding from the Provincial government is measured annually, and based on achieving at least 80% of the annual housing starts pledged. According to the Province, which uses CMHC data, Oakville achieved 72% of the target in 2023. As such, Oakville is not eligible to receive the approximate \$8.8M (minimum) for 2023, however, if Oakville exceeds 100% of its targets in 2024 and 2025, then it is eligible to receive more funding. The Federal funding is provided in installments, the final installment is contingent on achieving the 3-year target of housing starts, in the manner projected by the Town in terms of total affordable units and total number of units located near rapid transit, and/or missing middle units.

<sup>21</sup> Capital budget estimates are provided in the Town of Oakville [2024 – 2033 Capital Projects](#), per the [Adopted 2024 Budget and Business Plans](#)

Transit Station Areas (PMTSA) and official plan, zoning/CPPS by-law appeal rights related to specific matters.

7.1.2.1 PMTSA Designation

The *Planning Act* defines a PMTSA as areas that surround and include an existing or planned higher order transit station or stop. Higher order transit is defined as transit that operates in whole or in part in a dedicated right of way, including heavy rail, light-rail, and buses. The benefits of delineating areas as PMTSA are two-fold:

1. There is greater development certainty within the PMTSA area given that:
  - a. the approval of Council adopted policies and provisions related to height, density and permitted uses are **not subject to appeal** within PMTSAs, and
  - b. **Requests** for amendments to certain policies related to the Protected Major Transit Station Area are **only permitted if Council resolves to permit the request** for its consideration; and
2. Council may apply **Inclusionary Zoning** within the PMTSA area.

Halton Region has presently identified two PMTSAs in Oakville (Midtown Oakville and Bronte GO). More could be identified for the Town, through a Regional Official Plan Amendment request.<sup>22</sup> As the Town may be able to identify other areas designated node or corridor on the Livable Oakville Schedule A1 Urban Structure, where they align with priority transit corridors identified on Map 3 of the Regional Official Plan as Priority Transit Corridor. In so doing, the Town will be able to apply Inclusionary Zoning policies in more areas than the current ROP provides for, and certain decisions regarding development approval are sheltered from appeal (see PMTSA references below).

7.1.2.2 Appeal Rights

Many *Planning Act* decisions can go through up to three decision makers where decisions are made and then reversed or changed from the original decision maker (i.e., local Council). The second and third decision making process creates uncertainty and can significantly extend approval times and add extraordinary costs associated with development projects, particularly if the matter is before the Ontario Land Tribunal. To avoid these lengthy and expensive processes while addressing matters of provincial interest, the *Planning Act* limits the ability to either appeal a decision or to even make a private application to amend certain in effect policies or by-laws. These provisions in the *Planning Act* empower Council to make decisions and ensure that they will be implemented in a timely manner.

These “protected” decisions are noted in Table 3 with comments.

Table 3 Overview of Protected Council Decisions

Provision	Protection	Commentary
<b>Additional Residential Unit (ARU)</b> policy and provisions (per s. 17(24.1 and 36.1) and 34 (19.1),	Only Minister may appeal.	The permission for additional residential units is expected to create more rental housing, housing that is more affordable, and also to increase the affordability of existing housing,

<sup>22</sup> If the section of Planning Act that deems the Regional Official Plan to be a local official plan comes into effect (upon Royal Assent of certain provisions of Bill 23), the Town can choose to delineate other priority transit station/stop areas as MTSA as part of its exercise to consolidate the Town’s Official Plan with the parts of the ROP that are deemed to be Town’s Official Plan.



Provision	Protection	Commentary
		by having an opportunity to receive income be making underutilized space available to tenants. Furthermore, through a Plan of Condominium each of the units could also become ownership units with common elements.
<b>Inclusionary Zoning (IZ)</b> policies and provisions (per s. 17(24.1.2 and 36.1.2) and 34(19.3)),	Only Minister may appeal.	This tool is specifically intended to create and maintain affordable housing units. Removing appeal rights ensures its timely implementation.
<b>PMTSA</b> permitted uses, minimum and maximum height and density (per s. 17 (36.1.4) <sup>23</sup> <b>and</b> if passed before the one-year anniversary of the PMTSA OPA coming into effect, same is true for implementing Zoning (per s. 34 (19.5 –19.9))	Only Minister may appeal. Zoning provisions are protected from appeal only when passed within one year of the approval of OP policies.  Note: Height maximum is subject to appeal if minimum density cannot be achieved within the height maximum (per s. 34 (19.7))	Protection from appeal rights and assigning a one-year time frame for pre-zoning ensures timely implementation of transit supportive PMTSA policies and provisions.
<b>Privately initiated matters</b>		
Proposal to change/revoke policies that authorize <b>ARUs</b> (per 22 (7.1 and 7.2(c))) <sup>24</sup>	No appeal of a non-decision or refusal related to a private OPA application.	This provision allows Council to focus only on amendments that it deems appropriate in relation to the permission of ARUs.
Proposal to change/repeal <b>IZ</b> provisions (per 34 (11.0.6))	No appeal of a non-decision or refusal related to a private re-zoning application.	This provision allows Council to focus only on amendments that it deems appropriate in relation to IZ provisions that conform with the Official Plan.
Proposal to amend CPPS OP Policies or a CPPS by-law within 5-years of it coming into effect.	Request for an amendment is prohibited, <b>unless</b> Council declares by resolution that the	The 5-year moratorium on amendments to the by-law does not preclude Council from initiating amendments to the

<sup>23</sup> PMTSA official plan policies are required to be approved by the Approval Authority, exemption from approval is not permitted by the Planning Act in accordance with s. 16 (18) of the Planning Act.

<sup>24</sup> Section 35.1 of the Planning Act removes the authority for Council to pass a by-law that would:

- prohibit the permission for up to 3 units on a lot with a single-detached, semi-detached, or town-house unit,
- Require more than one parking space associated with each of the three permitted units, and/or
- Regulates the minimum floor area of a unit.

Provision	Protection	Commentary
	<b>request is permitted</b> (per O. Reg. 173/16 s. 17)	by-law, the moratorium however provides time to test the efficacy and implementation of the by-law.
Proposal to amend policies related to PMTSA.	Request for an amendment to certain policies implementing the <i>Planning Act</i> PMTSA provisions is prohibited, <b>unless</b> Council resolves to <b>permit the request.</b> (per s. 22 (2.1.3)).	The prohibition from making applications to amend certain policies related to PMTSAs, while limited, is intended to uphold comprehensive planning within the PMTSA.

### 7.1.3 Midtown Oakville Program

The Town is presently drafting and consulting on amendments to the Midtown Oakville Official Plan policies and schedules. Midtown Oakville is a Protected Major Transit Station Area. The official plan update is supported by years of consultation and analysis, including a transportation Environmental Assessment. Midtown Oakville could provide an opportunity for the Town to pilot the use of both the CPPS and IZ *Planning Act* tools.

While drafting the Official Plan Amendment, policies can be crafted to facilitate the use of a Community Planning Permit System by identifying criteria and conditions regarding permitted uses and possible development standards within all or a portion of this PMTSA. Likewise, the draft OPA could include enabling or supportive policies regarding inclusionary zoning. Once the OPA is adopted, the Town can then focus on developing the implementing regulatory tools which may be a traditional Zoning By-law or the CPPS By-law, either of which may include or be supported by inclusionary zoning by-law provisions. In the case of CPPS by-law or IZ by-law, enabling and tool specific foundational official plan policies will need to be adopted either in advance of or concurrent with the Midtown Oakville by-law(s).

### 7.1.4 Comprehensive Zoning By-law Review

The Town of Oakville adopted its comprehensive zoning by-law in 2014 which conforms to the 2009 Livable Oakville Official Plan. As the Town continues to update the Official Plan to conform with the Halton Region Official Plan and Provincial Plans, updates to the zoning by-laws may also be required. Similar to Midtown Oakville, this may be an opportune time for the Town to consider converting the zoning by-laws and any amendments to them into a Community Planning Permit System By-law and thereby tapping into existing resources and planned consultation to undertake this work.

### 7.1.5 Halton Region Support for Affordable Housing CIPs and Existing Community Improvement Plan

The Town is presently implementing a CIP (Brownfields) and can leverage lessons learned from its experience with it to develop a CIP that incentivizes affordable housing. Furthermore, the *Planning Act* authorizes regional municipalities to participate in local CIP programs. Halton Region has prepared guidelines regarding such participation which indicate that the Region would consider participating in programs that among other matters encourage and create assisted, affordable and special needs housing (Halton Region, 2016). In that regard, the guideline indicates that per the policies of the ROP, the Region would consider providing financial incentives in the form of grants, property tax reductions, and infrastructure improvements. With respect to CIPs, the guideline proposes that the Region consider participation on an application-by-application basis, and that the financial contribution is capped at \$50,000 per application.

### 7.1.6 Existing Community Benefits Charge (CBC) Strategy and By-law

The Town prepared a CBC Strategy and By-law in 2023. The Strategy informed the preparation of the By-law and guides the utilization of funds received. The Strategy could be updated to include affordable housing projects as an eligible project and as such the fees received can be allocated to those projects. Additionally, a development proponent may choose to provide “in-kind” affordable units (registered on title) rather than pay the CBC fee.

## 7.2 Challenges

### 7.2.1 Housing Targets

The Town’s housing target pledges to the Federal and Provincial governments are tied to “housing starts.” The “housing starts” noted above exceed building permit estimates that were identified in the 2022 Development Charges Background study, which had estimated approximately 2,000 new housing unit permits annually between 2022 and 2025, and 1,700 new housing units annually between 2026 and 2030 (Watson & Associates Ltd., 2022).

A “housing start” is different from a “building permit.” Typically, a building permit is issued when the development proponent is getting ready to start construction, however the actual “start” may be months or years after the building permit is issued, depending on the nature of the project. Large development projects will require more time to secure construction financing, assemble materials and construction workers, than smaller projects.

The challenge for Oakville is that it is among many municipalities in Ontario and Canada that have made these aggressive housing pledges. In the Greater Golden Horseshoe alone, there are 32 municipalities that have made a housing pledge to the Ontario government. Meanwhile, the development community, while supportive of the governments’ efforts to remove barriers to housing development, are concerned about the risk (e.g., financial, access to workers, and construction material) involved in starting new development projects and are not sufficiently motivated to meet the governments’ targets.

As such, to meet the “housing start” target in the near term, the Town’s focus needs to be on ensuring that construction starts are occurring for approved and nearly approved building permits, and that planning and building permit approvals are occurring in a timely manner to address the medium and longer-term housing pledge. Consideration needs to be given to methods that set Oakville apart from other communities in order to convince builders to prioritize their Oakville housing construction projects. For the near term, this means ensuring the timing of public infrastructure is aligned with the development projects, actively working with proponents that have approved building permits to determine what their construction needs are and facilitating, where it is the Town’s power to do so, the provision of those resources.

Meanwhile, putting in place a Community Planning Permit System could address medium- and long-term facilitation of projects by providing a more streamlined, one application one approval, planning process for new development projects.

### 7.2.2 Multiple Priorities with Limited Resources

The Town of Oakville has identified multiple priorities to satisfy itself, as well as higher orders of government, with its ability to accommodate an increased and faster supply of housing. Managing to implement these priorities in a timely manner requires a high-level of coordination, delegation of responsibility as appropriate, and efficient use of resources (time, staff and budget).

The Housing Strategy and Action Plan identifies 68 actions in support of six Goals. In response to the Federal Government, Council identified nine initiatives it is undertaking/intends to undertake to achieve the housing target. As of January 2024, it has pledged:

1. Innovative housing solutions - policy enhancements and fee updates (Development Charge/Community Benefit Charge/parkland)
2. Policy and regulation updates promoting and permitting accessory dwelling units including permitting four housing units per property across the town
3. Town surplus land (including the Public Works Site which is to be developed)
4. Hard and soft infrastructure planning around Bronte GO Major Transit Station Area
5. Complete the Midtown Oakville Urban Growth Area Review
6. Zoning updates for as-of-right intensification permissions including increasing density around Sheridan College
7. Digital enhancements for development application processing
8. Creating a Housing Secretariat Office to assist with advancing the Town's Housing Strategy and Action Plan, and
9. Commitment to creating a Modular Housing Initiative.

Complementary to those initiatives, the Town has also committed to the Province the following undertakings in support of meeting its 2031 housing pledge target:

- Implement urban structure,
- Finalize Housing Strategy,
- Coordinate delivery of supporting infrastructure, and
- Activate Oakville Municipal Development Corp (re: surplus lands).

To create overall efficiencies in following through with these and other town initiatives and to minimize public consultation fatigue, a comprehensive work-plan needs to be prepared. The workplan should identify key milestones and project alignments along with a clear reporting structure. This may result in reallocation of budgets and re-prioritization of projects to ensure that desired outcomes with respect to provision of affordable housing and receipt of Federal and Provincial funds, among other matters are achieved.

### 7.2.3 Trail-Blazing and Logistics

The CPPS, IZ, CBC and CIHA are new and/or rarely used tools. As such, the Town does not have a lot of precedents to work with in terms of developing and implementing these tools. While this is an opportunity for the Town to be innovative with these tools, there are risks involved in doing so. These risks could be substantial in that matters that are subject to appeal do get appealed and thereby forestall implementation or that the development community chooses not to engage with these new tools and looks to develop in other parts of the town or outside of the town all together. Another risk may be that internal processes and procedures are not properly set-up to address these new tools and as such initiatives that are intended to streamline or fast-track development inadvertently slow down approval processes.

To mitigate these risks, it is important to engage early with the development community and with staff to discuss these risks and trouble-shoot to avoid them. Another means of mitigation is to understand that changes and fine-tuning may occur after the initiation of the tool to address unforeseen negative impacts. Furthermore, as is noted in Appendix 3, 5, and 6, the Town can engage with other communities that may be further ahead using these tools to learn from their experience. Furthermore, the Town's IT

and GIS services, including recent exercises to improve development application processing, are well set up to contribute to necessary data analysis and adjust systems to accommodate new tools.

For best results, consultation with stakeholders, and the community at large will require some level-setting to ensure that before discussions occur regarding the substance of the tool, everyone understands the purpose of the tool, and when, why and how it used, as is presented in this report. Accordingly, a comprehensive consultation plan should be prepared in lockstep with the overall milestone work-plan noted above.

### 7.3 Use of Tools

As is noted in Sections 3 to 6 of this report, all five tools provide means for the Town to facilitate the provision of affordable housing. Figure 6 illustrates a series of options regarding initiatives the Town could undertake where one, two or three new initiatives could be undertaken. Table 4 provides commentary on each of the options presented.

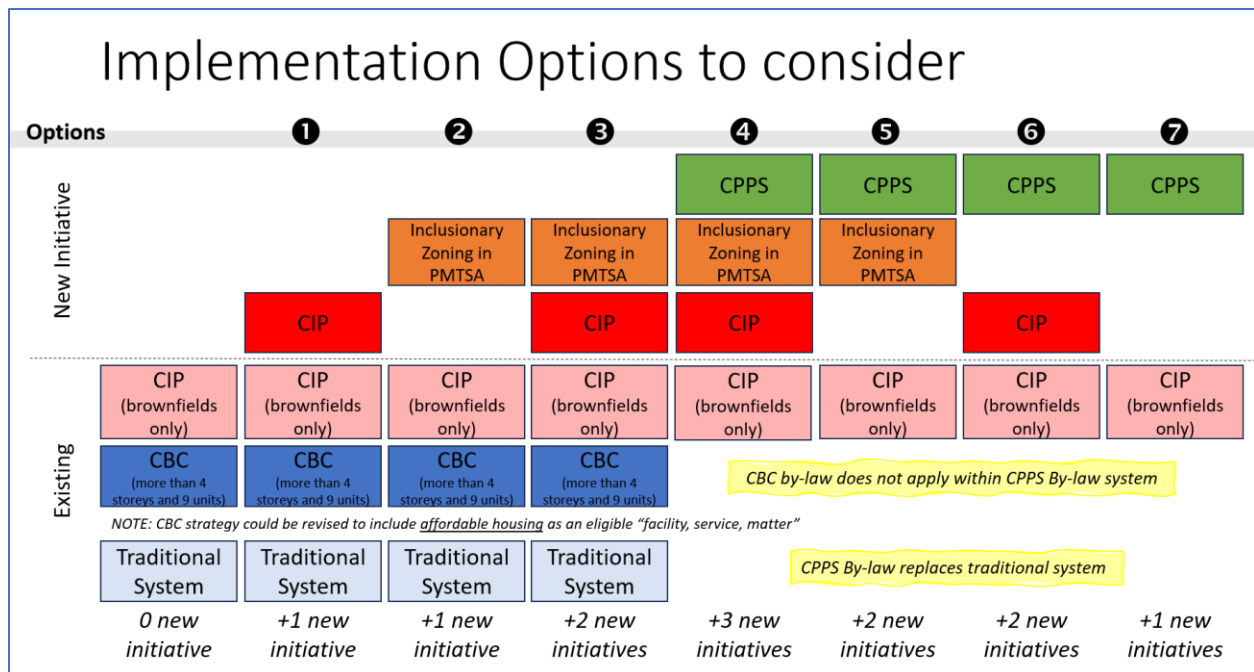


Figure 6 Implementation Options to Consider

Table 4 Summary of Implementation Options

Option	Description	Commentary
0	Do nothing, continue to use current land use control system.	The current system includes the Brownfields CIP, which incentivizes affordable housing within contaminated land sites. The Town could increase its promotion of this CIP program; however, this is not likely to result in new housing starts in the near term. Outside of the CIP program, the current system has no means to require affordable housing units, let alone ensure that they remain affordable over a period of time.
1	Adopt a CIP that incentivizes	The CIP can address a range of affordable housing initiatives, such as supporting conversion of single-unit homes into multi-unit homes, improving existing rental housing stock, increasing new rental housing

Option	Description	Commentary
	affordable housing.	and/or increasing affordable ownership supply, using grants, loans, and/or municipally owned lands. This tool may be especially effective to address projects that are at the building permit stage to address short term housing supply targets. Agreement regarding affordable units may be registered on title to ensure they stay affordable per the agreement.
2	Adopt Inclusionary Zoning policies and By-law	Subject to exemptions provided in O. Reg. 232/18, this tool ensures that a certain proportion of residential units are affordable over a set period of time, within Protected Major Transit Station Areas (PMTSA) <b>only</b> . The tool is not subject to appeal. To implement the tool however, the municipality must first undertake a Needs Assessment to ensure that policies and provisions of the OP and By-law address housing needs in a manner that is viable for development. This tool is required to be complemented by municipal incentives, these incentives may be an increase in density from what current zoning permits and/or be in the form of fee exemptions or deferrals. IZ units are registered on title to ensure they remain affordable during the affordability period.
3	Adopt IZ and CIP	See option 1 and 2 comments. Adopting the CIP addresses the requirement for incentives to complement IZ implementation. The CIP can be applied to lands both within and outside of the PMTSA. IZ units are registered on title to ensure they remain affordable during the affordability period. Agreement regarding affordable units may be registered on title to ensure they stay affordable per the agreement.
4	Adopt IZ, CIP and a Community Planning Permit System	See option 3 comments. The CPPS replaces the Town's current zoning by-law. Using CPPS bonusing provisions, additional affordable housing units may be negotiated, beyond what is required via IZ. CPPS provisions can deliver other community benefits including sustainable development measures, additional public realm elements, and more control regarding urban design. Agreements regarding affordable units may be registered on title to ensure they stay affordable per the agreement.  This stacking of initiatives would maximize the benefits each initiative provides. Undertaking them concurrently provides efficiencies with respect to consultation and resources.
5	Adopt CPPS and CIP	See option 1 comment. The CPPS replaces the Town's current zoning by-law. Using CPPS bonusing provisions, affordable housing units may be negotiated. CPPS provisions can deliver other community benefits including sustainable development measures, additional public realm elements, and more control regarding urban design. Agreements regarding affordable units may be registered on title to ensure they stay affordable per the agreement.
6	Adopt CPPS and IZ	See option 2 comment. The CPPS replaces the Town's current zoning by-law. Using CPPS bonusing provisions, additional affordable housing units may be negotiated, beyond what is required via IZ. CPPS provisions can deliver other community benefits including sustainable

Option	Description	Commentary
		development measures, additional public realm elements, and more control regarding urban design. Agreements regarding affordable units may be registered on title to ensure they stay affordable per the agreement.
7	Adopt CPPS	The CPPS replaces the Town’s current zoning by-law. Using CPPS bonusing provisions, affordable housing units may be negotiated. CPPS provisions can deliver other community benefits including sustainable development measures, additional public realm elements, and more control regarding urban design. Agreements regarding affordable units may be registered on title to ensure they stay affordable per the agreement.

Implementation of any of the selected options, generally requires an eight-milestone process involving research, consultation and statutory processes, as illustrated in figure 7. Depending on the option selected, the timing to arrive at statutory process is approximately 33 to 48 weeks.

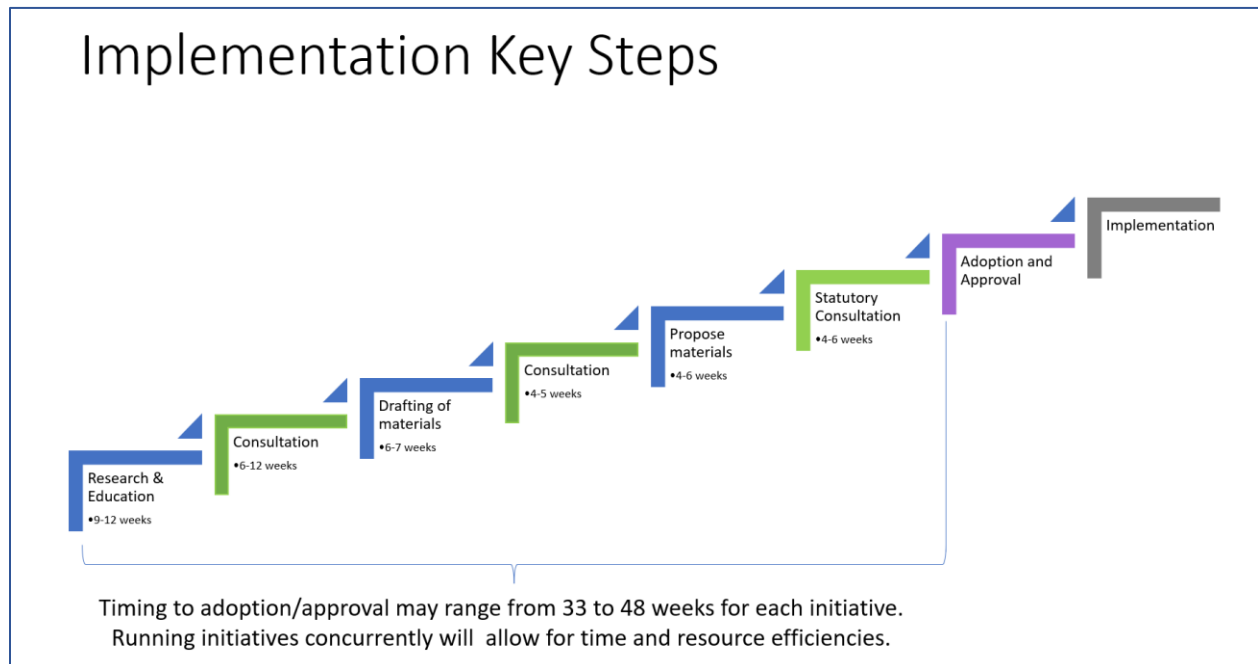


Figure 7 Implementation Key Steps

In accordance with the Town’s Public Engagement Guide, the following consultation approach is recommended:

1. **Educate**
  - on tool/tools, via Council education session/meeting and White Paper
2. **Consult**
  - on objectives and key matters associated with initiative, via workshop/stakeholder meetings
3. **Involve**
  - solicit feedback on proposed approaches to address objective/key matters, via stakeholder meetings

4. **Collaborate**
  - solicit concurrence for proposed approach, via workshop(s)
5. **Inform**
  - inform about proposed approach, via issuance of draft OPA/By-law/Plan per statutory process, and Open House
6. **Involve**
  - seek final comments prior to Council decision making, via Statutory Council Meeting

Through the comprehensive engagement plan, a thorough list of stakeholders should be developed, this list would include:

- Council
- Public
- Stakeholders
  - Development Industry
  - Finance and Business Industry
  - Housing providers
  - Special Interest Groups
  - Colleges
  - Utility and Transit Authorities
- Approval Authority

The consultation plan should look for opportunities to streamline consultation where common matters can be discussed in a single session, rather than address each tool through a separate engagement session.

Table 5 provides an overview of milestone steps, along with research and consultation matters that need to be considered for each option. As is illustrated in the table, there is a lot of overlap from one tool to the other in terms these milestones.

Table 5 Implementation Milestones

Milestone	Major Task	OPTIONS						
		1	2	3	4	5	6	7
		CIP	IZ	IZ & CIP	CPPS IZ & CIP	CPPS & IZ	CPPS & CIP	CPPS
Research	General Research	X	X	X	X	X	X	X
	Housing Needs Assessment <sup>25</sup>	X	X	X	X	X	X	X
	Municipal Land Inventory <sup>26</sup>	X		X	X		X	
	Financial Tools	X	X	X	X		X	
Consult	Consultation – Educate	X	X	X	X	X	X	X
Research	Consolidate relevant municipal by-laws				X	X	X	X
Consult	General	X	X	X	X	X	X	X

<sup>25</sup> The Housing Needs Assessment is already contemplated in the Town’s Housing Strategy and is a requirement of the Federal Housing Accelerator Fund.

<sup>26</sup> The municipal land inventory is already contemplated in the Housing Strategy and is a Town commitment related to its HAF application.



Milestone	Major Task	OPTIONS						
		1	2	3	4	5	6	7
		CIP	IZ	IZ & CIP	CPPS IZ & CIP	CPPS & IZ	CPPS & CIP	CPPS
	Approval Authority				X	X	X	X
	Extent of PMTSA(s)		X	X	X	X		
	Extent of CPPS area				X	X	X	X
	Extent of CIP area	X		X	X		X	
	Housing Affordability needs/challenges	X	X	X	X	X	X	X
	Housing Project Viability	X	X	X	X	X	X	
	Criteria	X		X	X	X	X	X
	Conditions	X	X	X	X	X	X	X
	Other Community Benefits <sup>27</sup>	X		X	X	X	X	X
	Incentive programs	X	X	X	X		X	
Draft Material	Draft CPPS OP policies				X	X	X	X
	Draft IZ OP policies		X	X	X	X		
	Draft CIP Background Study	X		X	X		X	
Consult	Consultation – Involve	X	X	X	X	X	X	X
Draft Material	Draft CPPS by-law				X	X		X
	Draft IZ by-law		X	X	X	X		
	Draft CIP Plan	X		X	X		X	
Consult	Consultation – Collaborate	X	X	X	X	X	X	X
	Open House Consultation – Sharing Information	X	X	X	X	X	X	X
	Public Meeting Consultation – Involve	X	X	X	X	X	X	X
Council Adoption/ Approval	Council Adoption of OPA		X	X	X	X	X	X
	Council Adoption of By-law		X	X	X	X	X	X
	Council Adoption of CIP Plan	X		X	X		X	
	Council Adoption of CIP Project Area	X		X	X		X	
Approval Authority	Approval of OPA		X	X	X	X	X	X

<sup>27</sup> Since all tools can be designed to provide affordable housing, this is meant to address all other types of community benefits, i.e. public realm, urban design, community amenities, active transportation facilities, etc.

### 7.4 Discussion

This section of the report identifies opportunities and challenges the Town is presently experiencing and also identifies at a high-level how the *Planning Act* Tools presented in this report can be implemented independently of each-other or in combination with each-other. There are efficiencies that can be realized when the tools are stacked and undertaken concurrently, however, to do so will require a re-prioritization of projects and reallocation of resources.

It is not realistic to expect that these Planning Tools will directly result in housing starts within the next two years in order to meet Provincial and Federal housing targets. These tools, however, if implemented do demonstrate to these levels of government the Town's commitment to increasing the supply of housing, and more importantly, tempering the housing market and effectively increasing the supply of affordable housing over the long term. Should the Town achieve its housing target goals, funding received from the Provincial and Federal Government can be directed to the implementation of these tools, as well as towards necessary infrastructure improvements to complement the increased housing supply.

## 8 Recommendations & Next Steps

### 8.1 Recommendations

Through Housing Pledges to the Provincial and Federal Governments, the Town has committed to increasing housing supply, including the provision of affordable housing. The means identified by the Town to increase housing supply include various initiatives: such as finalizing the Town's Housing Strategy, updating the Town's Official Plan to support the redevelopment of Midtown Oakville, permitting a primary unit, plus up to three additional units townwide, supporting gentle density within underutilized areas of the town, as well as administrative matters such as establishing a Housing Secretariat Office, updating digital development application processes, and utilizing Town owned lands to accommodate housing needs.

In addition to those matters, this report recommends further considering the use of CPPS, IZ and CIP tools to facilitate the development of affordable housing.

#### 8.1.1 Undertake Option 4 (CPPS, IZ and CIP)

Based on the foregoing, it is recommended that the Town undertake Option 4. More specifically, the recommendation is to further investigate and consult on:

- enabling Inclusionary Zoning within all PMTSAs (this will require undertaking a housing needs assessment);
- enabling Community Planning Permit System by-laws town-wide, starting with Midtown Oakville; and
- developing a Community Improvement Plan that will incentivize affordable housing where it is needed in a manner that the Town can support.

This recommendation is made for the following reasons:

##### *8.1.1.1 Housing Needs Assessment*

Irrespective of which tools are applied, it is important for the Town to undertake a Housing Needs Assessment to determine what form, tenure, and affordable threshold price/rent is required to meet projected housing needs of current and future Oakville residents. Furthermore, as part of the HAF application, the Town has committed to undertaking this assessment by 2026, in advance of the third annual advance of HAF funding to the Town. A description of the contents of a Housing Needs Assessment report is provided in Appendix 2 to this report.

##### *8.1.1.2 Inclusionary Zoning*

Adopting viable Inclusionary Zoning provisions within the Town's Protected Major Transit Station Areas is necessary in order for the Town to be able to work with residential development proponents in a transparent and consistent manner, and to increase and maintain the supply of affordable housing.

##### *8.1.1.3 Community Planning Permit System By-law within Midtown Oakville*

Adopting a Community Planning Permit System in Midtown Oakville within 12 months of the Midtown Oakville OPA coming into effect, rather than a traditional zoning by-law, is an efficient use of resources and would assist in expediting planning approvals that are compliant with the by-law, while also ensuring that these approvals result in the provision of affordable housing as well as other community benefits.

##### *8.1.1.4 Community Improvement Plan*

Based on the preceding analysis, the adoption of a Community Improvement Plan that is broader in its application than the Town's current Brownfields CIP and that can leverage Federal and Provincial

funding, as well as the Town's lower borrowing interest rates, may provide the necessary incentive for development proponents to choose to prioritize approved projects in Oakville over other parts of the province and provide affordable housing units.

### 8.1.2 The Path to Implementation

Figure 8 provides a high-level overview of how these three tools can be investigated concurrently, and if deemed appropriate, adopted in a three-phase process.

As is noted in the figure, three official plan processes are contemplated:

**Midtown Oakville OPA** – wherein policies and schedules provide direction on how this area is expected to redevelop over time. This OPA will include policies regarding criteria that may be used to inform land use planning decisions as well as conditions that may need to be satisfied for development to occur, that are not already provided in the Official Plan. The OPA could also include amendments to the Town's official plan policy (28.15 Development Permit System), to update the policy and begin to enable the use of a CPPS by-law. The amendment would address the mandatory policies:

- where a CPPS by-law could be imposed,
- the opportunity to delegate the approval authority from Council to a committee and/or staff, and
- the overall goals and objectives of proposing a CPPS by-law within all or parts of the town, as noted in Section 4.2.1 of this report.

**Inclusionary Zoning Enabling OPA** – This OPA will provide the requisite policies to enable the adoption of an Inclusionary Zoning By-law, as described in Appendix 2 of this report.

**Community Planning Permit System Enabling OPA** – This OPA will provide the balance of policies that are identified as optional policies in Section 4.2.1 and Appendix 4 of this report, in order to enable the adoption of a Community Planning Permit System By-law that includes types of criteria and conditions that can be implemented within a CPPS by-law, along with other matters. It is recommended that these policies be developed in manner which would enable the Town to adopt CPPS by-laws anywhere within the town, and that they be developed through a broad consultative process.

As noted in the figure, the Midtown Oakville OPA is anticipated to be adopted in the spring of 2024, with the other two OPAs being adopted concurrently with the Midtown Oakville implementing CPPS by-law within 12 months of the Midtown OPA approval (i.e., spring of 2025). This will allow sufficient time for the Town to undertake necessary research and consultation regarding IZ and CPPS policies and provisions, and ensure that certain matters of the CPPS by-law (i.e., permitted uses, minimum and maximum density and height) are not subject to appeal.

In terms of applying the Community Planning Permit System in other areas of the town, these by-law conversions can occur through the Town's Comprehensive Zoning By-law update process, which is contemplated for 2025, with adoption of those by-laws either concurrent with the CPPS OPA and/or subsequent to it.

In terms of the Community Improvement Plan, it is recommended that it be informed by the Housing Needs study and consultation undertaken in relation to not only the study but also consultation related to Inclusionary Zoning, Midtown Oakville as well as the CPPS, and as such its adoption would follow the

conclusion of those initiatives. At this time, the Town would also have a better idea of Provincial and Federal funding it can leverage to fund the CIP program.

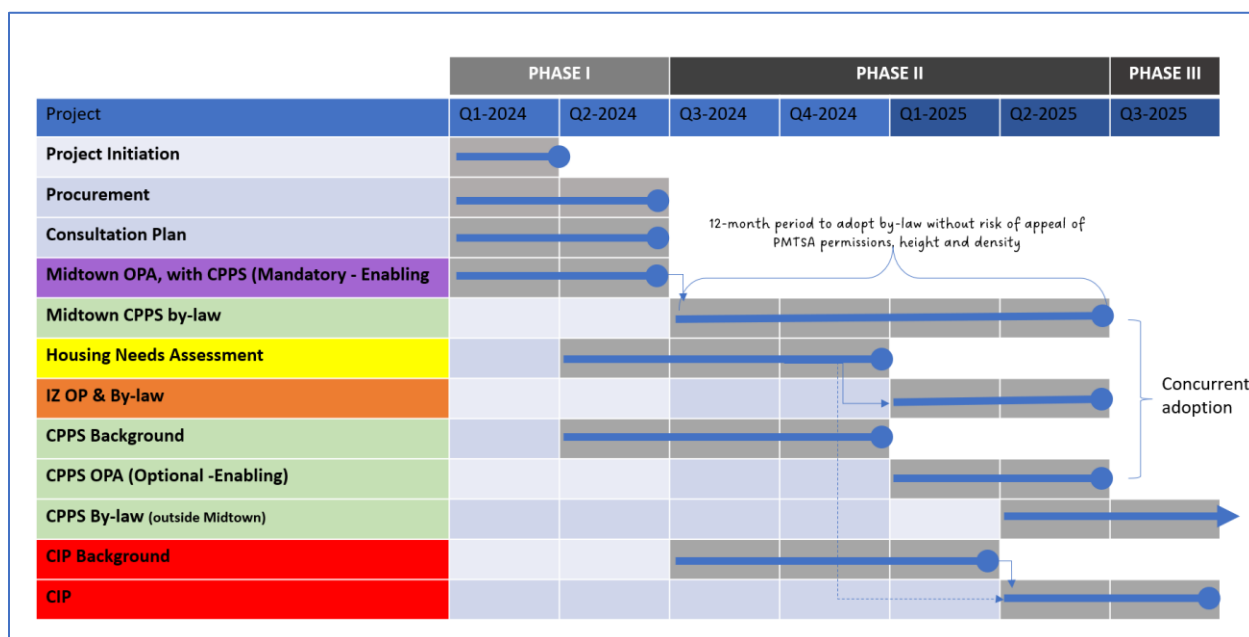


Figure 8 Overview of Timing to Concurrently Undertake Multiple Projects

## 8.2 Next Steps:

Should Council support undertaking any of Options 1 – 7 identified in this report, staff will continue to advance the Midtown Oakville program, prepare a comprehensive workplan, develop an overarching consultation plan, assemble necessary staff/consultant resources, and expand research to ensure implementable tools are developed to achieve Town objectives related to community development and the provision of affordable housing, specifically. Additionally, these initiatives (if not already listed) will be added to the draft Housing Strategy and Action Plan.

### 8.2.1 Adopt Midtown Oakville OPA

Adoption of the Midtown OPA is necessary to demonstrate that the Town is following through with its housing commitments and also to then be able to proceed to the next phase of the Midtown Oakville work regarding more detailed infrastructure assessments, development of urban design guidelines, and adoption of the implementing CPPS by-law.

Development of the Midtown Oakville Official Plan Amendment is actively underway. The draft OPA is informed by: the in-force Official Plan policies, updated policies of the Region of Halton Official Plan, policies within A Place to Grow: the Growth Plan for the Greater Golden Horseshoe, detailed infrastructure and planning studies, as well as public and stakeholder consultation that has occurred since January 2018. Policies within the draft Official Plan Amendment may include criteria that can guide decision making as well as conditions that need to be met to receive development approval. These policies can be drafted in a manner that may be implemented through a future Community Planning Permit System by-law process, that is initially enabled by the Midtown Oakville OPA and further defined in a subsequent CPPS and IZ enabling OPA. When preparing the CPPS by-law, in Phase II of this process, more details regarding decision making criteria and conditions of approval may be addressed for Midtown, and Oakville in general.

### 8.2.2 Prepare A Multi-Initiative Workplan

The workplan will identify where town projects can align with these initiatives to efficiently use resources and minimize consultation fatigue. In order to work within the proposed timeline provided in figure 8, the Town may need to re-prioritize other projects that were previously identified to occur within the same timeframe. Along with the workplan development, the Town will also need to assemble staff working groups to undertake the work based on their areas of expertise. Some of these working groups will need to be formed with cross-departmental and/or cross-divisional staff.

### 8.2.3 Prepare Consultation and Communication Plans

An overarching consultation plan is also required to ensure effective and efficient public and stakeholder consultation is undertaken. As noted in section 6, the consultation plan will need to include various methods: educate, inform, consult, involve, and collaborate at appropriate steps of the process in relation to each initiative. The plan will also identify with whom consultation will occur, including technical experts, prescribed persons, agencies, approval authorities, stakeholders, community groups, and the public. In support of the Consultation Plan, a complementary Communications Plan will also be developed.

### 8.2.4 Initiate Procurement

Staff will need to initiate and possibly expedite the procurement process in order to retain consultants who have expertise in the development of Housing Needs Assessments and preparing Community Improvement Plans.

### 8.2.5 Continue Research

As noted in Section 6, further research is required to support any of the implementation options identified.

#### 8.2.5.1 CPPS Related Research

The following research can be undertaken in-house and/or with assistance from consultants involved with Midtown Oakville:

- Analyze zoning, site plan, site alteration, tree preservation provisions (existing/proposed), isolate matters where criteria or conditions would work;
- Review minor variances over last 10 years – identify common approvals and prevailing rationale for those changes;
- Review site plan approvals to identify common conditions;
- Review historic Section 37 agreements to identify means to quantify and correlate density/height with community benefit;
- Review existing OP policies, identify applicable criteria and conditions re: development;
- Review design guidelines to determine what ought to be in CPPS By-law;
- Determine what should be the extent of broad CPPS enabling OP policies (i.e., within Section 28.15 of Official Plan); and
- Determine need for any new area specific OP policies:
  - Consider vision for area and community benefits that are needed for the area, and
  - Consider minimum and maximum height/density for an area, consider whether certain maximums can be as of right, while others may be subject to a condition (i.e., bonusing matter).

### 8.2.5.2 CIP and IZ Related Research

The following research will require assistance from consultants with expertise in housing needs analysis, financial analysis, and Community Improvement Plan development. The Town's Municipal Development Corporation could assist with identifying surplus/underutilized town owned land. Together, these experts could assist with developing:

- Housing Needs Assessment Report (to identify housing gaps and project viability), and
- Municipal land inventory and financial tools deep dive (to identify strategies to make affordable housing projects viable).

## 8.3 Conclusion

The need for affordable housing is neither new nor unique to Oakville. Concern regarding the cost of housing and rent is a long-standing issue across all sectors, from public health officials, the business industry, financial institutions, development community, politicians and policy makers, and the public. This issue, unfortunately, continues to escalate as wage increases are not keeping up with the increase house prices and rents. Consequently, Provincial and Federal governments have advanced several programs and initiatives to incentive and require the provision of housing in general and affordable housing in particular.

As a result, the Town has various planning tools (described in this report) and new funding it can leverage to assist with reducing the housing crisis within the town. When stacked and implemented appropriately, these tools can have long-term positive impacts on the provision of affordable housing. The sooner these tools are implemented, the greater the gain in affordable housing.

Consequently, this report recommends that the Town reallocate and reprioritize its resources to:

- a) advance the adoption of the Midtown Oakville OPA in the spring of 2024;
- b) prepare and adopt Official Plan Amendments to enable Inclusionary Zoning within Protected Major Transit Station Areas, and Community Planning Permit System anywhere within the town, by spring of 2025;
- c) prepare and adopt Midtown Oakville Community Planning Permit System by-law, concurrent with the IZ and CPPS OPAs;
- d) prepare and adopt a Community Improvement Plan to incentivize affordable housing within the town by the fall of 2025; and
- e) undertake converting the remainder of the Town's zoning by-law into CPPS by-laws for other parts of the town that implement updated official plan policies in 2025 and 2026 using the Town's comprehensive zoning by-law update process.

Undertaking these initiatives as described will provide efficiencies and will result in an expedited process for the Town to do its part in addressing the housing crisis.

## Appendix 1. Definition of Affordable Housing

As noted in Section 2 of the report, the definition of Affordable Housing varies across different levels of government and even between different documents of those levels of government. The definitions provided are unique to the context of the document. As such, there is not a single definition, however, there are some common elements among the definitions for affordable housing, as are noted below.

### Canada Mortgage and Housing Corporation

Affordable Housing is defined as:

Housing that costs less than 30% of a household before-tax income. It can include housing provided by the private, public and non-profit sectors. It also includes all forms of housing tenure: rental, ownership and co-operative ownership, as well as temporary and permanent housing (Canada Mortgage and Housing Corporation, 2018).

On that basis, using Provincial data for Halton Region, figure 9 represents “affordable” rent and house prices, based on 2022 household income.

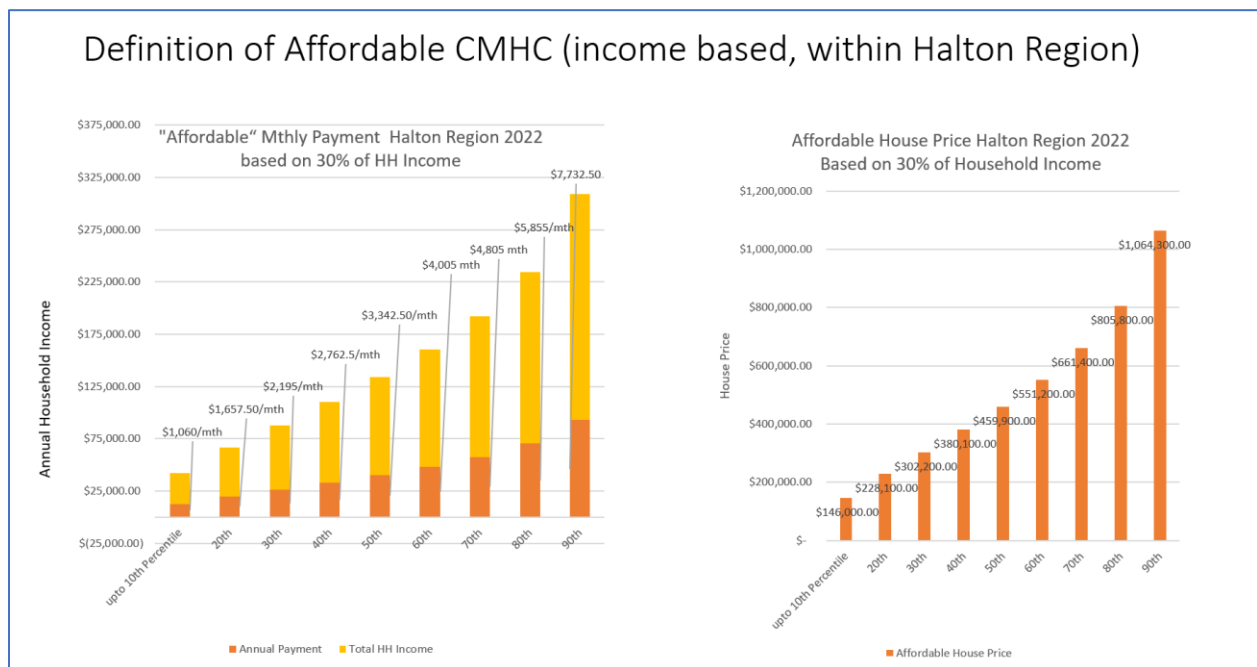


Figure 9 CMHC definition for Halton Region, 2022

### Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 defines affordable housing using three definitions: *affordable*, *low and moderate income households*, and *regional market area*. These terms are defined as follows:

**Affordable:** means

a) in the case of **ownership housing**, the least expensive of:

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;



- b) in the case of **rental housing**, the least expensive of:
1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Low and moderate income households:** means

- a) in the case of **ownership housing**, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
- b) in the case of **rental housing**, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

**Regional Market Area** in the context of Oakville is Halton Region.

Using Provincial data for Halton Region, the resulting affordable housing thresholds for both ownership and rental housing are depicted in Figure 10.

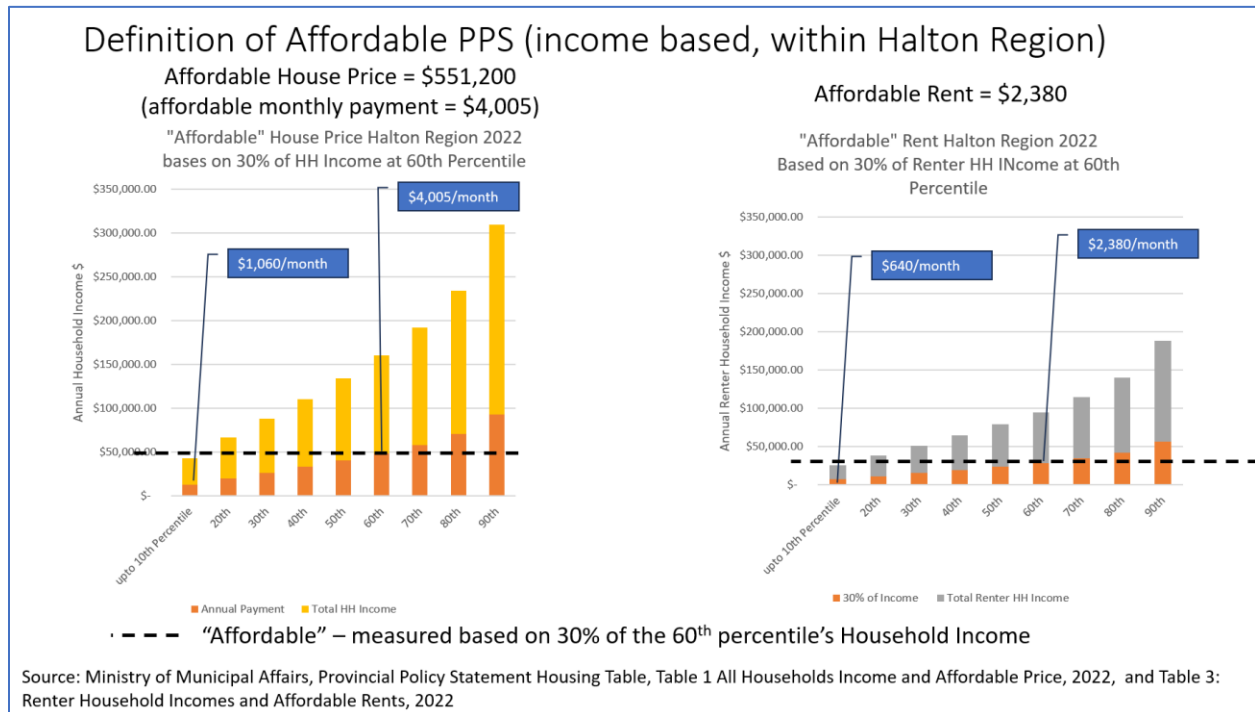


Figure 10 Definition of Affordable in accordance with the PPS, 2020 for Halton Region, 2022

Using the alternative average market based definition of affordable, the affordable house price for all households at 10% below market value would be \$1.8M, and the affordable average market rents are: \$1,145 for a bachelor unit, \$1,510 for a one-bedroom unit, \$1,784 for a two bedroom unit, and \$1,910 for a three bedroom unit, with an average market rent for all unit types of \$1,696 (Ministry of Municipal Affairs and Housing, 2022).

### Development Charges Act

While not yet proclaimed, the Development Charges Act also has definitions for affordable ownership and affordable rental housing units. Once in effect, units that meet the "affordable" definition will be **exempt** from paying municipal development charges, provided that the proponent enters into an

agreement with the local municipality to **maintain the unit as affordable for a period of 25 years**, and the agreement is **registered on title**.

Similar to the PPS definition, the Act uses several defined terms as follows:

- Affordable rental residential unit**, where the rent is no greater than the lesser of,
- i. the income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, and
  - ii. the average market rent identified for the residential unit set out in the Affordable Residential Units bulletin.

**Income-based affordable rent,**

- (a) the income of a household that is at the 60<sup>th</sup> percentile of gross annual incomes for renter households in the applicable local municipality; and
- (b) the rent is equal to 30 per cent of the income of the household referred to in clause (a).

**Affordable ownership** residential unit, where the price of the residential unit is no greater than the lesser of,

- i. the income-based affordable purchase price for the residential unit set out in the Affordable Residential Units bulletin, and
- ii. 90 per cent of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin.

**Income-based affordable purchase price,**

- (a) the income of a household that is at the 60<sup>th</sup> percentile of gross annual incomes for households in the applicable local municipality; and
- (b) the purchase price would result in annual accommodation costs equal to 30 per cent of the income of the household referred to in clause (a) (Ontario Government, 2023).

The Act also assigns responsibility for preparing the Affordable Residential Units bulletin to the Minister of Municipal Affairs and Housing. To date, no such bulleting has been issued.

### Halton Region Housing Comprehensive Housing Strategy

The strategy defined affordable housing as:

- Housing cost represents 30% or less of low and mid-income household incomes
- Affordability is not subsidized, but is influenced by land-use policy (Halton Region, 2019).

### Halton Region Official Plan

The Halton Region Official Plan, as approved by the Minister of Municipal Affairs and Housing, defines affordable housing as follows:

**Affordable housing** means housing with a market price or rent that is affordable to households of low and moderate income spending no more than 30 percent of their gross household income.

- a) Affordable rental housing should meet the demand of households at the low end, as described in Halton’s annual State of Housing Report,.... Such households would be able to afford at least three out of ten rental units on the market.
- b) Affordable ownership housing should meet the demand of households at the high end, as identified in Halton’s annual State of Housing Report ... Such households would have sufficient income left, after housing expenses, to sustain the basic standard of living (Halton Region, 2023).

Figure 11 is an excerpt from the most current State of Housing Report prepared by Halton Region, which provides the following information regarding the thresholds provided in the Official Plan definition.

Affordable (non-assisted)	All households (average - 2.8 people)	Small households (1-2 persons)	Large households (3+ persons)
<b>Income threshold</b>	\$ 121,200	\$ 82,500	\$ 162,400
<b>Maximum purchase price</b>	\$ 496,300	\$ 338,100	\$ 664,900
<b>Maximum monthly ownership cost</b>	\$ 3,030	\$ 2,060	\$ 4,060
<b>Maximum monthly rent*</b>	\$ 2,340	\$ 1,800	\$ 2,930

Figure 11 Halton Region Affordable Housing Thresholds, (Halton Region, 2023)

### Town of Oakville Official Plan

The Town of Oakville Livable Oakville Plan provides the following definition as approved by Halton Region in 2009:

**Affordable housing** means housing with market price or rent that is affordable to households of low and moderate income spending 30 per cent of their gross household income without government subsidies. Such households would be able to afford, at the low end, at least three out of ten rental properties on the market and, at the high end, ownership housing with sufficient income left, after housing expenses, to sustain a basic standard of living (Town of Oakville, 2021).

### Comparison of Definitions

Based on the definitions and data provided by the Ministry of Municipal Affairs and Housing, table 6 lists the range of threshold prices and rents using 2022 household income information.

Table 6 2022 Value Comparison of Affordable Housing Definitions

	CMHC	Province	Halton & Oakville
Rental Housing	\$1,060/mth (@ 10 <sup>th</sup> percentile) to \$7,000/mth (at 90 <sup>th</sup> percentile)	\$1,145/mth (bachelor apt.) to \$1,910/mth (3+ bedroom) or \$2,380/mth (based on 30% of 60 <sup>th</sup> percentile renter HH monthly income)	\$1,800/mth (small HH, 1-2 people) to \$2,930/mth (large HH, 3+ people)
Ownership Housing	\$146,000 (@ 10 <sup>th</sup> percentile) to \$1M (at 90 <sup>th</sup> percentile)	\$551,200 (based on 30% of renter 60 <sup>th</sup> percentile HH income) or \$1.8M (based on 10% below average market value, all house types)	\$338,100 (small HH, 1 – 2 people) to \$664,900 (large HH, 3+ people)

Given the range of threshold values, it is important to communicate to the development industry the desired threshold amount(s) for rental and/or ownership housing based on the objective of any program or policy that the Town proposes to implement.

## Appendix 2. Inclusionary Zoning Details

Implementation of Inclusionary Zoning involves a 5-step process.

### Step 1 – Identify Protected Major Transit Station Areas

In a two-tiered system, the Upper Tier municipality is required to delineate the boundaries of the PMTSA and assign a minimum density of residents and jobs per hectare of the PMTSA. Presently, Halton Region has identified two PMTSAs in Oakville they are at the Midtown Oakville Urban Growth Centre and the Bronte GO Regional Transit Node, in accordance with Livable Oakville’s Urban Structure.

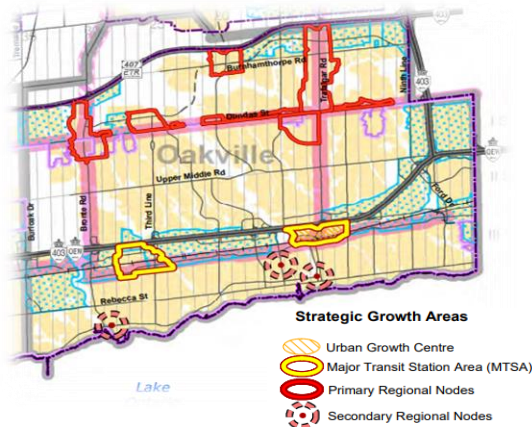


Figure 12 Halton Region Official Plan, Map 1 h Regional Urban Structure (excerpt) (Halton Region, 2023)

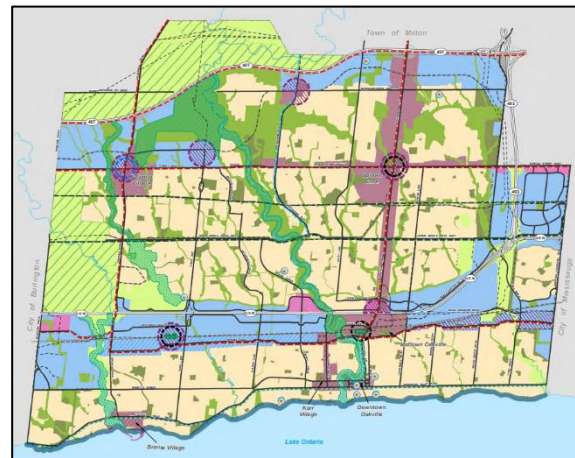


Figure 13 Livable Oakville Schedule A1 Urban Structure (Town of Oakville, 2021)

### Step 2 – Complete an Assessment Report

The purpose of the Assessment Report is to determine housing needs and identify measures and incentives to support the provision of affordable housing in a manner that ensures development viability. The report must be peer reviewed and made available to the public.

### Step 3 – Adopt enabling Official Plan Policies

The official plan policies provide inclusionary zoning goals and objectives and the means to achieve them.

### Step 4 – Adopt Inclusionary Zoning by-law(s)

This step may occur either subsequent to or concurrent with Step 3. This step will specify the minimum proportion of affordable housing units, the maximum threshold price or rent per unit, and the duration of affordability.

### Step 5 – Monitor and Report

Following adoption of an IZ by-law, the municipality is required to prepare and release to the public a report at least every two years regarding:

- The number, type, and location of affordable housing units,
- The range of household incomes for which the affordable housing units were provided,
- The number of affordable housing units that were converted to units at market value, and
- The proceeds that were received by the municipality from the sale of affordable housing units.

### Assessment Report Requirements

Table 7 provides the details regarding the Assessment Report contents in accordance with [Ontario Regulation 232/18](#) Inclusionary Zoning, and matters for consideration when undertaking this work.

Table 7 Assessment Report Requirements per O. Reg. 232/18

Assessment Report Requirements	Comment
While taking into account Provincial, Regional and Local land use policies, the Assessment report shall include information to be considered in the development of official plan policies, including the following:	Considering land use policies, the assessment report may make recommendations regarding the suitability of areas wherein to apply IZ and possible official plan policy changes to better align with IZ policy goals.
1. An analysis of demographics and population in the municipality.	This information provides the municipality and proponents with a common baseline understanding of the current demographics of the municipality and assists with forecasting how these demographics may change over the short term.
2. An analysis of household incomes in the municipality.	
3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.	
4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.	
5. An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.	This information provides the municipality and proponents with a common baseline understanding of the current market.
6. An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to the matters mentioned in clauses 35.2 (2) (a), (b), (c) and (g) of the Act, taking into account: <ul style="list-style-type: none"> <li>i. value of land,</li> <li>ii. cost of construction,</li> <li>iii. market price,</li> <li>iv. market rent, and</li> <li>v. housing demand and supply.</li> </ul>	Applying a viability analysis ensures that where IZ provisions are imposed within the municipality, the ensuing development will be viable despite the IZ requirements and that the program does not result in a situation where there is little to no uptake, or that development proposals occur only in areas not subject to IZ.
7. A written opinion on the analysis described in paragraph 6 from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.	Having the analysis subject to a peer review provides additional objectivity and ensures that the recommendations of the report are fair and implementable.

### Inclusionary Zoning Official Plan Policies and By-law Provisions

Table 8 provides the details regarding the contents of the official plan and the IZ by-law, in accordance with [Ontario Regulation 232/18](#) Inclusionary Zoning, along with matters for consideration when undertaking this work.

Table 8 Official Plan and Inclusionary Zoning By-law requirements per Planning Act and O. Reg 232/18

Official Plan Policies	Implementing IZ By-law Provisions	Commentary
Inclusionary Zoning goals and objectives ( <i>Planning Act</i> , s. 16)	n/a	This would be informed by the Assessment Report
Authorize preparation of IZ by-law and matters to be addressed in the by-law (O. Reg. s. 3):		
By-law is applicable only to development proposing 10 residential units or more.	While 10 units is the minimum per the regulation, the by-law may identify a higher minimum. Required per <i>Planning Act</i> s. 35.2(1).	This is a minimum standard, subject to the finding of the Assessment Report, the municipality may apply a higher minimum.
The location where IZ by-laws may be established.	The By-law should include a map with boundaries of the IZ area. Required per <i>Planning Act</i> s. 35.2(1).	Presently, only PMTSAs may have IZ provisions. Subject to the findings of the Assessment Report the IZ area may be all or a portion of a PMTSA.
The range of household incomes for which affordable housing units would be provided.	n/a	This is subject to the findings of the Assessment Report. The policy would inform a process by which to stipulate in an agreement what the maximum unit price/rent for the IZ unit may be.
The range of housing types and sizes of units that would be authorized as affordable housing units.	The by-law includes standards that must be met with respect to the affordable housing units. (Required per <i>Planning Act</i> s. 35.2(2)(c)).	This is subject to the findings of the Assessment Report. The policy would inform a process by which to stipulate in an agreement which units within a specific development would be identified as IZ units.
The number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.	While the OP may have qualitative language, the by-law may be more prescriptive. (Required per <i>Planning Act</i> s. 35.2(2)(a)).	This is subject to the findings of the Assessment Report.
The period of time for which affordable housing units would be maintained as affordable.	The OP may be more general regarding period of time, while the by-law may be more prescriptive. (Required per <i>Planning Act</i> s. 35.2(2)(b)).	This is subject to the findings of the Assessment Report.
How measures and incentives to support Inclusionary Zoning would be determined.	Where increased density is proposed to be the incentive, the density increases from current zoning levels may need	This is subject to the findings of the Assessment Report. A typical incentive is to permit higher density than is currently

Official Plan Policies	Implementing IZ By-law Provisions	Commentary
	to be provided. (Per <i>Planning Act</i> s. 35.2(2)(e)).	permitted by a local official plan to assist with the viability of development that is providing affordable units. Other incentives may be in the form of financial incentives through the waiver of fees, provision of grants and/or loans by way of a Community Improvement Plan.
How the price or rent of affordable housing units would be determined.	n/a	This is subject to the findings of the Assessment Report. Typically, municipalities rely on the Housing Service Manager for this information on an annual basis.
The approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.	As per the O. Reg., if deemed desirable, the by-law may require that a portion of net proceeds (not exceeding 50%) from the sale of an IZ unit be distributed to the municipality, which shall be stipulated in an agreement registered on title for that unit. (O. Reg. s. 4)	Application of this policy/provision is subject to the findings of the Assessment Report.
The circumstances in and conditions under which offsite units <sup>28</sup> would be permitted, consistent with paragraphs 2, 3 and 4 of section 5.	n/a	Consideration of this policy is subject to the findings of the Assessment Report.
For the purposes of paragraph 2 of section 5, the circumstances in which an offsite unit would be considered to be in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.	n/a	Consideration of this policy is subject to the findings of the Assessment Report.
Set out the approach for the procedure to monitor and ensure that required affordable	n/a	The findings of the Assessment Report may inform appropriate monitoring and implementation methods.

<sup>28</sup> Section 5 of O. Reg. 232/18 provides limitations regarding the permission for off-site units, which includes that they can only be permitted if the Official Plan explicitly permits it, the offsite units must be “proximate” to the development site and within an IZ area, and they are in addition to the total units required for the off-site location wherein development has or will occur.



Official Plan Policies	Implementing IZ By-law Provisions	Commentary
housing units are maintained for the required period of time.		
	Include provisions which require that when the unit is sold or leased, it is done so at the price or leased at the rent determined under the by-law. (Required per <i>Planning Act</i> s. 35.2(2)(g)).	Determining appropriate provisions regarding long-term affordability is subject to the findings of the Assessment Report.
	Require development proponent to enter into agreements with the municipality to ensure continued compliance with the IZ provisions.	The by-law provisions should stipulate that the agreements be registered on title to ensure subsequent owners of the IZ unit continue to abide by the provisions of such agreements. This also maintains the transparency of this process for future purchasers/renters of the IZ units.

## Appendix 3. Municipalities Using/Contemplating Inclusionary Zoning

The table below provides a list of municipalities that have in effect or adopted Inclusionary Zoning By-laws, as well as municipalities contemplating adopting an IZ by-law. The table identifies the status of this work as of January 2024, and provides some additional information regarding the work to date. Hyperlinks are provided to the by-law and/or website landing pages related to the municipality’s IZ work, including links to Needs Assessments, for further information and convenience to the reader. (Note: These links/sources do not appear in the Reference section of this report.)

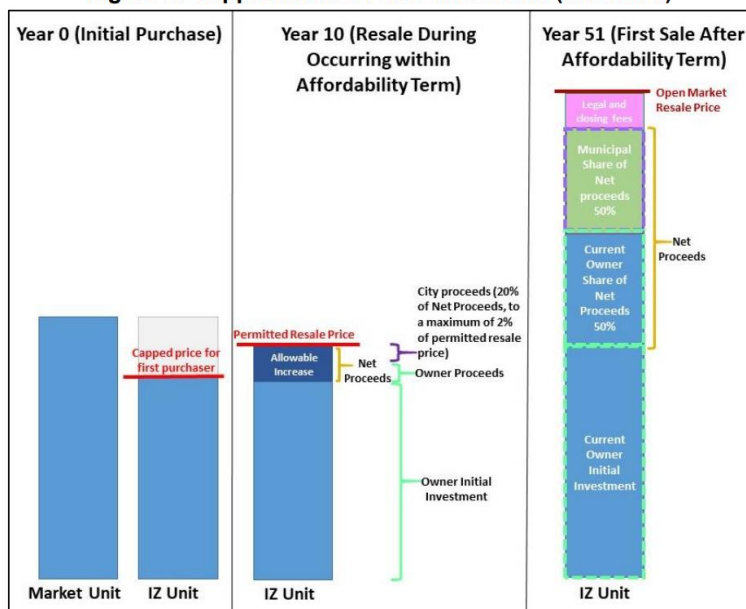
Municipality	Status	Notes
Brampton, City of	To date, city has information sessions on August 16 & 23, 2022. ( <a href="#">See presentation</a> )	<a href="#">Awaiting</a> Provincial decision re: IZ regulation.
Burlington, City of	<a href="#">July 2022</a> , Council paused work (i.e., Assessment Report) on IZ given Provincial announcement to amend IZ regulations, based on <a href="#">staff recommendations</a> . <a href="#">Inclusionary Zoning Initial report</a> is prepared by Dillon Consulting (December 2021).	Burlington has been preparing an inclusionary zoning policy in tandem with its MTSA work and adopted an initial report outlining regulations pertaining to inclusionary zoning and detailing IZ programs being developed in other municipalities at the January 18, 2022, council meeting where the MTSA precinct policies were adopted. All the Burlington MTSA are being planned as protected MTSA (PMTSA), which is a requirement for inclusionary zoning.
Cambridge, City of	OPA/By-law public meeting date TBD  Uses same <a href="#">Assessment</a> and <a href="#">Discussion paper</a> as Kitchener.	As part of Strategic Plan concerned with affordability of housing, may consider IZ in places like Hespeler Road to support future LRT.
Hamilton, City of	<a href="#">Housing Assessment</a> and <a href="#">Addendum</a> (prepared by SHS Consulting) <a href="#">per February 14, 2023 staff report</a> , and Market Feasibility (prepared by urbanMetrics) drafted and under Peer review (by N. Barry Lyons Consultants) , ( <a href="#">as of March 2023</a> ).	Requires complementary PMTSA OPA to be approved, which is anticipated for adoption in Q1-2024
Kitchener, City of	Public meeting scheduled for January 29, 2024 re: draft OPA and IZ by-law.  <a href="#">June 8, 2023</a> staff recommends adopting OPA and IZ By-law  Relies on <a href="#">report</a> “Evaluation of Potential Impacts of an Affordable Housing Inclusionary Zoning Policy” prepared for Cambridge, Kitchener, Waterloo and Region of Waterloo by NBLC, dated April 2020.  <a href="#">Discussion paper</a> issued June 2023 for all 3 municipalities	<a href="#">Proposing:</a>  Apply to all new residential developments in Protected Major Transit Station Areas where 50 or more dwelling units are proposed. Starting in 2025, require residential developments to include a minimum of 0-2% of their gross leasable residential floor area (GLA) as affordable units with increases to this minimum increasing to 5% no later than 2031. Require that the affordable units be rented, whether located in a condominium or purpose-built rental building. Set maximum rents at levels that are affordable to low- and moderate-income

Municipality	Status	Notes
		households (earning between \$43,000 and \$65,000 in 2022) Require that affordable units be maintained as affordable for a minimum of 25 years
Markham, City of		July 2021, City of Markham adopted a new Affordable Housing Strategy, identified actions include: creating an inclusionary zoning by-law for major transit stations (MTSAs) in the city. Staff are awaiting decision regarding O. Reg.
Mississauga, City of	<a href="#">OP policy and ZBL</a> approved by City Council on August 10, 2022. The policies came into effect as of January 1, 2023. Applies to 50 PMTSAs  Assessment report and peer review prepared for Peel Region <a href="#">Peer review</a> by urbanMetrics Inc. (Dec. 2021) <a href="#">Feasibility Analysis</a> (Revised) prepared by NBLC (Dec. 2021) <a href="#">IZ Policy and feasibility Analysis</a> prepared by Peel Region staff (April 2021)	The policy applies to larger scale residential developments accommodating more than 50 ownership units (or 3,600 square metres of residential space). Purpose-built rental housing is exempt from the policy. Once built, affordable ownership units must remain affordable for 99 years, while the affordability period for rental units (within predominantly ownership building) is 30 years. <sup>29</sup> At the time of sale of these units, a portion of the sale value is required to be paid to the city. <sup>30</sup> Agreements regarding these units will be registered on title.
Ottawa, City of	Staff report, <a href="#">June 22, 2022</a> to City Council (Jason Bevan, Director, Planning Strategies)	Proposed for PMTSAs as <a href="#">shown</a> , map is appended to June 22, 2022 staff report. <sup>31</sup>

<sup>29</sup> In effect Mississauga IZ By-law, [Notice of Adoption and Zoning By-law Passing \(mississauga.ca\)](#)

<sup>30</sup> Illustration explaining the policy regarding City share of resale value, per Staff report to Planning and Development Committee (CD.06-INC) dated May 6, 2022, for a meeting on May 30, 2022 (included in Notice package):

**Figure 2: Capped Resale Price illustration (Method 1)**



<sup>31</sup> Ottawa staff [recommendations](#) for IZ policy and by-law:

Municipality	Status	Notes
	Assessment Report prepared by SHS Consulting. Peer Review by Dillon Consulting. Per <a href="#">commitment</a> for HAF funding, City will pursue IZ, with completion by October 2024.	
Peel Region	urbanMetrics prepared <a href="#">Peer review</a> for Region, Mississauga, Brampton and Caledon in December 2021. N. Barry Lyon Consultants Ltd. conducted <a href="#">feasibility analysis</a> (DRAFT April 2021), and identifies opportunities where IZ may be feasible to secure affordable housing in Mississauga, Brampton, Town of Caledon	As an Upper Tier, the Region is responsible for delineating PMTSAs. It then plays a supporting role in the preparation of IZ policies/provisions. The Region may also assist with implementation, as the Housing Services Manager.
Pickering, City of	The City's <a href="#">Recommended Housing Strategy and Action Plan</a> notes that Durham Region is undertaking the required assessment report, and once completed City will consider adding OP policies to enable IZ in MTSAs	Note, the <a href="#">June 2022 Durham COW report</a> identifies completing the Regional Housing Assessment Report to inform IZ at the local level via <a href="#">Envision Durham ROP update</a> process. No report is posted as of January 2024. Envision Durham concluded with the adoption of the ROP in May 2023 and <a href="#">awaiting approval</a> by the Minister.
Richmond Hill, City of	The <a href="#">Housing Needs Assessment</a> was prepared by SHS Consulting as a chapter of the larger Affordable Housing Strategy background report (see Sub-reports 1 and 4). Parcel Economics is conducting the Peer Review and update of the assessment report.	Considering it as a tool within its Affordable Housing Strategy. OP update Key Directions report identifies it as a Phase 3 OPA, AHS prioritization indicates that it is subject to further study and consultation. Need Region to approve PMTSA OP policies/secondary plans first.
Toronto, City of	<a href="#">OPA</a> and <a href="#">By-law</a> adopted in 2021, but not in effect.  <a href="#">Housing Need and Demand Analysis</a> prepared in house, <a href="#">Evaluation of potential Impacts of an IZ policy</a> prepared by NBLC, and <a href="#">Peer Review</a> prepared by Economic & Planning Systems, Inc.	Awaiting approval of PMTSA OPA by the Minister of Municipal Affairs and Housing
Vaughan, City of	<a href="#">Residential Needs, Intensification and Housing Needs Strategy</a> prepared by WSP, Watson & Assoc. and SHS consulting in April 2023 as part of the OP Review work.	City of Vaughan affordable housing strategy includes undertaking analysis to inform IZ policies.  Note: <a href="#">Vaughan OP</a> review on -hold, due to changes to the York OP and related Provincial

Policy Area	Staff Recommendation	
A. Development Threshold	50 units or 3,500 m <sup>2</sup> residential gross floor area	Deciles will be determined in the assessment report, as regularly updated.
B. Affordability Period	99 years for ownership units, 25 years for purpose-built rental units	10% of unit GFA for ownership developments City-wide.
C. Eligibility	Eligible households will be households in moderate income deciles or, where benefits are to be stacked, lower deciles as appropriate. For rental units, this would currently include households earning between \$32,433 to \$64,456 per year. For ownership units, this would currently include households earning between \$61,646 and \$117,109 per year.	D. Set-Aside Rates
		E. Offsite Units
		F. Net Proceeds from Sale of Affordable Units
		G. Transition

Municipality	Status	Notes
		initiatives. Phase 1 draft policy only indicates future intent to adopt IZ enabling policies within PMTSAs.
Waterloo, City of	Drafting OPA and IZ By-law per <a href="#">June 2023 staff report</a>  Uses same <a href="#">Assessment</a> and <a href="#">Discussion paper</a> as Kitchener.	Part of Tri-Cities working on IZ policy with the Region.
Waterloo, Region of	Region working with Tri-Cities via <a href="#">Exploring Inclusionary Zoning to Support Affordable Housing</a> studies, presentations, etc.	As an Upper Tier, the Region is responsible for delineating PMTSAs. It then plays a supporting role in the preparation of IZ policies/provisions. The Region may also assist with implementation, as the Housing Services Manager.

## Appendix 4. Community Planning Permit System Details

### Background

Section 70.2 of the *Planning Act* authorizes the issuance of a regulation to establish a **development permit system** that local municipalities can use to control land development and outlines the contents of the regulation. The Act also authorizes municipalities to **enter into agreements** with landowners with respect to conditions set out in a development permit by-law, and that such agreements can be registered on title. The Act also stipulates that the CPPS by-law must **conform with Official Plan** and Upper Tier Plan (if applicable), and further that the resulting site-specific development permits issued in compliance with the CPPS by-law is **applicable law** and any contravention of the permit is an offence and on conviction is liable to a fine in accordance with section 67 of the *Planning Act* (Penalty) as is the case with offences in relation to zoning by-laws, site plan control, etc.

Ontario Regulation 173/16 Community Planning Permits is the regulation that enables municipalities to implement a Community Planning Permit System. It is through this regulation that we understand how this tool is both similar to and different from the traditional land use control system outlined in Part V of the *Planning Act*. Figure 14 provides a simple illustration of the traditional system and the CPPS. In very general terms, the CPPS By-law replaces the traditional zoning by-law and the issuance of development permits in compliance with the CPPS By-law replaces traditional processes such as a minor zoning by-law amendment, a minor variance to the zoning by-law, and/or the site plan application process. Once a development permit is issued, an application for building permit can be submitted and building permits may be issued in compliance with the development permit (which is considered applicable law in accordance with the Building Code Act).

### Municipal Planning Instruments (in general)

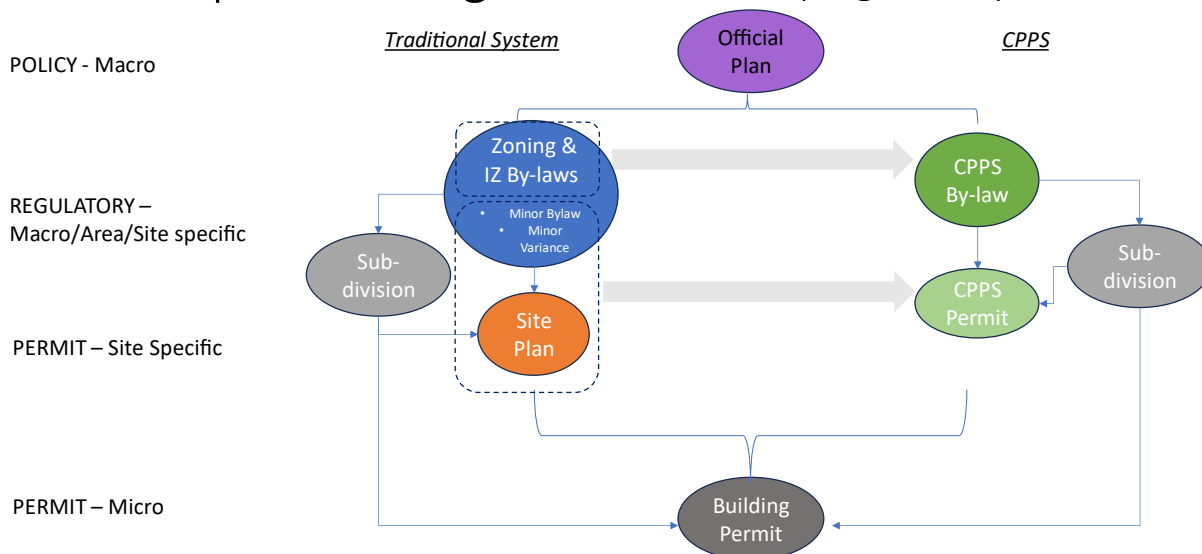


Figure 14 Comparison of Traditional Land Use Control System with CPPS

O. Reg. 173/16 defines “development” as:

- construction, erection or alteration to a building or structure
- Laying out and establishment of parking, 3 or more mobile homes/trailer homes
- Site alteration

- Removal of vegetation.

This definition of development is different from what is found in Section 41 (Site Plan Control) of the *Planning Act* in so far as residential “development” is not limited to ten or more units, and also that the definition address matters related to mobile homes/trailer homes, site alteration and removal of vegetation, which are traditionally addressed under a Municipal Act by-law related to site alteration and tree preservation.

The regulation also prescribes the content of official plan policies that are required prior to passing a Community Planning Permit by-law (mandatory and optional policies), and the content of the actual CPPS by-law (mandatory and optional provisions). In terms of the steps required to pass the CPPS By-law, the regulation defers to Section 34 of *Planning Act* (Zoning By-laws) and its related regulation.

The CPPS regulation describes how development permit applications are to be processed and approved. Furthermore, the regulation includes provisions regarding how and when the Ontario Land Tribunal may be involved in those matters.

Figure 15 briefly illustrates key elements of the Regulation in relation to the official plan, CPPS by-law and approval of development permits. As indicated in the figure, the adoption of official plan policies and a CPPS by-law may occur sequentially or concurrently, similarly the approval of a permit application and issuance of a development permit may occur sequentially or concurrently.

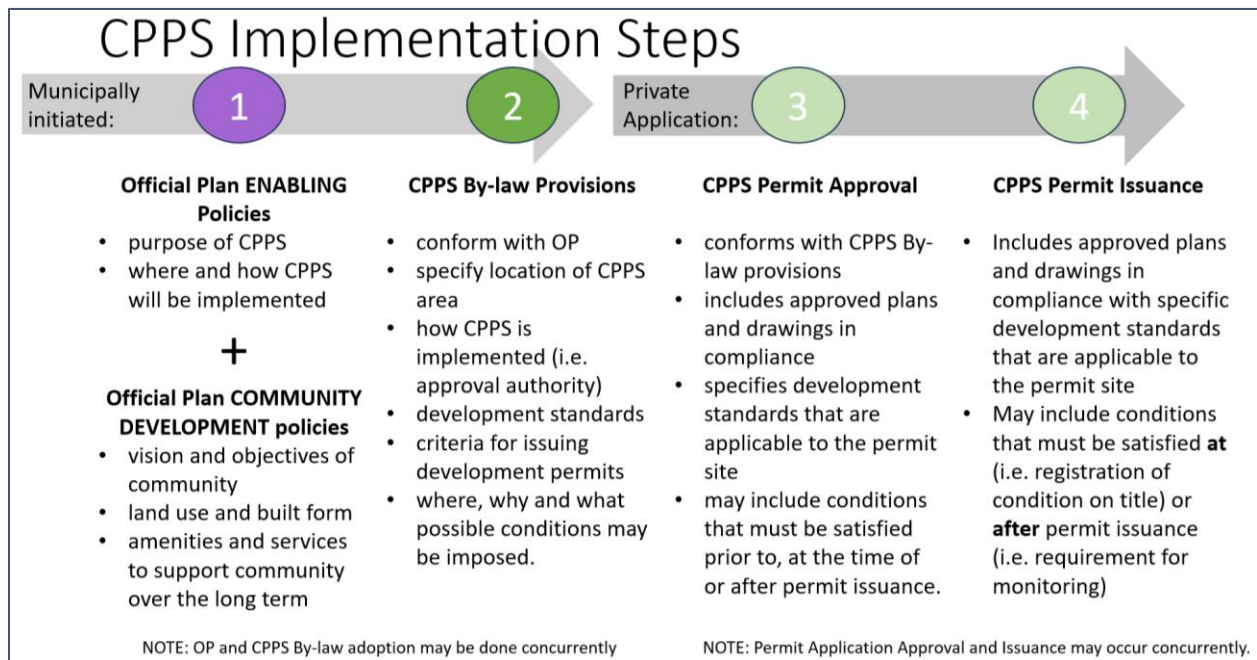


Figure 15 CPPS Implementation Steps

### Processing a Development Permit

The purpose of the OP and By-law policies and provisions are to guide decision making related to the approval of a development permit. In that regard, it is helpful to understand the typical process related to applying for, reviewing, approving an application and issuing a permit. This is illustrated in Figure 16 and described below.

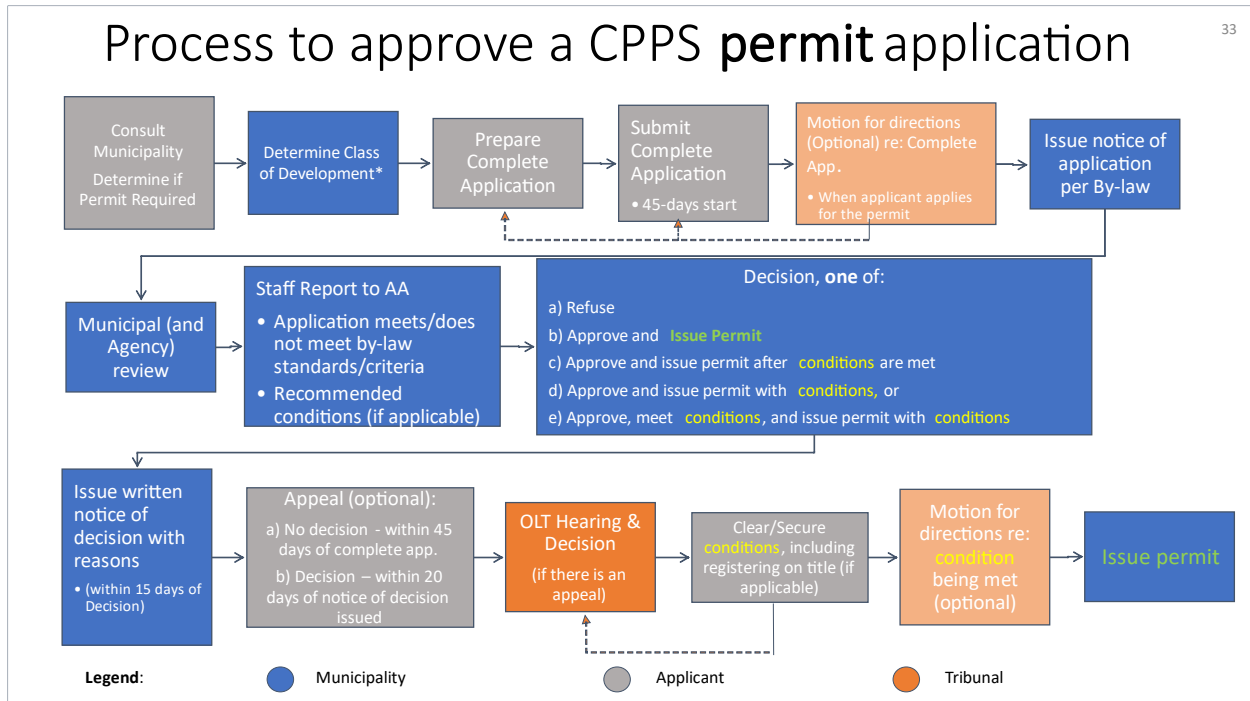


Figure 16 Process to approve a CPPS permit application.

As with any development application, prior to making a submission, the proponent should first consult with the municipality to determine if a permit is required. As is noted in the figure, if the municipality has defined classes of development the complete application requirements, fees and approval authority and approval process for the application may differ, and in some cases the municipality may exempt certain classes of development from the process entirely, (as is the case with site plan approval). If a permit is required, the municipality will advise what information is required to satisfy complete application requirements. At this stage, either the applicant or municipality may make a motion for direction from the Ontario Land Tribunal to determine if the requirement for material is unreasonable or that all the required materials have been received.

Once the complete application is received, the municipality has 45 days in-which to issue a decision on the application. This time period does not apply to the issuance of the development permit, since in some cases the issuance of the permit may require satisfying a condition prior to its issuance.

During the 45-day period, the municipality will need to give notice of the application and circulate it for review, prepare a staff report for the approval authority. The report should describe how the application has or has not met the requirements of the CPPS by-law and provide recommendations accordingly. The recommendations may be to approve the application, approve the application with conditions, or refuse the application. If the recommendation includes conditions, the report needs to identify whether the conditions must be met prior to, at the same time as, or after a development permit is issued.

The approval authority must then make a decision to:

- Refuse the application,
- Approve the application and issue a permit,
- Approve the application and issue a permit after conditions are met,
- Approve the application and issue a permit with conditions, or
- Approve the application, require the proponent to meet conditions, and then issue a permit with additional conditions.



Within 15 days of making the decision, the municipality must issue written notice of the decision along with reasons for the decision to the applicant and anyone who requested to be notified of the decision.

The applicant may appeal a lack of decision (any time after the 45-day period), or the decision within 20-days of its issuance. After a decision is issued, the applicant may, at any time, make a motion for directions from the Ontario Land Tribunal to determine whether a specified condition of the development permit application has been fulfilled.

For clarity, appeals to the Ontario Land Tribunal regarding a decision in relation to a development permit application are limited to the applicant. This is similar to site plan application where only the applicant has the right of appeal for both lack of decision and the decision of the approval authority. Whereas with minor variance applications, the applicant, the Minister or a “specified person”<sup>32</sup> or “public body”<sup>33</sup> may appeal the decision of the Committee.

### Classes of Development

The municipality has discretion to determine what constitutes a “class of development.” Matters that would otherwise be subject to a tree-preservation by-law or site alteration by-law approval may be considered a class on their own, meanwhile minor variance type matters usually addressed by the Committee of Adjustment may be a separate class, perhaps requiring a broader range of circulation. Furthermore, matters that would otherwise be dealt with through a site plan application process could be identified as a separate class which would likely require more matters (such as studies and drawings) to support a complete application, and finally more complex matters that require negotiation for community benefits in exchange for height and density, for example, may be a different class of development with a higher level approval authority assigned to it. Each class of development may have an assigned approval authority that could be a staff member (by title), and an assigned fee for the processing of that class of application.

---

<sup>32</sup> The Planning Act defined a “specified person” as:

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply (Ontario Government, 2023)

<sup>33</sup> The Planning Act defines a “public body” as: a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation (Ontario Government, 2023)

### Condition within a Development Permit Approval

O. Reg. 173/16 prescribes that a condition of a decision of the municipality associated with a Development Permit application must be authorized by the CPPS by-law and meet the following requirements:

1. The condition shall be clear, precise and quantifiable.
2. The condition shall include a clear statement of whether it must be complied with before construction, renovation or change of use of a building.
3. The condition shall not deal with the following aspects of buildings and structures:
  - i. Interior design.
  - ii. The layout of interior areas, other than interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.
  - iii. The manner of construction and construction standards.

### Ontario Land Tribunal Involvement in the Development Permit Application Process

As noted above, the Tribunal involvement in the development permit application process is to provide directions regarding complete application requirements and/or completeness of an application, where requested either by the municipality or the applicant to do so. And once a decision is issued, the Tribunal may be requested by the applicant to provide directions regarding the appropriateness of condition(s) and/or the fulfillment of condition(s).

The applicant may also request that the Tribunal issue a decision regarding the development application where the municipality has not done so within 45-days of the complete application being submitted, or within 20 days of the municipality having issued its decision regarding the development permit application. The Ontario Land Tribunal has the same decision-making options as that of the municipality. However, where there are conditions to be met, the Tribunal must first receive confirmation that they have been met or have been satisfactorily secured, from the Municipality, prior to issuing the development permit. Similar to a municipal decision, when issuing its decision, the Tribunal is required to provide its reasons for the decision. The Tribunal's decision is final.

### Enabling Official Plan Policies

As described in Section 4, the regulation identifies both mandatory and optional official plan policies in order to enable the adoption of a Community Planning Permit System By-law. The mandatory policies relate to where such a by-law may be issued, the delegation of approval authority for issuing permits and entering into agreements, and purpose of the by-law.

The optional policies relate to provisions that could be included in the CPPS by-law, provide direction in relation to development permit applications, such as:

- types of criteria that may be applied to determine whether to permit certain classes of development or use of land,
- imposition of conditions,
- additional complete application requirements and/or exemption from some or all requirements, and,
- within Protected Major Transit Station Areas, provision of affordable housing through Inclusionary Zoning requirements.

### CPPS By-law Provisions

The regulation similarly outlines mandatory and optional provisions to be included in the municipality’s CPPS By-law. Mandatory provisions include the boundaries of the CPPS By-law area, and the assigned approval authority(ies) if approval is delegated down from Council. Where the OP does include optional policies regarding criteria, conditions and Inclusionary Zoning, then these are also required to be addressed in greater detail within the CPPS By-law. Table 9 lists the mandatory and optional provisions of the CPPS By-law.

Table 9 CPPS By-law Mandatory and Optional Provisions

THEME	PROVISION	COMMENT
	<b>Mandatory Provisions</b>	
LOCATION	Boundaries of CPPS by-law area (O. Reg. 173/16 s. 4 (2) (a))	Location can be townwide or area specific
AUTHORITY	If authority is being delegated, set out scope and limitations of delegation (O. Reg. 173/16 s. 4 (2) (j))	Council may delegate to a committee or a member of staff, authority may include entering into agreements as well as issuing permits.
	<b>(Mandatory if in OP)</b>	
PERMITTED CLASS/USE CRITERIA	Criteria to apply in order to determine whether a class of development or use of land may be permitted (O. Reg. 173/16 s. 4 (3)(d))	Criteria in the by-law would be within the permitted types listed in the official plan. Applying criteria regarding permission of a land use, for example, allows for discretion to be applied when issuing a development permit approval, that would otherwise trigger a rezoning application in the traditional land use control system.
CONDITIONS	Outline conditions that may be imposed (O. Reg. 173/16 s. 4 (2) (i)) If bonusing is permitted, establish the proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height or density of development that may be allowed. (O. Reg. 173/16 s. 4 (6))	Condition must: be of a type that is permitted by the official plan; be reasonable for and related to the appropriate use of the land; and not conflict with federal and provincial statutes and regulations. See below for more information.
AFFORDABLE HOUSING	Provisions that give effect to Inclusionary Zoning policies of the Official Plan. (O. Reg. 173/16 s. 4 (3) (d.1)), in compliance with IZ by-law provisions of <i>Planning Act</i> (O. Reg. 173/16 s. 4 (3.2))	Only where the CPPS applies to a Protected Major Transit Station Area. (See Section 3 and Appendix 2 of this report regarding Inclusionary Zoning for more details.)
	<b>Additional Mandatory Provisions</b>	
LAND USE PERMISSION	Permitted uses of land (O. Reg. 173/16 s. 4 (2) (b))	Land use permissions would be implementing OP policies and schedules.
STANDARDS	Minimum and maximum standards for development (O. Reg. 173/16 s. 4 (2) (c))	Standards provided would be implementing OP quantitative and qualitative policies, and may be informed by urban design and public realm guidelines.

THEME	PROVISION	COMMENT
<b>PROCEDURES</b>	Internal review procedures regarding decisions for issuing permits (O. Reg. 173/16 s. 4 (2) (d))	Establishing procedures in the by-law provides all parties with a clear understanding of and consistent permit approval process.
<b>NOTICE</b>	Manner for which Notice will be given regarding permit decisions to applicants and those who have requested notice of decision (O. Reg. 173/16 s. 4 (2) (e))	The Regulation provides Council with discretion regarding issuing notice, establishing the manner of notice in the by-law provides a clear understanding of and consistent notice process.
<b>PERMIT CHANGES</b>	Acknowledge that permits may be amended, and describe how the amendment could occur (O. Reg. 173/16 s. 4 (2) (f))	Establishing the develop permit amendment process in the by-law provides a clear understanding of and consistent amendment process.
<b>AGREEMENTS</b>	Acknowledge that agreements associated with a condition or a pre-existing site plan agreement may be amended, and describe how the amendment could occur (O. Reg. 173/16 s. 4 (2) (g & h))	Establishing the agreement amendment process in the by-law provides a clear understanding of and consistent amendment process. Furthermore, recognizing pre-existing site plan agreements minimizes administration of pre-existing agreements once the CPPS by-law is in effect.
<b>PORTABLE CLASSROOM</b>	State that placement of portable classrooms on school sites of a district school board is exempt from seeking a permit if the school was in existence on January 1, 2007. (O. Reg. 173/16 s. 4 (2) (k))	This is a carry forward of the site plan approval provisions of the <i>Planning Act</i> .
<b>LAND USE PROHIBITIONS</b>	Apply all matters set out in Section 34(1) of <i>Planning Act</i> re: Zoning (O. Reg. 173/16 s. 4 (3))	This is necessary because once the CPPS By-law is in effect the pre-existing Zoning By-law no longer applies to the CPPS by-law area, as such all relevant (and up to date) provisions need to be included in the CPPS By-law.
<b>DEV'T PERMIT REQUIREMENT</b>	Prohibit any development or change of use of land without a development permit (O. Reg. 173/16 s. 4 (3) (a))	This ensures that all forms of development are subject to a permit, unless they are explicitly exempt from it (see below "Exemption).
<b>OPTIONAL PROVISIONS</b>		
<b>CLASS OF DEV'T</b>	Set out and define classes of development (O. Reg. 173/16 s. 4 (3)(b))	Classes of development are a means of grouping development for the purpose of exemption, determining complete application requirements, assigning approval authority, and establishing application fees.
<b>EXEMPTION</b>	Exempt classes or uses of land from requiring a development permit (O. Reg. 173/16 s. 4 (3)(c))	Just as certain matters are exempt from site plan approval, certain matters may be deemed not to require a development permit before that activity may occur on a site.
<b>Decision Making CRITERIA</b>	Criteria to be used to make decisions regarding permit applications (O. Reg. 173/16 s. 4 (3)(e))	These criteria provide overarching guidance to decision makers to determine whether an application should be approved, and if so

THEME	PROVISION	COMMENT
		whether variations and/or conditions should be applied/imposed.
<b>VARIATION (without conditions)</b>	Range of possible variations from prescribed minimum and maximum standards that may be authorized when issuing a development permit (O. Reg. 173/16 s. 4 (3)(f))	While establishing minimum and maximum standards ensure transparency and orderly development, there may be instances where variation from the standard is appropriate. In the traditional system, a proponent would have to apply for a minor variance from the zoning by-law and seek approval from the Committee of Adjustment. Recognizing that certain standards may require variances from time to time and providing parameters regarding acceptable variation upfront allows for the variance to occur as part of the development permit approval process, thereby eliminating the otherwise extra step of seeking the variance first and then receiving approval of plans and drawings in support of the development permit.

In summary, the CPPS By-law incorporates all provisions related to Zoning By-law per section 34 of the *Planning Act*, all provisions related to site plan control per section 41 of the *Planning Act*, as well as administrative provisions as outlined above, and provisions related to criteria based decision making, conditional approvals, predetermined permitted variations from minimum or maximum standards based on criteria and/or conditions, and provisions that allow the municipality to enter into agreements that may be registered on title. Furthermore, the By-law may also include provisions related to site alteration, tree preservation, and parkland dedication. The By-law may also permit the municipality to negotiate for community benefits with development permit applicants. These matters are explained below.

### Conditions of Development Permit Approval

Attaching conditions to a development permit approval is not unique to the CPPS; however, what differentiates the CPPS from other land use control tools is that there is a much broader range of conditions that can be imposed and the timing of fulfilling the condition may be before, during or after issuing a development permit.

Ontario Regulation stipulates that the condition must:

- be of a type that is permitted by the **official plan**;
- be reasonable for and related to the appropriate use of the land; and
- not conflict with federal and provincial statutes and regulations.

Consequently, it is important to consider what, if any, types of condition the municipality may want to impose when developing official plan policies, and ensure that the Community Planning Permit System By-law provides sufficient direction in order for the approval authority to impose necessary conditions in relation to issuing a development permit.

In general, the purpose of conditions is to support complete community building and ensure orderly development. Accordingly, the regulation provides several examples of types of conditions that may be imposed. These are listed in Table 10:

Table 10 Possible Types of Conditions within the CPPS System

Type of Condition	Effect	Comment
A condition that is permitted by Section 34 (Zoning By-law) of the <i>Planning Act</i>	This refers to conditions that may be imposed in relation to zoning by-laws.	This provision of the <i>Planning Act</i> is presently inoperative because it is limited to prescribed conditions which to date have not been issued in a regulation.
A condition that is permitted by Section 40 (cash-in lieu of parking) of the <i>Planning Act</i>	This refers to conditions that are presently permitted by the <i>Planning Act</i> , wherein the municipality may enter into an agreement with a property owner that exempts the owner from having to provide required parking facilities on site subject to the owner making one or more cash payments which is then allocated to a special account (to support the creation of off-site parking facilities or other means to mitigate the loss of parking). The agreement may be registered on title until all payments are made.	The CPPS by-law could refer to this section of the <i>Planning Act</i> in order to continue to be able to implement this provision, where deemed appropriate. Within the CPPS by-law, if parking standard provisions are supported by criteria and/or a condition requiring the provision of a transportation demand management strategy, the Town could allow for a reduction of parking that (a) does not require an amendment to the by-law and (b) results in an alternative that is not off-site parking, but rather measures that result in an overall reduction in the need for parking (i.e., means that support active transportation in lieu of reliance on cars).
A condition that is permitted by Section 41 (site plan control) of the <i>Planning Act</i>	Similar to Site Plan control, the approval of a Development Permit requires the approval of plans and/or drawings that provide details regarding the placement of buildings, facilities, landscaping, accessibility matters, as well as building elevations and massing. As such, the Development Permit approval may also be subject to conditions of approval site plan application plans and drawings, such as: Provision of: <ul style="list-style-type: none"> <li>• land for widening of roads,</li> <li>• facilities to provide access to and from the site such as curbs, ramps, and signs</li> <li>• off street loading and parking facilities, and driveways that can accommodate emergency vehicles</li> </ul>	The CPPS by-law could refer to this section of the <i>Planning Act</i> in order to continue to be able to implement this provision, where deemed appropriate.  Presently, the <i>Planning Act</i> exempts most residential development that proposes 10 units or less, unless it is proximate to prescribed features. <sup>34</sup> Furthermore, the <i>Planning Act</i> exempts residential development that proposes 25 units or less within a building from having to provide drawings (i.e., plan, elevation and cross section of proposed development) unless the development is proposed in an area identified in the Official Plan where

<sup>34</sup> See definition of “development” provided in Section 41 (1) – (1.2) of the *Planning Act*.

Type of Condition	Effect	Comment
	<ul style="list-style-type: none"> <li>• pedestrian access facilities (with accessibility for persons with disabilities)</li> <li>• lighting</li> <li>• landscaping</li> <li>• collection and storage facilities for waste</li> <li>• easements for watercourse, sanitary sewage facilities and other public utility maintenance or improvement,</li> <li>• grading/site alteration to support disposal of storm, surface and wastewater from the property, and</li> </ul> <p>Convey land for transit right of way. Enter into agreements regarding facilities and their maintenance which may be registered on title.</p>	<p>such drawings are required.<sup>35</sup> <b>These limitations do not apply within the CPPS by-law area.</b></p> <p>Note: unlike site plan approval, the conditions attached to the development permit approval are considered applicable law in relation to the Building Code Act. This means that conditions regarding sustainability features, for example, are required to be satisfied as part of the Building Permit approval process.</p> <p>Furthermore, unlike site plan control, there is no requirement to refund fees if the approval is not issued within the statutory time frame.</p>
<p>A condition that is permitted by Section 42 (parkland dedication) of the <i>Planning Act</i></p>	<p>The <i>Planning Act</i> stipulates that parkland (or cash in lieu of parkland) shall be conveyed the earlier of rezoning, site plan approval or building permit issuance at a rate not exceeding 2% for commercial and industrial purposes, and 5% for all other land use, as provided for in a municipal by-law. The Act also permits an alternate rate for high-density residential development at a rate not exceeding 1 ha for each 600 residential units; furthermore, the conveyance or value of land is capped as follows: shall not exceed the 10% of the land/value of land for development of land that is 5 hectares or less, and 15% for sites greater than 5 hectares.</p>	<p>The Town recently passed its Parkland Dedication By-law, the contents of that by-law may be repeated in the CPPS by-law to ensure that conveyance or cash-in lieu of parkland requirements are consistently applied across the municipality (or impose a condition requiring conveyance or CIL in accordance with the Parkland by-law).</p> <p>If supported by a bonusing condition (see below) the Town may negotiate an increase in the conveyance of parkland, beyond the caps imposed in the <i>Planning Act</i>, within the CPPS area.</p>
<p>A condition that is related to the removal or restoration of vegetation.</p>	<p>Where a development permit application is proposing to remove vegetation, conditions may be imposed regarding relocation or replacement of vegetation in accordance with official plan policies</p>	<p>Typically, this type of condition may be addressed in the Town’s Tree Preservation By-law, however, within the CPPS By-law the scope of these conditions may be broader than the preservation of trees.</p>

<sup>35</sup> See section 41(5) of the Planning Act

Type of Condition	Effect	Comment
	that call for natural heritage protection and/or mitigation of negative impacts from development.	
A condition that is related to site alteration, including but not limited to, alteration or restoration of the grade of land, and placing or dumping fill.	In some cases, the development permit approval application may include proposals to alter the grade of a site to address servicing matters, and/or to address matters of urban design. The approval of a change in grading may require certain conditions to be fulfilled with respect to matters such as the condition of fill to be brought to the site, or the placement of fill that is removed from the site.	Typically, this type of condition may be addressed in the Town’s site alteration by-law. However, to enable a more streamlined process, these matters can be addressed via the development permit approval process.
A condition that is related to ongoing monitoring requirements that are considered necessary for the protection of, public health and safety, or the natural environment.	When completing environmental impact studies, a means of mitigating negative impacts or on-going preservation of public health and safety may be to monitor the development prior to, during or post construction. A condition of the development permit may be to conduct such monitoring.	In the traditional system, this type of condition may only occur by issuing a holding provision within the zoning by-law with respect to pre-construction monitoring. While a municipality may be able to enter into an agreement with the proponent to continue monitoring, there is no means to require monitoring post construction other than through a CPPS.
A condition that requires the provision of specified facilities, services and matters in exchange for a specified height or density of development, which may be within minimum and maximum standard of development (mandatory provisions in by-law) or outside range of variation from standards permitted in by-law (discretionary provision). Only if,	The application of this condition ensures that certain services, facilities and matters are provided commensurate with the density and/or height of development proposed. While certain traditional development control systems ensure baseline provision of these services, establishing thresholds for development that exceed certain norms to provide services above the baseline ensures that complete community goals for the area subject to the CPPS will be achieved.	This type of condition is similar to Section 37 bonusing provisions of the <i>Planning Act</i> that have been replaced by the Community Benefits Charge By-law. Within the CPPS area, the CBC fee is not permitted to be charged. As such, this type of condition that allows the municipality to enter into an agreement where height/density may be increased from specific standards in exchange for community benefits provides greater opportunity for such services, facilities or matters to be provided concurrent with proposed development. The regulation provides parameters regarding the use of these conditions that are more directive than what



Type of Condition	Effect	Comment
<p>the <b>official plan</b> sets out policies relating to the application of that paragraph;                      the <b>by-law</b> specifically identifies the area of the municipality in respect of which a condition described in that paragraph may be imposed; and                      the <b>by-law</b> establishes a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height or density of development that may be allowed.</p>		<p>was in the <i>Planning Act</i> regarding bonussing. The application of these parameters ensures that the negotiation is transparent for not only the proponent but also the public.                      The regulation requires that these provisions be contemplated in the Official Plan. Consultation with a broad range of stakeholders ensures that conditions foster partnership to ensure that the Official Plan vision is achievable. As a starting point, the Town can rely upon its current policies in the Official Plan regarding Bonusing.<sup>36</sup></p>
<p>A condition under which development or site alteration may be permitted in areas where development and site alteration are otherwise prohibited, i.e., wetland, contaminated lands, sensitive or vulnerable</p>	<p>Where the Official Plan provides policy that under certain conditions, i.e., mitigation, adaptation, demonstration of no negative impact, determination of limits of a vegetative protection zone, compensation, etc., development may be permitted on otherwise prohibited areas, these conditions can be addressed in the CPPS by-law</p>	<p>The traditional planning process would require an amendment to the zoning by-law to perhaps re-zone a portion of the lands from hazard to a development permitting use, or to establish site specific provisions. Whereas, this change in zone boundary or site-specific provision can be recognized in the</p>

<sup>36</sup> Section 28.8 of the Official Plan states:

*Development standards may be incorporated into the Zoning By-law to permit increases in height and/or density of development, where such development provides public benefits above and beyond what would otherwise be required. The public benefits may include:*

- a) *public transit infrastructure, facilities, services and improved pedestrian access to public transit;*
- b) *public parking;*
- c) *affordable housing for a wide array of socio-economic groups;*
- d) *conservation and preservation of cultural heritage resources;*
- e) *protection and/or enhancement of natural features and functions;*
- f) *community centres and/or facilities and improvements to such centres and/or facilities;*
- g) *parkland and improvements to parks;*
- h) *day care centres;*
- i) *public art;*
- j) *integration of office uses in mixed use developments;*
- k) *green buildings; and,*
- l) *other local improvements that contribute to the achievement of the Town’s building, landscape and urban form objectives as set out in this Plan and supporting documents (Town of Oakville, 2021).*

Type of Condition	Effect	Comment
areas, or natural features and areas.	and be implemented through the development permit approval and issuance process.	development permit approval and issuance documents.
A condition requiring the owner of the land to enter into one or more agreements with the municipality respecting one or more other conditions imposed within the development permit application approval.	The ability to enter into agreements and have them registered on title, ensure that such agreements are honoured by the proponent as well as any subsequent landowner(s). The range of matters related to these agreements is very broad.	The traditional planning process related to site alteration, minor variance, inclusionary zoning, permit/require agreements but for specific/limited purposes. With the CPPS, provided the Official Plan states that agreements and their registration on title may be a condition of approval, the municipality and development proponents are able to enter into them for any number of matters.
<b>Other Conditions not mentioned in the Regulation</b>		
Phasing/Timing of development	Where development is contingent on a pre-requirement, i.e., extension or enlargement of services, the development permit application may be approved, however the issuance of a development permit (which is required to secure a building permit, for example) may be on condition that the service is identified in the Capital Budget, actively being undertaken or has been installed, whatever is most appropriate. This alignment of approval and service ensures orderly development within the town.	The traditional planning process may use Holding provisions. However, these may require an amendment to the Official Plan to enable the provision and would require an amendment to the zoning by-law to impose the hold. While <b>removal</b> of Hold is now delegated to Commissioner of Community Development, it still requires an additional step in the approval process prior to building permit issuance. Through the CPPS permit process, the condition of a certain matter having to be met prior to building permit issuance means that once proof of that matter's completion is provided, the permit may be issued.
Lapsing of Approval	To ensure that a development permit approval is based on relatively current best available information, the municipality may include a lapsing provision, after which the approval of plans and drawing and the conditions associated with them are no longer in effect and new application, based on new/updated information must be submitted. This	The traditional planning process authorizes lapsing provisions for Minor Variance, Consent and Plan of Subdivision approvals. A lapsing provision can be provided a condition of any development permit.

Type of Condition	Effect	Comment
	<p>approach ensures that applications are being submitted by development proponents who have an interest and the means to execute development in a timely manner; thereby ensuring staff time and resources are being allocated to projects with the intent to deliver new development in the near term.</p>	

## Appendix 5. Municipalities Using/Contemplating CPPS

The table below provides a chronological list of municipalities that have in effect CPPS by-laws in place. The table also provides an excerpt of their Official Plan policies that outline the objective(s) for implementing a CPPS, as required by the *Planning Act*.

Furthermore, the table lists municipalities that have draft by-laws or studies related to the CPPS. It includes information regarding the likely extent of the CPPS area currently contemplated and the CPPS purpose, where indicated by the municipality.

Finally, hyperlinks are provided to staff reports, studies and/or the actual CPPS by-law (in effect or draft) for further information and convenience to the reader. (Note: These links/sources do not appear in the Reference section of this report.)

Municipality	Extent of Use	In effect	CPPS Purpose (OP Policies)
Township of Lake of Bays	<a href="#">Townwide</a>	<a href="#">2021</a> (townwide) <a href="#">2006</a> (shoreline only)	<p>“The development permit system is a planning tool in Ontario that allows for the replacement and combining of the zoning amendment, minor variance and site plan approval processes, as well as the regulation of vegetation removal and site alteration, as well as other types of development. The Township’s objectives in utilizing this system are essentially related to better implementation of the policies of this Official Plan, especially as they relate to preservation of waterfront character, including ecological and social values. This system also offers opportunities to streamline the planning approvals processes and clearly establish rules and criteria for development within the by-law.”</p> <p>- Per preamble to policy J.20 in <a href="#">Official Plan</a></p>
Town of Carleton Place	<a href="#">Townwide</a>	<a href="#">2008</a>	<p>“The objectives of the Town in implementing the development permit system include but are not limited to the preservation of the existing small-town character, the improvement of Mississippi District designation and the waterfront, preservation and enhancement of the residential neighbourhoods, promotion of rehabilitation of industrial properties, the expansion of greenspaces and park facilities and to provide for their interconnectivity, increasing the diversity of arts, cultural and recreational opportunities and the protection of the natural environment.”</p> <p>- Per policy 6.14.1 of the <a href="#">Official Plan</a></p>
Town of Gananoque	<a href="#">Townwide</a>	<a href="#">2011</a>	<p>“The objectives of the Town in implementing the development permit system include but are not limited to; the preservation of the existing small-town character, the improvement of Lowertown and the waterfront, preservation and enhancement of the residential neighbourhoods, promotion of rehabilitation of industrial properties, the expansion of greenspaces and park facilities and to provide for</p>

Municipality	Extent of Use	In effect	CPPS Purpose (OP Policies)
			<p>their interconnectivity, increasing the diversity of arts, cultural and recreational opportunities and the protection of the natural environment.”</p> <p>- Per Policy 5.4.10.2 of the <a href="#">Official Plan</a></p>
City of Brampton	<a href="#">Main Street North</a>	<a href="#">2015</a>	<p>“The Community Planning Permit System is an additional implementation tool that may be used by the City to ensure the goals and policies of this Plan are realized. The Community Planning Permit System is intended to be a flexible planning tool that combines zoning, Site Plan Approval, and minor variance processes into a single process.” – per section 5.13 of <a href="#">Brampton Official Plan</a></p> <p>and</p> <p>“It is the goal of the Main Street North Development Permit System Area to protect and enhance the character of the district and to encourage its transition into a diverse, livable, safe, thriving and attractive component of the historic Downtown precinct and the city as a whole. Main Street North has several distinct sub-character areas that have specific attributes that will be addressed through detailed policies and objectives.</p> <p>“The Official and Secondary Plan policies provide the broad enabling structure for the Development Permit System Area. The Main Street North Development Permit By-law will provide a unified policy framework for the area that will set out the general goals, objectives, review criteria and regulations to establish the City’s policy intent for the area and ensure that the goals and objectives are achieved.”</p> <p>- Per Policies 5.7.2.1 and 5.7.2.2 of <a href="#">Downtown Brampton Secondary Plan, Secondary Plan Area 7</a></p>
Town of Innisfil	Shoreline Area	<a href="#">2017</a>	<p><b>(Note - no specific purpose is stated in OP policy)</b></p> <p>“The goals of the Community Planning Permit System (CPPS) are to:</p> <ol style="list-style-type: none"> <li>a. Implement the vision, principles and policies of the Official Plan;</li> <li>b. Engage the community in the creation of the planned vision for the Lake Simcoe shoreline;</li> <li>c. Establish a comprehensive planning framework that facilitates and shapes appropriate, ecologically sound, and safe</li> </ol>

Municipality	Extent of Use	In effect	CPPS Purpose (OP Policies)
			development along the Lake Simcoe shoreline; and, d. To protect people and property from the natural hazards that exist for shoreline development.” – per s. 1.1.1 of CPPS By-law.
	<a href="#">Townwide</a>	Study in process	TBD
Town of <a href="#">Huntsville</a> ( <a href="#">Overview</a> of steps taken to adopt by-law)	Townwide	<a href="#">2022</a> Prepared by Dillon Consulting and SGL Planning & Design <a href="#">Educational Booklet</a>	“The community planning permit system is a planning tool that allows for the replacement and combining of the zoning amendment, minor variance, and site plan approval processes, as well as the regulation of vegetation removal and site alteration, as well as other types of development. This system also offers opportunities to streamline the planning approvals processes and clearly establish rules and criteria for development within the by-law.” – <a href="#">Huntsville OP</a> , Section 1.4 CPPS By-law
Municipalities Contemplating the CPPS – Draft/Adopted			
City of Toronto	Citywide	<a href="#">OPA 258</a> (adopted in 2014, <a href="#">appeal adjourned until City adopts a CPPS by-law</a> ) <sup>37</sup>	Adopted Policies: “1. The goals of the Development Permit System are to: a) implement the vision, principles and policies of the Official Plan; b) engage the community in the creation of the planned vision subject areas; c) establish a comprehensive planning framework that facilitates and shapes development appropriate for subject areas; and d) secure predictable outcomes by ensuring that all approved development is consistent with the planned vision and the comprehensive planning framework for subject areas. 2. The objective of the Development Permit System is to provide for an alternative land use regulatory framework that implements the Official Plan and achieves the Goals stated above.

<sup>37</sup> “On November 2, 2017, the Ontario Municipal Board (the “OMB”) issued a decision on a joint motion brought by the Building Industry and Land Development Association (“BILD”) and a number of landowners and supported by several ratepayer groups to indefinitely adjourn the previously scheduled ten-day hearing on the appeal of City’s Official Plan Amendment (“OPA”) 258. The OMB in its decision ordered that the hearing would be indefinitely adjourned until the City has enacted a Community Planning Permit By-law (Development Permit By-law) and the appeal period relating to the By-law has passed under the Planning Act” (Wendy Walberg, 2017).

Municipality	Extent of Use	In effect	CPPS Purpose (OP Policies)
			<p>3. The entire City of Toronto is identified by this policy as a development permit area. However, development permit by-laws will only be prepared for those areas within the City identified by Council, following at least one community meeting in the affected area, in addition to any requirements under the <i>Planning Act</i>.”</p> <p>- Per OPA 258, section 5.2.3 of OP to be revised.</p>
City of Burlington	<p><a href="#">Major Transit Station Areas</a> (Burlington UGC, Aldershot Go MTSA, Appleby GO MTSA)</p>	<p>OPA and <a href="#">By-law</a> drafted, adoption expected in Q2-2024</p> <p>Consideration of CPPS tool <a href="#">staff report</a> issued June 27, 2023 Prepared by Dillon Consulting</p>	<p>PROPOSED - “A Community Planning Permit By-law will be approved for the Burlington GO, Aldershot GO, and Appleby GO Major Transit Station Areas to achieve the vision for the MTSAs to evolve into urban destinations to provide the day to day needs of the community. The Community Planning Permit By-law will be designed to ensure that development within these areas will incrementally and comprehensively deliver on complete community elements with a priority on affordable housing, rental housing, employment opportunities, and community parks, amenities and facilities while remaining flexible to allow the City to monitor and respond to changing conditions over time.” – draft OPA 2 as of November 2, 2023</p>
Town of Niagara-on-the-Lake	Townwide or area specific	OP adopted in 2019 (awaiting Regional approval)	<p>“The objectives of the Town in implementing the Community Planning Permit System include but are not limited to: a) the preservation of the existing small town character; b) the conservation of cultural heritage resources; c) ensuring that new development reflects the community design guidelines approved by Council; d) ensuring that the new development or redevelopment is in keeping with the existing built form of the community; e) the protection of the natural environment; f) protection and support for agricultural production in the Specialty Crop Lands; and g) streamlining the development approval process while providing certainty with respect to future uses and built form.”</p> <p>- Per 10.4.2 Objectives of the Official Plan</p>
<b>Municipalities undertaking studies</b>			
Ajax, Town of	Townwide, by-laws can be adopted on area specific basis	Study undertaken and Draft OPA initiated in <a href="#">2017</a> , (by Gladki Planning) but no	

Municipality	Extent of Use	In effect	CPPS Purpose (OP Policies)
		further work done to date.	
Blue Mountains, Town of	TBD, townwide recommended	<a href="#">Study</a> (June 2023) Prepared by SGL Planning & Design	
King Township	With Nobleton and King City	Council approved <a href="#">staff recommendations</a> to procure consultants to prepare CPPS	
Markham, City of	<a href="#">TBD</a>	<a href="#">Study</a> (January 2023) Prepared by Planscape	
Ottawa, City of	<a href="#">Kanata North Economic District</a> , as a pilot	<a href="#">Study</a> (May 2023) Prepared by staff	<p>“With this Special Economic District also subject to the Community Planning Permit pilot study, the Zoning By-law provisions will eventually be replaced by a district specific Community Planning Permit By-law. This should uphold the shared vision for redevelopment, support the ability to readily adapt to rapidly changing technology and market conditions, and streamline the development review process.”</p> <p>- Policy 6.6.3.2 (2) City of <a href="#">Ottawa Official Plan</a> <b>and</b></p> <p>“The objectives for the creation of a Community Planning Permit System include:</p> <ul style="list-style-type: none"> <li>a) Identifying specific discretionary uses that would be permitted based on them being complementary to existing development;</li> <li>b) Relaxing some land use regulations and enabling flexibility in design with a focus on regulating those matters that will uphold the shared vision for the area as detailed in the area-specific CPP By-law;</li> <li>c) Allowing minor variations to development and design standards by specifying the type and extent of variation that would be appropriate and that would uphold the policies, objectives and intent of the area-specific CPP By-law regulations;</li> <li>d) Simplifying and streamlining the development approval process, thereby reducing the time involved in obtaining permission to develop a permitted discretionary use;</li> <li>e) Promoting the use of sustainable transportation;</li> <li>f) Allowing for mixed use development, and for residential densities that will support commercial activities and a wider range of uses in Kanata North;</li> </ul>



Municipality	Extent of Use	In effect	CPPS Purpose (OP Policies)
			g) Maintain and enhance the urban or rural landscape, or Village Core, in the Rural Transect; h) Protect Natural Environment Areas, Significant Wetlands, significant features and of the Natural Heritage System; i) Protect heritage resources designated under the Ontario Heritage Act; j) Maintain the character of the affected area(s); and k) Minimizing the impact of a proposed development on lands adjacent to and outside the area-specific CPP By-law boundary.” - per Policy 11.2(2) of the <a href="#">Ottawa Official Plan</a>
Peterborough, City of	<a href="#">TBC</a> , as of October 2023, considering starting with strategic growth areas and then extending to entire city.	<a href="#">Study</a> (October 2023) Prepared by Dillon Consulting and SGL Planning & Design	
Richmond Hill, City of	<a href="#">TBD</a>	<a href="#">Study</a> (December 2022) Prepared by Meridian Planning	
Saugeen Shores, Town of	Built-up area	<a href="#">Study</a> (Dec. 2022) Sean Hertel & Associates Urban Planning	
Waterloo, City of	Considering: University Avenue Gateway and other strategic growth areas per <a href="#">Streamline Development Approval Fund</a> .	<a href="#">Study</a> (September 2023) <a href="#">Education Booklet</a> (20??) Prepared by SGL Planning & Design	“The City may adopt a development permit by-law under Section 70.2 of the <i>Planning Act</i> to establish a Development Permit System. Any Development Permit System will support one or all of the following Official Plan objectives: (a) Supporting a compact urban form within the Built-up Area; (b) Facilitating a high standard of urban design; (c) Supporting the protection of the environment; (d) Streamlining the development review process. – - - Per Policy 12.2.15 (1) of the <a href="#">City of Waterloo Official Plan</a>

## Appendix 6. Municipalities Using CIP in Support of Affordable Housing

The table below provides a list of municipalities that have in effect or draft Community Improvement Plans in place that provide incentives for affordable housing. Hyperlinks are provided to the Plan and/or website landing pages related to the Plan for further information and convenience to the reader. (Note: These links/sources do not appear in the Reference section of this report.)

Municipality	Date	Programs
<a href="#">Alymer</a> , Town of	2021	<p><a href="#">Town of Alymer Community Improvement Plan</a></p> <p>Townwide For new affordable rental housing, encourages at least 20% of units to be affordable.</p> <p><b>Planning Application and Building Permit Fees grant</b>, up to 50%</p> <p><b>Development Charges Grant</b>, up to 50% of fees paid</p> <p><b>Cash-in-lieu of parkland grant</b>, up to 50% of fees paid</p> <p><b>Tax Increment Equivalent Grant</b> – up to 50% of increment in year one, down to 10% or 2% of increment in year 5.</p>
<a href="#">Bancroft</a> , Town of	2014	<p><a href="#">Town of Bancroft Community Improvement Plan</a></p> <p><b>Residential Grant</b> to create affordable residential units, up to 50% of eligible costs, based on \$15 per sq. ft. to a maximum of \$5,000 per project in support of rehabilitation of existing or creating new units.</p> <p><b>Residential Loan</b> to create affordable residential units, up to 50% of eligible costs, based on \$15 per sq. ft. to a maximum of \$10,000 per project in support of rehabilitation of existing or creating new units, repayable in monthly installments over 5 years.</p>
Belleville, City of	2021	<p><a href="#">City of Belleville CIP</a></p> <p>Prepared/revised by Sierra Planning and Management and Dillon Consulting Applicable citywide Towards affordable rental housing, requires an agreement with City and proof of affordability annually.</p> <p><b>Affordable Rental Housing Development Charge Rebate</b>, 100% of municipal DC or prorated based on number of affordable units relative to total units within mid- or high-rise building.</p> <p><b>Affordable Rental Housing Building Permit Fee Rebate</b> 2<sup>nd</sup> units and new apartment building providing affordable rental units, 100% of fee or prorated based on number of affordable units relative to total units within mid- or high-rise building.</p> <p><b>Affordable Rental Housing Tax Increment Equivalent Rebate (TIER)</b> 2<sup>nd</sup> units and new apartment building providing affordable rental units, 100% Municipal Portion for 10 years.</p> <p><b>Second Units in New Construction Housing Rebate</b> \$2500 for legal second unit where primary dwelling is owner occupied and unit is tenanted for 5 years.</p> <p><b>Second Unit in Existing Housing Rebate</b> \$500 for studies \$2000 where construction cost is over \$30K, second unit must be tenanted for minimum of 5 years (and not via short term rental).</p> <p><b>Accessibility Top-Up Rebate</b> Second units or affordable rental units, max. \$2500 for barrier free construction.</p> <p><b>Downtown Residential Above Commercial Building - Building Permit Fee</b> 100% of for new residential unit(s) above commercial use.</p>

Municipality	Date	Programs
		<p><b>Downtown residential above commercial (TIER)</b> – providing residential units above commercial use, 100% Municipal Portion for 10 years.                      Note: City also as Brownfield incentives for studies, tax cancellation during remediation, and tax increment equivalent post construction.</p>
<p><a href="#">Blue Mountains, Town of the</a></p>	<p>2021</p>	<p><a href="#">Housing Within Reach CIP</a> (prepared by WSP)                      Applicable to the whole Town.  <b>Attainable Housing Feasibility grant</b>, 100% of eligible costs to a maximum of \$20K.  <b>Development Charges Grant Equivalent Program</b> The value of the grant is based on the value of development charges applicable to the number of <u>attainable</u> dwelling units in a development at 100% of the value of the applicable development charges, to a maximum of \$250,000.00.  <b>Tax Increment Equivalent Program</b> up to 50% of eligible costs to a maximum of \$25,000.00 per year for up to 10 years following completion of an eligible project, and maximum grant value shall not exceed 5 times the amount of the initial tax increment. Complemented by a loan, for the other 50% using the same parameters as the grant.  <b>Municipal Fees Equivalent</b> 100% of fees, or \$10,000.00, whichever is less. Complemented with a loan for 100% of fees or \$20,000.00, whichever is less.  <b>Downtown Apartment Rehabilitation or Conversion Program</b> 50% of eligible costs to a maximum of \$15,000.00 per attainable dwelling unit. The maximum number of eligible attainable dwelling units per property shall be four. Complemented by a loan of up to 50% of eligible costs to a maximum of \$30,000.00 per attainable dwelling unit, maximum 8.  <b>Additional Residential Unit Program</b> up to 50% of eligible costs to a maximum of \$15,000.00. Complemented by a loan of up to 50% of eligible costs to a maximum of \$30,000.00.  <b>Surplus Land Grant Program</b> Per an RFP process, land may be granted at a significantly reduced value or at no cost.</p>
<p><a href="#">Brantford, City of</a></p>	<p>2021 (amended 2023)</p>	<p><a href="#">Downtown Community Improvement Plan</a>  <b>Affordable Housing Revitalization Project – Tier 1</b> – a Revitalization Project that includes a minimum of 20% of Affordable Housing rental units, which have a rent charge for each unit size which is equal to or less than 80% of the most recently released Canada Mortgage and Housing Corporation (CMHC) average market rent (AMR) for the City of Brantford and County of Brant for that unit size, or 80% of an alternate average market rent approved by the Ministry of Municipal Affairs and Housing. The Affordable Housing rental units must be governed by a Municipal Housing Facilities Agreement with the City of Brantford, to ensure the units continue to be maintained as affordable for a minimum of 20 years, and must be participating in a federal and/or provincial housing program. The grant is equivalent to up to 90% of the increase in municipal property taxes in years 1 to 5, 70% in years 6 And 7, 50% in year 8, and 30% in years 9 and 10.  <b>Affordable Housing Revitalization Project – Tier 2</b> – a Revitalization Project that includes: a minimum of 10% of Affordable Housing rental units, which have a rent charge for each unit size which is equal to or less than 80% of the most recently released CMHC AMR for the City of Brantford and County of Brant for that unit size, or 80% of an alternate average market rent approved by the Ministry of Municipal Affairs and</p>

Municipality	Date	Programs
		<p>Housing; <b>and</b> a minimum of 10% of Affordable Housing rental units, which have a rent charge for each unit size which is equal to or less than 60% of the CMHC AMR for the City of Brantford and County of Brant for that unit size, or 60% of an alternate average market rent approved by the Ministry of Municipal Affairs and Housing. The grant is equivalent to up to 100% of the increase in municipal property taxes in years 1 to 10.</p> <p>Minimum eligible cost must be \$10,000</p>
Brockville, City of	2020	<p><a href="#">CIP for Downtown Brockville</a> Applicable to Downtown <b>Tax Increment Equivalent for Rehabilitation and Redevelopment (TIERR) Grant Program</b> - 100% for 5 years for all commercial and residential development <b>Residential or Commercial Conversion/Rehabilitation Grant (RCCR) Program</b> - The lesser of 50% of costs to convert or rehabilitate or \$20,000</p>
<a href="#">Cobourg, Town of</a>	2020	<p><a href="#">Affordable and Rental Housing CIP</a> Prepared by MHBC and SHS Consulting Inc. <b>Rental Housing Planning and Building Fee Waiver Program</b>, grant back 100% of fees for affordable rental or purpose-built rental housing project. <b>Rental Housing Cash-in-lieu of Parking Reduction Program</b>, grant back 50% of the calculated cash-in-lieu of parking fee. <b>Rental Housing Development Charge Program</b>, grant equal to a portion<sup>38</sup> of development charges normally payable to the town. <b>Rental Housing Property Tax Increment Grant Program</b>, grant dependent on increase in property tax. <b>Second Unit Planning and Building Fee Reduction Program</b> - Grant 100% of fees paid on specified applications for second units. <b>Second Unit Renovation and Construction Grant Program</b> - Grant Maximum \$10,000, up to 50% of total cost. Only for individuals who live at the property (sole and primary residence) <b>Second Unit Renovation and Construction Loan Program</b> – Loan Maximum \$50,000, up to 70% of total fees. Only for individuals who live at the property (sole and primary residence) <b>Emergency and Transitional Housing Planning and Building Fee Program</b> - 100% of fees paid on specified applications for emergency / transitional housing. <b>Affordable Housing and Home Ownership Planning and Building Fee Reduction Program</b> – Grant, up to 50% of fees paid on specified applications for residential development projects. For individuals or developers who partner with a non-profit organization. <b>Affordable Housing and Home Ownership Development Charge Grant Program</b> - Grant equal to a portion of the DCs normally payable.</p>
Espanola, Town of		<p><a href="#">Espanola Community Improvement Plan Downtown Core/Highway 6 Corridor Revitalization</a> Prepared by J.L. Richards &amp; Associates Ltd. <b>Tax Increment Equivalent Grant</b> for properties in the residential project area, for multi-residential, seniors housing, or affordable housing projects: 100% rebate in years 1-3, 50% rebate in years 4-6, 25% rebate in years 7-9</p>

<sup>38</sup> Portion is dependent on mix of affordable and market rent units and/or unit size, see Table 2 in the [CIP](#).

Municipality	Date	Programs
Grey Highlands, Municipality of	2023 (update)	<a href="#">Municipality of Grey Highlands Community improvement plan 2023-2024</a> <b>Planning and Building Permit Fee Grant</b> - Maximum \$2500 for planning fees, \$2500 for building permit fees; limited to proportion of affordable units. <b>Vacant Building Conversion/Expansion Grant</b> - Max the lesser of \$7500 or 50% of eligible cost to convert/expand vacant building and create housing. <b>Surplus lands</b> , offered via RFP, with priority to affordable housing projects.
Halton Hills, Town of	2022	<a href="#">Town of Halton Hills CIP</a> Prepared by Sierra Planning and Management Applies townwide <b>Multi-Stream Comprehensive Tax Increment Equivalent Grant (Tieg)</b> Program, for affordable rental housing, up to 10 years, to the maximum of the lesser of eligible costs of development or the tax increment increase resulting from the development for no more than 10 years. <b>Planning Fees and Building Permit Grant</b> , for affordable rental housing, 6 or more units with downtown Acton and Georgetown and Georgetown GO, the lesser of 50% of planning fee or \$4000 per property. (limit of 1 grant per property) and the lesser of 50% of building permit fees or \$10,000.
Hamilton, City of	2019	<a href="#">Housing for Hamilton CIP</a> Applies to lands in Roxborough <b>Grant</b> - Rebate Development Charges for homeownership units at below market price <b>Loan</b> - Forgivable loans equivalent to value of development charge for rental units
Hamilton, City of	2021 (updated)	<a href="#">Revitalizing Hamilton's Commercial Districts</a> Applies to Downtown and commercial districts with BIAs <b>Low interest loan and grant</b> to create new dwelling units (including conversion from another use), renovate existing, laneway housing. <b>Tax Increment Grant</b> for affordable rental housing over 4 years in 25% increments. (i.e., 0% in year 1, 25% in year 2, etc., is payable for the increase in property taxes). <b>TIG</b> for existing rental housing undergoing renovation. 100% of increase for years 1-5, with 20% increases for years 6-9.
Hamilton, City of	2023	<a href="#">Environmental Remediation and Site Enhancement (ERASE)</a> Applies to Brownfield sites Provides <b>grants</b> for <a href="#">studies</a> , (max. is the lesser of 50% of cost or \$20,000 for one study or \$35,000 for 2 studies; for not-for-profit housing, max is the lesser of 100% of cost or \$40K for one study or \$70K for two studies). <b>Tax Increment Equivalent Grants</b> for affordable rental housing (at 80% of cost for the transportation and disposal of contaminated soils, 100% of cost for remediation and other eligible costs) up to a maximum per the tax increment equivalent each year for up to 13 years. <b>Tax Assistance Program</b> , (tax cancellation) subject to Minister of Finance agreeing to cancel education portion of property taxes (per Brownfield Financial Tax Incentive Program), City will do the same for up to 10 years for residential development. NOTE: For non-residential development, 20% of tax increment is diverted to the City's Municipal Acquisition and Partnership and the Affordable Housing Grant programs. <b>Affordable Housing Grant</b> Program, grants to not-for-profit affordable housing providers towards remediation costs of contaminated sites. Max. \$200,000

Municipality	Date	Programs
<a href="#">Hawkesbury,</a> Town of	2021	<a href="#">Town of Hawkesbury Community Improvement Plan</a> Prepared by WSP Applies to downtown, gateway precinct and brownfield and adaptive use precinct areas: <b>Affordable Housing Development Charges Grant</b> – up to 100% of charges <b>Affordable Housing Planning and Building Permit Fee Grant</b> – up to 100% of fees <b>Affordable Housing Tax Increment Equivalent Grant</b> – up to 100% in year, declining by 20% each year for 5 years; to a maximum of 50% of eligible costs. <b>Downtown Housing Grant</b> – up to 50% of construction cost per unit to a maximum of \$5,000 per unit, and maximum 2 units. Mixed Use Development Grant – up to 50% of cost of a study to a maximum of \$5,000 per project, where project includes proposal for 4 or more affordable units. <b>Rental Housing Tax Increment Equivalent Grant</b> – up to 100% in year, declining by 20% each year for 5 years; to a maximum of 50% of eligible costs.
<a href="#">Lake of Bays</a>	(Draft 2023)	Proposed <a href="#">Township of Lake of Bays Community Improvement Plan</a> Prepared by the Planning Partnership and TCI Management Consultants Applies to communities of Hillside, Dwight, Baysville and Dorset For new worker housing and redevelopment of multi-residential housing or single-family housing with accessory residential unit geared to forestry, mining, alternative energy, tourism, hospitality and retail. <b>Fee Rebate</b> (100% of municipal fees), <b>Project Grant</b> (lesser of 50% of eligible cost or \$2000/unit), <b>Loan</b> (\$10,000 per business), and <b>Tax Increment Financing</b> (lower of 50% of project cost or tax increment equivalent over 5 years on sliding scale of 100% to 0% by year 6),
<a href="#">London,</a> City of	2020	<a href="#">City of London Affordable Housing Community Improvement Plan</a> Applies city-wide <b>Affordable housing development loan</b> , amount and duration is at Council's discretion. <b>Additional residential unit loan program</b> , amount and duration is at Council's discretion.
<a href="#">Muskoka Lakes,</a> Township of	2021	<a href="#">Township of Muskoka Lakes Community Improvement Plan Bala and Port Carling</a> Prepared by The Planning Partnership and MDB Insight Attainable or Employee Housing Program (geared to tourism, hospitality and retail workforce) <b>Fee rebate</b> – grant amount TBD <b>Construction Grant</b> – 25% of eligible cost to a maximum of \$20K - \$40K <b>Tax Increment Grant</b> over 5 years, \$150K - \$900K total over 5 years
<a href="#">New Tecumseth,</a> <a href="#">Town of</a>	2021	<a href="#">Community Improvement Plan</a> For Alliston, Beeton and Tottenham <b>Rental Development Grant</b> , for purpose built rental dwelling and affordable dwelling units. <b>Tax Increment Equivalent</b> on a sliding scale from 100% (for buildings with a minimum 20% affordable) of the increment in year 1 to 0% in tenth year. Max grant for buildings with less than 20% affordable is 80% in year 1.
<a href="#">Niagara Falls,</a> <a href="#">City of</a>	2004	<a href="#">Downtown Community Improvement Plan (PDF)</a> (prepared by GSP Group and RCI Consulting) <a href="#">Revitalization Grant (PDF)</a> – to offset the increased property taxes that result from the rehabilitation of downtown residential properties annual Grant equivalent

Municipality	Date	Programs
		<p>to 80% of the increase in City property taxes for first five years, 60% in years 6 and 7, 40% in year 8, and 20% in years 9 and 10.</p> <p><a href="#">Residential Loan (PDF)</a> - To provide a 0% interest loan (based on \$20 per sq. ft. of habitable residential space to a max. of \$20,000, repayable over 5 years) to promote the: conversion of non-residential buildings to residential use; upgrade of existing residential buildings to meet Building Code, Fire Code and Property Standards By-law; and construction of residential units on vacant properties.</p>
<a href="#">Niagara Falls, City of</a>	2006	<p><a href="#">Historic Drummondville Community Improvement Plan (PDF)</a> prepared by RCA Consulting, Marshal Macklin Monaghan, du Toi Allesopp Hillier</p> <p><a href="#">Revitalization Grant (PDF)</a> - Annual grant equivalent to 80% of the increase in Municipal taxes in Years 1-5 after rehabilitation, 60% in Years 6 and 7, 40% in Year 8, and 20% in Years 9 and 10 to offset the increased property taxes that result from the rehabilitation of residential and commercial properties.</p> <p><a href="#">Residential Loan (PDF)</a> - 0% interest loan on the basis of \$20 per sq. ft. of habitable space created, to a maximum loan of \$20,000 per unit. Maximum loan of \$500,000 per property repayable over 5 years to promote the: conversion of non-residential buildings to residential use; upgrade of existing residential buildings to meet Building Code, Fire Code and Property Standards By-law; and construction of residential units on vacant properties.</p>
<a href="#">North Bay, City of</a>	2020	<p><a href="#">Growth Community Improvement Plan</a></p> <p>Areas designated Intensification Area in Official Plan</p> <p><b>Tax Increment Rebate</b> - Up to 5 years incremental municipal tax rebate, 100% of increment in year 1 to 0% of increment in year 5</p> <p><b>Municipal Fee Rebate</b> - 100% rebate for applicable municipal fees</p> <p>Development Charges Rebate - 100% rebate for applicable development charges</p> <p><b>Professional Study Grant</b> - Up to 50% to a maximum of \$5,000 towards eligible third party professional fees</p>
<a href="#">Oakville, Town of</a>	2018	<p><a href="#">Brownfield Community Improvement Plan</a></p> <p>The whole of Oakville is designated as a community improvement project area. The CIP is specific to brownfield sites.</p> <p><a href="#">Tax Increment Grant Program</a> – where a property requires environmental remediation and/or risk assessment, and provides a minimum of 20% of units that are affordable, assisted, and/or special needs housing, Town may grant 80% - 100% of the municipal property tax increase generated by the project for 8 to 12 years after project completion, depending on location of the site.</p>
<a href="#">Ottawa, City of</a>	(Draft 2023)	<p><a href="#">Affordable Housing Community Improvement Plan</a> (draft) prepared by MHBC</p> <p>Applies city-wide, to increase supply of affordable rental housing</p> <p><b>Tax Increment Equivalent Grant</b> the lesser of \$6,000 to \$8,000 per unit (depending on level of affordability), per year for twenty years, or the incremental increase in property tax for that year.</p>
Owen Sound, City of	2020	<p><a href="#">City of Own Sound CIP</a></p> <p>Applicable City-wide</p> <p><b>Study and Design Grant</b> - Max grant the lesser of 50% of cost or \$10K (maximum 2 grants per property), for affordable housing</p> <p><b>Development Charges Grant</b> for rental housing, rebate of City DCs upon completion of project</p> <p><b>Surplus Lands and Building</b> - Priority given to affordable housing projects via RFP process</p>

Municipality	Date	Programs
<a href="#">Pembroke</a> , City of	2022	<a href="#">City of Pembroke Community Improvement Plan</a> Affordable Housing Study Grant, up to 50% to a maximum of \$5,000 <b>Downtown Housing Grant</b> , 50% of construction cost to a maximum of \$5,000 per unit, two units maximum <b>Planning Fee</b> : A grant to a maximum of \$2,500 <b>Building Permit Fee</b> : A grant to a maximum of \$2,500, grants can cover the cost of City fees up to 100% <b>Tax Increment Equivalent Grant</b> for new or conversion of building providing residential units, percentage to be determined by municipality, maximum 10 years.
Port Hope, Municipality of		<a href="#">Port Hope Community Improvement Plan</a> Applicable to Downtown <b>Upper Storey Conversion Grant Program</b> - \$15/sq. ft. to a maximum of \$15,000 per residential unit, to a maximum of 4 units. \$24/sq. ft. for affordable residential units. <b>TIEG or Development Charge Grant</b> for “catalytic” projects. <b>Fee Grant</b> , 100% of planning and development application and permit fees to a maximum of \$5000.
<a href="#">Prescott</a> , Town of	2023	<a href="#">Town of Prescott Community Improvement Plan</a> Large Scale Residential Development multi-unit with a minimum of 10% affordable, <b>Permit &amp; Application Fees Grant</b> - Reimbursement to a maximum amount of the building and application fees, for work that is approved for the CIP program. \$1,000 or 10% of building permit fee whichever is higher <b>Property Tax Increment</b> - Tax increment grant of varying percentage (starting at 50% & decreasing by 10% each year) to off-set increase in municipal taxes from improvements, paid annually for up to 5 years. (Maximum is based on assessment increase)
<a href="#">Red Lake</a> , Municipality of		<a href="#">Red Lake Community Improvement Plan</a> Applies to Balmertown <b>Planning Application and Building permit fees</b> 50% to a maximum of \$1000 per project or property <b>Rental Housing Conversion and Expansion Grant</b> , up to \$20 per sq. ft of converted or expanded floor space, to a maximum of \$5,000 per project/property <b>Tax Increment Equivalent Grant</b> for adaptive reuse, building rehabilitation and retrofit works, over 5 years starting 100% of increment and down to 20% by year 5.
Sarnia, City of	2020	<a href="#">Sarnia Community Improvement Plan</a> Prepared by The Planning Partnership and MDB Insight Applicable to Downtown Sarnia and Mitton Village <b>Planning Act application fees and Building Permit Fees</b> - 50% of cost <b>Additional Residential Units Program Grant</b> , the lesser of 25% of the renovation cost or \$20K per property. <b>Renovation Grant</b> , the lesser of 25% of cost or \$15,000 per property <b>Tax increment Based Program</b> to incentivize property improvement, via adaptive reuse of increase in floor area by 25% or more, grant back tax increment equivalent at 100% in year 1 and decrease by 10% annually to 10% by year 9.



Municipality	Date	Programs
Smiths Falls, Town of	2022	<p><a href="#">Town of Smiths Falls Community Improvement Plan (CIP)</a> Prepared by Dillon Consulting</p> <p><a href="#">Attainable Housing Development Charge Rebate</a>, up to 100% of charge</p> <p><a href="#">Attainable Housing Building Permit Fee and Planning Application Fee Rebate</a>, up to 100% of fees</p> <p><a href="#">Attainable Housing Tax Increment Equivalent Rebate</a>, 50% of municipal tax for 10 years, based on a minimum of 6 attainable units</p> <p><a href="#">Attainable Housing Additional Residential Unit (ARU) Rebate</a>, up to \$15,000 for professional drawings</p> <p><a href="#">Attainable Housing and Universal Accessibility Co-Application</a>, 50% of cost up to \$15,000 for exterior and 50% of cost up to \$15,000 for interior</p>
<a href="#">Southgate, Township of</a>	2021	<p><a href="#">Township of Southgate Community Improvement Plan</a></p> <p><b>Housing Rehabilitation and Conversion Grant</b>, to assist with the rehabilitation of a previous residential unit or the conversion of upper floor commercial/residential/mixed-use building space into affordable residential units. Maximum \$12,000 or 50% of the eligible costs (whichever is less).</p> <p><b>Planning and Building fee grant</b>, maximum \$2,500 for each</p> <p><b>Development Charges Grant</b> – maximum \$10,000</p> <p>OR</p> <p><b>Tax Increment Equivalent grant</b> - the municipal taxation increases on the property-based assessment change caused by new construction or building upgrades can be transitioned by 10% annual increases imposed each year over the 10-year period.</p>
<a href="#">Southwest Middlesex, Township</a>	2021	<p>Southwest Middlesex Community Improvement Plan</p> <p><b>Commercial Conversion/Rental Housing Grant</b> - For rental housing projects, a grant may be provided for 50% of eligible costs for each unit, up to a total of \$5,000 per unit (to a maximum of 2 units).</p>
<a href="#">St. Marys, Town of</a>	2021	<p><a href="#">Community Improvement Plan</a></p> <p>Applies within downtown</p> <p><b>Downtown rental housing grant</b> - For new rental and existing residential units in upper storeys of buildings with commercial at grade, grant 50% of the eligible costs for each unit up to \$5,000 per unit, with the overall grant value not exceeding \$10,000.</p> <p><b>Accessory Dwelling Unit grant</b> - Up to 50% of the eligible project costs incurred, to a maximum of \$10,000.</p>
St. Thomas, City of	2021	<p><a href="#">City of St. Thomas Community Improvement Plan</a></p> <p>Prepared by RCI Consulting</p> <p><b>Residential Grant</b> - A Grant equal to 50% of cost of renovating existing affordable residential units and/or constructing new affordable residential units, to a maximum grant of \$12,500 per unit (total maximum grant of \$100,000 per property/project).</p> <p>AND</p> <p><b>Residential Loan</b> - A no interest loan equal to 50% of cost of renovating existing residential units and/or constructing new residential units, to a maximum loan of \$12,500 per unit (total maximum loan of \$100,000 per property/project). The loan is repayable in equal monthly payments over a 7-year period.</p> <p><b>Development Charge grant</b> – up to 100% of city charge</p>

Municipality	Date	Programs
		<p><b>Tax Increment Grant</b> – up to 100% for up to 5 years</p> <p><b>Parkland Dedication Grant Program</b> – 100% of cash-in-lieu fee, where it is determined parkland is not required.</p> <p><b>Planning and Building Fee Grant Program</b> – 100% to a maximum of \$5,000 per project</p>
<p><a href="#">Strathroy-Caradoc, Municipality of</a></p>	<p>2020</p>	<p><a href="#">Strathroy-Caradoc Community Improvement Plan</a> Prepared by Re: PUBLIC urbanism Additional Unit Program for new residential rental units</p> <p><b>Building Permit &amp; Planning Fee Grant</b> The maximum amount of the grant is 75% of the total building permit and planning fees associated with the project.</p> <p><b>Construction Costs Matching Grant</b> The maximum amount of the grant is 25% of the construction costs of the eligible works, up to \$15,000.</p> <p><b>Professional Fee Matching Grant</b> The maximum amount of the grant is 50% of the professional fees associated with the eligible works, up to \$1,500.</p> <p>Downtown Rental Housing Program for rental units in the downtown areas of Strathroy and Mount Brydges</p> <p><b>Building Permit &amp; Planning Fee Grant</b> The maximum amount of the grant is 50% of the total building permit and planning fees associated with the project.</p> <p><b>Construction Costs Matching Grant</b> The maximum amount of the grant is 15% of the construction costs of the eligible works, up to \$15,000 per unit.</p> <p><b>Professional Fee Matching Grant</b> The maximum amount of the grant is 50% of the professional fees associated with the eligible works, up to \$5,000</p> <p>Attainable Housing Program for attainable rental housing in Strathroy and Mount Brydges</p> <p><b>Building Permit &amp; Planning Fee Grant</b> - up to 100% of the total building permit and planning fees associated with the project.</p> <p><b>Construction Costs Matching Grant</b> – up to 15% of the construction costs of the eligible works, up to \$15,000 per unit.</p> <p><b>Professional Fee Matching Grant</b> – up to 50% of the professional fees associated with the eligible works. <b>Development Charge Reduction</b> - up to 80% of the development charges owed</p> <p><b>Annual Tax Increment Grant</b> - a percentage of the municipal portion of the tax increment calculated at project completion, up to \$25,000 annually. At no point shall the gross total of all grant payments exceed 50% of the cost of eligible works, paid to owner annually, decreasing at a rate determined by municipality for 10 years.</p>
<p>Sudbury, City of</p>	<p>2018</p>	<p><a href="#">Affordable Housing CIP</a> Applies to lands within 200m of transit route or bus stop, within Built Boundary</p> <p><b>Tax increment Equivalent Grant</b> (not for 2<sup>nd</sup> units) Over 5 years, yrs 1-3 @ 100% of increment, years 4 and 5 @ 50%</p> <p><b>Planning and Building Fee Rebate</b> to a max of \$5000 for planning fees and \$30,000 for building fees</p> <p><b>Feasibility Grant</b> (not for 2<sup>nd</sup> units) max. of the lesser of 50% of study cost or \$5000.</p> <p><b>Residential Incentive Program</b> (not for 2<sup>nd</sup> units) The lesser of \$10 per sq. ft of new affordable habitable space or \$20,000 per unit.</p> <p><b>Second Unit Incentive Program</b> (not for multi-res) max of 50% of project cost or \$50,000 for non-profit or charitable institution only</p>

Municipality	Date	Programs
Waterloo Region		<a href="#">Region of Waterloo Reurbanization Community Improvement Plan</a> Applicable to lands along the Central Transit Corridor (CTC) identified as Regional Reurbanization Community Improvement Project Area that are located within Waterloo, Kitchener, Cambridge, and Township of Woolwich. CIP authorizes the Region to acquire, improve, enable construction of buildings on the property and market and dispose the land or buildings to, among other matters, increase the supply of affordable housing.
<a href="#">Waterloo, City of</a>		<a href="#">Uptown Community Improvement Plan</a> Applies within Uptown area <b>Tax increment equivalent grant</b> for minimum of 5000 sq. ft. development, grant back 50% of tax increment over 6 to 10 years, depending on amount of affordable units and additional improvements such as LEED and/or heritage

## References

- Canada Mortgage and Housing Corporation. (2018, March 31). *About Affordable Housing in Canada*. Retrieved from cmhc-schl.gc.ca: <https://www.cmhc-schl.gc.ca/professionals/industry-innovation-and-leadership/industry-expertise/affordable-housing/about-affordable-housing/affordable-housing-in-canada>
- Canada Mortgage and Housing Corporation. (2023, June 23). *Housing shortages in Canada Updating how much housing we need by 2030*. Retrieved January 31, 2024, from CMHC.ca: [https://assets.cmhc-schl.gc.ca/sites/cmhc/professional/housing-markets-data-and-research/housing-research/research-reports/2023/housing-shortages-canada-updating-how-much-we-need-by-2030-en.pdf?rev=3b66f87d-0bec-44d6-aa54-f8af71f9b2c4&\\_gl=1\\*604xc0\\*\\_ga\\*MTU](https://assets.cmhc-schl.gc.ca/sites/cmhc/professional/housing-markets-data-and-research/housing-research/research-reports/2023/housing-shortages-canada-updating-how-much-we-need-by-2030-en.pdf?rev=3b66f87d-0bec-44d6-aa54-f8af71f9b2c4&_gl=1*604xc0*_ga*MTU)
- City of Mississauga. (n.d.). *Inclusionary Zoning for Affordable Housing Study*. Retrieved 2024, from City of Mississauga, City Project: <https://www.mississauga.ca/projects-and-strategies/city-projects/inclusionary-zoning-for-affordable-housing-study/>
- City of Toronto. (2020, December 16). *Official Plan Amendment 482*. Retrieved from toronto.ca: <https://www.toronto.ca/wp-content/uploads/2020/03/9610-CityPlanning-2020-02-21-Bill-PMTSA-OPA-482.pdf>
- City of Toronto. (2021, November 19). *OPA 257, Inclusionary Zoning*. Retrieved 2024, from City of Toronto, Planning: <https://www.toronto.ca/legdocs/bylaws/2021/law0940.pdf>
- City of Toronto. (2022, February 2). *Official Plan Amendment 524*. Retrieved from toronto.ca: <https://www.toronto.ca/legdocs/mmis/2022/ph/bgrd/backgroundfile-174825.pdf>
- City of Toronto. (2022, July 28). *OPA 540, Protected Major Transit Station Areas*. Retrieved 2024, from City of Toronto, Planning: <https://www.toronto.ca/legdocs/bylaws/2022/law0844.pdf>
- Clark, S. (2022, September 12). *Letter from Minister Steve Clark regarding OPA 540*. Retrieved from toronto.ca: <https://www.toronto.ca/wp-content/uploads/2022/09/903e-CityPlanning-234-2022-4000-Toronto-OPA-540-SIGNED.pdf>
- Clark, S. (2022, September 12). *Letter from Minister Steve Clark regarding OPA 570*. Retrieved from toronto.ca: <https://www.toronto.ca/wp-content/uploads/2022/09/9818-CityPlanning-234-2022-4000-Toronto-OPA-570-SIGNED.pdf>
- Government of Ontario. (2022, December 6). *ERO 019-5936 Approval to amend a municipality's official plan (Toronto OPA 540)*. Retrieved from Environmental Registry of Ontario: <https://ero.ontario.ca/notice/019-5936>
- Halton Region. (2016, September 14). *Regional Program for Community Improvement Plans (CIPs) Guidelines Regional Official Plan Guidelines*. Retrieved from Halton.ca: <https://www.ontario.ca/laws/regulation/160173>
- Halton Region. (2019). *Comprehensive Housing Strategy 2014-2024 - Five-year Review*. Retrieved from Halton.ca: [https://www.halton.ca/Repository/Comprehensive-Housing-Strategy-Update-FiveYear-\(1\)](https://www.halton.ca/Repository/Comprehensive-Housing-Strategy-Update-FiveYear-(1))

- Halton Region. (2022, June). *Regional Official Plan Amendment 49*. Retrieved from Halton Region, Planning: [https://www.halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-\(ROP\)-\(1\)/Halton-s-Regional-Official-Plan-Review-\(ROPR\)/Draft-Regional-Official-Plan-Amendment-49](https://www.halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-(ROP)-(1)/Halton-s-Regional-Official-Plan-Review-(ROPR)/Draft-Regional-Official-Plan-Amendment-49)
- Halton Region. (2023, December). *Halton Region Official Plan*. Retrieved from Halton.ca: <https://www.halton.ca/Repository/ROP-Office-Consolidation-Text>
- Halton Region. (2023). *State of Housing Report, 2022*. Retrieved from Halton.ca: <https://www.halton.ca/Repository/2022-State-of-Housing-Report>
- Legislative Assembly of Ontario. (2022, November 28). *Bill 23, An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022*. Retrieved from ola.org: [https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-11/b023ra\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-11/b023ra_e.pdf)
- Leon, C. (2024, January 30). Why the city quietly stopped offering loans for 'affordable' laneway homes. *Toronto Star*. Retrieved from [https://www.thestar.com/real-estate/why-the-city-quietly-stopped-offering-loans-for-affordable-laneway-homes/article\\_b7b1e638-ba81-11ee-b3f2-37b3797dcc15.html](https://www.thestar.com/real-estate/why-the-city-quietly-stopped-offering-loans-for-affordable-laneway-homes/article_b7b1e638-ba81-11ee-b3f2-37b3797dcc15.html)
- Listing.ca. (n.d.). *Oakville Real Estate Price History*. Retrieved January 2024, from Listing.ca: <https://oakville.listing.ca/real-estate-price-history.htm>
- Ministry of Municipal Affairs and Housing. (2021, August 11). *Community planning permit system*. Retrieved from Ontario.ca: <https://www.ontario.ca/page/community-planning-permit-system>
- Ministry of Municipal Affairs and Housing. (2022, October 25). *Community infrastructure and housing accelerator*. Retrieved from ontario.ca: <https://www.ontario.ca/page/community-infrastructure-and-housing-accelerator#section-2>
- Ministry of Municipal Affairs and Housing. (2022). *Ministry of Municipal Affairs and Housing, Provincial Policy Statement Housing Table 2 10% Below Average Resale Price, 2022, and Table 4: Average Apartment Rents, Ontario, 2022*.
- Ministry of Municipal Affairs and Housing. (2022, December 9). *Municipal development and community benefits charges, and parklands*. Retrieved from ontario.ca: <https://www.ontario.ca/page/municipal-development-and-community-benefits-charges-and-parklands>
- Ministry of Municipal Affairs and Housing. (2024, January 19). *Tracking housing supply progress*. Retrieved from Ontario.ca: <https://www.ontario.ca/page/tracking-housing-supply-progress>
- Ontario Government. (2016, December 8). *Bill 7, Promoting Affordable Housing Act, 2016*. Retrieved from <https://www.ontario.ca/laws/statute/S16025#sched4s1s1>
- Ontario Government. (2018, December 6). *Bill 57, Restoring Trust, Transparency and Accountability Act, 2018, S.O. 2018, c. 17 - Bill 57*. Retrieved from e-Laws: <https://www.ontario.ca/laws/statute/S18017#sched36s1>
- Ontario Government. (2019, June 6). *Bill 108, the More Homes, More Choice Act, 2019*. Retrieved from <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>

- Ontario Government. (2020, May 1). *Provincial Policy Statement, 2020 Under the Planning Act*. Retrieved from ontario.ca: <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>
- Ontario Government. (2021, June 1). *O. Reg. 173/16: COMMUNITY PLANNING PERMITS*, Currency date from June 1, 2021. Retrieved from e-Laws: <https://www.ontario.ca/laws/regulation/160173>
- Ontario Government. (2021, October 19). *Ontario Regulation 232/18 Inclusionary Zoning*, Currency date from October 19, 2021. Retrieved from e-Laws: <https://www.ontario.ca/laws/regulation/180232>
- Ontario Government. (2022, November 28). *Bill 23, More Homes Built Faster Act, 2022*. Retrieved from Legislative Assembly of Ontario: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-23>
- Ontario Government. (2022, November 4). *ERO 019-6173 Proposed Amendment to O. Reg 232/18: Inclusionary Zoning*. Retrieved from Environmental Registry of Ontario: <https://ero.ontario.ca/notice/019-6173>
- Ontario Government. (2022, December 20). *O. Reg. 580/22: PROVINCIAL PRIORITIES*, Currency date from December 20, 2022. Retrieved from e-Laws: <https://www.ontario.ca/laws/regulation/220580?search=municipal+act>
- Ontario Government. (2023, December 4). *Development Charges Act, 1997, S.O. 1997, c. 27*, Currency date from December 4, 2023. Retrieved from e-Laws: <https://www.ontario.ca/laws/statute/97d27?search=development+charges+Act>
- Ontario Government. (2023, August 9). *Ontario Regulation 509/20 Community Benefits Charge and Parkland*, Currency Date from August 9, 2023. Retrieved from e-Laws: <https://www.ontario.ca/laws/regulation/200509>
- Ontario Government. (2023, December 16). *Planning Act*, Currency date from December 6, 2023. Retrieved from e-Laws: <https://www.ontario.ca/laws/statute/90p13#top>
- Ontario Government. (2023, December 6). *Planning Act, R.S.O. 1990, c. P.13*, Currency date from December 6, 2023. Retrieved from e-Laws: <https://www.ontario.ca/laws/statute/90p13#top>
- Paula Goering, S. V. (2014). *National At Home/Chez Soi Final Report*. Calgary, AB: Mental Health Commissioner of Canada. Retrieved from <http://www.mentalhealthcommission.ca>
- Region of Peel. (2022, November 4). *Peel Region Official Plan*. Retrieved from peelregion.ca: <https://www.peelregion.ca/officialplan/download/>
- Town of Oakville. (2018, July 9). *BY-LAW NUMBER 2018-098*. Retrieved from oakville.ca: <https://pub-oakville.escribemeetings.com/filestream.ashx?documentid=17919>
- Town of Oakville. (2021, August 31). *Livable Oakville - Town of Oakville Official Plan 2009*. Retrieved from Oakville.ca: <https://www.oakville.ca/getmedia/ef94282b-3d17-49b9-8396-3e671d8b7187/business-development-planning-livable-oakville-official-plan.pdf>
- Town of Oakville. (2022, September 6). *By-Law Number 2022-069 A by-law to establish community benefits charges*. Retrieved from Town of Oakville: <https://www.oakville.ca/getmedia/5da9579f-e766-4c6b-ad8e-225cef7f2e6f/bylaw-2022-069-community-benefits-charge.pdf>

- Town of Oakville. (2023, July). *Draft Housing Strategy and Action Plan*. Retrieved from Town of Oakville: <https://pub-oakville.escribemeetings.com/filestream.ashx?DocumentId=57414>
- Town of Oakville. (2024, January 2024). *Town of Oakville Planning and Development Council Minutes*. Retrieved from Town of Oakville: <https://pub-oakville.escribemeetings.com/Meeting.aspx?Id=8c7049e8-070c-40e4-b162-ed865fefe866&Agenda=PostMinutes&lang=English&Item=79&Tab=attachments>
- Town of Oakville. (n.d.). *Community Benefits Charge*. Retrieved from Town of Oakville: <https://www.oakville.ca/town-hall/budget-finances/growth-infrastructure-financing-tools/community-benefits-charge/>
- Tribunal, O. L. (n.d.). *Case Status*. Retrieved January 2024, from Ontario Land Tribunal: <https://jus-olt-prod.powerappsportals.com/en/e-status/>
- Watson & Associates Ltd. (2022, May 13). *Development Charges Background*. Retrieved from Oakville.ca: <https://www.oakville.ca/getmedia/53c46280-043b-4e5d-a155-4debed86eaa8/town-hall-2022-development-charges-background-study.pdf>
- Wendy Walberg, C. S. (2017, November 14). *Request for Direction - Official Plan Amendment 258 (Official Plan Policies to Implement a Development Permit System)*. Retrieved from Toronto.ca: <https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-109088.pdf>