

TOWN OF OAKVILLE QUESTIONS FOR MINISTER OF MUNICIPAL AFFAIRS & HOUSING REGARDING BILL 108

Development Charges Act

1. Is there an opportunity to set a maximum time for when a development charge rate is determined? For example, there may be several years or even decades between a zoning or site plan approval and the issuance of a building permit, resulting in a significant financial and administrative burden for municipalities.
2. Municipalities have needed to rely on negative reserves or issued debt in order to fund major soft services such as community centres or libraries. In these circumstances, how do you anticipate debt in “soft service” development charge reserves to be paid? Is there a potential for a longer transition?
3. How does allowing commercial, industrial and institutional developments to pay development charges in six annual instalment payments support affordable housing?
4. Can deferrals or annual instalments be secured through a letter of credit and registered on title?
5. How does growth pay for growth when Bill 108 caps the amount municipalities may charge for soft services, delays payment requirements to many years in the future and locks the amount to pay to a very early point in the development process?
6. Will municipalities be permitted to set rules to ensure developers are prevented from submitting incomplete applications for the specific purpose of “locking-in” the value of their development charges payable (ie: if rates are to be frozen at the date of site plan application or zoning by-law amendment)?
7. Through what mechanisms may municipalities recover the significant administrative costs directly attributable to the new legislation to ensure it does not fall to property taxes?
8. Will municipalities be able to index rates between by-law updates to reflect current costs and better correlate development charge revenue collected to the cost of growth in order to address financing shortfalls as the revenue collected will not reflect current costs?
9. How will the changes arising from Bill 108 ensure that the building industry passes on these additional profits/cost savings on development charges to home buyers in order to support affordability?

Planning Act & Local Planning Appeal Tribunal Act

1. How do you anticipate no reduction in the funds available for community benefits with the community benefit charge, particularly when a cap on the charge is contemplated?
2. How can municipalities plan for major communities facilities, which require several years of planning, designing and constructing with the requirement to spend 60% within the first year of collection? What will be required to demonstrate funds have been sufficiently “allocated”?
3. What is the methodology that is being proposed to calculate the cap on the community benefit charge (CBC)? How will the methodology adequately recognize the differences in land values within cities/towns and throughout the Province? How is the cost of parks development related to land value, which would justify a cap based on land value?
4. What will be the criteria for the calculation of the CBC, population/employment, land size housing units/sq.ft?
5. If developers are not required to make an increased payment where they dispute the amount of the community benefit charge that is payable and the appraisal of the value of the land is actually determined to be higher, why would they not dispute a municipality’s valuation in every instance (ie: the only relief contemplated is a refund to the developer)?
6. What incentive does a municipality have to continue to update its official plan and zoning by-law in accordance with provincial requirements if the Local Planning Appeal Tribunal (LPAT) can simply override its planning decisions?
7. If the goal is “speed” to allow more housing to be built, how does reverting to lengthy, adversarial *de novo* hearings achieve this objective?
8. How do you expect to provide deference to local council planning decisions with the return of *de novo* hearings?
9. If the LPAT must only “have regard to” a municipality’s planning decision, how can intensification, including affordable housing options, be appropriately directed to “Strategic Growth Areas” as required by the Growth Plan?
10. What are you considering in the transition of current LPAT hearings to the new process?

Timing

1. When will the regulations be released and will municipalities have a reasonable opportunity to comment prior to finalization?

2. Can we assume that the *Planning Act* changes will not be proclaimed until the regulations are finalized?
3. What is the proposed proclamation date for the community benefits charge by-law? Will any consideration be given to providing municipalities with a minimum of four years from the date that the *More Homes, More Choice Act, 2019* comes into force to provide the time necessary to implement?
4. What is the timing of new PPS relative to the Bill 108 regulations? What are the areas of change you are considering in the PPS? Will municipalities have an opportunity and a reasonable time period to comment on the PPS?
5. Will there be subsequent/further changes to the Growth Plan arising from any changes to the PPS?
6. What is the timing and will there be any consultation on regulations associated with the *Ontario Heritage Act* changes and what will these mean for municipalities that have been designating properties in order to conserve their cultural heritage value as required by the 2005/2014 PPS and 2006/2017 Growth Plan?
7. When will municipalities get answers to all of the questions submitted?