

***Bill 108 - More Homes, More Choice Act, 2019 and
Amendments to the Places to Grow Act, 2005***

Committee of Council

May 29, 2019

About Bill 108: More Homes, More Choice Act, 2019

Proposes to amend 13 pieces of legislation:

Planning Act	Cannabis Control Act
Conservation Authorities Act	Labour Relations Act
Development Charges Act	Local Planning Appeal Tribunal Act
Education Act	Occupational Health and Safety Act
Endangered Species Act	Ontario Heritage Act
Environmental Assessment Act	Workplace Safety and Insurance Act
Environmental Protection Act	

The province has yet to issue corresponding regulations that are required to understand the full impact of the proposed legislation.

DC Act Amendments: Substantive Changes to Current DC Regime

Services
Intact in
DCA

Fire and
Emergency

Transit

Public Works
(Buildings and
Fleet)

Roads

Services
Removed
from DCA

General
Government
(Studies and
Animal Services)

Library

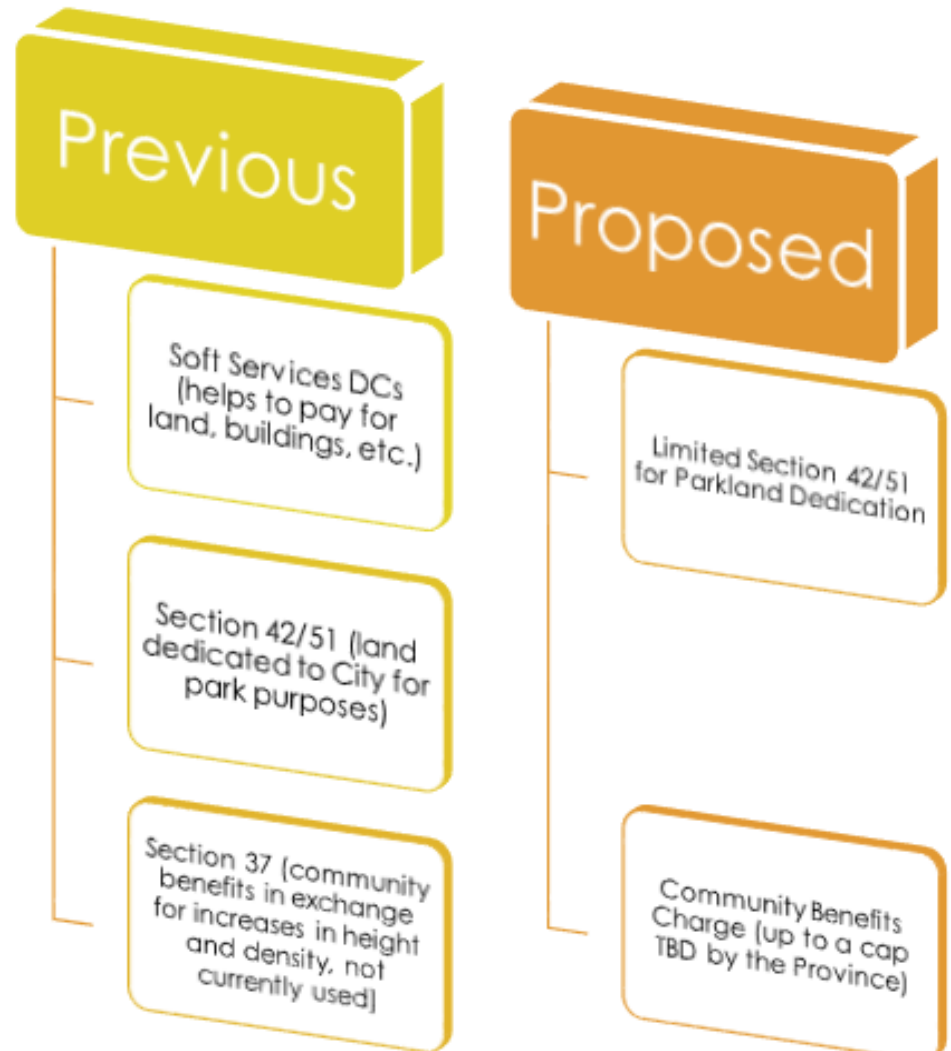
Recreation
(including Parks)

Parking

- Removal of “Soft Services” from DC Act
- Freezing of DC rate on either:
 - Application date of site plan approval; or
 - Application date of subdivision rezoning
- 6-Year Payment Plan for Commercial and Industrial Developers
 - City to receive DCs over 6 years, rather than total amount up front

DC Act Amendments: Introduction of Community Benefits Charge

- CBC rolls up soft DCs, parkland dedication and S.37 into one charge
- CBC is determined up to a maximum percentage (TBD by Province) of appraised land value
- Before a CBC By-law is passed, a Community Benefits Strategy must be completed
- Municipalities shall spend or allocate at least 60% of CBCs collected in each calendar year
- CBC By-law must be emplaced on a date TBD by Province



DC Act Amendments: DC Dollars at Risk

General Gov't.	\$10,855,000
Library	\$23,529,000
Recreation	\$353,473,000
Subtotal	\$387,857,000

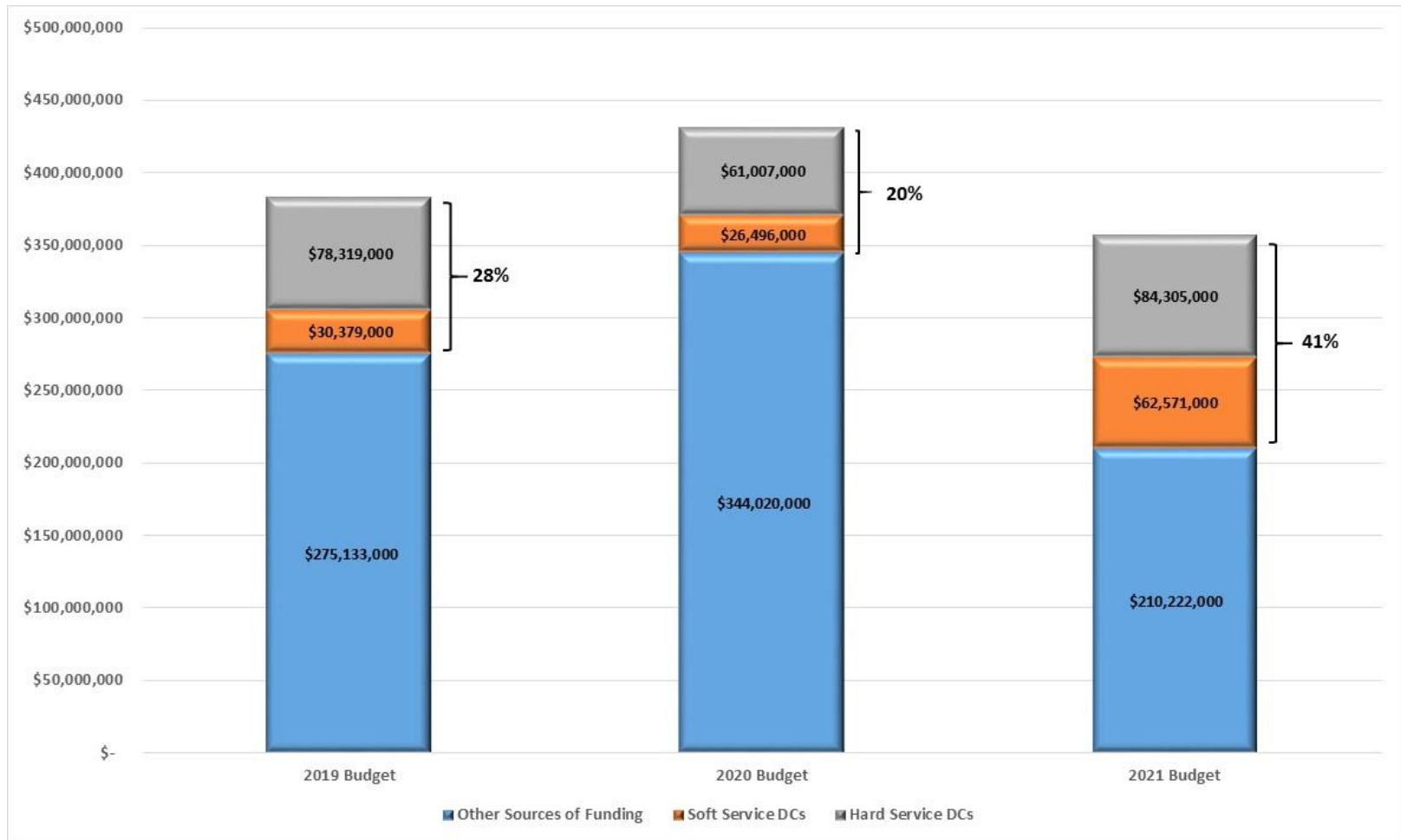
The collection of \$388 million in DC revenue remains unknown at this point in time

Fire	\$36,627,000
Public Works	\$45,597,000
Transit	\$308,658,000
Roads	\$1,608,232,000
Subtotal	\$1,999,114,000

Interim funding (e.g. – property taxes or debt) may be required for adequate cash flow

Note: Above subtotals represent potential 10-year DC collections. 23-year collections for Roads

DC Act Amendments: 2019-2021 Capital Budget Funded by DCs



DC Act Amendments: Financial Implications of Bill 108

- CBC needs to raise sufficient revenue so that growth pays for growth. If it does not, municipalities will be faced with:
 - Delaying the construction of infrastructure
 - Transferring the cost burden to tax/rate payers
 - Choosing not to provide the service at all
- There is no mechanism in Bill 108 that would ensure any “savings” achieved by developers would be passed onto homebuyers or renters
- No apparent link between proposed changes to DC Act and how that will increase housing supply or make housing more affordable

Proposed Amendments to the Ontario Heritage Act

New Heritage Timelines

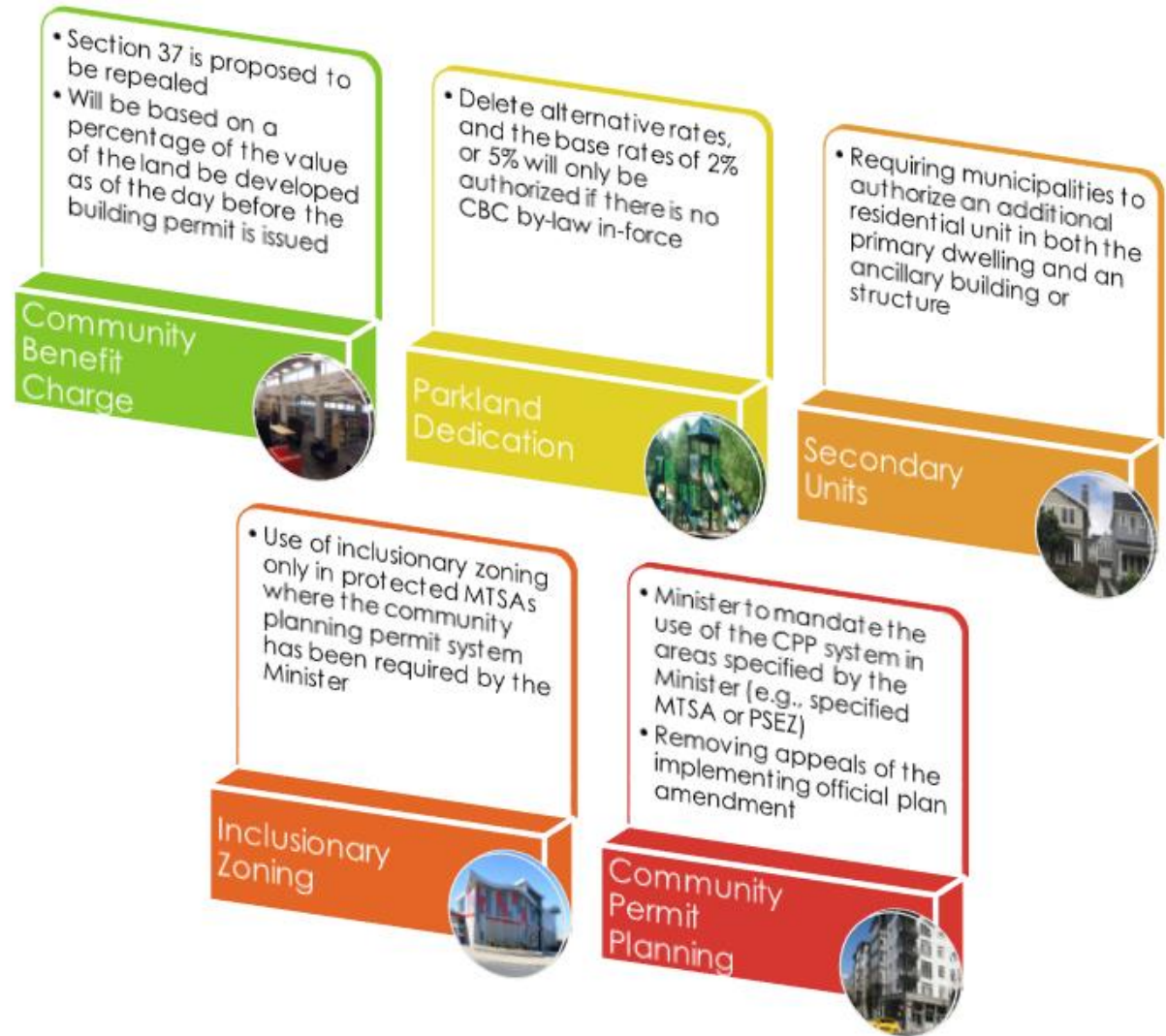
- Establishing new timelines will impact the process of 'listing' and designating properties, and the administration of heritage permits.
- Any limitations on when municipalities can issue notices of intention to designate properties will severely impact Brampton's responsibility to conserve significant cultural heritage resources.

Heritage Appeals

- Requiring that municipal decisions related to heritage matters be appealable to the LPAT, and that LPAT orders on such appeals be binding, will limit municipal authority on heritage conservation.
 - The non-binding decisions of the current Conservation Review Board maintains the municipality's decision-making authority regarding heritage conservation, in contrast to the LPAT, which will make final decisions.
 - There is no certainty that the adjudication to LPAT will be limited to consideration of the cultural heritage value of the property and that decisions will be sensitive to local municipal values.

Proposed Amendments to the Planning Act

- **Some changes contradict the intended goal of the policies**
- **Lack of flexibility will limit local response to needs**
- **Financial implications will negatively impact complete community building**
- **Significant limitation of Municipal Discretion**



Planning Act Amendments: Community Permit Planning System

- Enabling Minister to mandate use of the community planning permit system in areas specified by the Minister (e.g., specified major transit station areas and provincially significant employment zones)
- Not reflective of Vision 2040
- Removing appeals of the implementing official plan amendment and, subject to regulation, the related by-law;



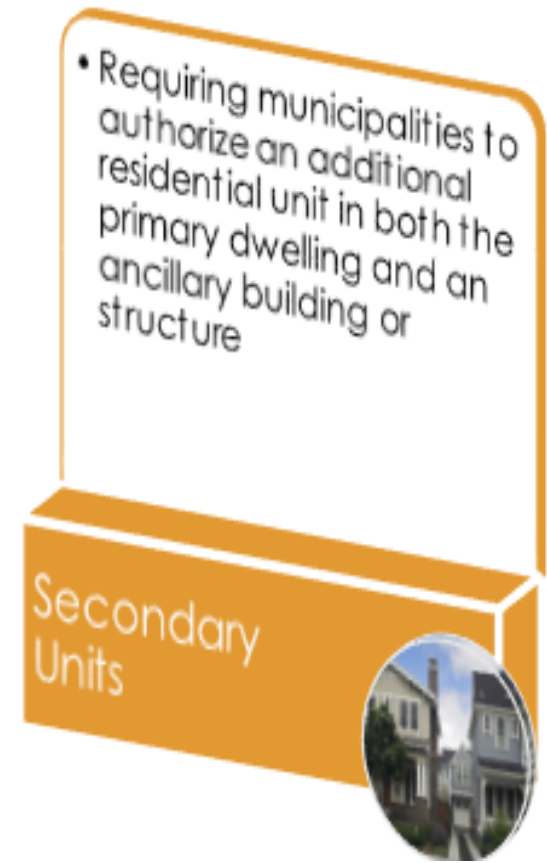
Planning Act Amendments: Inclusionary Zoning

- focusing the discretionary use of inclusionary zoning to protected major transit station areas and areas where the community planning permit system has been required by the Minister
- May not reflect priorities areas of the City



Planning Act Amendments: Second Residential Units

- Requiring municipalities to authorize an additional residential unit in both the primary dwelling and an ancillary building or structure.
- Proposed changes in DC Act would prevent Municipalities from charging DC's.
- Impacts to neighbourhoods, services, parking etc.



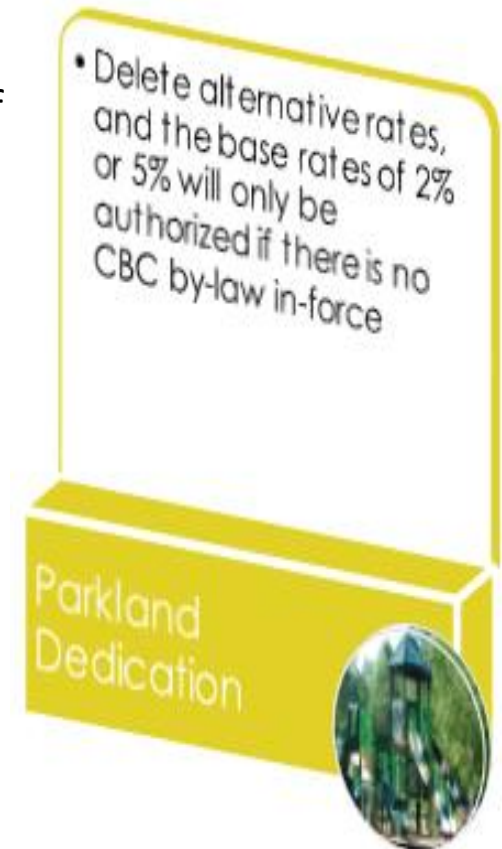
Planning Act Amendments: Changes to Section 37: Bonusing

- Bill 108 proposes a repeal of Section 37, and replaced with a Community Benefits Charge (“CBC”), system.
- CBCs will be based on a percentage of appraised land value.
- The imposition of a CBC that generates less funding than the existing tools in the *Planning Act*, will have significant impacts on the livability of the City.



Planning Act Amendments: Repeal of the Alternative Parkland Dedication Requirement

- Section 42 (parkland) and Section 51 (plan of subdivision) of the Planning Act –
 - a dedication or payment in lieu of 2% for commercial and industrial and 5 % for other uses for park purposes.
 - In addition to these base rates, municipalities can require parkland dedication or cash-in-lieu thereof at the rate of 1 ha/ 300 units (if land is dedicated), and 1 ha/500 (for cash-in-lieu payments).
- Bill 108 proposed to delete the alternative rates



Planning Act Amendments: Proposed Parkland dedication changes

Potential impact example: 770 Lawrence Avenue West (Source: City of Toronto)

Current System



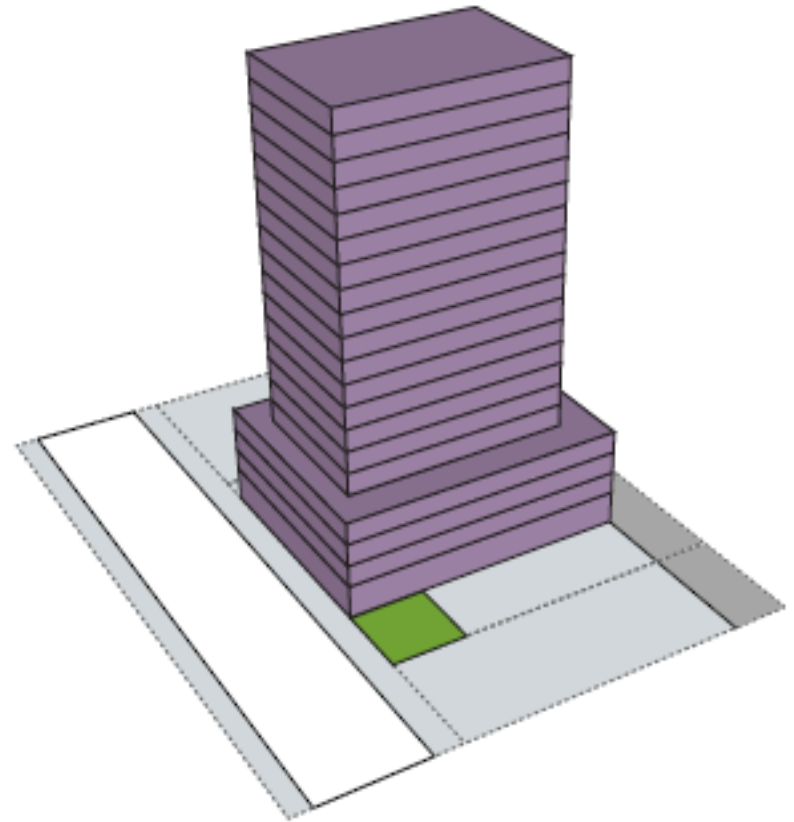
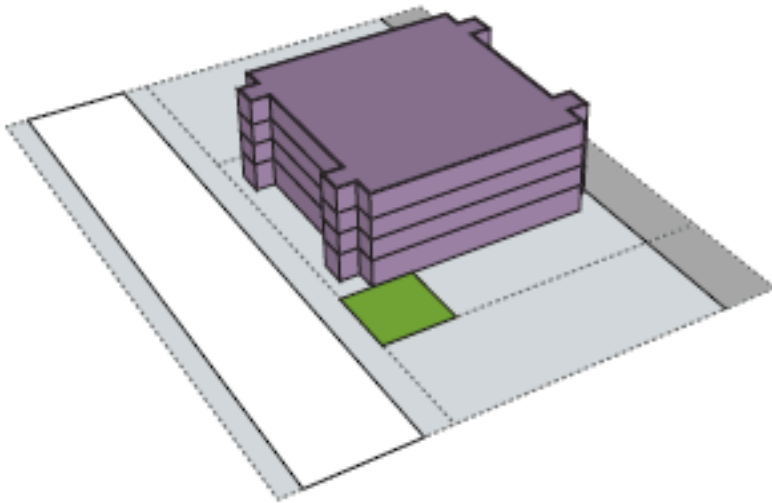
Park area per Resident
3.8 m²

Bill 108



Park area per Resident
0.5 m²

Planning Act Amendments: Proposed Parkland dedication changes Bill 108 - 5% of Site Area Regardless of Intensity (Residential Uses)

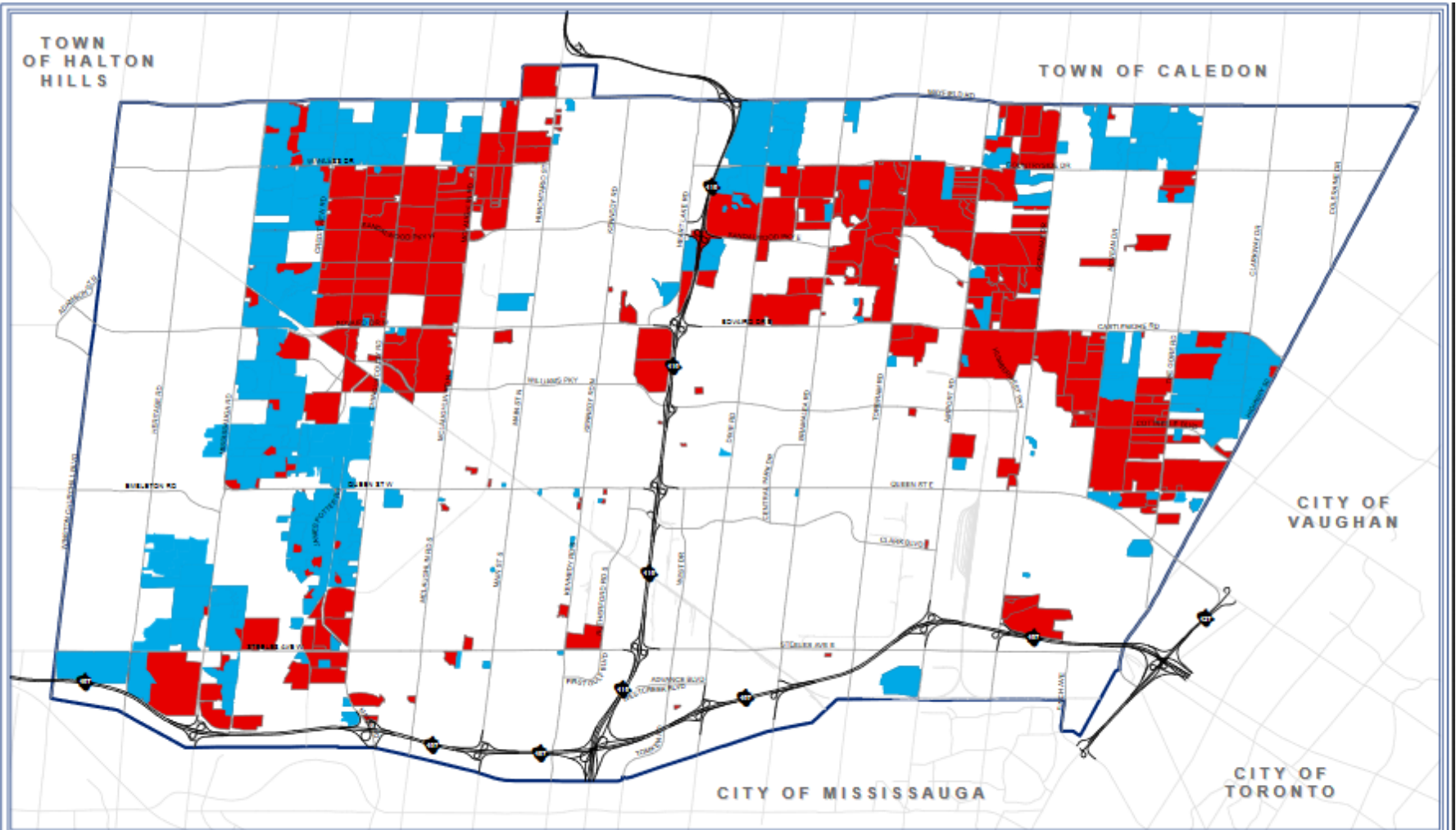


(Source: City of Toronto)

Planning Act Amendments: Shorter Decision Timelines

	Pre-Bill 139	Bill 139 (current)	Bill 108 (proposed)
Official Plan Amendment	180 days	210 days	120 days
Zoning By-law Amendment	120 days	150 days	90 days
Draft Plan of Subdivision	180 days	180 days	120 days

- Reduced review timelines
- More development proposals are likely to be decided by the LPAT as appeals increase for no-decision
- May result in more refusal reports, to ensure that the City has a position before the Local Planning Appeal Tribunal (“LPAT”).



Local Planning Appeal Tribunal Act Amendments

- Allow the LPAT to make decisions based on the best planning outcome as part of a return to de novo hearings in all cases.
- Broaden the Tribunal's jurisdiction over major land use planning matters (i.e., official plans and zoning by-laws and amendments)

Revert to the OMB rules and return to "de novo" hearings

Wider grounds of appeals (not limited to inconsistency with the Provincial Policy Statement, or Official Plan).

Puts less weight on the established planning frameworks and local elected council decisions, does not allow for alternative Council solutions

LPAT has the authority to determine the evidence that is heard

Next Steps

- Bill 108, *More Homes, More Choice Act, 2019* proposes significant changes that will have far-reaching impact in a variety of areas
- Financial impacts cannot be fully understood until the regulations are released by the Province.
- Staff will continue to monitor the Legislation and provide updates to Council as appropriate.
- A communications plan will be developed to educate Brampton residents on the impact Bill 108 will have on the community.