

City of Markham Comments on Proposed Bill 108, *More Homes, More Choice Act 2019*

May 27, 2019 Development Services Committee

Bill 108 *More Homes, More Choice Act 2019*

- May 2, 2019 Provincial release of the More Homes, More Choice: Ontario Housing Supply Action Plan – aims to make it faster and easier to build housing under these themes: speed, cost, mix, rent, innovation
- To support the Action Plan, Bill 108, *More Homes, More Choice Act, 2019* also released
- 8 of 13 Acts (underlined) are proposed to be amended that impact local planning and funding for provision of community services from new development
 - *Planning Act*
 - *Development Charges Act*
 - *Local Planning Appeal Tribunal Act*
 - *Conservation Authorities Act*
 - *Endangered Species Act*
 - *Ontario Heritage Act*
 - *Education Act*
 - *Environmental Assessment Act*
 - *Cannabis Control Act*
 - *Labour Relations Act*
 - *Occupational Health & Safety Act*
 - *Workplace Safety & Insurance Act*
 - *Environmental Protection Act*

Bill 108 *More Homes, More Choice Act 2019*

- The proposals for the Planning Act, Development Charges Act and Ontario Heritage Act are posted on the Environmental Registry of Ontario (ERO) website with a commenting deadline of June 1, 2019 (30-day period)
- Separate opportunities for consultation on the Conservation Authorities Act, Endangered Species Act, and Environmental Assessment Act also provided on ERO website and commenting has closed
- Regulations containing critical implementation details regarding the proposed changes to the statutes have not been released
- Regulations are needed to assess the financial impacts and impacts to land use planning and development approval processes

Proposed Bill 108 – Financial Issues

CURRENT



HARD DEVELOPMENT CHARGES



SOFT DEVELOPMENT CHARGES



PARKLAND & CASH IN-LIEU



SECTION 37 CHARGES

PROPOSED



HARD SERVICES, FIRE SERVICES
WASTE MANAGEMENT



LIBRARY, RECREATIONAL SERVICES,
PARKS DEVELOPMENT

Development Charges (*Development Charges Act*)

Community Benefits Charge (*Planning Act*)

Proposed Bill 108 – Financial Issues

- The expectation is that the community benefits charge will be lower than what City can currently charge, or obtain, independently for soft development charges, section 37 and parkland.
 - Less funding available to fund required growth facilities and services at the current level of service
- City will be unable to collect the community benefits charge if it also receives parkland as part of a subdivision

PROPERTY TAX



SERVICE LEVELS



- **Recommendation**
 - That the cap on the community benefits charge should be set to include the full recovery for soft infrastructure costs and parkland dedication as now obtained under the current statutes. To ensure that growth pays for growth, a municipality should be allowed to levy both the community benefits charge and receive parkland in a residential development.

Proposed Bill 108 – Shortened Timeframe for Council Decisions on Development Applications

Application	Current Timelines	Proposed Bill 108 Timeline
Official Plan/Official Plan Amendment	210 days	120 days
Zoning Bylaw Amendment	150 days	90 days
Draft Plan of Subdivision	180 days	120 days

- **Recommendation**

- The proposed reduction in timelines for decisions on development applications is not supported as appeals for non-decisions to the Local Planning Appeal Tribunal removes decision making authority on development applications from Council, and may result in potentially longer decision timelines

Proposed Bill 108 – Additional Residential Units on a Lot

- Require official plan policies to authorize an additional residential unit in a detached house, semi-detached house, or row house as well as an additional unit in a building or structure ancillary
- This permits a third residential unit on a lot
- **Recommendation**
 - That municipalities retain their current authority to review and determine appropriate locations for dwelling units in ancillary buildings on a lot and within the municipality, and retain their current authority to refuse additional dwelling units where there are insufficient services to support the increased density, or apply appropriate development charges to facilitate construction of the required services

Proposed Bill 108 - Inclusionary Zoning Permitted in Only Major Transit Station Areas and Areas with a Development Permit System

- The proposed amendment would eliminate the City's ability to identify and apply inclusionary zoning provisions outside of protected major transit station areas, or areas subject to a development permit system
- **Recommendation**
 - Municipalities should continue to have ability to apply inclusionary zoning to development in areas other than protected major transit station areas or areas subject to a development permit system

Proposed Bill 108 - The Local Planning Appeal Tribunal reverts back to a “de novo” hearing process

- A “de novo” hearing is when the Local Planning Appeal Tribunal can consider a development proposal as if no decision had been made by a council (e.g. new evidence can be introduced that a council did not have access to or was available when making a decision)
- **Recommendation**
 - The Province should carry forward the current test for the appeal of a Planning Act application requiring the Local Planning Appeal Tribunal to evaluate a municipal decision on a planning application based on its consistency with the Provincial Policy Statement, and conformity with Provincial Plans, as well as Regional and local Official Plans

Proposed Bill 108 – Ontario Heritage Act

- Proposed changes impact the way property listing, designation, alteration and demolition applications are processed and tracked through Markham's heritage conservation program
 - Provincial direction is to be provided to municipalities in the form of Principles prescribed by a Regulation for future decision-making
 - Notice is to be provided after a property is listed on the municipal Heritage Register with appeal opportunities for the owner
 - A timeline is to be introduced for issuing a notice of intention to designate a property - 90 days from a prescribed event (submission of a planning application).
 - Appeals to designating an individual property, amendments to the by-law and alterations to these properties will be reviewed by the Local Planning Appeal Tribunal (currently Conservation Review Board)
- **Recommendation:** Given the extent of the proposed changes and absence of the Regulations, it is suggested that the amendments be deferred, and the Ministry of Culture undertake a full and meaningful consultation

Proposed Bill 108 – Core Mandatory Services for Conservation Authorities

- Core mandatory functions for conservation authorities will be limited to: hazard land protection and management (valleyland and floodplains); conservation and management of conservation authority lands; drinking water source protection; and protection of Lake Simcoe watershed (the latter not applicable to Markham)
- Activities outside of a conservation authorities' core mandate would no longer receive funding from the Province and would require dedicated funding agreements between the conservation authority and the benefitting party (i.e. municipality and/or other stakeholder)
- **Recommendation**
 - Provincial efforts are supported to clarify the role and accountability of conservation authorities and the Province is urged to support the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks and municipalities with enhanced natural heritage protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA.

Next Steps

- June 3, 2019 – Bill 108 to be referred to Standing Committee on Justice Policy for a public hearing and clause-by-clause consideration
- June 4, 2019 - Bill 108 will be received by the House on June 4, 2019
- Bill 108 is then expected to proceed to Third Reading and Royal Assent thereafter

