

APPENDIX B - City of Markham Comments on More Homes Built Faster Act, 2022 (Bill 23) and Associated Registry Postings

	Summary of Proposed Changes	Staff Comments
Development Charges (DC) Act		
1.	<p>Impose a mandatory 5-year phase-in of DC rates. The phase-in applies to the proposed DC rates in totality; not the rate increase.</p> <p>In Year 1 - 20% reduction, with a gradual 5% increase each year until year 5 when the new rate applies.</p>	<p>This would significantly limit the City's ability to fund growth-related infrastructure, by forcing the municipality to collect less than the cost of infrastructure required to service growth in the first 5 years of a by-law's enactment. Updating studies may be detrimental to the municipality's recovery efforts should the total rate increase fall below 20% - the City would not be able to recover those funds for an additional 5 years and would be collecting at a rate less than those currently in effect. For Area-specific development charges, this will result in inequities with some developers contributing less to infrastructure in their area and also result in an unfunded deficit in the reserve.</p> <p>This proposed change will disrupt and delay the implementation of the Council-approved plans.</p> <p>Alternatively, the impact of the phase in and the consequent shortfall in these funds could result in penalizing existing taxpayers as a means of making up the shortfall in the municipal revenue needed to pay for urban infrastructure.</p> <p>Staff do not recommend a 5-year phase-in of DC rates, otherwise the shortfalls will have to be covered by other sources (i.e. property taxes).</p>

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2.	DC By-law expiry updated from every 5 years to every 10 years	Staff are satisfied with this change of DC by-law update from every 5 to 10 years as it gives municipality greater flexibility.
3.	Use a historical service level of 15 years compared to current 10 years to calculate capital costs that are eligible to be recovered through development charges.	<p>Historical service levels may likely reduce the average service levels of the City and result in lower DC recovery to fund services such as fire, recreation, libraries and parks. Municipalities will face additional pressure to maintain a historic standard level of service not supported by the change in financial model.</p> <p>This proposed change, and its potential to result in lower DC recovery for future community facilities, may disrupt and delay the orderly implementation of the approved master plan for the City's parks, recreation and libraries (the Council-approved 2019 Integrated Leisure Master Plan) and the related capital program set out in the Council-approved 2022 DC Background Study</p>
4.	Remove studies as a DC eligible capital cost. This includes all growth related studies including planning, engineering, DC background study, etc.	Studies are an integral component of planning for growth and their removal will negatively impact the City's ability to accommodate growth in a strategic manner. In particular, servicing studies are needed when existing transportation and servicing infrastructure do not have enough capacity to accommodate growth. DCs are also a funding source for studies related to the implementation of master plan recommendations for parks, recreation and libraries in intensification areas. The need for these studies will always remain for future growth planning, especially in urban high density growth areas, and the absence of these studies will require individual development proposals to undertake the necessary comprehensive studies to support their proposal. This will add delays in the approval process for development applications.

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		<p>The cost of these growth related studies will have to be funded by existing taxpayers in future years.</p> <p>City staff recommend that growth-related studies continue to be a DC eligible capital cost.</p>
5.	Municipalities required to allocate or spend at least 60% of development charges reserve balance of water, wastewater and roads at the start of each year.	<p>If reserves can be allocated over future years to align with a project's building cycle, this proposed change is fine. Will increase administration.</p> <p>City staff requests that the definition of "road" be clarified, to confirm if it would include all infrastructure within the road right-of-way such as boulevard sidewalks, multi-use paths and cycle tracks.</p>
6.	Inclusionary zoning, affordable and attainable housing will be exempt from DCs, community benefit charges and parkland dedication requirements.	<p>The Affordable and Rental Housing Strategy approved by Markham Council encourages the City to address affordability. More targeted measures in the <i>Development Charges Act</i> (DCA) such as Development Charge discounts on purpose-built rentals and exemptions for Development Charges, Community Benefit Charges, and Parkland for affordable housing, attainable housing (if it does not include market based housing) and inclusionary zoning are encouraged to address affordability, but offsetting measures must be provided.</p> <p>The legislation proposes that the municipality will detail the terms, including eligibility criteria for renters and buyers, and enter into an agreement with the developer to be registered on title. This puts additional administrative burden on the municipality, for not only the initial development and execution of the agreement and eligibility criteria, but also for the on-going monitoring of the property to ensure the terms of the agreement remained fulfilled.</p>

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		City staff recommend that this shortfall be subsidized by higher levels of government, otherwise these costs will be borne by existing taxpayers as the City will have to increase property tax to cover the costs.
7.	Tiered discount provided on DCs levied on purpose-built rental units (15% for one bedroom; 20% for two bedroom; 25% for three+ bedroom units).	<p>City supports the construction of purpose-built rentals. This discount is in addition to the DC rate freeze and deferral already provided by purpose-built rentals. It will impact the DC recovery for infrastructure these units will utilize. It will also increase administrative requirements to assess the number of bedrooms in each unit to determine the multi-tier discount. The shortfall of DCs recovered for infrastructure utilized by purpose-built rentals will have to be funded through other sources.</p> <p>Municipalities should be permitted to develop their own financial incentives program as Markham has identified in Action 14 of Markham Housing Strategy.</p> <p>City staff recommend that this shortfall be subsidized by higher levels of government, otherwise these costs will be borne by existing taxpayers as the City will have to increase property tax to cover the costs.</p>
8.	New affordable and attainable housing definitions, and defining affordability period for housing units to be set at 25 years	<p>The proposed definition for affordable housing in DC Act removes the link between affordability and household income which is included in the Markham Official Plan, the Provincial Policy Statement, A Place to Grow and is also used by Canada Mortgage and Housing to determine affordable housing, that is, housing that costs no more than 30% of a household income.</p> <p>The methodology for calculation is not provided and referenced to be released in a Bulletin. The geographic areas for the affordable housing prices</p>

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		<p>and rents is not included in the definition. Additional information is needed for Markham to understand the proposed definition for affordable ownership and rental units. Staff are recommending that the definition of Affordable Housing maintain the link with income threshold to ensure low to moderate income individuals are targeted.</p> <p>The new term, attainable housing, which applies to a unit that is not an affordable unit nor a rental unit. An attainable unit is part of a residential development where there is an arm's length relationship between the purchaser and the buyer. An attainable unit is a unit which is priced above 80% of average market rent and purchase price as a minimum, although the description does not include a maximum price. It is also unclear if an attainable unit is, in all cases, a new unit or if it can be resale unit. Similar to affordable units, the proposed definition removes the link between the attainable units and household incomes. It is unclear if this housing will be intended for selected households. Further information is needed regarding the proposed definition for affordable and attainable units. Staff recommend that the term, 'Attainable Housing' in the DCA should not apply to market based housing for the purpose of fee exemptions. Further information is needed from the Province to clarify what an attainable unit is and how it will compare to the provincial and municipal definitions of affordable housing.</p>
9.	Maximum interest rate proposed for DC rate freeze and deferrals (e.g. purpose-built rentals, institutional and non-profit housing), at Canadian Bank Prime +1.0% per annum.	The City's current policy applies an annual rate of 5.0%. While this change will create additional administrative burden on the City, the financial impact should be minimal.

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10.	As-of-Right Zoning to permit up to three residential units per lot and no collection of DC or parkland dedication fees	In general, when new units are added without collecting charges to fund any deemed infrastructure requirements, these costs are transferred to other residents and/or developments.
11.	New regulation-making authority to prescribe specific services for which the cost of land would not be an eligible cost that could be recovered through DCs.	<p>The prescribed specific services are not currently defined; therefore, it is unknown what the total impact would be by removing land as eligible cost. However, land is a significant component of services such as recreation, fire, library, municipal roads and other transportation infrastructures and therefore could drastically reduce the City's DC recovery. The City projects future land purchases to 2031 to average \$25.7M annually for roads and structures, and \$17.8M for soft services such as recreation, fire and library. If land is removed as an eligible capital cost, the City will require funding from other sources such as property taxes, which could see a significant financial burden of growth-related cost being placed on the existing taxpayer.</p> <p>City staff recommend that land continue to be a DC eligible capital cost.</p>
Planning Act (Parkland, Community Benefits Charges (CBCs), Housing, Major Transit Station Areas, Third Party Appeals, Removal of Planning Act Approval Powers from Upper-Tier Municipalities)		
12.	No more than 15% of amount of developable land could be required for parks or other recreational purposes for sites greater than 5 hectares and no more than 10% for sites 5 hectares or less	<p>For low density developments, Markham will now receive approximately half the amount of parkland compared to what it receives now. For high density development (where the vast majority of developments are less than 5 hectares in size), the City will now only receive 10% of the land area being developed. This results in an approximate 80-90% reduction compared to Markham's current methodology that Council recently approved in September, 2022 for high rise developments.</p> <p>Proposed change decouples the relationship between the number of people in a development and the requirement for more parkland. Markham will</p>

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		<p>receive only 10% of the land parcel being developed, regardless of the number of new people that will reside in a development.</p> <p>There will be no cash in lieu available to re-allocate outside of intensification areas and supplement parkland supply due to the 10% site cap, contrary to Markham's parkland acquisition strategy and Parks Plan principles to collect additional CIL from Intensification Areas to reallocate to other areas of the City to make up for shortfall.</p>
13.	<p>Reduction in maximum alternative parkland dedication rate</p> <ul style="list-style-type: none"> Land conveyed from 1ha/300 units to 1ha/600 units Cash-in-lieu from 1ha/500 units to 1ha/1000 units 	<p>The proposal to half the parkland dedication rates is in line with the City's recent by-law that was approved earlier in 2022. The by-law provided for a 45% reduction for apartment units to the previous parkland rate (i.e. 1ha/500 units).</p> <p>The parkland dedication requirement for new developments will be reduced by 50% for low-rise developments, approximately 20% for mid-rise and by approximately 90% for high-rise developments. These reductions will result in deficiencies to the citywide provision target of 1.2 ha per 1000 people and the Intensification Area provision target of 0.4 ha per 1000 people. The proposed site cap eliminates the ability to link Markham's parkland provision to a population metric in the case of mid and high-rise developments, which will no longer proportionately contribute their share of parkland.</p> <p>This translates into a significant shortfall in the provision of local parkland within intensification areas, dropping to approximately 0.1ha/1000 people for new units, instead of the target of 0.4ha/1000 people of local parkland in intensification areas per the Markham Parkland Acquisition Strategy.</p>
14.	Landowners will have ability to identify any portion of land (encumbered land such as strata parks and privately owned public	The City will no longer have the discretion to not accept encumbered lands, privately owned publically accessible spaces (POPS), and other potentially undersized or non-programmable parcels as parkland. This is contrary to the City's Parkland Acquisition Strategy and Parks Plan.

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	spaces, POPS) to satisfy their parkland dedication requirement and may appeal the City's decision to not accept these. Any lands identified by the landowners will need to meet prescribed criteria that will be set out in future regulation.	<p>There is need for municipalities to identify their own criteria for determining whether any piece of land identified is able to support a park, including the ability to sustain trees, accommodate recreational amenities, be safe and accessible, and mitigate higher lifecycle costs.</p> <p>While it is noted that there will be future regulations to set out the criteria of what qualifies as suitable lands, the City could be faced with the prospect of receiving lands that are not suitable (low quality) and, below the current level of service provided to residents. The City may, in the future, be limited in building appropriate programming activities within these encumbered park areas, as the City may be saddled with additional maintenance and rehabilitation costs related to various restrictions.</p>
15.	Parkland dedication rates to be frozen at the time of zoning & site plan application instead of at the time of building permit issuance. Remains frozen for 2 years after approval of application	This will result in a reduction in parkland dedication to the City. The proposed legislation does not include the option to levy interest or, any other measure to guard against inflationary losses as encompassed in the <i>Development Charges Act</i> .
16.	Parkland dedication requirements to apply to new units only and/or new parcels following a severance	This is consistent with the City's practice and therefore has no impact to current processes.
17.	Municipalities to update zoning to provide minimum heights and densities in Major Transit Station Areas (MTSA) and Protected MTSA's within 1 year of MTSA approval	Based on the proposed amendments, Markham will need to amend all applicable zoning by-laws to implement minimum height and density requirements within one year of the policies being approved. If the zoning by-law is not updated within one year with minimum heights and densities, the municipality would lose the ability to shelter the zoning by-law amendment from appeal.

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		<p>City staff support measures to direct growth to areas with transit to leverage transit infrastructure investments. However, the amendment as proposed is unnecessarily aggressive and punitive to municipalities. The legislation as proposed would require the City to update the zoning for all 22 MTSA in 12 months to establish minimum heights and densities.</p> <p>Staff are not supportive of this recommendation as there are existing provisions in the <i>Planning Act</i> that allow municipalities to establish minimum heights and densities for MTSAs in zoning by-laws that are sheltered from appeal.</p>
18.	Establish consistent Inclusionary Zoning approach for all municipalities, including maximum number of affordable units at 5% of the total units or residential gross floor area of a residential development. The maximum affordability period is set at 25 years, and the lowest price or rent of that can be required for affordable units is 80% of resale purchase price or average market rent. This only applies within Protected MTSAs	<p>The City's Affordable and Rental Housing Strategy identifies the development of IZ as a priority action. Staff last reported on IZ progress in June 2022 and to date have tested a range of parameters. The proposed parameters would have the impact of limiting the amount of affordable units a municipality can collect and fixing the period of time units are required to remain affordable.</p> <p>Staff do not support the proposed recommendations to establish parameters for IZ, as the caps will limit the amount of affordable housing a municipality can collect using IZ and the duration the units would be required to remain affordable. To accelerate the supply of affordable housing, staff recommend that the IZ regulation be amended to reduce implementation burden such as the requirement to undertake third party reviews, in particular should the parameters proposed in Bill 23 come into effect.</p>
19.	As-of-Right Zoning to permit up to three residential units per lot and no collection of DC or parkland dedication fees	The permissions for additional residential units are only for 'urban parcels of residential land', which is a new term that applies to properties within settlement areas with municipal sewer and water services. There is no minimum size for additional residential units and municipalities may not require more than one parking space for units.

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		<p>The Affordable and Rental Housing Strategy, endorsed by Council identifies the review of permissions for additional residential units as a priority action item. Staff support additional residential units where appropriate. The proposed changes are to existing low density residential areas where transportation and servicing impacts have not been considered, and three residential units may not be appropriate in all established areas within the City. Further with the exemption of DCs, the cost for the appropriate servicing as well as studies to assess impacts and infrastructure upgrades would be transferred to the property tax base.</p> <p>Three residential units may not be appropriate in all areas where there are existing detached, semi-detached and townhouse dwellings or where these are proposed. Some concerns outlined include:</p> <ul style="list-style-type: none"> • Some locations could be could have limited fire access, or that max setbacks from public streets/fire hydrants, and min setbacks from adjacent dwellings/buildings on the lot are needed. Other conditions such as applying height/setback/massing restrictions on detached dwelling units should also be considered from a public safety perspective. • In Heritage Districts, this would allow property owners to add new units within their existing homes. Major exterior changes to existing structures or construction of new ancillary buildings would still require planning approvals (compliance with municipal zoning by law for matters such as scale and massing), heritage approvals and Ontario Building Code requirements.

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		<p>City staff will need to setup a new process to deal with servicing settlement areas with full municipal water and sewage services, as it is uncertain if existing infrastructure will have the spare capacity to support increased population</p> <p>With the additional density, new residents may need parking spaces for their vehicles given location of some of these areas. Unless new parking spaces are permitted on each lot, there will be a lack of parking facilities on site leading to pressure to consider on-street parking, across the City or fronting the development in question. This will likely generate complaints about traffic and pedestrian safety as on-street parking increases, particularly on the minor collector roads. On-street parking use will diminish the City's ability to use low cost, pavement marking methods to introduce bike/micro-mobility lanes on collector roads.</p> <p>Existing sewer and water infrastructure potentially needed to be upgraded before the end of their life cycle to accommodate the additional density, and source of funding to undertake these upgrades need to be identified.</p> <p>City staff are supportive of new opportunities to provide gentle density, but further consideration is required about the availability of infrastructure and soft services including schools and parks to support new residents and how it would be funded.</p>
20.	Removal of <i>Planning Act</i> approval responsibilities for all upper-tier municipalities in the Greater Toronto Area, Waterloo, and Simcoe (includes York Region)	While streamlining planning process is welcome if it achieves the intended outcome to bring more housing within 10 years, city staff is concerned about how this process will be implemented, in particular as it relates to the role and function of York Region in co-ordinating overall region wide growth management., infrastructure planning and servicing.

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21.	Removal of Site Plan Control for developments with less than 10 residential units	<p>City staff will have to completely re-design how the City uses site plan for heritage purposes. The city will have to explore using a Development Agreement or if the property is designated (individually or a district) using an enhanced Heritage Permit process that includes new fees to offset the loss of revenue from the current site plan approval process.</p> <p>City staff have major concerns with managing and upholding building standards, including grading and service connections of these units, noise, dust, storing of construction materials, road occupancy, access to site, etc.</p> <p>City staff will need to setup a new process to secure developers' obligations relating to storm water management, drainage and servicing.</p>
22.	Limit scope of site plan control by removing the ability for municipalities to regulate exterior architectural details and landscape design	<p>Staff have major concerns with the proposed repeal of paragraph 41 (4) 2 (d) of the Act, where the authority for the City to regulate exterior features, sustainable design, character, scale, design features and the like is removed through site plan control.</p> <p>Eliminating the City's ability to comment on the design merits of architectural and design proposals that do not appropriately consider context, have regard for the city skyline, or its impact on the public realm will compromise our City-building initiatives and objectives in our Official Plan, Secondary Plans, Community Design Plans, Design Guidelines. Updating these documents would require staff resources, funding and time.</p> <p>The proposed legislation as written could also override the recent Council endorsement to implement the Sustainability Metrics as a green development standard in Markham. The Sustainability Metrics was endorsed by Council to contribute to meeting greenhouse gas emission reduction targets in the City's Municipal Energy Plan as well as address a range of sustainability measures.</p> <p>City staff do not support this proposed change.</p>

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23.	Removal of public meeting requirement for draft plans of subdivision	Public meetings should be required if the plan of subdivision involves property on which a cultural heritage resource is located to demonstrate how the resource is being addressed
24.	Maximum CBC payable to be based only on the value of land proposed for new development, not the entire parcel that may have existing development.	This is consistent with the City's intention for levying CBCs
25.	Exemption for affordable and inclusionary zoning units from CBC. The maximum CBC to be discounted by the square footage of affordable units as a proportion of total building square footage.	This proposal is satisfactory and consistent with the City's intention for levying DCs.

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26.	<p>No Third party appeals to the OLT, i.e. other than the applicant, only a “specified person” or public body who made oral submissions at a public meeting or written submissions to Council before the decision was made will be able to file an appeal.</p> <p>A “specified person” is limited to utility operators or providers, railway operators, and telecommunications infrastructure providers.</p> <p>Public bodies do not include conservation authorities and upper-tier municipalities without planning responsibilities</p>	<p>The impact of the proposed amendments is that appeal rights would be restricted to specified persons or public bodies that meet the criteria. In addition, per the proposed transition policies any appeals filed prior to the date Bill 23 is passed by a specified person or public body that did not have a merits hearing scheduled before October 25, 2022 will be dismissed.</p> <p>The City currently has third party appeals associated with the Markham Official Plan, 2014 that would be dismissed based on the proposed changes to the OLT. Any revisions to this interpretation, and the status of outstanding appeals to the Markham Official Plan, 2014 will be confirmed when Bill 23 is enacted.</p> <p>If passed as proposed, in relation to 3rd party appeals, neighbouring landowners have no right to appeal any planning applications, including all OPA, ZBLA, consents and minor variances. While we do not receive many third party appeals in major planning instruments, this may reduce our involvements in some of the consents and minor variances cases where a neighbor is not happy with the results from the Committee of Adjustment.</p> <p>Staff are generally supportive of changes to the appeal process to make the OLT more efficient, but have concerns about the impact on the appeal rights of residents who may be impacted by proposed developments and agencies and stakeholders whose interests may not be addressed as a part of the development approvals process.</p>
<p><u>Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) – the Proposed More Homes Built Faster Act, 2022 (019-6196)</u></p>		

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27.	Accessible Register on website - New subsection 27 (1.1) requires the clerk of the municipality to ensure that the information included in the register is accessible to the public on the municipality's website.	City staff support this change as City of Markham's Register of Property of Cultural Heritage Value or Interest is already a publicly accessible register on the City's website.
28.	Criteria to Listing - Subsection 27 (3) is re-enacted to require that non-designated property must meet the criteria for determining whether property is of cultural heritage value or interest, if such criteria are prescribed.	City staff have no objection to the concept of prescribed criteria for listed properties but would like to be consulted on the type and scope of criteria, if O.Reg 0/06 is not used. City staff recommend that the application only apply to new listed properties.
29.	Ability to allow property owners of all existing listed properties to object	<p>This change would allow all owners of properties listed prior to July 1, 2021 the ability to object to their inclusion on the Register. Staff workload may increase beyond current capacity to address enquires as well as reports to Council on any objections. The proposed change creates an unnecessary redundancy in appeal rights. The City has no mechanism to prevent alterations or demolition of a listed property once notice or a permit has been submitted except through designation under Part IV of the Act. The property owner has the right to object as part of the designation process, and the ruling of the OLT is binding on Council.</p> <p>City staff recommend that Markham Council not support allowing owners to object to a listing retroactively to previous property listings. If this is supported, consider amending the legislation to limit the number of times an objection can be submitted or set a minimum time period between objections.</p>

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30.	Municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the Ontario Heritage Act unless the property is already on the heritage register when the current 90 day requirement for Planning Act applications is triggered.	<p>The requirement that a property must be listed on the Register prior to a prescribed event (OPA, ZBA, Subdivision application) is not supported given that not all cultural heritage resources are included on municipal Registers and in many cases are only identified when a development application is submitted.</p> <p>The City has approximate 320 properties currently listed on the Heritage Register. This change does not take into account the number of listed properties in the municipality, or the resource implications (financial, workload, volunteer commitment) that would be required to research/review and prepare designation reports. In Markham, we primarily designated properties if there is a threat of loss through demolition or the property is part of a development application.</p> <p>City staff does not support this proposed change.</p>
31.	Heritage registers to be reviewed and a decision made whether listed properties are to be designated, and if not, removed from the register after two years from proclamation if they have not been designated and not be allowed to be re-listed for an additional five years. Consultation is not required with the heritage advisory committee when properties are removed from the Register under these circumstances.	<p>The proposed change will require the removal of properties from the Register, if Council passes an Intention to Designate but the by-law is not passed within the prescribed timeframe or is withdrawn by Council. Once removed, these listed properties cannot be placed back on the Register for five years. There may be legitimate reasons for the delay and should not result in automatic removal from the Register.</p> <p>The cultural heritage resource is still a cultural heritage resource even after an arbitrary timeline. Further, this change does not take into account the number of listed properties in the municipality, the resource implications (financial, workload, volunteer commitment) on both large and small municipalities that would be required to research/review and prepare designation reports.</p>

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		<p>The City of Markham has only designated properties if there is a threat of loss through demolition or the property is part of a development application.</p> <p>If this is approved, it could lead to municipalities having a separate inventory of formerly listed buildings of cultural heritage value that is not transparent and not readily accessible to the public.</p> <p>City staff does not support this proposed policy change.</p>
32.	A new subsection is added to enable a council of a municipality wishing to amend or repeal heritage conservation district plans	City staff support this change as there was no process prior to this on how a heritage conservation district was to be amended or repealed. This would include any boundary changes or changes to the heritage conservation district plans, including the repeal of an existing plan and introduction of a new plan.
33.	The Act is amended to require the municipality with Heritage Conservation Districts to meet criteria to determine whether they are of cultural value or interest, if such criteria are prescribed.	<p>This requirement seems overly prescriptive given that the Act already requires that the heritage conservation district plan must provide a statement explaining the cultural heritage value or interest of the district. The proposed criteria (specific to district designation) have not been developed or shared which makes it difficult to comment on the proposed change.</p> <p>City staff request that the Province consult on the proposed criteria.</p>
34.	A new subsection authorizes The Lieutenant Governor to, by order, exempt the Crown, a ministry or a prescribed public body from having to comply with the heritage standards and guidelines in respect of a particular property, if the Lieutenant Governor in Council is of	<p>This change could impact the protection and conservation of provincially owned cultural heritage resources in local communities if the Minister believes the heritage resource is affecting other provincial priorities which are identified as transit, housing, health and long-term care, other infrastructure, such other priorities as may be prescribed.</p> <p>Local municipalities in which the resource resides should, at minimum, be consulted on the value and significance and possible options for conservation of the heritage resource.</p>

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	the opinion that such exemption could potentially advance one or more provincial priorities as specified.	
35.	The Ministry is proposing to provide further rigour in the designation process by requiring that a property meet two or more of the criteria prescribed in regulation. This change would be achieved through a regulatory amendment to O.Reg. 9/06.	<p>Making it harder for communities to preserve places cannot solve the housing crisis but will certainly lead to loss of heritage valued by the local community, as raising the bar to require two or more criteria could exclude a number of simple/local heritage resources that help tell the story of a community. Designation should reflect what is important to the local community from a heritage perspective and this may be different across Ontario.</p> <p>It is unclear if the regulation criteria are planned to be modified in any manner which would require extensive consultation with the heritage community. Existing designation by-laws should not be affected by any change to meet an enhanced threshold for designation, including if the designation by-law is merely being amended to modify a specific attribute or correct the legal description of the property.</p> <p>City staff recommend that a property should need to only meet one or more of the criteria prescribed in Regulation 9/06 as the objective is to demonstrate that some aspect of cultural value or interest is reflected in the property (often a significant property may only meet one criteria).</p>
Seeking Feedback on Municipal Rental Replacement By-Laws (22-MMAH017)		
36.	The government is proposing to enact a Minister's regulation-making authority under the Municipal Act, 2001 to enable the Minister to make regulations to standardize and clarify municipal powers to regulate the	Markham Official Plan currently includes policies that address the protection of rental units from conversion or demolition. Markham Housing Strategy Action 13 states that the City should consider the implementation of a rental housing protection by-law.

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	demolition and conversion of residential rental properties, in order to provide consistency and streamline the construction and revitalization of new housing supply.	Additional information is needed on the proposed regulations and how they will to provide protection for purpose built rental housing.
Seeking Input on Rent-to-Own Arrangements (22-MMAH018)		
37.	<p>Questions from Posting:</p> <ol style="list-style-type: none"> 1. Do you think that rent-to-own arrangements are a viable way to support housing attainability in Ontario? 2. Are there any barriers with rent-to-own arrangements that you think may be discouraging providers from offering this type of housing? 3. Are there any issues with existing rent-to-own arrangements that make it difficult or unfavourable for clients, such as renters, to engage in them? 4. Are there measures the government could consider to facilitate these agreements, such as making them more viable for housing providers, increasing client protections, raising awareness and public education on this alternate form of home ownership, etc? 	Rent to own agreements can bring home ownership into reach for many households. Rent to own agreements require transparency as to the terms of the agreement and should be designed discourage buying and selling to capitalize on short term profits. Selection of households that would qualify should be explicit. Long term management of agreements are critical to ensuring the success of any program.

	Summary of Proposed Changes	Staff Comments
<u>Proposed Updates to the Ontario Wetland Evaluation (019-6160)</u> <u>Legislative and Regulatory Proposals Affecting Conservation Authorities to Support the Housing Supply Action Plan 3.0 (019-6141)</u>		
38.	<p>Province is proposing updates to the Ontario Wetland Evaluation System (OWES), a technical points-based guideline that allows wetland ecologists to evaluate the ecological and hydrological value of wetlands and determine whether they are considered Provincially Significant Wetlands, by removing duplicate requirements and streamline the evaluation process.</p> <p>The proposed changes to the OWES guideline would:</p> <ul style="list-style-type: none"> • Remove the Ontario Ministry of Natural Resources and Forestry (MNRF) from approving wetland evaluations • Remove the complexing of wetlands and removing points for wetlands that provide habitat for endangered or threatened species 	<p>Proposed changes would mean that the City would now be responsible for receiving wetland evaluations. Municipalities like Markham do not employ wetland ecologists and additional resources would need to be allocated to provide this technical review.</p> <p>There is no approval process for wetland evaluation as contemplated by the changes to the technical guide. The proposed changes would allow wetland evaluations to be “approved” as soon as they are received by the municipality. This is counter to the scientific principle of peer review and the principle of review of applications under the Planning Act. The lack of a clear and transparent review/approval process will cause confusion and delays where there are differences of opinion between the City, conservation authority and applicants.</p> <p>The changes to the scoring system will likely mean that far fewer wetlands will be evaluated as ‘provincially significant wetlands’. Less protection will result in even greater pressure to develop and remove wetlands on the landscape, and lead to a loss of area of Markham’s Greenway System.</p> <p>City staff recommend that Markham Council request the Province:</p> <ul style="list-style-type: none"> • Provide a clear and transparent approval process for wetland evaluation; • Maintain the role of MNRF as the approval authority for wetland evaluations, or change this responsibility to the local conservation authority. • Maintain the role of the MNRF to provide training for qualified professionals to become a ‘trained wetland evaluator’. • Revise the technical scoring system to provide for greater protection to wetlands and provincially significant wetlands, not less given the

	Summary of Proposed Changes	Staff Comments
		ongoing loss of wetlands in southern Ontario according to the State of Ontario's Biodiversity reporting.
39.	Province is proposing legislative and regulation changes under the <i>Conservation Authorities Act</i> to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate.	<p>The City of Markham is entirely located within the jurisdiction of the Toronto and Region Conservation Authority (TRCA). The mandate of the TRCA is to plan for and protect natural resources on a watershed scale. They provide technical and science expertise as a local environmental reviewer of development applications in partnership with the City.</p> <p>The proposed regulatory changes to the Conservation Authorities Act would substantially reduce their role in planning and development and download most responsibilities to the local municipality. It would further prohibit municipalities from seeking advice from conservation authorities on natural heritage matters while requiring conservation authorities to review their land holdings that are suitable for housing development.</p> <p>The proposed changes would have the following implications on Markham:</p> <ul style="list-style-type: none"> • The City would have to allocate more resources to natural heritage review, protection and management to replace the substantial technical and science expertise of the conservation authority. Currently, four TRCA planners and 10 TRCA technical staff support environmental review of development files in Markham. • A focus on flooding and erosion hazards rather than a cumulative effects approach within a watershed scale could increase risk to life and property from extreme weather events at a time when the City is addressing climate change impacts • Does not permit the City to have a clear understanding of the downstream effects (flooding, erosion, storm water pond blow out,

	Summary of Proposed Changes	Staff Comments
		<p>etc.) of urbanization when reviewing proposed development applications.</p> <ul style="list-style-type: none"> Watershed planning including the co-ordination of environmental matters across municipal boundaries would be downloaded to local municipalities (ex., downstream flooding impacts, storm water management and alterations to headwater areas). <p>Specific areas of concern with the proposed legislative changes include:</p> <ul style="list-style-type: none"> Markham would no longer be able to request technical review of environmental impact studies from the TRCA. The City would be responsible for all aspects of natural heritage review. The City does not currently employ technical experts such as wetland ecologists, fisheries biologists and geotechnical engineers. Additional resources will be required. The conservation authority regulations would be weakened by no longer considering 'conservation of land' and 'pollution'. TRCA regulations are currently aligned with and supports the objectives of the City of Markham Official Plan. As a result, conservation authority regulations will now be weaker than City of Markham Official Plan policies and result in conflicts relating to the protection of the City of Markham's Greenway System. The conservation authority regulations would be changed so that headwater drainage features (small streams) would no longer be regulated. Small streams are an important part of watershed health including maintaining water flow, aquatic and terrestrial habitat. The review and management of small streams would be downloaded to municipalities. The ecosystem functions of small streams that are removed would need to be replaced by engineered solutions with capital and operational cost implications. Additional resources will be required. Conservation authority permits would no longer be required for applications that receive Planning Act approval. This means that

	Summary of Proposed Changes	Staff Comments
		<p>conservation authorities would no longer be permitted to review engineering or landscaping plans and drawings at the detailed design stage of a subdivision or a site plan. This responsibility would be downloaded to local municipalities. Additional resources will be required.</p> <ul style="list-style-type: none"> • Conservation authorities would be required to issue development permits for projects under a 'Community Infrastructure and Housing Accelerator' order. This is similar to recent changes requiring issuance of permits for Ministerial Zoning Orders. • The Province proposes to require all conservation authorities to identify lands suitable for housing and development. Conservation authorities have large land holdings including lands used for recreation purposes and other lands for environmental protection. Staff have concerns that many conservation authority lands may contain valuable ecological features that are not currently protected by zoning or Official Plans (e.g., meadows, prairies, unique landforms, ecological linkages) and have been deliberately acquired and protected by conservation authorities due to the lack of land use protections. In staff's opinion, these lands should not be identified for housing development. TRCA land holdings in the City of Markham include the Milne Dam Conservation Park as well as several other small parcels that are entirely within the City's Greenway System and valley systems. City staff are of the opinion that none of the TRCA's land holdings in Markham are suitable for housing development. With only 8% woodland cover and less than 3% wetland cover, the City's natural heritage focus should be on preserving options for greenspace regeneration through ecological restoration and enhancement. <p>City staff recommend that Markham Council request the Province:</p> <ul style="list-style-type: none"> • Maintain current regulatory protections under the Conservation Authorities Act which support City of Markham natural heritage and

	Summary of Proposed Changes	Staff Comments
		<p>hazard protection objectives as endorsed by Council in Markham's Official Plan, 2014</p> <ul style="list-style-type: none"> • Reverse legislative changes in order to continue to provide municipalities with the option to request conservation authority expertise on planning and development review, where such reviews are provided in a timely and cost-effective fashion – • Not support the identification of the limited TRCA land holdings in Markham, including Milne Dam Conservation Park, for housing development purposes
<u>Supporting Growth and Housing in York and Durham Regions Act, 2022 (019-6192)</u>		
40.	<p>Proposed legislation aims to:</p> <ul style="list-style-type: none"> • replace the Upper York Sewage Solutions (UYSS) project with infrastructure in the York Durham Sewage System (YDSS) whereby wastewater will be treated at the Duffin Creek Water Pollution Control Plant in Durham Region; • Implement the Lake Simcoe phosphorus reduction project by developing, constructing and operating a new treatment facility that will remove phosphorus from drainage water that flows from the Holland Marsh to Lake Simcoe; 	<p>As a result of proposed legislation, improvements to the YDSS will be required to accommodate additional flows from the upper parts of York Region. This will have a potential impact on the existing YDSS capacity and current allocation parameters for Markham.</p> <p>Markham currently has a remaining capacity allocation of 46,381 persons (not units) as of September 9, 2021. An assessment of how many applications have been approved since that time will need to be undertaken to better understand the current capacity remaining for Markham. The Region's next capacity allocation assignment is scheduled for 2023. The allocation assignment will most likely need to consider the municipalities in the Upper York Region area. Markham will need to engage the Region and continue to advocate for the appropriate capacity allocation to ensure that it can accommodate future growth in Markham.</p> <p>The Markham MiX lands and the subdivisions (proposed and under construction) in the Future Urban Area (FUA) and York Downs all require the YDSS along 16th Avenue to convey its wastewater flows to the Duffin Creek Water Pollution Control Plant. However, the Region's 2022 Water and</p>

	Summary of Proposed Changes	Staff Comments
		<p>Wastewater Plan did not identify any upgrades for the portion of the YDSS located along 16th Avenue.</p> <p>The proposed legislation also allows the Lieutenant Governor to make an order and require the Ontario Clean Water Agency to undertake all or part of the work. City staff is of the opinion that it is not cost effective to have an Agency other than the regional municipality complete this work or undertake some portion of this work, as the agency may not have the understanding and knowledge of the system. There will be duplication between the municipality and the agency.</p> <p>City staff recommend that Markham Council request York Region to confirm the following:</p> <ul style="list-style-type: none"> • Conveyance of sewage flows to the York Durham Trunk Sanitary Sewer (YDSS) from municipalities located in the upper parts of the Region, as recommended by the Province's Advisory Panel, will not impact growth and approvals of developments in Markham that are located in the YDSS service area; • Improvements needed to the YDSS on 16th Avenue and 9th Line to support growth from municipalities located in the upper parts of the Region and from Markham. • That York Region will continue to assign sufficient sanitary sewer allocation to Markham to not impede growth in Markham; • That infrastructure projects identified to support growth in Markham will not be deferred or removed from the Region's Water and Wastewater Master Plan.
<p align="center">Proposed Amendments to the Ontario Land Tribunal Act, 2021 (22-MAG011)</p>		

	Summary of Proposed Changes	Staff Comments
41.	<p>Proposed changes to the OLT Act, 2021 would:</p> <ul style="list-style-type: none"> clarify the OLT's powers to dismiss appeals due to unreasonable delay by parties; clarify the OLT's powers to order an unsuccessful party to pay a successful party's costs; enable priority criteria to be established in regulation to help ensure that OLT cases that create the most housing, for example, will be resolved as quickly as possible. <p>A new Lieutenant Governor in Council (LGIC) regulation under the OLTA would be developed after consultations with affected ministries and posting on the Regulatory Registry; and enable service standards (i.e., timelines) for specific case resolution activities at the OLT to be set in regulation.</p>	<p>Although the proposed changes to the Ontario Land Tribunal Act to curtail and streamline appeals regarding land use planning decisions are welcome, City staff is concerned with the increased costs associated with unsuccessful appeals, and the use of “undue delay” as an argument for dismissing any appeals against the City. More information is also needed to understand and assess the implications of "specified classes of proceedings”.</p> <p>As for the Tribunal's explicit powers to order costs against the losing party; the possibility of cost awards should be a serious consideration when Council is deciding whether to support or oppose any appeals before the OLT.</p>
<p align="center"> Proposed Amendments to the Greenbelt Area Boundary Regulation (019-6217) Proposed Amendments to the Greenbelt Plan (019-6216) Proposed Redesignation of Land Under the Oak Ridges Moraine Conservation Plan (019-6218) </p>		

	Summary of Proposed Changes	Staff Comments
42.	<p>To accommodate the growth of approximately 2.5 million people in the Greater Golden Horseshoe Region within 10 years and support the building of more homes, the Province is proposing to:</p> <ul style="list-style-type: none"> • remove or redesignate 15 areas of land totalling approximately 7,400 acres (2995 hectares) from the edge of the Greenbelt Area that are serviced or adjacent to services and will be used for residential uses by 2025; and • considering targeted policy changes to the Greenbelt Plan to support the implementation of the proposed addition (e.g. existing uses). Transition provisions are proposed to be added that would address decisions on applications related to previous site-specific approvals in the Paris Galt Moraine area, similar to existing provisions in section 5.2.1 of the Greenbelt Plan. 	<p>Three of these sites are located in the City of Markham. Staff estimate that the total area of lands to be removed in Markham is approximately 49 hectares. The Province's criteria for site selection include proximity to the edge of the Greenbelt and lands already serviced or adjacent to municipal services.</p> <p>The Greenway System is about 6,885 hectares as currently identified in the Markham Official Plan, 2014. It is a natural heritage planning principle that long term protection is provided to protected lands in order to support biodiversity, ecosystem functions, and ecological connectivity.</p> <p>If approved, these changes would result in the permanent loss of approximately 49 hectares (approximately 2.5x size of Wismer Park) of natural heritage land available for ecological restoration in the Greenway System.</p> <p>The City has one of the lowest levels of woodland cover and wetland cover across the Greater Toronto Area and the proposal will have adverse impacts on the City's ability to deliver on its environmental objectives including a 30% tree canopy cover and protection of the local natural heritage system to support biodiversity and climate change resiliency.</p> <p>City staff are concerned that no ecological criteria have been provided for the removal of these lands and that this proposal will simply lead to further requests to remove Greenbelt Plan protections to address the housing supply issue.</p> <p>Beyond the lack of conservation science to support the proposed Greenbelt removals and impacts of converting protected environmental lands to residential uses, these three sites are strategically located from an environmental perspective and provide tremendous ecological value to the</p>

	Summary of Proposed Changes	Staff Comments
		<p>overall functioning of the Greenway System. All three of these sites are located adjacent to ecologically significant core habitats and linkages:</p> <ul style="list-style-type: none"> • Site #1 is surrounded on three sides by the Robinson Swamp Provincially Significant Wetland Complex and is considered a candidate Life Science Area of Natural Scientific Interest (ANSI) by the Province (Robinson Creek Headwaters Candidate ANSI). It is identified in the Rouge River State of the Watershed Report as an area with a high concentration of species of conservation concern. It is identified in the Markham Official Plan as a 'Core Area Enhancement' which are natural heritage landscapes that can greatly benefit biodiversity and wildlife through the creation of interior forest habitat. This is particularly important for rare area-sensitive wildlife that require large, contiguous blocks of natural habitats for feeding and shelter. • Sites #2 and #3 are located within the Little Rouge Creek corridor. This corridor is a critical north-south ecological corridor in the City of Markham. The Little Rouge Creek is the most pristine subwatershed in the Rouge and has been recognized in the City of Markham Official Plan as a 'Core Linkage Enhancement' and a key corridor for wildlife. Through the advocacy efforts of the Rouge Park Alliance (predecessor to the Rouge National Urban Park) and the City of Markham, the Little Rouge Creek is the only stream that is specifically mentioned in the Greenbelt Plan Natural Systems policies. It is described as "a 600 metre wide corridor for the Little Rouge River as the main ecological corridor between Lake Ontario and the southerly boundary of the Oak Ridges Moraine Conservation Plan" (s.3.2.7). The removal as proposed in Sites #2 and #3 would significantly reduce the corridor width below 600 metres (contrary to Greenbelt Plan and Official Plan policy), undermine efforts to create an interior forest corridor, and negatively impacts connections to adjacent municipalities and landscapes. Downstream of sites #2 and #3, the Little Rouge Creek runs directly into the Rouge National Urban Park. In staff's opinion, this proposal runs counter to the significant investments being made in the

	Summary of Proposed Changes	Staff Comments
		<p>Rouge National Urban Park to improve wildlife habitat and connectivity in the Rouge Watershed and the Greater Toronto Region.</p> <p>From a servicing standpoint, the lands proposed to be removed from the Greenbelt in Markham currently has no water, sanitary sewer or storm water-servicing infrastructure and/or plans. Significant time would be required to properly plan and construct long term servicing infrastructure, and the timeline to construct new homes to start construction by 2025 in these lands will not be achievable without the advanced planning, engineering and construction of major servicing infrastructure. The proposed regulation should include a section to prohibit using interim servicing solutions which does not align with long term servicing solution, as this will burden the municipalities with future maintenance and rehabilitation costs of those interim solutions, and which will be placed on the municipal tax system</p> <p>City staff recommend that that City Council not support the proposal to remove lands from the Provincial Greenbelt Plan.</p>
Proposed Building Code Changes to Support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023 (Phase 3 – 2022 Consultation for the Next Edition of Ontario's Building Code) (22-MMAH016) Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario's Building Code (019-6211)		
43.	The Province is entering its third and final phase of consultation on the next edition of Ontario's Building Code. As part of this phase, changes to an energy efficiency requirement and sewage system provisions (Part 8 of the Building Code) are proposed.	No comments

	Summary of Proposed Changes	Staff Comments
44.	The Province is proposing two groups of proposed Building Code changes. The first group of changes would amend the requirements in Ontario's Building Code for mid-rise wood buildings between four and six storeys to harmonize with current requirements in the National Building Code. The second group of changes would remove the current requirement for a standpipe system in a four-storey stacked townhouse.	No comments
<u>2031 Municipal Housing Targets (019-6171)</u>		
45.	The Province has assigned housing targets for 29 lower- and single-tier municipalities in Southern Ontario to work towards achieving housing targets by 2031.	<p>The City's historical average of total new residential building permits issued over the past five years (2016-2020) has been 2,587 annual units per year. However, the City did reach record volumes of 3,461 new units in 2021.</p> <p>There is no indication within of how the projected growth target was calculated or the type of new dwelling units required to accommodate the target. Assuming the proposed projections align with the current breakdown of unit types, the proposal of 44,000 new units over 10 years would represent double the current workload for City departments with a role in the processing of development applications. The City would need to consider staffing resources to advance delivery of required servicing infrastructure ensuring hard and soft services are available to support new residents.</p>

	Summary of Proposed Changes	Staff Comments
		The City will also need to review external factors including external agency review and approvals, and the ability of the construction industry to build units that could affect achievement of the targets.
<u>Community Infrastructure and Housing Accelerator (Guideline Final)</u>		
46.	The Community Infrastructure and Housing Accelerator is a tool that gives the Minister of Municipal Affairs and Housing the power to make orders to respond to municipal requests for expedited zoning outside of the Greenbelt Area.	No comments
<u>Proposed Revocation of the Central Pickering Development Plan (019-6174)</u>		
47.	Proposal to revoke the Central Pickering Development Plan, under the Ontario Planning and Development Act, 1994.	No comments
<u>Proposed Legislative Amendments to the Ontario Underground Infrastructure Notification System Act, 2010 under the More Homes Built Faster Act, 2022 (22-MGCS022)</u>		

	Summary of Proposed Changes	Staff Comments
48.	The government is proposing to provide the Minister of Public and Business Service Delivery the authority to appoint the Chair of Ontario One Call's Board of Directors, which would supplement other board governance powers contained in the Act to support a shift from an industry-centered Board.	No comments about the proposed changes, however it is important to note an amendment to this Act is also being proposed in parallel to impose an administrative penalty, where the City can be fined per late locate. This penalty can bring in a significant financial impact to the City.

Other Comments on More Homes Built Faster Plan

Property Tax / Assessment Considerations

Item	Proposed Change	Comments
1	Refine assessment methodologies used by MPAC for affordable housing	The City is in support of incentivizing affordable housing. The Province indicated they will explore refinements to the assessment methodologies used by the Municipal Property Assessment Corporation (MPAC), so that the valuation better reflects the reduced rents that the affordable housing providers receive. This would require a new registry to be created to enable MPAC to apply the revised valuation methodology. Until the methodology is defined, it is difficult to assess the total impact.
2	Reduce property tax burden on multi-residential apartment buildings	The City is in support of this initiative. It will not impact the lower-tier municipalities in York Region, as the Multi-Residential tax rate is currently set at the same rate as the Residential tax rate. In other jurisdictions across Ontario, the Multi-Residential rate is higher than the Residential rate used for other residential properties, such as single detached homes and condominium units.

3	Policy framework to be released setting out key elements of a local vacant home tax	City staff began the process of assessing a vacant home tax in November 2021, based on legislation imposed by the province in 2017. Regional staff have also undertaken a feasibility study of a vacant homes tax in York Region, for which City staff have been providing on-going consultation. Staff will have to assess how the proposed policy framework may impact the current proposals being considered by the City/Region, once the framework has been released by the Province.
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