



MEMORANDUM

TO: Mayor and Members of Council

FROM: Arvin Prasad, Commissioner of Development Services
Darryl Lyons, Acting Director of Planning & Urban Design

DATE: December 13, 2022

RE: City of Markham's Response to Bill 109 - [More Homes for Everyone Act, 2022](#)
File No: PR 22 260697; and,
Development Fee and Building By-laws

RECOMMENDATION:

City of Markham's Response to Bill 109 - [More Homes for Everyone Act, 2022](#)

1. That the deputations by Barry Nelson, Alena Gotz, Aileen-Willowbrook Ratepayer Association (AWRA), and Evelin Ellison, regarding the "City of Markham's Response to Bill 109 - More Homes for Everyone Act, 2022 File No. PR 22 260697", be received; and,
2. That the written submission by BILD regarding "City of Markham's Response to Bill 109 - More Homes for Everyone Act, 2022 File No. PR 22 260697", be received; and,
3. That the report dated November 29, 2022, titled "City of Markham's Response to Bill 109 - More Homes for Everyone Act, 2022 File No. PR 22 260697", be received; and,
4. That the record of the Public Meeting held on December 6, 2022 with respect to the proposed City-initiated Official Plan Amendment, Site Plan Delegation By-law and Pre Application Consultation By-law (File No. PR 22 260697), to establish new Official Plan policies, site plan delegation and pre-application consultation procedures be received; and,
5. That the City-initiated Site Plan Delegation By-law to designate the Director of Planning and Urban Design, or delegate as its delegated officer, employee or agent of the municipality to approve site plans, be forwarded directly to Council, for enactment; and,
6. That the City-initiated Official Plan Amendment to amend certain Section 9 policies, Section 10.4 and Section 10.6 of the in force 2014 Official Plan, as amended, be forwarded to Council at a later date for adoption; and,
7. That the City-initiated Pre-Application Consultation By-law to implement the new policy changes in the draft Official Plan Amendment related to the Pre-Application Consultation and Complete Application processes, be forwarded to Council at a later date for enactment; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.



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Development Fee and Building By-laws

1. That the deputations by Barry Nelson, and Alena Gotz, Aileen-Willowbrook Ratepayer Association (AWRA), regarding the Development Fee and Building By-laws be received; and,
2. That the written submission by BiLD regarding the Development Fee and Building By-laws be received; and,
3. That the Record of the Public Meeting held on December 6, 2022, with respect to the proposed amendments to the Development Fee and Building By-laws be received; and,
4. That the amendment to By-law 211-83, as amended, "Tariff of Fees for the Processing of Planning Applications," as amended, and in the form attached as Appendix 'B', be enacted; and,
5. That further amendments to By-law 211-83, as amended, "Tariff of Fees for the Processing of Planning Applications," addressing changes to the City's fee by-law to reflect amendments to the Official Plan under the City of Markham's Response to Bill 109 report, be forwarded to Council at a later date for enactment; and,
6. That By-law 2021-114 as amended be repealed and the attached "By-law respecting Construction, Demolition, Change of Use Permits and Inspections," attached as Appendix 'C', be enacted; and,
7. That the By-laws come into force and take effect on January 1, 2023; and further,
8. That Staff be authorized and directed to do all thing necessary to give effect to this resolution

BACKGROUND:

On November 29, 2022, the Development Services Committee received [Staff's Report](#) relating to the City of Markham's Response to Bill 109 - [More Homes for Everyone Act, 2022](#). In addition to providing background information on the City's current development approval process and recommended modifications to its development application processes to implement Bill 109, the report contained three (3) appendices as follows:

- Appendix 'A':** Draft Official Plan Amendment
Appendix 'B': Draft Site Plan Delegation By-law
Appendix 'C': Draft Pre-Application Consultation By-law

On December 6, 2022, a Statutory Public Meeting was held to obtain public input on the City's response to Bill 109, as required under the [Planning Act](#). Upon the conclusion of the Public Meeting, the adopted resolution was to forward the draft Official Plan Amendment, the new Site Plan Delegation By-law and, the Pre-Application Consultation By-law to Council for adoption and enactment.



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DISCUSSION:

Deferral of decision on the Draft Official Plan Amendment, Draft Pre-Application Consultation By-Law, and corresponding Draft Development Fee by-law.

Staff are continuing to review and refine the Draft Official Plan Amendment. The Draft Official Plan Amendment, along with the implementing Draft Pre-Application Consultation By-law, and the corresponding Draft Development Fee By-law will be brought forward to a future Council meeting.

Implementation of Site Plan Delegation By-law, Building Fee By-law, and Modified Draft Development Fee By-law:

Staff look to proceed with the implementation of the Building By-law under item 8.3.2 as initially proposed.

Staff have provided a Revised Draft Development Fee By-law (Appendix 'B') to be implemented as of January 1st, 2023. This by-law reflects updated fees under the City's current development process. Further, a Revised Draft Site Plan Delegation By-law, attached as Appendix 'A', is to be enacted immediately, as amendments to the Act came into force on July 1st, 2022.

Next Steps

On November 30 2022, the Ministry of Municipal Affairs and Housing signaled its intention to delay the refund requirements set out in Bill 109 by six months, from January 1, 2023 to July 1, 2023. However, the deferral is subject to legislative approval and the Bill has not been introduced in the Legislature. The timing and certainty of said amendment is unknown at this time.

Staff will make any further modifications to the Draft Official Plan Amendment and the Draft Pre-Application Consultation By-law, and will bring them forward to Council at a later date. A further Amendment to the City's fee by-law will also be brought forward, reflecting any necessary changes to the collection of fees under the new process.

SEPARATE ATTACHMENTS:

- Appendix 'A':** Revised Draft Site Plan Delegation By-law
- Appendix 'B':** Revised Draft Development Fee By-law
- Appendix 'C':** Building By-law