



Report to: Development Services Committee

Meeting Date: February 28, 2023

SUBJECT: City of Markham Comments on Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the Planning Act

PREPARED BY: John Yeh, MCIP, RPP, Manager, Strategy & Innovation (ext.7922)
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RECOMMENDATION:

1. That the report dated February 28, 2023 titled “City of Markham Comments on Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the Planning Act” be received;
2. That the City generally support the intent of the proposed Minister’s regulation on Municipal Reporting on Planning Matters;
3. That the Province consult with municipalities on the necessary resourcing and timelines to implement reporting requirements and revise the starting date of the development application reporting requirements;
4. That the Province consult with the municipalities to review and revise the annual compliance cost and consider funding to assist municipalities in implementing the reporting requirements;
5. That the Province clarify that the municipality that creates the requested data be responsible for its submission to avoid duplication between upper and lower-tier municipalities;
6. That the Province expand their monitoring program to include information on Affordable Housing and Inclusionary Zoning.
7. That the Province clarify several terms to help understand the type of data required including downstream planning approval status and existing and under construction water and wastewater trunk lines;
8. That this report be forwarded to the Ministry of Municipal Affairs and Housing and Region of York as the City’s comments on Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the Planning Act; and
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution

PURPOSE:

This report provides comments on the [proposed Minister's Regulation under the Planning Act on municipal reporting of Planning matters](#) on the Ontario Regulatory Registry posting with a consultation deadline of March 8, 2023.

BACKGROUND:

On March 30, 2022, the Provincial government released the [More Homes for Everyone Plan](#) and introduced the More Homes for Everyone Act, 2022 (Bill 109). [Bill 109 received Royal Assent on April 14, 2022](#) and amended five pieces of legislation:

- *City of Toronto Act, 2006*
- *Development Charges Act, 1997*
- *New Home Construction Licensing Act, 2017*
- *Ontario New Home Warranties Plan Act, and*
- *Planning Act.*

Appendix A contains a summary of key changes to the *Planning Act* and how it would impact municipalities. One of the changes to the *Planning Act* noted in **Appendix A** is providing the Minister of Municipal Affairs and Housing (the “Minister”) the authority to require municipalities and planning boards to report certain information on planning matters.

According to the Province, the Minister is considering requiring a municipal data reporting regulation for up to date data that the Provincial government can use to measure commitments made under the [More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022–2023](#), including the construction of 1.5 million homes over the next 10 years.

The Province is seeking comments on the proposed Minister's regulation through Ontario's Regulatory Registry, which was posted on February 6, 2023 with comments due on March 8, 2023.

Appendix B from the Province identifies all the municipalities that would be subject to the regulation including the City of Markham.

Appendix C from the Province identifies all of the planning information for municipalities to report to the Province quarterly and annually.

Quarterly reporting (beginning June 30, 2023 for Q1 2023) would include application and related data for:

- Official Plan Amendments
- Zoning By-law Amendments
- Plans of Condominium
- Plans of Subdivision
- Site Plans
- Land Severances (Consents)

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- Minor Variances
 - Community Infrastructure and Housing Accelerator Tool and Minister's Zoning Orders

Annual reporting (due by March 31, 2023 for 2022) would include information on:

- Strategic Growth Areas
- Areas subject to Intensification Targets
- Employment Areas and Employment Conversions
- Existing Water and Wastewater Infrastructure
- Major Transit Station Area Boundaries

Municipalities would also be required to submit 5-year historical data from 2018 to 2022 and to be submitted by December 31, 2023.

OPTIONS/ DISCUSSION:

According to the Province, the proposed Minister's regulation aims to gather accurate and up to date development application data that the government would use to measure progress towards the Housing Supply Action Plan commitments. The data will also provide the Province with information to inform evidence-based decisions for housing and planning policy. The Province has stated that municipalities currently collect the information that is being requested as part of their own planning processes. However, it should be noted that there will be challenges for each municipality to meet the requirements of the proposed Minister's regulation due to varying levels of maturity, limited resources and competing priorities.

The following highlights Staff comments and recommendations of the proposed Minister's regulation.

Quarterly reporting of development applications beginning June 30, 2023 for Q1 2023

The Province is proposing to require quarterly reporting of certain development application types as noted in **Appendix C** beginning June 30, 2023 for Q1 2023 (Jan-March), September 30, 2023 for Q2 2023 (April-June), December 31, 2023 for Q3 2023 (July-Sept) and ending in March 31, 2024 for Q4 2023 (Oct-Dec). Subsequent years data would follow the same reporting pattern.

Staff generally support the intent of the proposed Minister's regulation to measure progress towards Housing Supply Action Plan commitments. Municipalities are at various levels of maturity in having the required information readily available and will need additional time to gather information and update processes. The City of Markham's database system that contains development application information needs to be optimized to make data retrieval more efficient. Additional information including Ontario Land Tribunal appeals will need to be added and setup in the system to meet the Province's requirements.

It is requested the Province consult with municipalities on a more appropriate timeline to begin reporting, taking into account updates to database systems and development of processes for gathering the data, data quality control efforts, and resources required to implement. As such, Staff are recommending the following:

Recommendation 1: The City generally support the intent of the proposed Minister's regulation on Municipal Reporting on Planning Matters.

Recommendation 2: The Province consult with municipalities on the necessary resourcing and timelines to implement reporting requirements and revise the starting date of the development application reporting requirements.

An initial review indicates the annual compliance cost of \$3,953 per municipality for the first year and approximately \$3,193 annually thereafter underestimates the resources required

The Province's estimate to implement the proposed regulation includes administrative tasks and is estimated to have an annual compliance cost of \$3,953 per municipality for the first year and approximately \$3,193 annually thereafter. This is approximately three weeks of one staff person's time.

It is requested the Province clarify how the cost estimate was determined and how it is linked to the first reporting period beginning June 30, 2023. It is not clear if the cost estimate assumes minimal data cleanup and that existing processes are already in place. As noted in the previous section, the Province should re-evaluate the starting date of the development application reporting requirements through consultation with the municipalities to provide insight on what is required to gather the information and the costs involved.

It is likely the compliance cost is higher than estimated by the Province. Staff are implementing several projects aimed at streamlining and making the development application process more efficient. This includes the Provincial Streamline Development Approval Fund projects (ePLAN review software upgrade, ePLAN web portal update, GIS map interface, 3D model, Lean Review for development applications and implementation) and new processes responding to Bill 109 which require issuance of development fee refunds if prescribed timelines for decisions or approvals are not achieved. Staff will need to determine the resourcing and timelines required to comply with the proposed Minister's regulation as various process changes noted above will require changes to the database system and the type of data to input for reporting. For example, Bill 109 enables the ability for site plans to be deemed complete with dates and processes as this may need to be setup in the database system to capture this data point. For reasons outlined above, Staff recommend the following:

Recommendation 3: The Province consult with the municipalities to review and revise the annual compliance cost and consider funding to assist municipalities in implementing the reporting requirements.

Clarification is requested from the Province if land use policy area and infrastructure information should be provided by York Region

Land use policy information requested from the proposed Minister's regulation was developed through York Region's Municipal Comprehensive Review to update the York Region Official Plan. The Minister approved the York Region Official Plan on November 4, 2022 with modifications.

Information being requested through the proposed regulation includes geospatial-mapping data for York Region Official Plan land use policy areas including Strategic Growth Areas, Areas subject to Intensification Targets, Employment Areas and Employment Conversions, and Major Transit Station Area Boundaries. York Region has carriage of this information. The regulation also proposes to include Water and Wastewater Infrastructure data. In Markham this infrastructure is partly owned and operated by York Region, City of Markham, and City of Toronto.

Clarification is requested that if the information is owned by York Region should they provide the information rather than separately from the Cities of Markham, Vaughan, Richmond Hill, and Town of Newmarket. For this reason, Staff recommend the following:

Recommendation 4: That the Province clarify that the municipality that creates the requested data be responsible for its submission to avoid duplication between upper and lower-tier municipalities.

Affordable Housing, and Inclusionary Zoning should be included in the planning and development monitoring program

Affordable Housing is a critical part of the housing crisis as identified in the Housing Supply Action Plan and the need for 1.5 million homes over the next 10 years. Staff suggest the Province needs to include this information in any data monitoring program developed to understand the proportion of new units being built that would fall within existing and to be defined definitions of affordable housing. Further, the Housing Taskforce Report from 2022 encourages the government to closely monitor the effectiveness of Inclusionary Zoning policies in creating new affordable housing.

The City of Markham currently publishes an annual performance indicator report that tracks and measures the policy objectives of the official plan and York Region publishes an annual affordable housing measuring and monitoring report. Key metrics include new affordable ownership and rental units. This information will assist in fully understanding housing supply to inform policy decisions and led Staff to make the following recommendation:

Recommendation 5: The Province expand their monitoring program to include information that monitor Affordable Housing and Inclusionary Zoning.

A number of terms require clarification

A number of terms are requested for clarification from the Province including:

- Downstream planning approval status for Community Infrastructure and Housing Accelerator Tool and Ministers Zoning Order
- Existing and under construction water and wastewater trunk line infrastructure as some are owned and operated by York Region, City of Markham, and City of Toronto

For the terms outlined above, Staff recommend:

Recommendation 6: The Province clarify several terms to help understand the type of data required including downstream planning approval status and existing and under construction water and wastewater trunk lines.

NEXT STEPS

City Staff recommend this staff report be forwarded to the Ministry of Municipal Affairs and Housing and to York Region as the City's comments on the Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the Planning Act to meet the March 8, 2023 commenting deadline.

FINANCIAL CONSIDERATIONS

There are no direct financial implications related to this report. However, should the Province implement this regulation and the reporting requirements there could be database system inputs and enhancements and staffing resources required.

HUMAN RESOURCES CONSIDERATIONS

There are no direct human resource implications related to this report. However should the Province implement this regulation it would impact staff resources to collect, package and submit the requested data.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report addresses Growth Management and Municipal Services priorities with an emphasis on the goals "Exceptional Services by Exceptional People" and "Safe, Sustainable and Complete Community" of the Building Markham's Future Together Strategic Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

The following departments were consulted in the preparation of this report: Planning & Urban Design, Building Standards, Engineering, Environmental Services, Information Technology Services, Strategy & Innovation.

RECOMMENDED BY:

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ATTACHMENTS:

Appendix A – Summary of Key Changes to the *Planning Act* from the More Homes for Everyone Act, 2022 (Bill 109)

Appendix B – List of Municipalities

Appendix C - Datapoints and Information to be Reported