

Appendix B

City of Markham Comments on the Helping Homebuyers, Protecting Tenants Act, 2023 (Bill 97) and Associated Changes

No.	Summary of Proposed Changes	Staff Comments
Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 - the proposed Helping Homebuyers, Protecting Tenants Act , 2023) (019-6821)		
City of Toronto Act		
1.	Various amendments in support of Ontario's Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2013	No Comments.
Development Charges Act		
2.	Exempt the creation of additional residential units from development charges to include rural areas.	<p>City staff are supportive of new opportunities to provide gentle intensification, however further analysis is needed to determine appropriate locations for accommodating additional residential units and what kind of infrastructure and services are needed to support new residents, and how they would be funded. Exempting additional residential units from development charges in rural areas has an important implication as it means that the cost to assess the infrastructure needs and upgrades required to support gentle increases in density these areas would be transferred to the property tax base.</p> <p>Staff do not support the proposed change.</p>
Ministry of Municipal Affairs and Housing Act		
3.	Authorize the Minister to appoint a Provincial Land and Development Facilitator and up to four Deputy Facilitators and fix their terms of reference, and to require the Facilitator and Deputy Facilitators to perform specified functions at the direction of the Minister.	<p>The expansion of the Provincial Land Facilitator office to include Deputy Facilitators could be a positive tool for managing land use and related issues before they are brought to the Ontario Land Tribunal, and resolving matters in a timely manner.</p> <p>Staff support the proposed change.</p>

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Municipal Act, 2001		
4.	Build on previous changes added through Bill 23 that authorize the Minister to make regulations governing the powers of local municipalities to impose restrictions, limits and conditions to prohibit and regulate the demolition and conversion of residential rental properties.	See item 21 for staff comments to the proposal.
Planning Act		
5.	Replace the definition of “area of employment” that excludes institutional and commercial uses (including office and retail uses) not associated with manufacturing, research and development related to manufacturing or warehousing uses from being designated in official plans for clusters of business and economic uses	<p>Markham’s employment lands are vital to the City’s economic wellbeing and required to accommodate industrial <i>and</i> office employment uses that contribute to the development of a complete and sustainable community. The proposed change to the “area of employment” definition would limit what can be considered an employment area, and limit the range of uses that can be designated in new employment areas. It would also potentially increase employment conversion pressure on lands that do not meet the new provincial definition.</p> <p>Staff do not support the proposed change to the “area of employment” definition.</p>
6.	Change the date which a municipality is required to refund fees for processing an application to amend the zoning bylaw from January 1, 2023 to July 1, 2023, among other things	Staff support the extension of the application fee refund provisions from January 1, 2023 to July 1, 2023 and request more information about how the Minister intends to use the exemption provision. It is also noted that staff have continued concerns with any provisions that require a municipality to refund fees collected for the purposes of fee for service. These type of provisions will penalize municipalities for outcomes that are beyond their control, impact the fiscal sustainability of municipalities, and may lead to an increase in Ontario Land Tribunal hearings, among other things.
7.	Additional ministerial powers authorizing the Minister to:	The changes proposed through Bill 97 that would enable the Minister to exempt planning approvals for uses permitted by a Minister’s Zoning Order (MZO) from complying with provincial or municipal policies. The proposed changes are concerning as they expand the Ministerial powers associated with the use of MZO, and if approved will further limit a

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	<ul style="list-style-type: none"> • Make regulations providing for transitional matters that the Minister considers necessary to facilitate the implementation of the proposed Provincial Planning Statement; • Exempt certain subsequent approvals required to establish uses permitted by Minister's Zoning Orders (MZOs) from aligning with provincial plans or local policies; and • Require landowners to enter into agreements with municipalities or the Minister to address matters that the Minister considers necessary for the appropriate development of land in relation to lands that have been assigned to the Provincial Land and Development Facilitator 	<p>municipality's ability to achieve the land use and growth management objectives established in local plans and by-laws and can erode public confidence in the planning process.</p> <p>Staff object to the proposed addition of Ministerial powers to exempt planning approvals for uses permitted by MZOs from aligning with provincial or local policies.</p>
8.	Clarifying Parking Requirements for the primary residential unit where additional residential units are permitted as of right	Staff do not object to the proposed change.
9.	Enabling appeal rights to persons or public bodies who were given notice of the initial passing of an Interim Control Bylaw	The proposed changes to notification requirements and appeal rights associated with the passing of an Interim Control Bylaw (ICBL) may limit the City's ability to pause the approval of applications and permits while reviewing the land use planning policies of a specific area, significantly reducing the viability of the ICBL tool.

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		Staff object to the proposed changes and have concerns about how enabling appeal rights to individuals and public bodies would be used in practice to interfere with studies initiated through an ICBL.
10.	Prescribing areas with less than 10 residential units where site plan control can be applied (i.e., land any part of which is located within 120 metres of a shoreline, and 300 metres of a railway)	<p>City staff do not object to the proposed amendment, and note that it will allow a portion of Unionville and Markham Village heritage areas to be subject to site plan control if the municipality wishes. Staff recommend the full exemption of residential development with 10 or fewer residential units from site plan control as it pertains to development in the City of Markham. Should the Province not agree to full exemption for the City, Staff recommend that the proposed exemption be expanded to permit the use of site plan control for residential developments with less than 10 units in other circumstances where additional development considerations are required such as:</p> <ul style="list-style-type: none"> • Intensification/Infill development that abuts existing low density residential areas; • Areas with servicing constraints; • Regional Road access is required; • Safe and appropriate site access/egress need to be demonstrated; and • Heritage Conservation Districts
Residential Tenancies Act		
11.	Various amendments to strengthen tenants' rights and protections from evictions due to renovations, demolitions, conversions or personal use of the landlord.	No comments.
Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister's Regulations under the Planning Act and the City of Toronto Act, 2006 (019-6822)		
12.	The Province has proposed two new regulations through Bill 97 that if passed would set out the conditions under which municipalities could use site plan control for residential	See comments to item 10.

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	developments of 10 or fewer units on a single lot (in addition to in the context of land lease communities where site plan control can already be used).	
Proposed Building Code Act, 1992 Change for Unorganized Territories (019-6847)		
13.	Require the Deputy Minister of Municipal Affairs and Housing to appoint inspectors necessary for the enforcement of the Building Code Act in the areas in which Ontario has jurisdiction.	No comments.
Proposed Amendments to Clarify and Enhance Rental Rules Related to Air Conditioning (23-MMAH009)		
14.	The Province is seeking feedback on proposed changes to the Residential Tenancies Act, 2006 (RTA) which would clarify and enhance rules related to the installation of air conditioning (A/C) units and enhance tenant access.	No comments.
Proposed Amendments to Increase Maximum Fines for Offences Under the Residential Tenancies Act (23-MMAH008)		
15.	The Province is seeking feedback on proposed changes increase the fines for offences under the Residential Tenancies Act, 2006.	No comments.
Proposed Amendments to Require a Standard Form of Rent Repayment Agreement when the Landlord and Tenant Board (LTB) makes an Order under Section 206 of the Residential Tenancies Act (RTA) (23-MMAH010)		
16.	The Province is seeking feedback on a proposal to amend the Residential Tenancies Act to make the use of a	No comments.

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	form approved by the Landlord and Tenant Board mandatory for repayment agreements made under S.206 of the Act.	
Public consultation on proposed amendments to O. Reg. 105/22 under the Credit Unions and Caisses Populaires Act, 2020 (CUCPA) related to the new First Home Savings Accounts (FHSA) (23-MF009)		
17.	The Ministry of Finance is seeking feedback on revised regulations to align with the introduction of the First Home Savings Account (FHSA) by the federal government.	No comments.
Proposed amendments to freeze all Building Code fees (23-MMAH004)		
18.	The Province is seeking feedback on proposed regulatory changes to freeze building code fees at the levels set out as of January 1, 2023.	No Comments.
Seeking Feedback on Proposed Changes to Help Protect Tenants from Bad Faith Renovation Evictions (23-MMAH006)		
19.	The Province is seeking feedback on proposed changes to the Residential Tenancies Act, 2006 (RTA) intended to protect tenants from bad faith evictions due to renovations/repairs.	No comments.
Seeking Feedback on Timeframe for Occupancy for Landlord's Own Use Evictions (23-MMAH007)		
20.	The Province is seeking feedback on proposed changes to the Residential Tenancies Act, 2006 (RTA) intended to deter and protect tenants from bad faith evictions, where a landlord has falsely indicated they require the rental unit for their own use.	No comments.
Seeking Feedback on Future Regulations To Create A Balanced Framework Around Municipal Rental Replacement By-Laws (23-MMAH005)		

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21.	The Province is seeking feedback on potential regulations that would apply to municipalities that pass bylaws under s.99.1 of the Municipal Act and s.111 of the City of Toronto Act.	<p>Overall comments:</p> <ul style="list-style-type: none"> • Overall minimum requirements for municipalities would allow provide clarity and consistency in how rental conversion and demolition by-laws are enacted province wide. • At a minimum these regulations should provide protection for tenants and protection of the existing supply <p>Where tenants are displaced due to the demolition/conversion of their rental unit, the government intends to consider future regulations that would regulate matters such as:</p> <ol style="list-style-type: none"> 1. Prescribe minimum requirements for landowners to give tenants the option to rent a 'replacement unit' at the same location as their demolished unit, and at a similar rent. This requirement would apply in instances where a 'replacement unit' is required to be built at the same location as the demolished unit. <ul style="list-style-type: none"> • The minimum requirements should allow a replacement unit at the same location, in the vicinity of the location where units are located, or if necessary at an alternative location to the satisfaction of the tenant to provide security of tenancy for the household that occupies the unit 2. Set common rules about the types of compensation that would be required to be provided to displaced tenants. <ul style="list-style-type: none"> • Common rules about the types of compensation should include financial support for tenant relocation 3. Prescribe minimum requirements for landowners to build 'replacement units' with the same core features (e.g., same number of bedrooms) as demolished units. <ul style="list-style-type: none"> • Replacement units should be same number of units and unit types (i.e. 3 bedroom for 3 bedroom), a 1 to 1 replacement, for units demolished 4. Limit municipalities from imposing minimum square footage requirements for 'replacement units'. <ul style="list-style-type: none"> • Units sizes have changed over time to increase efficiency. Units should be of a size to be livable space and not be below minimum unit sizes in the Ontario Building Code
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		<p>The government is seeking feedback on additional elements that could be included as part of this proposal. For example:</p> <p>A. Should rent for replacement units be regulated? If so, how?</p> <ul style="list-style-type: none">• Rent for replacement units should be regulated to protect existing tenants from rent increases beyond what could be expected if the tenancy was continuous <p>B. Are there any types of entities/institutions that own or operate residential rental properties of six or more units that should be exempt from rental replacement rules? If so, what are they, and why should they be exempt?</p> <ul style="list-style-type: none">• Non-profit housing providers and Service Managers could be exempt from rental replacement rules <p>C. Are there any other elements the government should consider?</p> <ul style="list-style-type: none">• Government should consider ensuring the supply of existing rental housing does not decline through proposals to conversions or demolitions of rental units.• Protection for conversions should ensure tenants are relocated to a unit in the vicinity or comparable location to the satisfaction of the tenant.• Demolition of rental units should be replaced 1 to 1 by type of unit.
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