



Report to: Development Services Committee

Meeting Date: June 13, 2023

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**SUBJECT:** INFORMATION REPORT, Overview of Community Infrastructure and Housing Accelerator Tool

**PREPARED BY:** Stephen Lue, RPP, MCIP, Senior Development Manager, ext. 2520  
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**RECOMMENDATION:**

- 1) THAT the report, dated June 13, 2023, titled "INFORMATION REPORT, Overview of Community Infrastructure and Housing Accelerator Tool", be received;

**PURPOSE:**

This report provides information on the Province of Ontario's Community Infrastructure and Housing Accelerator Tool ("CIHA"), which was introduced through the passing of Bill 109, the *More Homes for Everyone Act*, 2022 ("Bill 109").

**BACKGROUND:**

Bill 109 made various amendments to the *Planning Act*, including the addition of a new section 34.1 that provides authority and sets out a process whereby a lower or single-tier municipality may request the Minister of Municipal Affairs and Housing (the "Minister") to issue a zoning order (a "CIHA order") for expedited zoning outside of the Greenbelt Area.

The *Planning Act*, further requires the Minister to establish guidelines on how CIHA Orders may be made. The guidelines are on the Province's website for the [Community Infrastructure and Housing Accelerator](#).

The City has received inquiries about the use of the CIHA tool and note that a report to Council outlining how the tool can be used is appropriate in order to familiarize Council on this tool and its future application to development projects.

**DISCUSSION:**

The following section provides an overview of the guidelines for requesting a Community Infrastructure Housing Accelerator zoning order.

**The CIHA is a new tool that gives the Minister the ability to respond to municipal-led requests for expedited zoning orders**

The intent of the tool is to expedite priority development, including the advancement of health, long-term care, housing (including community, affordable, and market-based), education, recreation, transportation, and other employment and mixed-use developments. The purpose is to allow for a

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municipally-led and requested Minister Zoning Order (“MZO”) like process that is more streamlined than a typical zoning approval where conditions can be imposed as part of the process.

A CIHA Order, as issued by the Minister, can regulate the use of land and the location, height, size, and spacing of buildings. The key differences between a CIHA Order and a Zoning By-law Amendment include the following:

- a) A CIHA Order can include conditions imposed by the Minister on the municipality and/or the proponent(s) that could secure community benefits or other matters important for the orderly development of lands that may not otherwise be possible to secure under the existing legislative framework
- b) The process for a Municipal Council to request a CIHA Order does not have the same consultation requirements as Zoning By-Law Amendments
- c) A CIHA Order does not need to conform with the Official Plan
- d) A CIHA Order cannot be appealed to the Ontario Land Tribunal

These differences could allow the City to expedite the approval process for developments that a Municipal Council identifies as key priorities, based on the benefits they would provide (e.g. health, long term care, affordable housing and other social infrastructure). Priority projects that would qualify for the use of a CIHA may also include critical infrastructure projects, or projects with significant economic generating purposes. The use of a CIHA would eliminate appeals that often cause significant delays in approval processes, and in some circumstances can put project financing at risk resulting in the project not advancing. It should be noted that the Minister will only consider exemptions to provincial and local land use policy and subsequent approvals if the municipality provides a plan that adequately addresses potential impacts that may arise (i.e. community engagement, indigenous engagement, and environmental protection/mitigation). Further, approvals required under other legislation may still be needed.

CIHA orders cannot be made in the Greenbelt Area as defined in Ontario Regulation 59/05. This includes specified lands designated Oak Ridges Moraine Area, Niagara Escarpment Area, Protected Countryside Area, the Glenorchy plan area, the 2017 Urban River Valley Area, and any lands that may be added to the Greenbelt Area in the future.

**A CIHA process involves multiple steps that need to be followed prior to the Minister considering a final order for approval as outlined below**

### **Before Requesting an Order**

#### Step One: The Municipality Provides Notice and Consultation

Prior to a request for an order, the municipality provides notice and undertakes consultation with indigenous communities and the public, as deemed appropriate. The notice and consultation process should be determined based on the type of project proposed. The municipality determines the notice requirements, including the circulation limit and timing, through a process that is similar to Official Plan and Zoning By-law amendments.

#### Step Two: The Municipality Passes a Council Resolution Requesting a CIHA

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A Council resolution is required that requests the CIHA and identifies the lands to which the Order would apply, including zoning, and provides any additional required exemptions for future land use approvals. The requested exemptions would allow other land use decisions (plan of subdivision, site plan) from needing to be consistent with the Provincial Policy Statements and/or conforming to provincial plans or municipal official plans. The exemption from provincial or land uses policy requirements will be considered if the subsequent approval is needed to facilitate a proposed development, and the municipality provides a plan that would, in the opinion of the Minister, adequately mitigate future potential impacts that could arise from the exemption.

## **How to Request an Order**

### Step Three: The Municipality Submits the Request to the Minister

After the resolution is passed by a municipal Council, the list of information to be provided to the Minister within 15 days in support of the Order request includes the following:

- Copy of Council Resolution
- Description of consultation that was undertaken (identify indigenous consultation)
- Map illustrating the location of the lands
- Description of any licences, permits, approvals, permissions or other matters that would be required before a use that would be permitted by the order could be established
- Draft Zoning By-law
- Other prescribed information and material

The municipality should also provide the Minister with a certificate that the Draft Zoning By-law (if approved) would provide the necessary zoning relief to facilitate the proposed development. This document should be signed by a municipal official whose responsibilities include land use planning or a lawyer. Once the materials outlined above are provided to the Ministry, a review of the requested Order will be undertaken and may result in a request for additional information including but not limited to planning justification reports, archeological assessments, environmental impact statements, and servicing studies. Once the review is complete, the Ministry may issue the Order, along with the requested exemptions and conditions on the landowner(s) or municipality.

## **After the Request is Submitted**

### Step 4: The Minister May Impose Broad Conditions on the Approval of a CIHA Order

The types of conditions that can be included in an Order is broad and would be specific to the proposed development and could be crafted to accelerate or phase development or to secure specific benefits identified by a municipality. The Minister may also impose conditions related to items such as requiring certain studies, assessments, consultations, and other matters of due diligence associated with the proposed development.

When a condition is imposed upon the approval of a CIHA Order, the Minister may require the owner of the lands to enter into an agreement that may be registered against the title to the lands. The satisfaction of the condition(s) is at the sole discretion of the Minister. This process, which differs from the MZO process, allows municipalities to secure commitments relating to the proposed development that could include infrastructure and servicing, affordable housing, and other benefits the municipality identifies.

The ability to request the imposition of conditions as part of a CIHA Order would result in municipalities having a greater ability to ensure that proposed developments proceed in a manner that reflects their requirements.

**Step 5: The Minister Issues the CIHA Order**

Should the Minister issue a CIHA Order, the municipality is responsible for ensuring it is made available to the public. Within 15 days of receiving a copy of the CIHA Order, the municipal clerk must provide a copy to the owner and any other prescribed person or public bodies and make the Order available in accordance with the regulations, including ensuring that the CIHA Order is published on the municipality's website. The CIHA Order must remain available to the public until it is revoked.

**CONCLUSION:**

The CIHA tool offers an opportunity to provide an accelerated consultation, review and approval process that could be used to help deliver priority developments. The flexibility and scalability of this tool could enable a municipality to respond to large or smaller scale interests. The ability for the Minister to include conditions in a CIHA Order also provides municipalities with greater certainty as it relates to development proposals. While this tool can provide for accelerated outcomes, it should not be at the cost of appropriate justification, technical studies and public consultation.

**FINANCIAL CONSIDERATIONS:**

While there are no financial implications associated with this report, financial resources may be required if the City chooses to undertake the required work associated with a CIHA Order.

**HUMAN RESOURCES CONSIDERATIONS:**

Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Use of the CIHA tool should be evaluated in the context of the City's strategic priorities, including Growth Management and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Development, Policy and Legal were involved in the preparation of this report.

**RECOMMENDED BY:**

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