



## MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services, ext. 4875

Prepared by: Darryl Lyons, Deputy Director, Planning and Urban Design, ext. 2459  
Catherine Conrad, Counsel, Legal Services  
John Yeh, Manager, Strategy & Innovation, ext. 7922

Date: June 28, 2023

Subject: City of Markham's Response to Bill 109 - *More Homes for Everyone Act, 2022*, and Bill 23 – *More Homes Built Faster Act, 2022 Update*

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### RECOMMENDATION:

1. That the memorandum titled "City of Markham's Response to Bill 109 - *More Homes for Everyone Act, 2022*, and Bill 23 – *More Homes Built Faster Act, 2022 Update*", be received;
2. That the Mayor and Clerk be authorized to enter into:
  - a. Municipal Services Agreements, to the satisfaction of the Director of Engineering and the City Solicitor
  - b. Parkland Agreements, to the satisfaction of the Director of Planning and Urban Design and the City Solicitor;
3. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

### PURPOSE:

On June 13, 2023, Staff presented the [City of Markham's Response to Bill 109 - \*More Homes for Everyone Act, 2022\*, and Bill 23 – \*More Homes Built Faster Act, 2022\*](#) to the Development Services Committee (DSC). The recommendations were accepted by Committee and staff were directed to bring the proposed City-initiated instruments including a Draft Official Plan Amendment, Draft Municipal Servicing By-Law Amendment, Pre-Application Consultation By-law, Draft Development Fee By-law Amendment, and a Draft Municipal Fee By-law Amendment to a future Council meeting to be enacted without further notice.

The purpose of this memorandum is to provide an update on key proposed revisions to the City-initiated instruments as a result of stakeholder engagement, including with the development industry, review and analysis of deputant materials from the June 13, 2023 DSC meeting and other technical matters to support their implementation.

## **BACKGROUND:**

The Province of Ontario's *More Homes for Everyone Act, 2022* (Bill 109) received Royal Assent on April 14, 2022. According to the Province, Bill 109 is intended to build homes faster by streamlining development approvals, facilitating faster decisions, increase certainty of parkland requirements for Transit Oriented Communities, and ensuring certainty for development costs. Bill 109 also requires municipalities to partially or entirely refund fees for applications for stand-alone Zoning By-law Amendment, combined Official Plan Amendment and Zoning By-law Amendment if a decision by the municipality is not made within the prescribed *Planning Act* timelines. Partial or full refunds for site plan applications are required if an approval has not occurred by the municipality within prescribed timelines.

In addition to Bill 109, the *More Homes Built Faster Act, 2022* (Bill 23) received Royal Assent on November 28, 2022 and included additional changes to the development process through amendments to various Acts, including the *Planning Act* by exempting site plan control for an application with no more than 10 units.

Relative to Bill 109, the *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97) received Royal Assent on June 8, 2023 and extended the in effect date of partial or full refunds from January 1, 2023 to July 1, 2023.

Staff have undertaken a significant amount of analysis, research and stakeholder engagement that resulted in clearer, more transparent and more efficient proposed development application process. The proposed processes also support the filing of concurrent applications and outlines the process for a pre-application consultation meeting. While certain applications will not be deemed to be complete until prerequisite approvals are achieved, the City intends to process applications concurrently in a streamlined fashion. This approach will assist in ensuring applications are processed within the regulated timeframes and reduce delays once an application has been deemed complete.

## **OPTIONS/ DISCUSSION:**

Since the June 13, 2023 DSC meeting Staff have reviewed submissions and materials provided through deputations and engaged with stakeholders including the development industry that has resulted in recommended refinements to the various instruments that are before Council for approval.

The following outlines the key areas of refinement to the instruments:

### **Official Plan Amendment:**

- Clarified that filing of concurrent applications is supported, but certain application types may not be deemed complete prior to approval of another instrument (e.g. zoning conformity has to be demonstrated prior to a site plan application can be deemed complete).
- Revised the list of material that may be required as part of a complete application and scoped requirements to specific application types where appropriate
- Removed policies that duplicated process contained in the Planning Act (e.g. removed policies regarding processing of consent applications and requesting additional information from an applicant through the development review process)

### **Pre-Application Consultation By-law Amendment:**

- Administrative refinements that shifted complete application requirements to the Official Plan Amendment and focussed them to specific application types

- Removed certain processes that would be challenging for a proponent to complete prior to submission of an application (e.g. provision of conveyances and easements)
- Added clarification that matters related to the Municipal Services Agreement are scoped to the site plan application process and that the application is required to be made but not approved prior to submission of site plan application

#### Municipal Services By-law Amendment:

- Updated definitions to conform to the draft comprehensive zoning by-law
- Addressed existing services with insufficient capacity as well as new/extended services
- Updated the watermain testing procedure and criteria
- Added provisions regarding availability of transportation facilities for subdivisions as well as site plan developments
- Added penalty provisions for non-compliance

#### Development Fee By-law Amendment:

- Require all site plan application fees for Engineering and Urban Design to be paid at submission since there is no more agreement process to collect remaining fees
- Remove site plan application Engineering external works fees as the review will be undertaken through a separate Municipal Services review process

#### Municipal Fee By-law Amendment:

- Added fees related to Municipal Services and Parkland Agreements and reviewing external engineering works,
- Clarify Community Services – Water connection review fees will be paid through a Municipal Services review

### **CONCLUSION:**

Staff recommend that the City-initiated Official Plan Amendment, Pre-Application Consultation By-law, Municipal Services By-law, Development Fee By-law, and Municipal Fee By-law Amendment be approved.

### **ATTACHMENTS:**

- Draft Official Plan Amendment
- Draft Municipal Services By-law
- Draft Pre-Application Consultation By-law
- Draft Development Fee By-law Amendment
- Draft Municipal Fee By-law Amendment