



**SUBJECT:** City of Burlington submissions as of November 25 on Ontario's Housing Supply Action Plan and Bill 23

**TO:** Community Planning, Regulation & Mobility Cttee.

**FROM:** Community Planning Department

Report Number: PL-82-22

Wards Affected: All

File Numbers: 145-26

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

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### **Recommendation:**

Direct the Director of Community Planning to provide any additional comments based on feedback at the December 6 CPRM Committee to the Province in advance of Council approval on December 13, 2022.

### **PURPOSE:**

The purpose of this report is to share the submissions, to the Province of Ontario in response to the various consultations related to *Bill 23, More Homes Built Faster Act, 2022*.

### **Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth
  - Improve integrated city mobility
  - Support sustainable infrastructure and a resilient environment
  - Building more citizen engagement, community health and culture
  - Deliver customer centric services with a focus on efficiency and technology transformation
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### **Background and Discussion:**

As set out in [CS-12-22: Consultations on Bill 23 More Homes Built Faster, 2022](#) the province introduced Bill 23, *More Homes Built Faster Act, 2022* on October 25, 2022.

The goal of the legislation is to facilitate the construction of 1.5 million new homes in Ontario by 2031. The omnibus bill proposes amending a number of existing statutes including: the *Planning Act*, *Ontario Heritage Act*, *Development Charges Act*, *Conservation Authorities Act*, and *Ontario Land Tribunals Act*, amongst others, and introduces new legislation named *Supporting Growth and Housing in York and Durham Regions Act, 2022*.

On November 23, one day in advance of the first deadline, consultation periods were extended for several postings. Regardless, since the first reading of Bill 23, the province proposed a number of amendments further emphasizing the lack of consultation and shortened timelines in order for municipalities to provide comment. Staff are disappointed to note that at the time of preparing this report, the Bill has received Royal Assent.

These comments follow through on the commitment made in staff report PL-27-22 [City's response to the Housing Affordability Task Force recommendation](#) report to provide timely comments on any Environmental Registry of Ontario (ERO) postings subject to subsequent Council approval. The attached comments were prepared by staff and informed by the guiding principles set out in [CS-12-22: Consultations on Bill 23 More Homes Built Faster, 2022](#) including:

- More Homes Built Faster
- Complete Communities
- An Engaged Community
- Growth Pays for Growth
- Matters of Provincial Interest
- Public Health and Safety
- Environment, Urban Design and Climate Change

The attached responses fall into three categories:

- Comments "Submitted" by their deadline indicating that given the short commenting period, immediately after the municipal election, City Council was not afforded the opportunity to review and endorse the comments prior to submission and additional comments or refinements may be submitted after the commenting deadline;
- "Not Submitted" as these comments have not yet been submitted to the ERO as comment are due after CPRM Committee consideration; or
- "No submission".

Please refer to the listed appendix for more details on each.

<b>Posting / Name</b>	<b>Submission</b> (Submitted; Not Submitted or No Submission)	<b>Consultation Deadline</b>
<b>Planning Act (Schedule 9 of Bill 23)</b> ERO 019-6163	Refer to Appendix A <b>(Not Submitted)</b>	December 9, 2022
<b>Heritage Act</b> ERO 019-6196	Refer to Appendix B <b>(Submitted)</b> <sup>1</sup>	December 9, 2022
<b>Planning Act and Development Charges Act</b> ERO 019-6172	Refer to Appendix C <b>(Not Submitted)</b>	December 9, 2022
<b>Conservation Authorities</b> ERO 019-6141	Refer to Appendix D <b>(Not Submitted)</b>	December 9, 2022
<b>Updates to Ontario Wetland Evaluation System</b> ERO 019-6160	Refer to Appendix E <b>(Submitted)</b>	November 24, 2022
<b>Proposed Municipal Act Changes: Municipal Rental Replacement By-Law</b> ORR 22-MMAH017	Refer to Appendix F <b>(Not Submitted)</b>	December 9, 2022
<b>Proposed Amendments to the OLT</b> ORR 22-MAG011	Refer to Appendix G <b>(No Submission)</b>	December 9, 2022

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<sup>1</sup> Submitted at the original deadline of November 24, commenting deadline has since been extended.

<b>Proposed Changes to Ontario Regulation 232/18: Inclusionary Zoning</b> ERO 019-6173	Refer to Appendix H <b>(Not Submitted)</b>	December 9, 2022
<b>Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario</b> ERO 019-2927	Refer to Appendix I <b>(Not Submitted)</b>	December 30, 2022
<b>Proposed Changes to Ontario Regulation 299/19: Additional Residential Units</b> ERO 019-6197	Refer to Appendix J <b>(Not Submitted)</b>	December 9, 2022
<b>Seeking Input on Rent-to-Own Arrangements</b> ORR 22-MMAH018	Refer to Appendix K <b>(Not Submitted)</b>	December 9, 2022
<b>Proposed Amendments to the Greenbelt Plan</b> ERO 019-6216	Refer to Appendix L <b>(Submitted)</b>	December 4, 2022
<b>Ontario Underground Infrastructure Notification Act, 2012</b> ORR 22-MGCS022	<b>(No Submission)</b>	December 9, 2022
<b>New Home Construction Licensing Act</b> ORR 22-MGCS021	<b>(No Submission)</b>	December 9, 2022

While a number of postings with a commenting deadline of December 30 have been included above, responses to several have not been included in this report. The postings that have not been addressed above are listed below:

- Review of A Place to Grow and Provincial Policy Statement
- Proposed Revocation of the Parkway Belt West Plan
- Conserving Ontario's Natural Heritage

### **Strategy/process**

Staff have worked expeditiously to deliver the attached comments and continue to work on the remaining consultations. A future report will deliver comments on the remaining postings.

### **Other Postings: 2031 Municipal Housing Targets Bulletin**

In addition to the wide-ranging postings listed on the ERO and the Ontario Regulatory Registry (ORR) the Province introduced the concept of housing targets in a bulletin listed on the ERO as “2031 Municipal Housing Targets”. The notice is clear that the Bulletin has been posted for “informational purposes only” and that the Province is not seeking comments.

The bulletin establishes housing targets for 29 selected lower- and single tier municipalities in Southern Ontario and includes the requirement that each municipality establish a pledge that identifies tools and strategies they intend to use to achieve their housing target. More details about the nature of the targets are required. As part of the Region of Halton’s municipal comprehensive review work, the Land Needs Assessment (LNA) identified that in the period from 2021 to 2031, an additional 11,342 units will be needed to accommodate Burlington’s share of population growth. The LNA study work included detailed study and analysis informed by a Provincially-mandated land needs assessment methodology and the allocation of 1.1 million people by 2051 to Halton Region as set out by the Province.

Through this bulletin the Provincial government has assigned a target of 29,000 residential units by 2032. This pledge figure to 2032 does not align with the recent Minister Decision on ROPA 49, nor is it supported by any data. Although not specifically identified as an item for consultation the City requires additional supporting information related to the basis of this assigned target. In addition, the City requests that municipalities and the Provincial government work collaboratively to identify additional tools, resources and appropriate funding from the Province in light of the significant changes proposed in Bill 23 that substantially limit the ability of municipalities to generate revenue to support development and growth of complete communities. Municipalities will require significant support from the Province in order to find locally appropriate, innovative ways to make progress on their respective pledges.

### **Options Considered**

Not applicable.

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## **Financial Matters:**

The changes proposed in Bill 23, namely those impacting development charges, parkland dedication fees (including land conveyance) and community benefits charges, will have significant and broad sweeping detrimental consequences to municipal finances. These have been captured at a high level within our submission to ERO 019-6172 attached as Appendix C to this report and previous Council report CS-12-22. At this time, it is difficult to quantify the impact in dollars terms as the Bill proposes a number of changes, many of which are yet to be defined and will vary based on type, and location of future development. Staff will continue to review the proposed changes contained in Bill 23 and will outline further financial impacts as more information becomes available.

### **Total Financial Impact**

Not applicable.

### **Source of Funding**

Not applicable.

### **Other Resource Impacts**

The long-term impacts of the proposals will require significant staff resources in order to respond and adapt to the wide-ranging changes proposed related to Bill 109, Bill 23 and related postings regarding the Housing Supply Action Plan 3.0.

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## **Climate Implications**

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency. Broadly, the City has set out frameworks to provide for innovative solutions and opportunities to address local housing issues while making better use of existing infrastructure and services. This will be done through the provision of additional residential units and directing new housing options in locations designated for intensification, such as Major Transit Station Areas.

In accordance with the Growth Plan for the Greater Golden Horseshoe, planning in Burlington must have as a guiding principle the need to "integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions."

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## **Engagement Matters:**

Given the very tight timelines for the proposals reflected in the attachments, engagement was limited to City staff departments. As indicated in [CS-12-22: Consultations on Bill 23 More Homes Built Faster, 2022](#) staff will be preparing a communications strategy to explain the changes proposed in *Bill 23, More Homes Built Faster Act, 2022* and the impact they will have on the City's planning process. There will be significant ongoing efforts required to communicate and engage with the community as the City responds and implements the changes in the legislation.

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## **Conclusion:**

The legislative amendments contained in Bill 23, which received Royal Assent on November 28<sup>th</sup>, amount to the most drastic changes to the land use planning process that Ontario has seen in decades. There will be considerable impacts on how Burlington plans and protects for appropriate development within the City while also streamlining the development review process in order to build more homes faster. While at the same time ensuring that other matters of provincial interest are maintained such as supporting employment and protecting the environment and cultural heritage. Overall, the changes in Bill 23 will require the City to make significant revisions to its land use planning process and will have substantial impacts on associated planning and financial outcomes.

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Respectfully submitted,

Mark H. Simeoni  
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## **Appendices:**

- A. Planning Act submission
- B. Heritage Act submission
- C. Planning Act and Development Charges Act submission
- D. Conservation Authorities submission
- E. Update on Ontario Wetland Evaluation System submission
- F. Municipal Act – Municipal Rental Replacement By-Law submission
- G. Proposed Amendments to the OLT Act (for reference)
- H. Inclusionary Zoning submission
- I. Natural Hazards submission
- J. Additional Residential Units submission
- K. Rent to Own submission
- L. Greenbelt Plan submission

## **Notifications:**

Honourable Doug Ford, Premier of Ontario,  
Honourable Steve Clark, Minister of Municipal Affairs and Housing,  
Natalie Pierre, MPP Burlington,  
Effie Triantafilopoulos, MPP North-Burlington Oakville,  
Honourable Parm Gill, Minister of Red Tape Reduction,  
Mike Schreiner, Leader of the Ontario Green Party and MPP Guelph,  
John Fraser, Interim Leader of the Ontario Liberal Party and MPP Ottawa South,  
Peter Tabuns, Interim Leader Ontario NDP Party and MPP Toronto-Danforth,  
Halton Region,  
Town of Halton Hills,  
Town of Oakville,  
Town of Milton,  
Association of Municipalities of Ontario, the Ontario Big City Mayors Caucus,  
BILD Halton Chapter,  
Burlington Chamber of Commerce,  
Federation of Canadian Municipalities



**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.