



**Meeting Date:** January 22, 2020

**Submitted by:** Michael Di Lullo, CAO

**Report No:** CAO-03-2020

**Subject:** Bill 108 – More Homes, More Choice Act Overview

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**Recommendation:**

**THAT** Report re: Bill 108 – More Homes, More Choice Act Overview be received.

**Purpose:**

The purpose of this Report is to provide Council, as a planning body, with a high level overview of the recently approved [Bill 108, More Homes, More Choice Act, 2019](#). The level of detail and understanding of implications is somewhat limited until such time as the implementing Regulations are publicized and reviewed. As the Government reports out on the Regulations, Council will be apprised.

**Background:**

On May 2, 2019, the Province released Bill 108, More Homes, More Choice Act, 2019 following first reading in Parliament through the Environmental Registry for a 30-day commenting period, ending June 1, 2019. On June 6, 2019, this Act was read a third time and received Royal Assent.

The Act amends a total of 13 different Provincial Acts; namely:

- Cannabis Control Act, 2017
- Conservation Authorities Act
- Development Charges Act, 1997
- Education Act
- Endangered Species Act, 2007
- Environmental Assessment Act
- Environmental Protection Act
- Labour Relations Act, 1995
- Local Planning Appeal Tribunal Act, 2017
- Occupational Health and Safety Act
- Ontario Heritage Act

- Planning Act
- Workplace Safety and Insurance Act

The stated intent of the legislation is to encourage the provision of more housing across Ontario, through streamlining the development approvals process and by making housing more affordable. This is of particular interest in London and area with a need for a mixed use of affordable housing which is noteworthy for Middlesex County.

### **Analysis:**

Of particular interest to Council, as a planning body, may be the changes to the Development Charges Act, Local Planning Appeal Tribunal Act and Planning Act. A summary of these changes is provided below:

#### Development Charges Act

Schedule 3 of the Act makes amendments to the Development Charges Act to reduce development costs and provide more housing options to help make housing more attainable for the people of Ontario.

Correspondence was received from Watson and Associates dated December 19, 2019 which provides a general overview of the changes that take effect on January 1, 2020 to the Development Charges Act.

Development charge (DC) rates will be frozen to the rate in effect on the date an application is made for site plan or zoning approval as opposed to these charges being based on the rate in place at the date the building permit is issued. Another change is that there will be a phased-in option for collection of DCs, rather than at the issuance of the building permit. As a result, there will be staff time attributed to these changes to monitor and track for billing purposes;

The types of services for which DCs can be collected are now limited to those related to infrastructure and protection (i.e. roads, water, wastewater and stormwater, transit, waste diversion, ambulance, fire and policing services. DCs related to soft services (i.e. libraries, parks) will be collected through community benefit charges under Section 37 of the Planning Act.

Many of these changes are geared towards rental/low income/institutional activity, which is not prevalent in Middlesex Centre; however, staff will work with Watsons and Associates to bring forward amendments to the Development Charges By-Law, taking into consideration the above noted changes, to Council later this year.

#### Local Planning Appeal Tribunal (LPAT) Act

Some of the proposed changes to take effect with respect to the LPAT Tribunal include:

Although the name of the appeal body will remain, it will no longer evaluate appeals based on conformity with Official Plans or consistency with the Provincial Policy

Statement (the so-called “two-tests”), rather, it will return to the Ontario Municipal Board (OMB)-style hearings, also known as de novo hearings which are based on a “best planning outcome” approach. Appellants can still raise these grounds of an appeal (and provide supporting reasons) but would no longer be limited to just these grounds;

The two step appeal process has been repealed, which means a return to a single hearing where the LPAT would have the power to make a final determination approving, refusing to approve or modifying all or part of the instrument under appeal;

Mandatory case management conference in appeals of official plans and amendment, zoning amendments and plans of subdivision; and

Restrictions on a party’s ability to introduce evidence and call and examine witnesses at hearings has been removed.

### Planning Act

Some of the proposed changes to take effect with respect to the Planning Act include:

Municipalities will now be required to permit up to two dwelling units in detached, semi-detached or row house as well as a residential unit in an accessory building or structure, such as a coach or laneway house;

Although new evidence is now permitted to be introduced at the LPAT (de novo hearing), it must be first provided to the municipality who must then be given the opportunity to consider that evidence and made a recommendation to the Tribunal;

Municipal decisions of planning applications must now be made within the follow timeframes:

<b>Instrument</b>	<b>Bill 139 (current)</b>	<b>Bill 108</b>
Official Plan/Official Plan Amendment	210 days	120 days
Zoning By-Law Amendment	150 days	90 days
Draft Plan of Subdivision	180 days	120 days

### **Financial Implications:**

The financial impacts of Bill 108 (particularly changes to the Development Charges Act), is being reviewed.

Staff will report to Council on more information as it becomes available, once the Regulations take affect on the varying pieces of legislation.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- 1a. Planning & Positioning: Diversifying future residential development.
- 1c. Planning & Positioning: Realizing development potential.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

**Attachments:**

Attachment 1 – Correspondence from Minister Steve Clark dated December 19, 2019

Attachment 2 – Correspondence from Watson & Associates dated December 19, 2019