

# Bill 108, Ontario's More Homes, More Choice Act, 2019

May 3, 2019

On May 2, 2019, the Ontario government announced the release of "More Homes, More Choice: Ontario's Housing Supply Action Plan" and Bill 108, the *More Homes, More Choice Act*. This series of changes coming down the pipeline, if approved, will have significant impact on developers, municipalities, expropriating authorities, school boards and other stakeholders in land use and environmental matters.

More Homes, More Choice: Ontario's Housing Supply Action Plan includes legislative amendments to 13 statutes affecting a broad cross section of provincial measures:

*Cannabis Control Act, 2017*

*Labour Relations Act, 1995*

*Conservation Authorities Act*

*Local Planning Appeal Tribunal Act, 2017*

*Development Charges Act, 1997*

*Occupational Health and Safety Act*

*Education Act*

*Ontario Heritage Act*

*Endangered Species Act, 2007*

*Planning Act*

*Environmental Assessment Act*

*Workplace Safety and Insurance Act, 1997*

*Environmental Protection Act*

## Government Objectives

The Ontario government's stated intent in proposing these changes is to help provide relief to people struggling to find affordable housing that fits their family budget.

Bill 108 says that "increasing the supply of housing will help every person in Ontario by making housing more affordable." Stated objectives of the *More Homes, More Choice Act, 2019* include, but are not limited to:

- Lowering and providing certainty about municipal costs imposed on development, which are passed on to homebuyers;
- Allowing school boards and development partners to find innovative ways to finance new school facilities;
- Expediting the land use planning appeals process and moving towards cost-recovery while ensuring community groups and residents have affordable access to appeals; and
- Giving municipal government greater authority over conservation authorities to make them more accountable.

## Legislative Overview

Bill 108 remains subject to change as it passes through the legislative process. BLG will be bringing you a comprehensive review of these proposed changes. The following is an initial overview of some key changes in the legislation presented at First Reading.

#### ***Local Planning Appeal Tribunal Act, 2017***

- Procedural changes to the way planning appeals are handled.
- The clock would be turned back on official plan and zoning appeals, returning to the former, OMB procedure.
- Case Management Conferences would still be required in *Planning Act* appeals.
- Continued power for the Tribunal to limit direct and cross examination of witnesses.
- Non-parties limited to written submissions in *Planning Act* appeals.

#### ***Planning Act***

- Amendments to the act by the *Building Better Communities and Conserving Watersheds Act, 2017* are largely repealed.
- New Community Benefits Charge By-laws will combine benefits (Section 37), parkland dedication (Section 42) and certain development charges. The community benefit charge may be imposed when certain requirements are met such as through a zoning amendment application. The amount of the charge is not to exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.
- A land owner may provide contributions in-kind (facilities, services or matters required because of development).
- Parkland dedication requirements are no longer of effect when a Community Benefits Charge By-law has been passed.
- Reduced timelines for decisions:
  - Official plans 210 days to 120 days,
  - Zoning by-laws 150 days to 90 days,
  - Plans of subdivision 180 days to 120 days.
- Changes making it easier to provide additional units in a house or building ancillary thereto.
- Enhanced inclusionary zoning framework to allow for such mechanisms in protected major transit station areas.

#### ***Development Charges Act, 1997***

- Where there is a site plan control area or zoning by-law amendment application, the amount of development charges would be determined as of the date of the application.
- Removal of requirement for municipalities to reduce capital costs by 10 per cent.
- In most situations, payment of development charges for rental housing, institutional, industrial, commercial, and non-profit housing would be payable in six annual instalments, the first of which would be deferred until the occupancy or issuance of the occupation permit, whichever is earlier.
- New rules for non-parties to front-ending agreements.

- Certain development charges would be incorporated in the Community Benefits Charge By-law under the *Planning Act* changes.

#### ***Education Act***

- School boards could apply to the Minister of Education for:
  - ‘Alternative Projects’ that would allow school boards to spend education development charge funds on non-eligible costs so long as the project provides for pupil accommodation and reduces the costs of acquiring land; and
  - ‘Localized Development Agreements’ that would allow a school board to accept a real property interest or other prescribed benefit in lieu of the developer paying education development charges.
- New ministerial oversight over school boards’ plans to acquire land including veto powers over expropriations and acquisitions.
- The amendments raise a number of implementation issues and will also necessitate changes to O. Reg. 20/98 that have yet to be drafted.

#### ***Ontario Heritage Act***

- Procedural changes.
- Increased ability to appeal heritage decisions to the Local Planning Appeal Tribunal.
- Limitations on municipalities’ ability to batch-list properties as heritage to free up land supply.

This legislation will impact public and private entities alike. BLG will be releasing more in-depth analysis of the proposed amendments to most of the acts listed above. We will also provide an update to the Growth Plan 2019, also released on May 2, 2019.

The government invites comments on the proposed changes until June 1, 2019. Contact us to discuss your specific concerns and how these changes may affect you.

#### **Further Reading**

- [News Release: Ontario's Government for the People to Make Home Ownership Affordable for More Ontario Families](#)
- [More Homes, More Choice: Ontario's Housing Supply Action Plan](#)
- [Bill 108, More Homes, More Choice Act, 2019](#)

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