

Spring cleanup: changes underway as Ontario introduces Bill 109, More Homes for Everyone Act, 2022

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Authors: [Chris Barnett](#), [Andrew Rintoul](#)

This bill received Royal Assent on April 14, 2022. Most amendments to the *Planning Act* and the *City of Toronto Act* came into force that day, and our blackline PDF has been updated to reflect the in-force dates of the other amendments.

On March 30, 2022, the government of Ontario took the first step in implementing the recommendations of the [Affordable Housing Task Force^{\[1\]}](#) with the introduction of [Bill 109, More Homes for Everyone Act, 2022](#).

If passed, the bill would make a number of significant changes to the *Planning Act*, the *City of Toronto Act, 2006*, the *Development Charges Act, 1997*, the *New Home Construction Licensing Act, 2017* and the *Ontario New Home Warranties Plan Act* in an effort to, among other goals, incentivize the timely processing of certain applications to bring housing to market and increase transparency.

The statutes that stand to be most impacted under the bill are the *Planning Act* and the *City of Toronto Act, 2006*.

Key changes to the *Planning Act* and *City of Toronto Act* include the following:

- incentives to have decisions made on applications within the timelines in the *Planning Act* through the refund of application fees. The refund of fees is proposed to be as follows:

Amount of refund	Days following application of no decision on zoning/Zoning & OPA/failure to approve site plan
50%	90 days (Zoning), 120 days (Zoning & OPA), 60 days (site plan)
75%	150 days (Zoning), 180 days (Zoning & OPA), 90 days (site plan)
100%	180 days (Zoning), 240 days (Zoning & OPA), 120 days (site plan)

- a requirement that municipalities delegate the authority to approve site plans from Council to a designated authorized person.
- discretion of the Minister to refer Municipal Comprehensive Review Official Plan Amendments (OPAs), or new Official Plans, to the Tribunal for *either* a recommendation on whether the Minister should approve or modify the OPA *or* for a final decision from the Tribunal on whether the OPA/new OP should be approved or modified.
- a new process (which is being called the “Community Infrastructure and Housing Accelerator”) for a municipality to request that the Minister make what amounts to a zoning order. The Minister’s existing zoning order powers remain unchanged. This new process formalizes requirements for the Minister to exercise this power, but the Minister

still has the discretion to make zoning orders without a request from a municipality.

- alternative parkland requirements for land in a designated transit-oriented community of 10% of land value for sites less than 5 hectares and 15% for sites greater than 5 hectares.
- regular reviews of community benefits charge bylaws and rules respecting such reviews, including that the failure to declare whether a five-year review is needed will result in the deemed expiry of the bylaw.
- the ability of the province to declare land in a transit-oriented community that has easements or below-grade infrastructure as being “encumbered”, with the effect that the land must be conveyed for parkland, with full credit for parkland dedication.
- complete application rules for site plan applications, similar to the existing rules for OPAs and ZBA applications.
- increased powers for municipalities to extend draft plan approval for plans of subdivision that have lapsed.
- power given to the Minister to make regulations
 - prohibiting certain matters from being the subject of conditions of draft plan approval.
 - setting out planning matters that the Minister can require a municipality to report on, if the Minister asks for a report.
 - regarding the types of securities that can be used to secure municipal requirements as part of the approvals process.

The Ministry also announced increased funding for the Ontario Land Tribunal in order to help clear out case backlogs and made the appeal process more efficient.

Osler has prepared a [blackline of the proposed amendments](#) [PDF] to the *Planning Act* and *City of Toronto Act*. Other amendments were proposed to the *Development Charges Act*, the *Ontario New Home Warranties Plan Act* and the *New Home Construction Licensing Act, 2017*.

While Bill 109 has so far only passed first reading in the Legislative Assembly of Ontario, its introduction demonstrates a continued emphasis within the province on addressing market housing supply and affordability. We anticipate it is likely to proceed quickly through the legislative process. Osler will be monitoring the progress of the bill, and will provide updates on an ongoing basis.

[View our blackline of the proposed amendments to the *Planning Act* and *City of Toronto Act* \[PDF\]](#).

[1] The Affordable Housing Task Force, which was appointed by the government of Ontario on December 6, 2021, with a mandate of providing the government with market housing supply and affordability recommendations, released its [Report](#) [PDF] last month, a [summary](#) of which is also available.