

Date: 2023-01-23

Subject: Recommendation Report - The Impacts of Bill 23, More Homes Built Faster Act, 2022 on Brampton Plan

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Report Number: Planning, Bld & Growth Mgt-2023-041

Recommendations:

1. **THAT** the report titled **Recommendation Report: The Impacts of Bill 23, More Homes Built Faster Act, 2022 on *Brampton Plan*** to the Planning and Economic Development Committee Meeting of January 23, 2023 be received;
2. **THAT** Council request the Province provide an update as to when the remaining elements of Bill 23 will come into effect to allow the City to plan for the timely and efficient adoption of *Brampton Plan*;
3. **THAT** Council direct staff to return with an update on timelines for *Brampton Plan* once further information from the Province is received; and
4. **THAT** Council direct staff to bring forward housekeeping and other amendments to Brampton's 2006 Official Plan in light of impacts to *Brampton Plan* timelines, including policy updates to guide development in Major Transit Station Areas, amongst others.

Overview:

- The City's Official Plan (OP) update – the development of a new *Brampton Plan* - has been underway since 2019. *Brampton Plan* was scheduled for adoption in Q1 2023.
- On Tuesday, October 25, 2022, the government of Ontario introduced Bill 23, the *More Homes Built Faster Act, 2022* which proposed significant changes to the provincial planning framework and land use approvals system.

- Bill 23 received Royal Assent in November 2022, although not all aspects of the Bill are in force and effect yet.
- Bill 23 proposes a new planning instrument that consolidates the *Provincial Policy Statement* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*. This will require updates to the draft *Brampton Plan* to conform to new provincial direction. Timing for the release of the new instrument has not yet been provided.
- The Minister of Municipal Affairs and Housing will be the approval authority for *Brampton Plan*, requiring staff to engage the Province on the Official Plan Review process.
- The recently approved Region of Peel Official Plan (RPOP) will become an in-force Official Plan for Brampton in addition to the 2006 Official Plan until the City revokes or amends it.
- Changes being made by Bill 23 have significant impacts to *Brampton Plan's* timelines.
- To ensure the City continues to attract development aligned with Council priorities, staff recommend moving forward with updates to the 2006 Official Plan to conform to provincial changes through Bill 23 while issues related to *Brampton Plan* are resolved as described in this report.

Background:

The first draft of *Brampton Plan* (the draft Plan) was released for public review on April 22, 2022, followed by [two virtual Public Open Houses](#) on May 18th and May 19th and a statutory Public Meeting on May 30th, 2022. Formal comments on *Brampton Plan* were due by June 3rd, but continued correspondence citing the need for additional time to review the draft Plan and requests for stakeholder meetings continued throughout the month of June.

Given the volume of feedback and the substantive nature of changes to the draft Plan, staff proposed a second draft be issued for review and comment to support robust engagement and ensure a transparent review process. A [staff report](#) was received at the August 5, 2022 Special Meeting of Council, recommending a second draft of *Brampton Plan* be released for public review in 2022, prior to returning in 2023 for adoption.

On Tuesday, October 25, 2022, the government of Ontario introduced Bill 23, the [More Homes Built Faster Act, 2022](#) which proposes significant changes to the planning framework and land use approvals system in the province with the goal of achieving 1.5

million new homes by 2031, 113,000 of which have been allocated to the City of Brampton.

At the [November 23, 2022 Committee of Council meeting](#), staff delivered a report and presentation highlighting the changes and impacts to Brampton as a result of Bill 23. Bill 23 received Royal Assent on November 28, 2022.

In December 2022 staff released a [second draft of Brampton Plan](#) for public review to honour previous timeline commitments, but with the provision that significant revisions are required for the new draft Plan to conform to provincial changes through Bill 23. This draft is the culmination of background work, consultation with stakeholders, public engagement, and reporting to Council that achieved significant buy-in to meet and deliver on Council objectives.

This report provides Council with:

- An overview of fundamental and administrative impacts to *Brampton Plan*, resulting from Bill 23;
- A high level work plan to deliver *Brampton Plan*, once further direction from the Province is received; and
- Short term measures to incentivize development in Major Transit Station Areas, while *Brampton Plan* is being updated.

Current Situation:

In absence of further direction from the Province on implementation of Bill 23, a number of fundamental and administrative elements of *Brampton Plan* remain in question. As such, *Brampton Plan* will need updating to consider changes set out in Bill 23, to ensure the City is strategically prepared to support the magnitude of growth it will experience in the coming decades.

Fundamental Elements

Bill 23 housing targets of 113,000 new homes in Brampton by 2031 equates to approximately 400,000 new residents. This 10-year housing target represents an annual average of 11,300 new households per year, equating to an annual increase in total housing growth nearly three times the City's historical average over past 20 years. This amount of growth was originally intended to be spread out over the next three decades to 2051 - now expected in the next decade (2031). To deliver on this volume of growth in a shortened period of time, there are fundamental elements in *Brampton Plan* that need to be further analyzed:

- Population, employment and household targets will need to be updated. New household growth numbers of 113,000 new houses by 2031 will lead to a review of the growth management framework for *Brampton Plan*;
- Effectively planning for both hard and soft infrastructure – ensuring the adequate provision of schools, parks, hospitals to serve the population increase;
- Consideration of new transit projects, and expediting investment and implementation of ongoing transit projects – to ensure the strong connection between land use and transit;
- Protection of employment lands - to ensure Brampton is economically competitive and serves the population with local jobs; and
- Ensuring growth occurs sustainably and does not threaten environmental systems.

Administrative Elements

There are administrative elements stemming from Bill 23 impacting *Brampton Plan*, namely:

1. *A new planning instrument that consolidates the Provincial Policy Statement and a Place to Grow will lead to new conformity requirements.*
 - Bill 23 proposed a review of the Provincial Policy Statement and Growth Plan, requiring further updates to *Brampton Plan* to achieve conformity with Provincial Planning documents. The development of this new planning instrument is presumed to go through a formal public consultation process through the Environmental Registry of Ontario, for a period of time specified by the Province (unknown at this time). This will result in significant staff time and effort to advocate for a strong planning framework to ensure growth management principles of sustainability, complete communities and fiscal responsibility are applied.
2. *The Minister of Municipal Affairs and Housing not the Region of Peel will be the approval authority for Brampton Plan*
 - As a result of Bill 23, the Region of Peel will be removed as an upper-tier municipality with planning responsibilities and the approval authority for Official Plan Amendments and the City's new Official Plan will be relegated to the Minister of Municipal Affairs and Housing. While Bill 23 has received Royal Assent, not all the changes have been proclaimed, including the removal of upper-tier planning

approval authority. To date, the Province has not provided any information as to when this portion of the Bill will be in force and effect (see Appendix 1).

- The City must now adhere to provisions of the *Planning Act* that require engagement with the Minister of Municipal Affairs and Housing. As the new approval authority, the Minister brings additional *Planning Act* requirements the City must follow to adopt the Plan. The Minister requires that a copy of the current proposed plan be submitted to the Minister at least 90 days before the municipality gives notice of the public meeting and open house.
- In absence of clear direction from the Province on the conformity instrument as referenced above, there is a significant risk of not meeting the early 2023 timeline for *Brampton Plan* as previously communicated to Council (August 2022).

3. *The recently approved Region of Peel Official Plan (RPOP) will be an in-force Official Plan for Brampton until the City finalizes its Official Plan (OP) update*

- In November 2022, the Province approved the RPOP and through Bill 23, the RPOP will become an in-force Official Plan for Brampton at some point in the future, not currently identified at the time of drafting this report. The provisions of Bill 23 provide the RPOP would remain as a City OP until the City completes a review process to determine whether to amend it or fully revoke it.
- The City would need sufficient time to review the RPOP to reconcile any differences between the RPOP and *Brampton Plan* and integrate any relevant Regional policies into *Brampton Plan* prior to Council adoption. Merging the two Official Plans into the one document (*Brampton Plan*) streamlines the review process for commenting groups and the development industry, and removes redundancy or conflicts between the Plans. The RPOP will be repealed once the new *Brampton Plan* contains the necessary RPOP policies. City staff will review the RPOP to identify and address any potential gaps that come from repealing the Region's plan, as well as address changes from the removal of planning authority from the Region.

Our Work Plan

Despite unknowns on implementation of Bill 23, proactive steps are being taken to make *Brampton Plan* ready. Outlined below is a high level work plan that builds off information known to date. Once further details from the Province are provided, staff will report back to Council solidifying dates for milestone completion and Council consideration of the final *Brampton Plan*.



*note: timelines above are estimates until further details from the Province are provided

Leveraging our Major Transit Station Areas

Due to the timeline uncertainty resulting from Bill 23, staff propose to move forward with a series of Official Plan Amendments to the 2006 Official Plan to support the growth and development of the City until such time as *Brampton Plan* can be revised and subsequently approved.

1. *Major Transit Station Area (MTSA) policies are proposed to be added to the 2006 Official Plan to guide development in Brampton's strategic growth areas*

A growing number of development applications are being submitted within the City's "Primary" MTSA's (transit-oriented growth locations) delineated in the recently approved RPOP. To support intensification and guide development in advance of finalizing *Brampton Plan*, an interim set of MTSA Official Plan policies are being proposed by way of a City-initiated Official Plan Amendment in Q1 2023 for statutory public meeting and Council adoption.

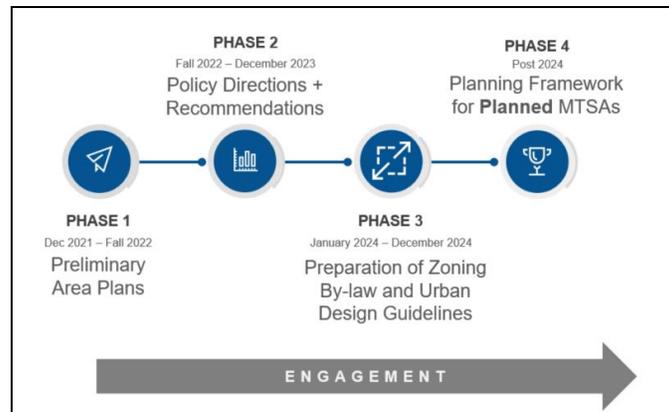
The proposed policies will include:

- MTSA objectives;
- Minimum number of residents and jobs, collectively, per hectare for “Primary” MTSAs;
- MTSA Block Concept Plans;
- Implementation; and
- Planned MTSAs.

These policies are an interim measure to guide development in MTSAs as detailed studies for Protected MTSAs (classified as “Primary” MTSAs in the RPOP) are completed. The final studies will provide guidance for establishing and implementing the required *Planning Act* Protected MTSA policies, including the authorized use of land and buildings and the minimum densities with respect to buildings and structures on lands in a MTSA.

Staff are currently preparing preliminary land use plans, built form plans and yield analysis for most of the “Primary” MTSAs. Staff has hired a consultant (ARUP) to complete servicing and transportation studies to help support the preparation of the final land use plans and final policy formulation. The draft land use plans and guiding policies will be presented to the public in four focus group meetings that are scheduled to be held from January to mid-February 2023.

The figure below illustrates the general timing of the various steps in the City’s MTSA Planning project.



Corporate Implications:

Financial Implications:

There are no financial implications at this time.

Other Implications:

The proposed updates to the 2006 Official Plan will help to guide new development applications in Brampton’s strategic growth areas and help Brampton to conform to the changes through Bill 23.

Term of Council Priorities:

Brampton Plan is noted as a Term of Council priority under the following:

Council Priority: A City of Opportunities

Strategic Priority: 1.4 Prioritize Jobs within Centres

Project Number: 1.4.3 Develop a New Official Plan that aligns all master plans with Brampton 2040.

Conclusion:

The significant changes arising from Bill 23 require a review and update of *Brampton Plan*. Staff will continue to work with the Region and dialogue with the Province on implementation steps. The City was nearing the completion of *Brampton Plan* and was on track to deliver previously identified timelines. In light of Bill 23, the Province needs to provide clarity on next steps in order for staff to deliver an accurate timeline to Council for *Brampton Plan*. A Council request to the Province for such clarity would strongly support staff's undertakings on this front.

City staff have proposed to undertake housekeeping amendments to the 2006 Official Plan as an interim approach to guide development in MTSAs and conform to in force and effect changes through Bill 23. As additional information is made available, staff will keep Council apprised of ongoing changes and communicate any updates accordingly.

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Attachments:

Appendix 1 – Correspondence with the Ministry of Municipal Affairs and Housing