

**Date:** 2023-05-04

**Subject:** **Recommendation Report for City Comments on Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023**

**Secondary Title:** Proposed amendments by the Ontario Government to the Planning Act; Municipal Act, 2001; City of Toronto Act, 2006; and Residential Tenancies Act, 2006

**Contact:** **Steve Ganesh, Commissioner, Planning, Building and Growth Management**

**Henrik Zbogar, Director, Integrated City Planning**

**Report Number:** Planning, Bld & Growth Mgt-2023-398

**Recommendations:**

1. That the report from Jessica Yadav, Assistant Policy Planner, Integrated City Planning, to the Committee of Council Meeting of May 10, 2023, re: **Recommendation Report for City Comments on Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023**, be received;
2. That the City's comments and proposed recommendations to the Province contained and appended to the report be endorsed; and
3. That the City Clerk forward this report to the Ministry of Municipal Affairs and Housing; Brampton's Members' of Provincial Parliament; the Association for Municipalities of Ontario; and the Region of Peel.

**Overview:**

- **On April 6, 2023, the provincial government introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. Bill 97 builds on Bill 23, the *More Homes Built Faster Act, 2022*, and is the next stage in the Province's Housing Supply Action Plan.**
- **Bill 97 proposes significant changes to the provincial planning framework and land use approvals system, as well as increased support for renters in Ontario.**

- **The provincial government is currently soliciting comments on the proposed legislative changes through 9 postings which the City will be commenting on through the Environmental Registry of Ontario (ERO) and Ontario’s Regulatory Registry (ORR), prior to their commenting deadlines of May 6, May 21, and June 5, 2023.**
- **This report focuses on the 5 postings with a commenting deadline of May 21, 2023. Following this report, one additional report will be presented to Council for the ERO posting soliciting feedback on the proposed Provincial Planning Statement, with a commenting deadline of June 5, 2023.**
- **Key proposed changes to the *Planning Act* outlined in this report include the provision of Site Plan Control for developments of 10 units or less on a single lot if the parcel of land is located in a prescribed area or for land lease communities.**
- **Key proposed changes to the *Residential Tenancies Act, 2006*, outlined in this report include protecting tenants from renovation evictions, rental replacements, and bad faith evictions for landlords’ personal use.**

## **Background:**

On April 6, 2023, the provincial government introduced Bill 97 (hereinafter referred to as “the Bill”), the *Helping Homebuyers, Protecting Tenants Act, 2023* which proposes significant changes to the provincial planning framework and land use approvals system and increased support for renters in Ontario. Bill 97 builds on Bill 23, the *More Homes Built Faster Act, 2022*, and is the next stage of the Province’s Housing Supply Action Plan to meet their goal of facilitating the construction of 1.5 million new homes by 2031.

The Province of Ontario is currently soliciting comments on the proposed legislative changes through 9 postings which the City will be commenting on, through the Environmental Registry of Ontario and Ontario’s Regulatory Registry, with commenting deadlines of May 6, 2023, May 21, 2023, and June 5, 2023 (Appendix 1). One prior [report](#) was presented to Council on May 3, 2023 for ERO/ORR postings with commenting deadlines of May 6, 2023 and one additional report will be presented for the ERO posting with a commenting deadline of June 5, 2023.

The changes proposed through the 9 postings include the integration of the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG) into a single Provincial Planning Statement, and amendments to the *Planning Act; Ministry of Municipal Affairs and Housing Act; City of Toronto Act, 2006; Residential Tenancies Act, 2006; Development Charges Act, 1997; and Municipal Act, 2001.*

## Current Situation:

This report focuses on the following ERO and ORR postings, with commenting deadlines on May 21<sup>st</sup>, 2023:

1. Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister’s Regulations under the Planning Act and the City of Toronto Act, 2006
2. Seeking Feedback on Proposed Changes to Help Protect Tenants from Bad Faith Renovation Evictions
3. Seeking Feedback on Timeframe for Occupancy for Landlord's Own Use Evictions
4. Seeking Feedback on Future Regulations to Create a Balanced Framework Around Municipal Rental Replacement By-Laws

The City has no comments regarding ORR posting 23-MMAH004 – Proposed amendments to freeze all Building Code fees.

Outlined below is a summary of the most significant changes proposed by the Bill.

Brampton’s detailed comments and recommendations are included in Appendix 2, Registry responses.

Planning Act, City of Toronto Act (ERO No. [019-6822](#))

<b>Key Changes</b>	<b>City Comments</b>
<b><i>Planning Act; and City of Toronto Act, 2006</i></b>	
The proposed changes are intended to allow municipalities to use site plan control for residential developments of 10 or fewer units on a single lot in a prescribed area (in addition to in the context of land lease communities where site plan control can already be used).	Site plan control provides a key opportunity for the City to ensure that the design of new buildings integrates into the existing urban fabric and supports the achievement of the planning goals and objectives of the community area.  The City appreciates the clarification provided in these proposed changes, specifically parcels of land located within 300 metres of a railway line and 120 metres from a shoreline. However, the City maintains the position that full site plan control should be restored. The City recommends that site plan control authority of residential developments of 10 units or less be fully restored.

Residential Tenancies Act (ORR No. [23-MMAH006](#); and [23-MMAH007](#))

Key Changes	City Comments
<p>The proposed amendments to the <i>Residential Tenancies Act</i> intend to protect tenants from bad faith evictions due to renovations/repairs and support tenants in exercising their right of first refusal when returning to a unit that they were evicted from due to renovations. The amendments would:</p> <ul style="list-style-type: none"> <li>• require landlords to provide written notice about the status of renovations;</li> <li>• require landlords to provide a grace period of at least 60 days after the unit is ready for occupancy for the tenant to move back in; and,</li> <li>• permit a tenant to apply to the Landlord and Tenant Board (LTB) when their landlord does not comply with the above requirements.</li> </ul>	<p>The City is supportive of increased rights and additional protections for tenants in Brampton. The City appreciates the requirement for landlords to provide written notifications about the status of the renovations, and the requirement for landlords to obtain and provide a report stating the repairs require the unit to be vacant before a tenant is required to leave.</p> <p>The City requests clarification on the remedy for the landlord’s failure to comply with the requirements.</p>
<p>The proposed amendments to the <i>Residential Tenancies Act</i> intend to deter and protect tenants from bad faith evictions, where a landlord has falsely indicated they require the rental unit for their own, or for an immediate family member or caregiver’s, use. The amendments would require a landlord to:</p> <ul style="list-style-type: none"> <li>• provide at least 60 days’ notice to the tenant;</li> <li>• apply to the LTB to end the tenancy if the tenant does not vacate in accordance with the notice; and,</li> <li>• compensate the tenant for one month’s rent or offer another rental unit acceptable to the tenant.</li> </ul>	<p>The City is supportive of increased rights and additional protections for tenants in Brampton. A reasonable timeframe to require that a landlord move in after the tenant has vacated the unit within 60 days. Unless the landlord is undertaking renovations to the unit, it is reasonable to assume that they will be able to move in within 60 days.</p>

Municipal Act, and City of Toronto Act (ORR No. [23-MMAH005](#))

Key Changes	City Comments
<p>The Province intends on considering several amendments to the <i>Municipal Act</i> and <i>City of Toronto Act</i> to regulate minimum requirements which municipalities must impose on landowners if they have rental replacement by-laws, including:</p> <ul style="list-style-type: none"> <li>• Prescribe minimum requirements for landowners to allow tenants to rent a ‘replacement unit’ at the same location as their demolished unit, and at a similar rent;</li> <li>• Set common rules about the types of compensation required to be provided to displaced tenants;</li> <li>• Prescribe minimum requirements for landowners to build ‘replacement units’ with the same core features; and,</li> <li>• Limit municipalities from imposing minimum square footage requirements for ‘replacement units’.</li> </ul>	<p>Given market influences over the past several decades, the creation of new purpose-built rental housing within Brampton has remained minimal, with the demand for rental outpacing supply and a widespread shortage of purpose-built rental housing throughout the city. Protecting the existing supply of purpose-built rental housing is critical to ensuring the provision of diverse and affordable housing supply options in Brampton.</p> <p>The City recommends that rent for replacement units be regulated, and that ‘similar rent’ be clearly defined.</p>

**Corporate Implications:**

Financial Implications:

There are no financial implications.

Other Implications:

The City notes that the impacts of some proposed changes will not be fully understood until further regulatory details are issued.

**Term of Council Priorities:**

Bill 97 will have impacts upon numerous 2018-2022 Term of Council Priorities, including but not limited to the following:

- Brampton is a City of Opportunities – improving livability for tenants
- Brampton is a Well-Run City – impacts to the City’s development review process

**Conclusion:**

The City of Brampton supports the provincial effort to create more housing, and to provide increased support to tenants. As an ongoing partner in supporting the delivery of a full mix and range of housing options, the City continues to implement recommendations from “Housing Brampton” - Brampton’s first housing strategy.

The City is committed to working with the Province to overcome challenges and work towards their ambitious goal of delivering more housing.

Given the potential economic and social impacts coming from Bill 97, it is recommended that the Province continue further dialogue with municipal partners like the City of Brampton prior to final approval of the proposed legislative changes. This will result in a more balanced and strategic plan aligned with provincial and municipal outcomes.

Authored by:

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**Attachments:**

- Appendix 1 – Postings for Comment
- Appendix 2 – Posting Response Letters