

Date: 2023-04-25

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; Ministry of Municipal Affairs and Housing Act; City of Toronto Act, 2006; and Residential Tenancies Act, 2006

Contact: Steve Ganesh, Commissioner, Planning, Building & Growth Mgmt.
Henrik Zbogar, Director, Integrated City Planning

Report Number: Planning, Bld & Growth Mgt-2023-368

Recommendations:

1. That the report from Jessica Yadav, Assistant Policy Planner, Integrated City Planning, to the Committee of Council Meeting of April 26, 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 input on the proposed legislative changes through nine postings on which the City will be commenting through the Environmental Registry of Ontario (ERO) and Ontario's Regulatory Registry (ORR), prior to May 6, May 21, and June 5, 2023 deadlines.
- This report focuses on the three postings with a commenting deadline of May 6, 2023. Two additional reports will be presented to Council for the ERO/ORR postings with commenting deadlines of May 21 and June 5, 2023.
- Key proposed changes to the *Planning Act* include updating the definition of "area of employment" to prohibit institutional and commercial uses, postponing the start date for municipalities to refund zoning by-law and site planning application fees, allowing the Minister to exempt individual projects from needing to comply with provincial policies and plans, and prescribing specific circumstances where municipalities can use site plan control for residential developments of ten units or less.
- The City is committed to working with the Province to overcome challenges and work towards their ambitious goal of increasing the housing supply. However, there is a need to create "complete" employment areas that include employment serving commercial and institutional uses. Furthermore, the City recommends that provincial and Official Plan policies be applied in all cases, including an order made under subsection 47 (4.0.1).
- Key proposed changes to the *Residential Tenancies Act, 2006*, include enhancing rules related to the installation of air conditioning units and doubling maximum fines for offences. The City is supportive of increased rights and additional protections that support renters in Brampton.

Background:

On April 6, 2023, the provincial government introduced Bill 97 (hereinafter referred to as "the Bill"), the *Helping Homebuyers, Protecting Tenants Act, 2023* that 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 nine postings on which the City will be commenting through the Environmental Registry of Ontario and Ontario's Regulatory Registry. Commenting deadlines are May 6, 2023, May 21, 2023, and June 6, 2023 (Appendix 1). The three

postings with a commenting deadline of May 6 are the subject of this report. Staff will be bringing two further reports to Council, addressing the ERO/ORR postings with commenting deadlines of May 21, 2023 and June 5, 2023.

The changes proposed through the nine 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*; *Municipal Act, 2001*; and *Building Code Act, 1992*.

Current Situation:

This report focuses on the following ERO and ORR postings that have a commenting deadline of May 6th, 2023:

1. Proposed *Planning Act*, *City of Toronto Act, 2006*, and *Ministry of Municipal Affairs and Housing Act Changes* (Schedules 2, 4, and 6 of Bill 97 - the proposed *Helping Homebuyers, Protecting Tenants Act, 2023*)
2. Proposed Amendments to Clarify and Enhance Rental Rules Related to Air Conditioning
3. Proposed Amendments to Increase Maximum Fines for Offences Under the *Residential Tenancies Act*

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

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

Planning Act, City of Toronto Act, MMAH Act (ERO No. [019-6821](#))

Key Changes	City Comments
<i>Planning Act</i>	
The definition of “area of employment” is revised to prohibit institutional uses and commercial uses unless those commercial uses are associated with the primary employment use, which are manufacturing uses, research and development uses and/or warehouse uses	The City of Brampton applauds the Province’s efforts to maintain the integrity of Traditional Industrial Employment lands through the removal of permitted uses of institutional uses and commercial uses, however, requests the province establish criteria to allow for Employment-serving uses within employment areas to support their on-going function and to create more ‘Complete’ Employment areas. Such uses may include restaurants for workers to attend on their breaks and childcare facilities to allow for

	<p>care of children, proximate to places of work. The City recognizes the important role that Office uses have in supporting the economic development and growth of the city, providing critical jobs to Brampton residents in support of creating complete communities. The City recognizes that protection for office uses needs to be considered by the province through the <i>Planning Act</i> and new draft Provincial Planning Statement.</p> <p>The City recommends the Province establish stringent criteria that ensures the employment uses remain the predominant use and it does not result in these areas being consumed by commercial or institutional uses.</p> <p>A new definition should be given for office uses throughout the city and specific criteria applied for non-office uses should be applied to ensure that these other non-industrial employment functions are protected. The City recommends that MTSA's located within PSEZs solely be used for employment functions related to predominantly Office uses and office-supportive uses.</p>
<p>New subsection 47 (4.0.1) is added to permit the Minister to make an order to provide that policy statements, provincial plans, and official plans do not apply in respect of a license, permit, approval, permission, or other matter required before a use permitted by the order may be established</p>	<p>The City of Brampton is working toward structured and orderly development in the City, in accordance with approved plans and provincial planning instruments. The City does not support the ability for the Minister to make decisions outside of approved provincial plans or local plans, which may result in unintended financial, environmental, social or economic consequence to the City's built and natural environments, and its finances, in favor of development. Consideration of the health, safety and well-being of residents are enshrined through policy, specifically Official Plan policies, that consider the contextual needs of the city and its residents. It is recommended that provincial policies and Official Plan policies should be applied in all cases.</p>

Section 38 is amended to shorten the time period within which the City Clerk is required to give notice of a by-law made under subsection 38 (1) or (2) and to apply a single procedure for all person or public bodies having received notice of the by-law to appeal to the OLT	No comment.
Subsection 41(1.2) is amended to constitute the following as “development”: construction, erection or placing of a building or structure on a parcel of land, even if the parcel will contain no more than 10 residential units (which previously did not constitute as a “development”)	The City agrees that 10 residential units or less constitutes development and should be covered in the expanded definition. The City agrees with this change.
Subsection 41 (12.0.2) is amended to require that, in the case of an appeal to the Ontario Land Tribunal, any information or material an applicant provides to the City must also be forwarded by the city clerk to the OLT.	No comment.
Subsection 34 (10.2) is amended to postpone the fee refund provisions for processing an application to amend by-laws or approve plans and drawings (in accordance with Bill 109) from January 1, 2023 to July 1, 2023	<p>The City supports a change to postpone the fee refund provisions related to Bill 109. The City has adopted an amendment to the 2006 Official Plan to support a more robust pre-consultation process and has made other changes to the City's review processes to meet Bill 109 timelines.</p> <p>The City maintains the position that the fee refund provisions are punitive toward municipal finances, and do not address housing supply. It is important to note that the development process is a multi-faceted and dynamic process that relies on all participants to comply with the submission of quality information and technical studies, in a timely manner addressing all comments and concerns. Further information is requested from the Province relating to exempted municipalities from the refund requirement</p>

	and when this regulation would be in-force and effect.
Section 49.2 added to give Minister the power to make an order requiring a landowner to enter into an agreement with the Minister or a municipality, when the Provincial Land and Development Facilitator or Deputy Facilitator has been directed by the Minister to advise, make recommendations, or perform any other functions with respect to the land.	The City requests further information on the types of agreements and impact to the City of Brampton.
Sections 16(3.1) and 35.1(1.1) are amended to clarify that the following existing provisions regarding parking spaces for additional residential units apply only to the second and third units on a property: other than with respect to the primary residential unit, an official plan or zoning by-law may not require the provision of more than one parking spot for each residential unit.	The City appreciates the clarification provided by the Province The residential parking requirement in the existing ZBL is not impacted by the legislative changes. However, as recommended in the Brampton Parking Plan, parking constraints arising from additional vehicles will need to be addressed through on-street parking permits. As well, significant improvements to transit and active transportation will be needed to encourage non-auto modes. The City recommends further Provincial investment in higher order transit infrastructure to support the additional growth coming from additional residential units.
<i>City of Toronto Act, 2006</i>	
Section 111 amended to provide the Minister of MMAH with authority to govern the powers of the City and authorize the City to require certain landowners to make payments and provide compensation. In the event of a conflict, the provisions of section 111 prevail over any other Act or regulation	Although these amendments focus on changes to the City of Toronto, City staff reiterate similar comments as provided through Bill 23. Any restrictions or limits imposed on the powers of a municipality to prohibit and regulate the demolition and conversion of residential rental properties should not have negative impacts for renters and should not weaken protections on the existing affordable purpose-built rental stock. In addition, the City recommends the Province propose additional measures to protect existing rental housing across the province, such as 'Inclusionary Rental' policies that protect rental sites through zoning.

<i>Ministry of Municipal Affairs and Housing Act</i>	
Subsection 12 (2) is re-enacted to authorize the Minister of MMAH to appoint and fix the terms of reference for the Provincial Land and Development Facilitator and up to four Deputy Facilitators and to require the Facilitator and Deputy Facilitators to perform specified functions at the direction of the Minister	The City seeks further information on the specified functions that would be requested at the direction of the Minister.

Residential Tenancies Act (ORR No. [23-MMAH-007](#); ORR No. [23-MMAH-008](#))

Key Changes	City Comment
Under the proposed amendment, where the landlord does not provide air conditioning, the <i>Residential Tenancies Act</i> will explicitly permit tenants to install window/portable A/C units at the tenant's cost. Tenants are responsible for covering any costs associated with the installation.	<p>The City is supportive of increased rights for tenants to install A/C units where it is not provided by the landlord, especially considering the growing number of renters and projected extreme hot days in Brampton. The number of renters has grown from 18.5% in 2006, to 20% in 2016, and 22% in 2021.</p> <p>To further support tenants renting in Brampton, the City recommends a standard calculation and agreement for seasonal fees be added into the standard lease agreement to ensure a fair and formalized process for landlords to charge tenants for A/C use while preventing price gouging. Additionally, the City recommends the Province consider promoting energy efficient A/C models such as window A/C heat pumps through supports such as incentives, financial support, rebate programs, etc.</p>
The proposed legislation would double maximum fines for offences 2006 from \$50,000 to \$100,000 for individuals and from \$250,000 to \$500,000 for corporations. The proposed changes will not create any new administrative burden or cost for businesses.	The City is supportive of additional protections that support renters in Brampton.

Corporate Implications:

Financial Implications:

The City commends the Province for their work to support the development of new housing supply in Brampton. However, as per comments submitted through Bill 23, the impacts of the accumulated administrative, legislative and funding changes coming from Bill 108, Bill 109, Bill 23 and now Bill 97 should be considered and municipalities must be made whole.

Bill 109 timelines enforced as of July 2023:

The City appreciates the Province's decision to postpone the fee refund provisions for processing an application to amend by-laws, or for approval of plans and drawings, in accordance with Bill 109. The City has worked to support a more robust pre-consultation process to meet Bill 109 timelines through [amendments to the 2006 Official Plan](#). However, as described in a [Recommendation Report regarding Bill 109](#), there are potential financial implications as a result of Bill 109, which include additional resource requirements and lost revenue at the time that the bill comes into effect on July 1, 2023.

Other Implications:

Economic Development and Employment Growth:

The City recognizes the Province's change in definition of employment areas to protect the integrity and function of industrial areas, which represent an important economic base in Brampton. However, the importance of employment servicing uses or complementary uses to the primary industrial function are imperative to supporting great places within the City's employment areas. The City recommends the Province identify specific criteria to enable employment supportive uses in these locations, while supporting transit investment in these locations to sustainably move workers throughout the city.

The second key factor the City recognizes is the important role that office and accessory industrial, retail and service commercial uses that support adjacent employment areas have in Brampton that would not be subject to the same protections as the traditional industrial areas under these changes. One of the City's most successful corridors for attracting global headquarters (HQ's) has been along Mississauga Road where office and advanced manufacturing are becoming more integrated. This corridor offers the opportunity for global HQ's to be in proximity to other global HQ's and for advanced manufacturing and R&D to be complementary uses. The Province should provide separate protections for these types of office employment uses, which have an integral role in supporting the economic growth and development of the business sector in the city.

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 – impacts to employment opportunities
- Brampton is a Well-Run City – impacts to the City's processes

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, including the provision of affordable housing and rental housing, as well as other projects to improve the City's effectiveness through the end-to-end development review process. Brampton is supportive of increasing the rights of tenants, specifically regarding the installation of A/C units and increasing fines.

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, social, and environmental impacts, 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.

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Attachments:

- Appendix 1 – Bill 97 Postings for Comment
- Appendix 2 – Bill 97 Posting Response Letters