



Bill 97, *Helping Homebuyers, Protecting  
Tenants Act, 2023*,  
ERO 019-6821

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Submission to the Ministry of Municipal Affairs and Housing through the  
Environmental Registry of Ontario

May 6, 2023

## Schedule 6

### *Rental Replacement By-laws*

Bill 23 amended legislation to provide regulation-making authority to impose limits and to municipal powers to prohibit and regulate the demolition and conversion of residential rental properties.

AMO believes that protecting the stock of rental housing is of critical importance addressing housing affordability and that municipalities should not be able to pass a by-law that results in a reduction of rental housing stock. We believe that more rental units should be encouraged to meet the wide spectrum of housing needs in Ontario.

The creation of a more robust standardized framework for rental replacement by-laws through regulation can help municipalities to better understand and use this important tool that to date has not received widespread uptake. To avoid discouraging municipalities from enacting these by-laws, an administratively streamlined approach will be key.

### *Site Plan Control*

Allowing site plan control for residential developments of 10 units in certain circumstances will enable rural municipalities in particular to preserve important local character. Clarifications to parking provisions in Bill 23 are also responsive to municipal feedback.

### *Fee Refunds*

Extending by six months the deadline by which municipalities are required to refund development application fees if statutory deadlines are not met responds to both fiscal and implementation challenges highlighted by municipalities.

The inclusion of provisions that allow for the exemption of municipalities from fee refund regimes in the future is also welcome, as it signals an understanding of the challenges created by this regime as a whole. For example, these penalties have given a number of municipalities no choice but to only accept complete applications from proponents as opposed to the more iterative and collaborative approach to planning applications involving back and forth between the proponent and the municipality that has typically been the practice.

AMO would request that the government consider repealing the fee refund regime altogether, or alternatively, that the Bill add in language allowing the refunds to be waived if both parties mutually agree to do so.

### *Ministers' Zoning Orders*

Bill 97 makes important changes to the Minister's Zoning Order (MZO) tool. If passed, Bill 97 would exempt not just zoning approvals, but all *subsequent* required approvals from needing to comply with Official Plans or provincial policies where an MZO had been issued. While the proposal would seem to have the effect of streamlining development approvals processes and be largely consistent with the effective use of this tool, it is a not insignificant enhancement of Ministerial powers.

Concerns have been raised by a number of stakeholders that this government has issued more MZOs than all other provincial governments in the last 20 years combined. When used too frequently or without the consent of municipal government, MZOs can create significant issues for servicing and long-term capital plans, result in unintended environmental consequences, and contradict community wishes.

AMO believes that MZOs can be useful tools where locally appropriate and in situations of extraordinary urgency. AMO also is optimistic that proposed changes to the Provincial Planning Statement that would streamline processes related to settlement boundary expansion and employment area conversions could reduce the need to rely as heavily on MZOs in the future.

While supports the creation of this power as one more tool in the toolkit to speed up development where appropriate, AMO encourages the government to use MZOs judiciously and only in collaboration with municipalities, to enhance transparency when it comes to their use, and to closely monitor their collective impact to inform future changes to the land use planning framework as a whole.

## **Schedule 4**

### *Provincial Land Development Facilitators*

The expansion of the Provincial Land Development Facilitator's capacity and changes that will make agreements legally enforceable can enhance the effectiveness of this office, increase transparency for all parties and contribute to the fair enforcement of agreements.

It remains unclear how the increased profile and powers of the Provincial Land Development Facilitator will be used. AMO will watch with interest and support the implementation of these tools in a way that complements local plans and priorities.