



**Date:** July 9, 2019

**To:** Mayor Andy Mitchell and Council Members

**From:** Jeannette Thompson, Planner

**Subject:** Proposed new regulation related to Schedule 12 of Bill 108

**Status:** For Direction

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## Recommendation

That the report from the Planner regarding the proposed new regulation related to Schedule 12 of Bill 108 be received for information; and

That staff forward this report to the Ministry of Municipal Affairs and Housing as the Township's response to the ERO postings related to the proposed new regulation related to Schedule 12 of Bill 108.

## Information

On June 21, 2019, the Ministry of Municipal Affairs and Housing posted the "*Proposed new regulation and regulation changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108 – the More Homes, More Choice Act, 2019*" on the Environmental Registry of Ontario (ERO). As the consultation period ends on August 6, 2019, the subject of this report is the regulation.

Two other regulations were posted, "*Proposed new regulation pertaining to the community benefits authority under the Planning Act*" and "*Proposed changes to O.Reg 82/98 under the Development Charges Act related to Schedule 3 of Bill 108 – More Homes, More Choice Act, 2019*". The consultation period closes on August 21, 2019, therefore the latter two regulations will be dealt with in a subsequent report at the August 13, 2019 Council meeting.

## Background

Bill 108 – the *More Homes, More choice Act, 2019* received Royal Assent on June 6, 2019. Upon proclamation, Schedule 12 to Bill 108 will make a number of changes to the *Planning Act*. The intent of these changes is to increase the supply of housing stock and to streamline development approvals. A fulsome report will be brought forward to Council outlining the amendments. This report will only deal with those amendments which are related to the proposed regulation.

## 1. Transition Matters

The regulation proposes changes to the transition regulation, *O.Reg. 174/16 – “Transitional Matters – General”*. The changes intend to set out rules for planning matters in-process, and are intended to provide certainty regarding the processing and decision-making on planning matters. The changes mostly deal with planning matters before the LPAT. The proposed content includes:

- Expanding the grounds of appeal of an official plan / official plan amendment or zoning by-law / zoning by-law amendment and an appeal on a non-decision of an official plan amendment or zoning by-law amendment on matters that are before the LPAT, but have not yet been scheduled (i.e. planning matters would be heard under the new LPAT format if the appeal is before LPAT and has not yet been scheduled).
- The removal of appeals other than by key participants (e.g. the province, municipality, applicant) for official plan / official plan amendment is part of the Bill 108 changes. The regulation sets out that this change applies to planning matters in which a notice of decision has not yet been issued.
- Similarly, the removal of appeals other than by key participants (e.g. the province, municipality, applicants, utility companies) for draft plan of subdivision approvals or changes to draft plan conditions is part of the Bill 108 changes. The regulation sets out that this change applies to planning matters in which a notice of decision has not yet been issued.
- The reduction of approval authority decision timelines for non-decision of official amendments (120 days), zoning by-law amendments (90 days) and plan of subdivision (120 day) (changes made through Bill 108) would apply to complete applications submitted after Royal Assent.

### *Township Comment/Recommendation*

Staff does not have any concerns or issues with the proposed transition regulations.

## 2. Community Planning Permit System

The community planning permit system is a framework that combines and replaces individual zoning, site plan and minor variance processes in an identified area of the municipality with a single application and approval process (formerly the development permit system). The proposed changes to *O.Reg 173/16 “Community Planning Permits”* includes:

- matters that must be included in the official plan to establish the system,
- the process that applies to establishing the implementing by-law,
- and the matters that must or may be included in the by-law.

*Township Comment/Recommendation*

Staff does not have any concerns or issues with the proposed transition regulations.

### **3. Additional Residential Unit Requirements and Standards**

Changes to the Planning Act in Bill 108 now requires municipalities to authorize through their official plans and zoning by-laws the use of second residential units in **both** single detached, semi-detached, and row houses and in an ancillary building and structures (i.e. above laneway garages or coach houses). In other words, a property can have two (2) second residential units.

The proposed regulations are intended to remove barriers to the establishment of additional residential units and include:

- Only one parking space be required for the additional residential unit which can be provided through tandem parking.
- An additional residential unit may be occupied by any person regardless of whether or not the primary unit is occupied by the owner of the property.
- Additional residential units are to be permitted in zoning by-laws regardless of the date of construction of the primary or ancillary building

*Township Comment/Recommendation*

Staff is concerned with the proposed regulation that would allow the second unit(s) to be rented out in the absence of the property owner living in the principal dwelling unit. With the potential for three (3) residential units to be situated on a property, there is concern that this will create a situation of multiple rental units in areas that are zoned for lower density residential uses; and may be incompatible with the surrounding residential area. We would recommend that municipalities be afforded with the opportunity to decide whether or not the owner should reside in the principal unit (or one of the units) given the local context.

### **4. Housekeeping regulatory changes**

Changes to Bill 108 have been made on how to give notice for various matters, including when a municipality is required to notify the public of a subdivision application and when it intends to establish a time-frame for non-decision appeals. The changes to the regulation remove notice requirements which would no longer be necessary.

*Township Comment/Recommendation*

Staff does not have any concerns or issues with the proposed transition regulations.

## **Financial Impact**

The recommendation in this report has no financial impact.

## **Strategic Plan Reference**

Goal 3: Support a sustainable, balanced, and investment-ready community.

Official Plan and Zoning By-law updates that support environmental and agricultural stewardship, housing diversity and economic investment.

## **Environmental Impact**

None.

## **Attachment**

- Proposed new regulation and regulations changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108 – the More Homes, More Choice Act, 2019

*Jeannette Thompson*

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*Janice Lavalley*

Reviewed By: Janice Lavalley, CAO