

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

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Notice type	Regulation
Act	Planning Act, R.S.O. 1990
Posted by	Ministry of Municipal Affairs and Housing
Notice stage	Proposal
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Comment period	April 6, 2023 - May 21, 2023 (45 days) Open
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This consultation closes at 11:59 p.m. on:
May 21, 2023

Proposal summary

Proposed new regulations through Bill 97: the proposed Helping Homebuyers, Protecting Tenants Act, 2023 introduced in support of Ontario's Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023

Proposal details

Ontario continues to take action to tackle the province's housing supply crisis. We have already introduced a range of measures to increase housing supply and we can see their growing and positive impact. We know it will take time for their impact to be fully felt, but we will continue to move forward with policies aimed at ensuring we reach our goal of 1.5 million homes by 2031.

In this year's housing supply action plan the Helping Homebuyers, Protecting Tenants plan we are combining the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe into a proposed single document that will streamline Ontario's land use planning rules and encourage more housing.

We're also introducing new legislation called Bill 97: the proposed Helping Homebuyers, Protecting Tenants Act, 2023 and taking steps to make life easier for both renters and home buyers. In partnership with municipalities, we will create the homes that Ontarians need today, tomorrow and in the decades to come.

As part of Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023, the government has introduced Bill 97: the proposed Helping Homebuyers, Protecting Tenants Act, 2023. Schedules [2 and 6] of the Bill propose changes to the Planning Act and the City of Toronto Act, 2006 that – if passed – would provide the Minister of Municipal Affairs and Housing with regulation-making authority to permit municipalities to use site plan control for residential developments of 10 or fewer units on a single lot in specific circumstances.

Proposal:

Two new regulations are proposed that, if Bill 97: the proposed Helping Homebuyers, Protecting Tenants Act, 2023 is passed and the regulations are made, would set out the conditions under which municipalities could use site plan control for residential developments of 10 or fewer units on a single lot (in addition to in the context of land lease communities where site plan control can already be used).

As part of Bill 23, the More Homes Built Faster Act, 2022, the Planning Act was amended to exclude these types of developments from being subject to municipal site plan control. The Building Code/Fire Code health and safety requirements continue to apply (e.g., distance to fire hydrants, access for emergency personnel). The 10-unit limit aligns with a recommendation made by the Housing Affordability Task Force to help create a more permissive land use, planning, and approvals system, reducing the time needed to approve smaller residential developments.

The Ministry of Municipal Affairs and Housing (MMAH) received feedback from municipalities and other stakeholders that there would be significant challenges to addressing certain matters through alternative means. Therefore, we are proposing to allow site plan to be used in these specific circumstances, while maintaining the overall exemption.

The regulations being proposed would, if Bill 97: the proposed Helping Homebuyers, Protecting Tenants Act, 2023 is passed and the regulations are made, specifically permit the use of site plan for parcels of land:

- Any part of which is located within 120 metres of a shoreline; and
- Any part of which is located within 300 metres of a railway line.

The changes are proposed to come into effect immediately on filing of the regulation.

Site Plan Background:

Site plan control is an optional planning tool that a municipality may use to exercise site-specific controls over development. Site plan control can be used to evaluate and manage certain site elements on a lot where development is proposed, such as:

- access for pedestrians and vehicles
- walkways
- lighting
- waste facilities
- landscaping
- drainage
- building orientation.

To use this tool, a proposed site plan control area must be shown or described in an **official plan** (<https://www.ontario.ca/document/citizens-guide-land-use-planning/official-plans>). The municipality must also pass a site plan control by-law designating all or any part of the area shown in the official plan as a site plan control area.

Council must delegate decisions on site plan applications to staff. This control over detailed site-specific matters is meant to ensure that a development proposal is functionally compatible with surrounding uses and minimizes any negative impacts.

Analysis of Regulatory Impact:

The anticipated regulatory impacts of the proposal are generally neutral.

The proposed changes are intended to allow municipalities to use site plan control to manage circumstances that would be challenging to effectively address through other means, while maintaining the overall streamlining goals of the 10-unit exemption.

The changes would have only a minor regulatory and financial impact for the subset of development projects of 10 or fewer residential units on a single lot that meet the conditions and would therefore need to go through site plan approval.

While there are no new administrative costs anticipated to be associated with this proposal, municipalities that had previously updated their site plan control by-laws to conform with the changes made by Bill 23 may experience some administrative burden resulting from the need to make additional updates.

Related links

Planning Act (<https://www.ontario.ca/laws/statute/90p13#top>)

City of Toronto Act, 2006 (<https://www.ontario.ca/laws/statute/06c11?search=city%20of%20toronto%20act>)

Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023
(<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-97>)

Helping Homebuyers, Protecting Tenants
(<https://www.ontario.ca/page/helping-homebuyers-protecting-tenants>)

View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

Supporting materials

Comment

Let us know what you think of our proposal.

Have questions? Get in touch with the contact person below. Please include the ERO (Environmental Registry of Ontario) number for this notice in your email or letter to the contact.

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