

Courtenay Hoytfox

From: Glenn Schwendinger
Sent: Tuesday, December 6, 2022 3:45 PM
To: James Seeley; Jessica Goyda; John Sepulis; Russel Hurst; Sara Bailey
Cc: Courtenay Hoytfox
Subject: FW: EROs related to Bill 23 - Proposed comments for consideration by Council for Forwarding to Province etc

From: John Sepulis <jsepulis@puslinch.ca>
Sent: December 5, 2022 2:07 PM
To: Glenn Schwendinger <gschwendinger@puslinch.ca>
Subject: EROs related to Bill 23 - Proposed comments for consideration by Council for Forwarding to Province etc

Good afternoon Glenn,

I spent some time on the weekend looking into Bill 23 and the associated EROs.

There are numerous EROs associated with the implementation of Bill 23 (see Appendix 1). Unbeknownst to us the due date for comments has been extended to Dec. 9 for some EROs. Some of the EROs are best left to be addressed by specific agencies such as Conservation Authorities and some are not applicable to us. With regard to the other EROs of concern to us one may argue that they are a done deal regardless of any input. I believe we should still be on the record as having provided comments. I have summarized the issues associated with these EROs and propose actions and comments to submit below.

I'm sure there are some other areas of concern but time constraints limit our ability to delve deeper to identify these concerns and provide appropriate comments.

I would appreciate it if you could bring this before Council for their consideration to submit additional comments to the Province and other agencies such as AMO.

Thanks,
John

John Sepulis
Councillor
Township of Puslinch

EROs

22-MAG011 Proposed Amendments to the Ontario Land Tribunal Act (comments by Dec. 9, 2022)

Specifically with regard to the statements

"b) Clarify the OLT's powers to order an unsuccessful party to pay a successful party's costs. This proposed amendment is intended to encourage parties to reach an agreement without going through the Tribunal. If the OLT decides to award costs, costs would be ordered in accordance with its Rules of Practice and Procedure, which could address when costs for a successful party may be awarded."

And

"The proposed amendments to the OLTA that would (3) clarify the OLT's powers to dismiss appeals due to unreasonable delay by parties; and (4) clarify the OLT's powers to order an unsuccessful party to pay a successful party's costs, may affect regulated entities such as developers and municipalities, to the extent that the powers are used by the OLT. However, as the OLT has adjudicative discretion to exercise its powers, the potential impact of this proposal is unknown."

Proposed comment: The Township of Puslinch ask that draft rules be provided when costs would be awarded to the losing party.

We want to be in the position to assess the risk before going to the OLT to challenge a planning matter.
ERO 019-6177: Review of A Place to Grow and Provincial Policy Statement (comments by Dec. 30, 2022)

Specifically with regard to the statements;

“Residential Land Supply

1. **Settlement Area Boundary Expansions** – *streamlined and simplified policy direction that enables municipalities to expand their settlement area boundaries in a coordinated manner with infrastructure planning, in response to changing circumstances, local contexts and market demand to maintain and unlock a sufficient supply of land for housing and future growth*
2. **Rural Housing** – *policy direction that responds to local circumstances and provides increased flexibility to enable more residential development in rural areas, including rural settlement areas*
3. **Employment Area Conversions** – *streamlined and simplified policy direction that enables municipalities to promptly seize opportunities to convert lands within employment areas for new residential and mixed-use development, where appropriate”*

Proposed comment: The Township of Puslinch support the aforementioned statements.

Since comments are not due until Dec. 30, I recommend that staff review and propose any additional comments at our next Council meeting.

ERO 019-6172: Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges (comments by Dec. 9, 2022)

Specifically with regard to the statements

“Build transparency and other measures to support the faster acquisition of more parks

To build more transparency and accountability on planning for and acquiring parks, municipalities would be required to develop a parks plan before passing a parkland dedication by-law.

- *Currently, this is a requirement before a municipality can adopt the official plan policies required to use the alternative parkland dedication rate for higher density developments.*
- *Now, this requirement is extended to municipalities that plan to use the standard parkland dedication rate. This rate requires that the maximum land to be conveyed for park or other public recreational purposes not exceed 2 per cent for development or redevelopment for commercial or industrial purposes and 5 per cent for all other developments.*
- *This proposed change would apply to the passage of a new parkland by-law.*

To incent municipalities to acquire parks more quickly, municipalities would be required to allocate or spend at least 60 per cent of their parkland reserve balance at the start of each year.”

Proposed comment: The Township of Puslinch request that our current bylaw and the Recreation and Parks Master Plan, remain until such time as a revised Recreation and Parks Master Plan is completed. Furthermore we request to be given relief from spending 60 percent of the parkland reserve. Being a small municipality we have to build up our reserves before we can undertake any meaningful recreation and parkland improvements.

Specifically with regard to the statements

“The proposed exemptions for non-profit housing developments would come into effect immediately upon Royal Assent of Bill 23. Similarly, the proposed exemptions for affordable units in a development subject to inclusionary zoning would come into effect immediately.

For all other developments, an affordable housing unit would be any unit that is no greater than 80 per cent of the average resale purchase price for ownership or 80 per cent of the average market rent for rental, for a period of 25 years. A Minister’s (Municipal Affairs and Housing) bulletin would provide the information needed to support municipal determination of the eligibility of a unit for development charges and parkland dedication exemptions.”

Proposed comment: The Township of Puslinch suggest that an upper dollar threshold be in the definition of affordable housing. The average price for a 3 bedroom home in Puslinch is around \$950,000 and by the current definition above any home under \$760,000 is considered affordable and therefore exempt from DCs, and parkland dedication.

ERO 019-6196: Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022 (comments by Dec. 9, 2022)

The proposed changes would jeopardize retaining heritage buildings. Rather than restating the multitude of changes please refer to the link [Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 \(Schedule 6\) - the](#)

[Proposed More Homes Built Faster Act, 2022 | Environmental Registry of Ontario](#). Given the time constraints for submitting fulsome comments, the following comment is proposed: The Township of Puslinch has serious concerns with the proposed changes as they will cause the loss of historical significant buildings. We ask that an extension of time be granted in order to provide more detailed comments

Appendix 1

019-2927 Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

019-6141 Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

019-6160 Proposed Updates to the Ontario Wetland Evaluation System

019-6162 Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023

019-6163 Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)

019-6172 Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges

019-6173 Proposed Amendment to O. Reg 232/18: Inclusionary Zoning

019-6211 Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario's Building Code

019-6177 Review [of A Place to Grow and Provincial Policy Statement | Environmental Registry of Ontario](#)

019-6197 Proposed Changes to Ontario Regulation 299/19: Additional Residential Unit

22-MAG011 Proposed Amendments to the Ontario Land Tribunal Act

22-MMAH017 Seeking Feedback on Municipal Rental Replacement By-laws

22-MMAH018 Seeking Input on Rent-to-Own Arrangements