

Desbarats to Echo Bay Planning Board
c/o Tarbutt Township Office
27 Barr Road South
R. R. #1 Desbarats, Ontario
P0R 1E0
phone: 705-782-6776
fax: 705-782-4274

March 16th 2022

Attention : Board Member

Re: Planning Board Meeting of Tuesday March 22nd 2022 at 7:00 P.M.

Please find enclosed:

- Agenda
- Minutes
- Applications for Consent:
 - L2022-01 Applicant(s) Emile and Karen Hachey
 - T2022-02 Applicant(s) Gary and Heather MacMillan
 - T2022-03 Applicant(s): Hunter Waugh (Northhorizon)

Please call if you have any questions or if you are unable to attend on the above date.



Jared Brice
Planning Board Staff

Desbarats to Echo Bay Planning Board

March 22nd 2022

Agenda

Location: Tarbutt Council Chambers

27 Barr Road South

Time: 7:00 p.m.

A. Routine Matters:

1. Call to order 7:00 p.m.
2. Declaration of conflict/pecuniary interest
3. Approval of minutes (November 23rd 2021)
4. Staff/Members reports

B. Old Business:

1. Response from Mark Lepore (legal) re.: Conditions for Notices of Decisions

C. New Business:

1. Applications for Consent: L2022-01 Applicant(s): Emile and Karen Hachey
1030 Government Road, Laird Twp.

T2022-02 Applicant(s): Gary and Heather MacMillan
261 Barr Road N., Tarbutt Twp.

T2022-03 Applicant(s): Hunter Waugh (Northhorizon)
CON 5, LOT 7 ACS., Tarbutt Twp.
2. Comments from Clerks regarding 1st Draft of the Joint Official Plan
3. Planning Act changes
4. OACA Membership (\$150.00)

D. Information:

1. Correspondence from Johnson Twp. re.: dissolution of OLT
2. Provincial Housing Report

E. Seminars/Meetings:

F. Newsletters/Bulletins:

G. Adjournment:

DESBARATS to ECHO BAY PLANNING BOARD**November 23rd 2021**

Regular Meeting (BY ZOOM)

Present: Lynn Orchard, Chair, Lennie Smith, Reg McKinnon, Terry Ross
Staff: Jared Brice, Jean Palmer
Visitors: List Attached
No conflict of interest was declared at this time.

The following minutes are comprised of resolutions and the Secretary-Treasurer's interpretation of the meeting.

Res.: 57-2021 Terry Ross, Reg Mckinnon
Be it resolved that the Board opens their regular meeting at 7:05 p.m. (cd)

Res.: 58-2021 Jim Withers, Lennie Smith
The Planning Board accepts the minutes of October 26th 2021 as presented. (cd)

Res.: 59-2021 Reg Mckinnon, Jim Withers
That the Planning Board gives provisional consent to Application L2021-23.
Applicant(s): Paul & Penny Hillstrom with attached conditions and notes. (cd)

Res.: 60-2021 Reg McKinnon, Terry Ross
That the Planning Board gives provisional consent to Application L2021-24.
Applicant(s): Emile and Karen Hachey with attached conditions and notes. (cd)

Res.: 61-2021 Terry Ross, Reg McKinnon
That the Planning Board meeting adjourns at 7:23 p.m. until the next scheduled meeting
or at the call of the Chair. (cd)

Date: _____

Chair: _____

Secretary-Treasurer: _____

Email from M. Lapore – March 8th, 2022

Response from the Planning Boards lawyer regarding implementation of Conditions for Consent Applications.

A legal opinion was requested at the Planning Boards meeting on October 26th, 2021 after Tarbutt Councils request to have a condition added to the Notice of Decision for applications T2021-21 and T2021-22. The requested condition read as follows:

‘written confirmation from the Municipality that all outstanding taxes have been paid.

Lawyers Response:

I have considered your questions below being:

- 1) Does Tarbutt Councils request have to be implemented or does the Planning Board have final jurisdiction over the conditions for an Application for Consent?
- 2) Is the Planning Board legally able to add such a condition to approval of final consent or are there potential legal implications?

As for the first question, whether Tarbutt Council's request has to be implemented or the Planning Board has final jurisdiction over conditions in an application for consent, the fact remains that consent granting authority has been delegated to the Planning Board and that would come with the ability to determine the conditions for consent. It is the Planning Board that has been delegated the authority of the Minister of Municipal Affairs to grant consents. The Planning Board is a body corporate under the Planning Act that has members to make its decisions.

As for the second question, section 51(25) of the Planning Act allows the approval authority (in this case the Planning Board) to impose conditions to the approval as in the opinion of the approval authority are reasonable, having regard to the nature of the development. I know that in other jurisdiction, payment of municipal taxes to date are imposed as conditions in provisional consent approvals.

Conditions could be appealed by applicants to the Ontario Land Tribunal but I would expect such appeals for payment of municipal taxes to be rare and if so likely unsuccessful. I do not see how payment of municipal taxes as a condition could be unreasonable.

Let me know if you have any further questions.

Mark A. Lepore, BMOS, JD, Partner,
Laidlaw Paciocco Dumanski Spadafora & Johnson LLP
747 Queen Street East, Suite 202
Sault Ste. Marie ON P6A 2A8 : Tel: (705) 949-7790 ext. 213

Desbarats to Echo Bay Planning Board**Application for Consent**
Under Section 53 of the Planning ActBefore Starting This Application

Please read the following:

Appendix A: Completeness of the Application

Appendix B: Submission of the Application

Appendix C: Help

Appendix D: Notes to Applicants

In this form the term "subject" means the land to be severed and/or the land to be retained.

Office Use Only

File Number	L2022-01 Hachey
Roll Number	5711000001121090000
Date Submitted	February 7, 2022
Date Received	
Sign Issued	February 7, 2022

Please Print and Please Complete or Check-Mark Appropriate Box (s). Please use ink, not pencil.

1. Applicant Information

1.1	Name of Applicant	Home Telephone No.	Business Telephone No.
	Emile Hachey & Karen Hachey	705 971 1384	
	Address	Postal Code	
	1030 Government Road	P0S 1C0	
1.2	This section is for the name of Owner (s) if different than the applicant. An owner's authorization is required in Section 11.1		
	Name of Owner (s)	Home Telephone No.	Business Telephone No.
	Address	Postal Code	
1.3	Name of person who is to be contacted, and to receive any correspondence, about the application, if different than the applicant. This may be a person or firm acting on behalf of the applicant.		
	Name of Contact Person	Home Telephone No.	Business Telephone No.
	Address	Postal Code	Fax No.

2. Location of the Subject Land

2.1	District	Local Municipality	Section or Mining Location	Civic #
	Algoma	Laird		1030
	Concession Number (s)	Lot Number (s)	Registered Plan No.	Lot (s)/Block (s)
		5	H-747	SEC 9
	Reference Plan No.	Part Number (s)	Name of Street/Road	Other Identifier
			Government Road	
2.2	Are there any easements or restrictive covenants affecting the subject land? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (describe below the easement or covenant and its effect)			

FILE COPY

3. Purpose of this Application	
3.1	Type and purpose of proposed transaction (check appropriate box) Transfer: <input checked="" type="checkbox"/> Creation of a new lot <input type="checkbox"/> Addition to a lot <input type="checkbox"/> An Easement <input type="checkbox"/> Other Purpose Other: <input type="checkbox"/> A charge <input type="checkbox"/> A lease <input type="checkbox"/> A correction of title
3.2	Name of person (s), if known, to whom land or interest in land is to be transferred, leased or charged: N/A
3.3	If a lot addition, identify the lands to which the parcel will be added: Roll # _____ Description: N/A

4. Description of Subject Land and Servicing Information (Complete each subsection)				
4.1	Description	Frontage (m.)	Severed	Retained
		Depth (m.)	46 m	356.96 m
		Area (ha.)	380.33 m	380.33 m
			1.7 ha	10.7 ha
4.2	Use of Property	Existing Use (s)	Vacant	Residential
		Proposed Use (s)	Residential	N/A
4.3	Buildings or Structures	Existing	N/A	Dwelling
		Proposed	Dwelling	N/A
4.4	Access (check appropriate space)	Provincial Highway		
		Municipal road, maintained all year	yes	yes
		Municipal road, seasonally maintained		
		Other public road		
		Right of way		
		Water access		
		(See Note #1)		
Note #1: Describe in section 9.1, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road				
4.5	Water Supply (check appropriate space)	Publicly owned and operated piped water supply		
		Privately owned and operated individual well	proposed	yes
		Privately owned and operated communal well		
		Lake or other water body		
		Other means		
4.6	Sewage Disposal (check appropriate space)	Publicly owned and operated sanitary sewage system		
		Privately owned and operated individual septic tank (See Note #2)	yes - proposed	yes - existing
		Privately owned and operated communal septic system		
		Privy		
Note #2: A certificate of approval from the local Health Unit or Ministry of the Environment and Energy submitted with this application will facilitate the review.				
Section 4 continued on next Page				

4. Description of Subject Land and Servicing Information . . . Continued				
4.7	Other Services (check if the service is available)			
		Electricity	Severed yes	Retained yes
		School Bussing	yes	yes
		Garbage Collection	no	no
4.8	If access to the subject land is by private road, or if "other public road" was indicated in section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.			
	N/A			

5. Land Use			
5.1	What is the existing official plan designation (s), if any, of the subject land? N/A		
5.2	What is the zoning, if any, of the subject land? If the subject land is covered by a Ministry's zoning order, what is the Ontario Regulation Number? Agriculture, Natural Resource		
5.3	Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any, which apply.		
	Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
	An agricultural operation, including livestock facility or stockyard	N/A	N/A
	A landfill	N/A	N/A
	A sewage treatment plant or waste stabilization plant	N/A	N/A
	A provincially significant wetland (class 1, 2, or 3 wetland)	N/A	N/A
	A provincially significant wetland within 120 metres of the subject land	N/A	N/A
	Flood plain	N/A	N/A
	A rehabilitated mine site	N/A	N/A
	A non-operating mine site within 1 kilometre of the subject land	N/A	N/A
	An active mine site	N/A	N/A
	An industrial or commercial use, and specify the use (s)	N/A	N/A
	An active railway line	N/A	N/A
	A municipal or federal airport	N/A	N/A

6. History of the Subject Land	
6.1	<p>Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>If Yes and if known, provide the Ministry's application file number and the decision made on the application:</p> <p>File # <u>L2021-24</u> Decision: <u>Provisional Consent Granted</u></p>
6.2	<p>If this application is a re-submission of a previous consent application, describe how it has been changed from the original application:</p>
6.3	<p>Has any land been severed from the parcel originally acquired by the owner of the subject land?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide for each parcel severed, the date of transfer, the name of the transferee and the land use:</p> <p>Provisional consent has been granted to the applicant(s). At the date of submission for this application, final consent has not been granted and as such has yet to be transferred.</p>

7. Current Applications	
7.1	<p>Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>If Yes, and if known, specify the Ministry file number and status of the application:</p>
7.2	<p>Is the subject land the subject of an application for a zoning by-law amendment [], Minister's zoning order amendment [], minor variance [], consent or approval of a plan of subdivision []?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>If Yes, and if known, specify the Ministry file number and status of the application:</p>

9. Other Information

9.1

Is there any other information that you think may be useful to the Ministry or other agencies in reviewing this application? If so, explain below or attach on a separate page.

9.2

If the subject property is agricultural or close to an agricultural property, the following Supplement forms may be required:

- 1) Supplement #1 - Agricultural Land Descriptions
- 2) Supplement #2 - Data Sheet for Minimum Distance Separation under the Agricultural Code of Practice

10. Affidavit or Sworn Declaration

10.1

Affidavit or Sworn Declaration for the Prescribed and Requested Information

I, Kathy / Kelly of the Land
in the District of Algoma make oath and say (or solemnly declare) that the

information contained in this application is true and that the information contained in the documents that accompany this application are true.

Sworn (or declared) before me

Carol O. Trainor A.M.C.T.

A Commissioner of Oaths

at the Township of Tarbutt

in the District of Algoma

this 7th day of February, 20 22

Signed this 7th day of February, 20 22

Commissioner of Oaths

Signature [Signature]

[Signature]
Applicant

[Signature]
Applicant

8. Sketch (Use the attached Sketch Sheet) To help you prepare the sketch, refer to the attached Sample Sketch.

8.1

In order for your application to be considered complete, a sketch drawn to scale must be included as part of this application which shows:

1. Boundaries and dimensions of the subject land including the part that is to be severed and the part that is to be retained.
2. Location, size, height and type of all existing and proposed buildings or structures on severed or retained lands, including the distance of the buildings or structures from front yard lot line, rear yard lot line and side yard lot lines.
3. Boundaries and dimensions of the land owned by the owner, including the subject land and adjacent land.
4. The distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge.
5. The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
6. The approximate location of all natural and artificial features on the subject land and adjacent lands, including railways, roads, watercourses, drainage ditches, irrigation ponds, river or stream banks, wetlands, wooded areas, buildings.
7. The current use (s) of the adjacent lands.
8. The location, width and name of any roads within or abutting the subject land. Indicate whether the road is an unopened road allowance, a public travelled road, a private road or a right-of-way.
9. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
10. The location and nature of any restrictive covenant or easement affecting the land.
11. If the severed parcel is to be conveyed to an abutting property owner, please identify the abutting property with name and instrument number exactly as now registered.
12. The location, size and distance to buildings and property lines of any existing sewage system treatment units (septic tanks) and distribution piping (septic beds) on the lot to be created and/or retained.

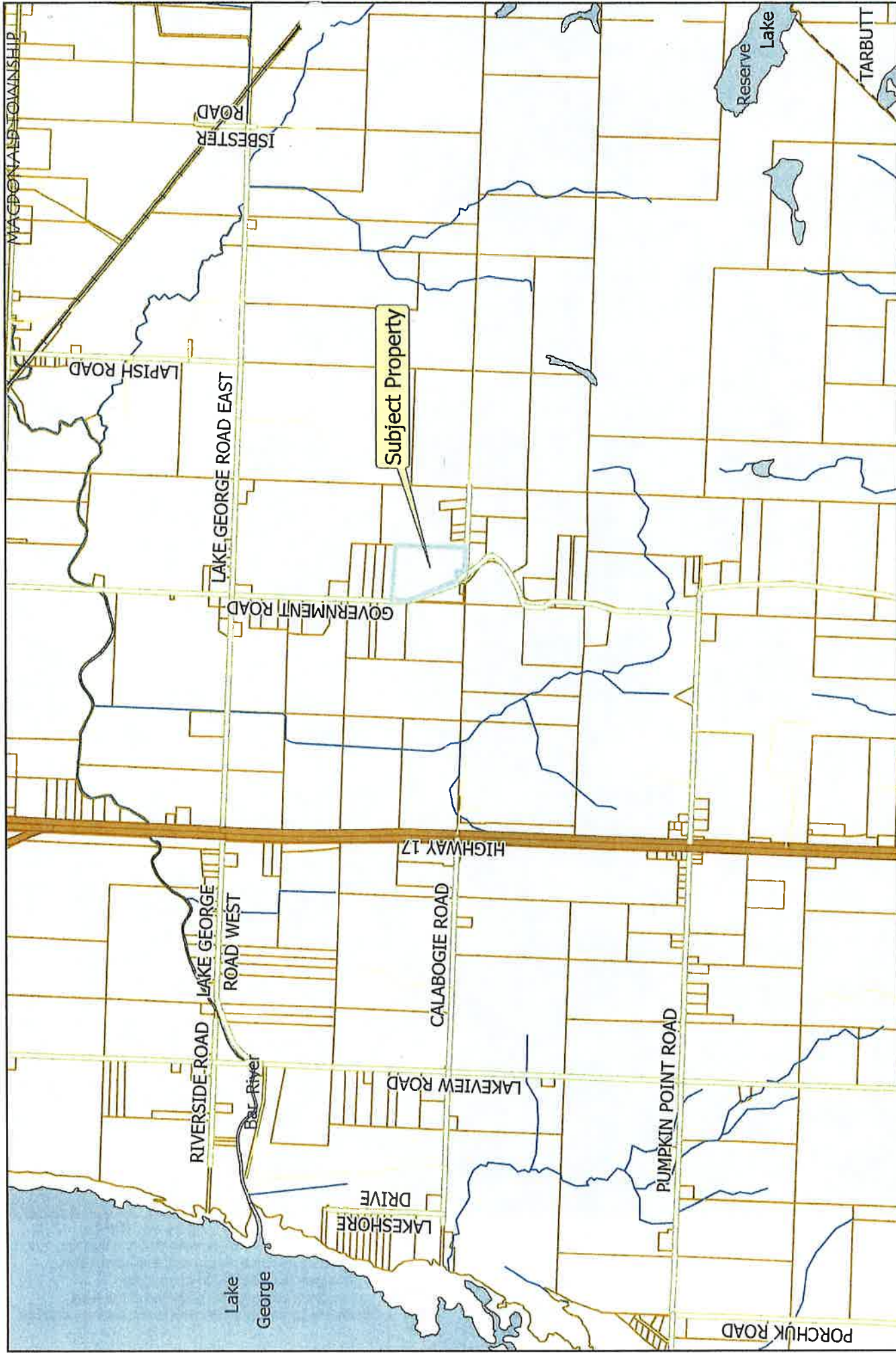
If other documentation/supporting material becomes necessary, you will be contacted and this information must be submitted prior to your application proceeding.

8.2

Notification Sign Requirements:

For the purpose of public notification and in order for staff to easily locate your land, you will be given a sign to indicate the intent and purpose of your application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject property.
2. Ensure one sign is posted at the front of the property at least three feet above ground level.
3. Notify the Planner when the sign is in place in order to avoid processing delays.
4. Maintain the sign until the application is finalized and thereafter remove it.



Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no guarantees as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.



Scale: 1:35,000

0 50 100 200



Meters

DESBARATS TO ECHO BAY PLANNING BOARD
Planning Board Regional Map
L2022-01 Hachey
Township of Laird



DESBARATS TO ECHO BAY PLANNING BOARD

Proposed Consent Application

L2022-01

Government Road

The Township of Laird

Scale: 1:2,500

0 50 100 200
Meters



Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no guarantees as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.



DESBARATS TO ECHO BAY PLANNING BOARD

Consent Application: L2021-25 Hachey

Creation of One (1) Lot:

1030 Government Road

H-747 LOT 5 SEC, Township of Laird

Scale: 1:2,500

0 50 100 200

Meters



Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no guarantees as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.

Desbarats to Echo Bay Planning Board**Application for Consent**
Under Section 53 of the Planning ActBefore Starting This Application

Please read the following:

Appendix A: Completeness of the Application

Appendix B: Submission of the Application

Appendix C: Help

Appendix D: Notes to Applicants

In this form the term "subject" means the land to be severed and/or the land to be retained.

Office Use Only

File Number	T2022-02
Roll Number	5714 00000 2035 000
Date Submitted	February 11, 2022
Date Received	Feb 14, 2022
Sign Issued	

Please Print and Please Complete or Check-Mark Appropriate Box (s). Please use ink, not pencil.

1. Applicant Information

1.1	Name of Applicant Gary and Heather MacMillan	Home Telephone No. 765 971 0800	Business Telephone No.
	Address 261 Barr Road North		Postal Code P0R 1E0
1.2	This section is for the name of Owner (s) if different than the applicant. An owner's authorization is required in Section 11.1		
	Name of Owner (s)	Home Telephone No.	Business Telephone No.
	Address		Postal Code
1.3	Name of person who is to be contacted, and to receive any correspondence, about the application, if different than the applicant. This may be a person or firm acting on behalf of the applicant.		
	Name of Contact Person	Home Telephone No.	Business Telephone No.
	Address	Postal Code	Fax No.

2. Location of the Subject Land

2.1	District Algoma	Local Municipality Tarbutt	Section or Mining Location	Civic # 261
	Concession Number (s) Con 6	Lot Number (s) Lot 9	Registered Plan No.	Lot (s)/Block (s)
	Reference Plan No.	Part Number (s) PCL 1120	Name of Street/Road Barr Road North	Other Identifier
2.2	Are there any easements or restrictive covenants affecting the subject land? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (describe below the easement or covenant and its effect)			

FILE COPY

3. Purpose of this Application	
3.1	Type and purpose of proposed transaction (check appropriate box) Transfer: <input checked="" type="checkbox"/> Creation of a new lot <input type="checkbox"/> Addition to a lot <input type="checkbox"/> An Easement <input type="checkbox"/> Other Purpose Other: <input type="checkbox"/> A charge <input type="checkbox"/> A lease <input type="checkbox"/> A correction of title
3.2	Name of person (s), if known, to whom land or interest in land is to be transferred, leased or charged:
3.3	If a lot addition, identify the lands to which the parcel will be added: Roll # _____ Description: _____

4. Description of Subject Land and Servicing Information (Complete each subsection)				
4.1	Description	Frontage (m.)	Severed + 150.65 m	Retained 669.86 m
		Depth (m.)	190.29 m	190.29 m
		Area (ha.)	1.5 ha (3.7 acres)	13 ha (32 acres)
4.2	Use of Property	Existing Use (s)	Vacant	Residential
		Proposed Use (s)	Residential	Same
4.3	Buildings or Structures	Existing	N/A	Dwelling and Accessory Structures
		Proposed	Dwelling	Same
4.4	Access (check appropriate space)	Provincial Highway		
		Municipal road, maintained all year	yes	yes
		Municipal road, seasonally maintained		
		Other public road		
		Right of way		
		Water access		
		(See Note #1)		
Note #1: Describe in section 9.1, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road				
4.5	Water Supply (check appropriate space)	Publicly owned and operated piped water supply		
		Privately owned and operated individual well	✓	✓ private
		Privately owned and operated communal well		
		Lake or other water body		
		Other means		
4.6	Sewage Disposal (check appropriate space)	Publicly owned and operated sanitary sewage system		
		Privately owned and operated individual septic tank (See Note #2)	✓	✓ private
		Privately owned and operated communal septic system		
		Privy		
Note #2: A certificate of approval from the local Health Unit or Ministry of the Environment and Energy submitted with this application will facilitate the review.				
Section 4 continued on next Page				

4. Description of Subject Land and Servicing Information . . . Continued				
4.7	Other Services (check if the service is available)	Electricity	Severed yes - available	Retained yes
		School Bussing	yes	yes
		Garbage Collection	no	no
4.8	If access to the subject land is by private road, or if "other public road" was indicated in section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.			

5. Land Use		
5.1	What is the existing official plan designation (s), if any, of the subject land? Rural	
5.2	What is the zoning, if any, of the subject land? If the subject land is covered by a Ministry's zoning order, what is the Ontario Regulation Number? Rural	
5.3	Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any, which apply.	
	Use or Feature	On the Subject Land Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
	An agricultural operation, including livestock facility or stockyard	no yes - approx. +400m
	A landfill	no no
	A sewage treatment plant or waste stabilization plant	no no
	A provincially significant wetland (class 1, 2, or 3 wetland)	no no
	A provincially significant wetland within 120 metres of the subject land	no no
	Flood plain	no no
	A rehabilitated mine site	no no
	A non-operating mine site within 1 kilometre of the subject land	no no
	An active mine site	no no
	An industrial or commercial use, and specify the use (s)	no no
	An active railway line	no no
	A municipal or federal airport	no no

6. History of the Subject Land

6.1

Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?

☐

Yes

☒

No

☐

Unknown

If Yes and if known, provide the Ministry's application file number and the decision made on the application;

File # _____ Decision: _____

6.2

If this application is a re-submission of a previous consent application, describe how it has been changed from the original application:

6.3

Has any land been severed from the parcel originally acquired by the owner of the subject land?

☐

Yes

☒

No

If Yes, provide for each parcel severed, the date of transfer, the name of the transferee and the land use:

7. Current Applications

7.1

Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?

☐

Yes

☒

No

☐

Unknown

If Yes, and if known, specify the Ministry file number and status of the application:

7.2

Is the subject land the subject of an application for a zoning by-law amendment [], Minister's zoning order amendment [], minor variance [], consent or approval of a plan of subdivision []?

☐

Yes

☒

No

☐

Unknown

If Yes, and if known, specify the Ministry file number and status of the application:

8. Sketch (Use the attached Sketch Sheet) To help you prepare the sketch, refer to the attached Sample Sketch.

8.1

In order for your application to be considered complete, a sketch drawn to scale must be included as part of this application which shows:

1. Boundaries and dimensions of the subject land including the part that is to be severed and the part that is to be retained.
2. Location, size, height and type of all existing and proposed buildings or structures on severed or retained lands, including the distance of the buildings or structures from front yard lot line, rear yard lot line and side yard lot lines.
3. Boundaries and dimensions of the land owned by the owner, including the subject land and adjacent land.
4. The distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge.
5. The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.
6. The approximate location of all natural and artificial features on the subject land and adjacent lands, including railways, roads, watercourses, drainage ditches, irrigation ponds, river or stream banks, wetlands, wooded areas, buildings.
7. The current use (s) of the adjacent lands.
8. The location, width and name of any roads within or abutting the subject land. Indicate whether the road is an unopened road allowance, a public travelled road, a private road or a right-of-way.
9. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
10. The location and nature of any restrictive covenant or easement affecting the land.
11. If the severed parcel is to be conveyed to an abutting property owner, please identify the abutting property with name and instrument number exactly as now registered.
12. The location, size and distance to buildings and property lines of any existing sewage system treatment units (septic tanks) and distribution piping (septic beds) on the lot to be created and/or retained.

If other documentation/supporting material becomes necessary, you will be contacted and this information must be submitted prior to your application proceeding.

8.2

Notification Sign Requirements:

For the purpose of public notification and in order for staff to easily locate your land, you will be given a sign to indicate the intent and purpose of your application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject property.
2. Ensure one sign is posted at the front of the property at least three feet above ground level.
3. Notify the Planner when the sign is in place in order to avoid processing delays.
4. Maintain the sign until the application is finalized and thereafter remove it.

9. Other Information

9.1

Is there any other information that you think may be useful to the Ministry or other agencies in reviewing this application? If so, explain below or attach on a separate page.

9.2

If the subject property is agricultural or close to an agricultural property, the following Supplement forms may be required:

- 1) Supplement #1 - Agricultural Land Descriptions
- 2) Supplement #2 - Data Sheet for Minimum Distance Separation under the Agricultural Code of Practice

10. Affidavit or Sworn Declaration

10.1

Affidavit of Sworn Declaration for the Prescribed and Requested Information

I, Robert H. H. H. and Paul H. H. H. (of the Township of Tarbutt)

in the District of Algoma make oath and say (or solemnly declare) that the

information contained in this application is true and that the information contained in the documents that accompany this application are true.

Sworn (or declared) before me, Carol O. Hainor A.M.C.T.

at the Township of ~~Algoma~~ Tarbutt

in the District of ~~Algoma~~ Tarbutt

this 11th day of February, 2022

Signed this 11th day of February

Commissioner of Oaths 20

Signature Carol O. Hainor

Robert H. H. H.
Applicant

Paul H. H. H.
Applicant

11. Authorizations

11.1

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form and/or the authorization set out below must be completed.

Authorization of Owner for Agent to Make the Application

I, _____, am the owner of the land that is the subject of this application for Consent and I authorize _____ to make this application on my behalf.

(Date)

Signature of Owner (s)

Sworn (or declared) before me

At the _____, in the _____

This _____ day of _____, 20____.

Commissioner

11.2

Authorization of Owner for Agent to Provide Personal Information

I, _____, am the owner of the land that is the subject of this application for Consent and for the purpose of the Freedom of Information and Protection of Privacy Act,

I authorize _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of this application.

(Date)

Signature of Owner (s)

Sworn (or declared) before me

At the _____, in the _____

This _____ day of _____, 20____.

Commissioner

12. Consent of the Owner

12.1

Heather MacMillan, am the owner of the land that is the subject of this

Consent application and for the purpose of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by, or the disclosure to, any person or public body of any personal information that is collected under the authority of the Planning Act for the purpose of processing this application.

Feb 11 / 2022
(Date)


Heather MacMillan
Signature of Owner (s)

13. Permissions

13.1

Permission to enter on to the subject land(s)

I/We hereby authorize the members and staff of the Desbarats to Echo Bay Planning Board to enter upon the subject land (s) and premise (s) for the limited purpose of evaluating the merits of this application


Signature of Owner (s) or Authorized Agent

The subject property must have the appropriate municipal address, or other adequate identification conspicuously posted on the subject land (s). Failure to comply may result in a deferral of the application.

Submission of the Application

- One application form is required for each parcel to be severed.
- The requested copies will be used to consult with other ministries or agencies that may have an interest in the application.
- All measurements are to be in Metric units.

Step #1:

Review the application with your municipal office in order to apprise them this application will be coming to them and also to ascertain whether or not there may be municipal concerns regarding the application that your or the Planning Board may not be aware of which may affect the completeness and/or acceptance of the application.

Step #2:

Deliver the completed application to the Planning Board office along with the required fee made payable to the Desbarats to Echo Bay Planning Board.

Step #3:

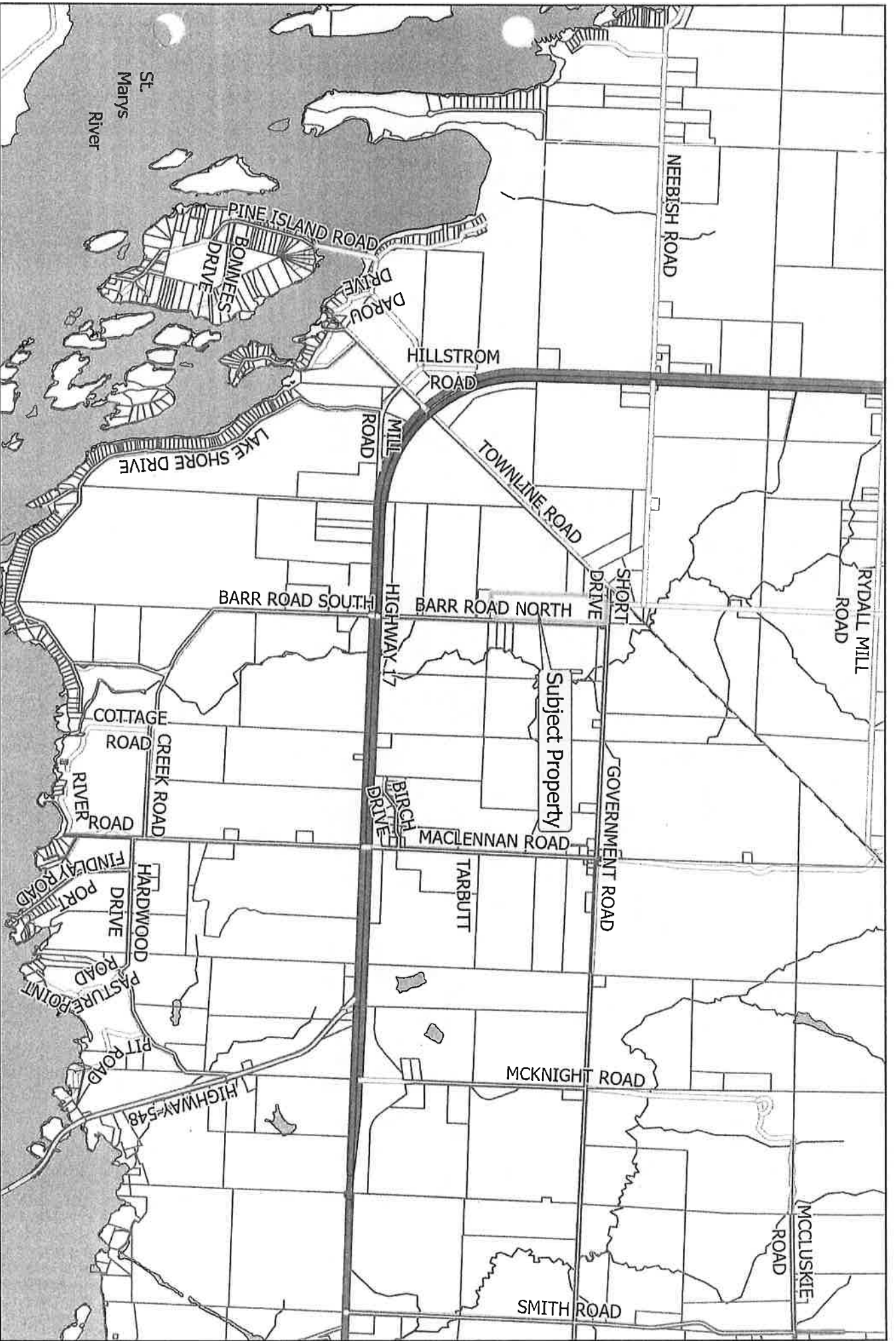
- The Planning Board Secretary will review your application.
- You will be notified when the application is considered complete. Any legislated time lines will commence only after the application is deemed complete and accepted by the Planning Board.
- Once the application has been accepted as complete you will be asked to supply 12 copies of the approved application along with 12 copies of the approved sketch. You may make the necessary copies yourself or the Planning Board can make them for you for a fee.
- You will be responsible for delivering one copy of the completed application to the Algoma Health Unit and they may require a fee for this service.

PLEASE NOTE

An application accepted as complete may still be amended, rejected, or deferred as the application goes through the process of review and as new or opposing information becomes available.

All documents should be forwarded to the attention of:

Secretary - Treasurer
Desbarats to Echo Bay Planning Board
c/o Tarbutt Township Offices
27 Barr Road South, RR#1
Desbarats, Ontario
P0R 1E0



DESBARATS TO ECHO BAY PLANNING BOARD
 Planning Board Regional Map
 T2022-02 MacMillan
 Township of Tarbutt

Scale: 1:35,000

0 50 100 200

Meters



Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no guarantees as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.



DESBARATS TO ECHO BAY PLANNING BOARD
Draft Consent Application: T2021-26 MacMillan
Creation of One (1) Lot:
261 Barr Road North
Township of Tarbutt

Scale: 1:3,600

0 50 100 200

Meters



Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no guarantees as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.

Desbarats to Echo Bay Planning Board

Application for Consent
Under Section 53 of the Planning Act

Before Starting This Application

Please read the following:

Appendix A: Completeness of the Application

Appendix B: Submission of the Application

Appendix C: Help

Appendix D: Notes to Applicants

In this form the term "subject" means the land to be severed and/or the land to be retained.

Office Use Only

File Number	T2022-03
Roll Number	571400000317000000
Date Submitted	Feb 16 th 2022
Date Received	
Sign Issued	

Please Print and Please Complete or Check-Mark Appropriate Box (s). Please use ink, not pencil.

1. Applicant Information

1.1	Name of Applicant Hunter Waugh	Home Telephone No.	Business Telephone No. 705-323-2047
	Address 194 Port Findlay Road, Desbarats, ON		Postal Code P0R 1E0
1.2	This section is for the name of Owner (s) if different than the applicant. An owner's authorization is required in Section 11.1		
	Name of Owner (s) North Horizon Farms	Home Telephone No.	Business Telephone No. 705-941-8132
	Address 3064 Government Rd, Desbarats, ON		Postal Code P0R 1E0
1.3	Name of person who is to be contacted, and to receive any correspondence, about the application, if different than the applicant. This may be a person or firm acting on behalf of the applicant.		
	Name of Contact Person Hunter Waugh	Home Telephone No.	Business Telephone No. 705-323-2047
	Address 194 Port Findlay Road, Desbarats, ON	Postal Code P0R 1E0	Fax No.

2. Location of the Subject Land

2.1	District Algoma	Local Municipality Tarbutt	Section or Mining Location	Civic #
	Concession Number (s) 5	Lot Number (s) 7	Registered Plan No.	Lot (s)/Block (s)
	Reference Plan No.	Part Number (s)	Name of Street/Road MacLennan Road ⁵ South	Other Identifier
2.2	Are there any easements or restrictive covenants affecting the subject land? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (describe below the easement or covenant and its effect)			

FILE COPY

3. Purpose of this Application	
3.1	Type and purpose of proposed transaction (check appropriate box) Transfer: <input checked="" type="checkbox"/> Creation of a new lot <input type="checkbox"/> Addition to a lot <input type="checkbox"/> An Easement <input type="checkbox"/> Other Purpose Other: <input type="checkbox"/> A charge <input type="checkbox"/> A lease <input type="checkbox"/> A correction of title
3.2	Name of person (s), if known, to whom land or interest in land is to be transferred, leased or charged: Hunter Waugh & Meagan McKerroll
3.3	If a lot addition, identify the lands to which the parcel will be added; Roll # _____ Description:

4. Description of Subject Land and Servicing Information (Complete each subsection)				
4.1	Description	Frontage (m.)	Severed	Retained
		Depth (m.)	498.65 m	1317.32 m
		Area (ha.)	200 m	1494.03 m
			10 ha	47.1
4.2	Use of Property	Existing Use (s)	Rural	Agriculture/Rural
		Proposed Use (s)	Rural Residential	Agriculture/Rural
4.3	Buildings or Structures	Existing	None	None
		Proposed	Residential Home, garage, etc.	None
4.4	Access (check appropriate space)	Provincial Highway		
		Municipal road, maintained all year	X	X
		Municipal road, seasonally maintained		
		Other public road		
		Right of way		
		Water access		
		(See Note #1)		
Note #1: Describe in section 9.1, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.				
4.5	Water Supply (check appropriate space)	Publicly owned and operated piped water supply	Proposed	None
		Privately owned and operated individual well		
		Privately owned and operated communal well		
		Lake or other water body		
		Other means		
4.6	Sewage Disposal (check appropriate space)	Publicly owned and operated sanitary sewage system	Proposed	None
		Privately owned and operated individual septic tank (See Note #2)		
		Privately owned and operated communal septic system		
		Privy		
Note #2: A certificate of approval from the local Health Unit or Ministry of the Environment and Energy submitted with this application will facilitate the review.				

Section 4 continued on next Page

4. Description of Subject Land and Servicing Information . . . Continued				
4.7	Other Services (check if the service is available)	Electricity	Severed yes	Retained yes
		School Bussing	yes	yes
		Garbage Collection	no	no
4.8	If access to the subject land is by private road, or if "other public road" was indicated in section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.			

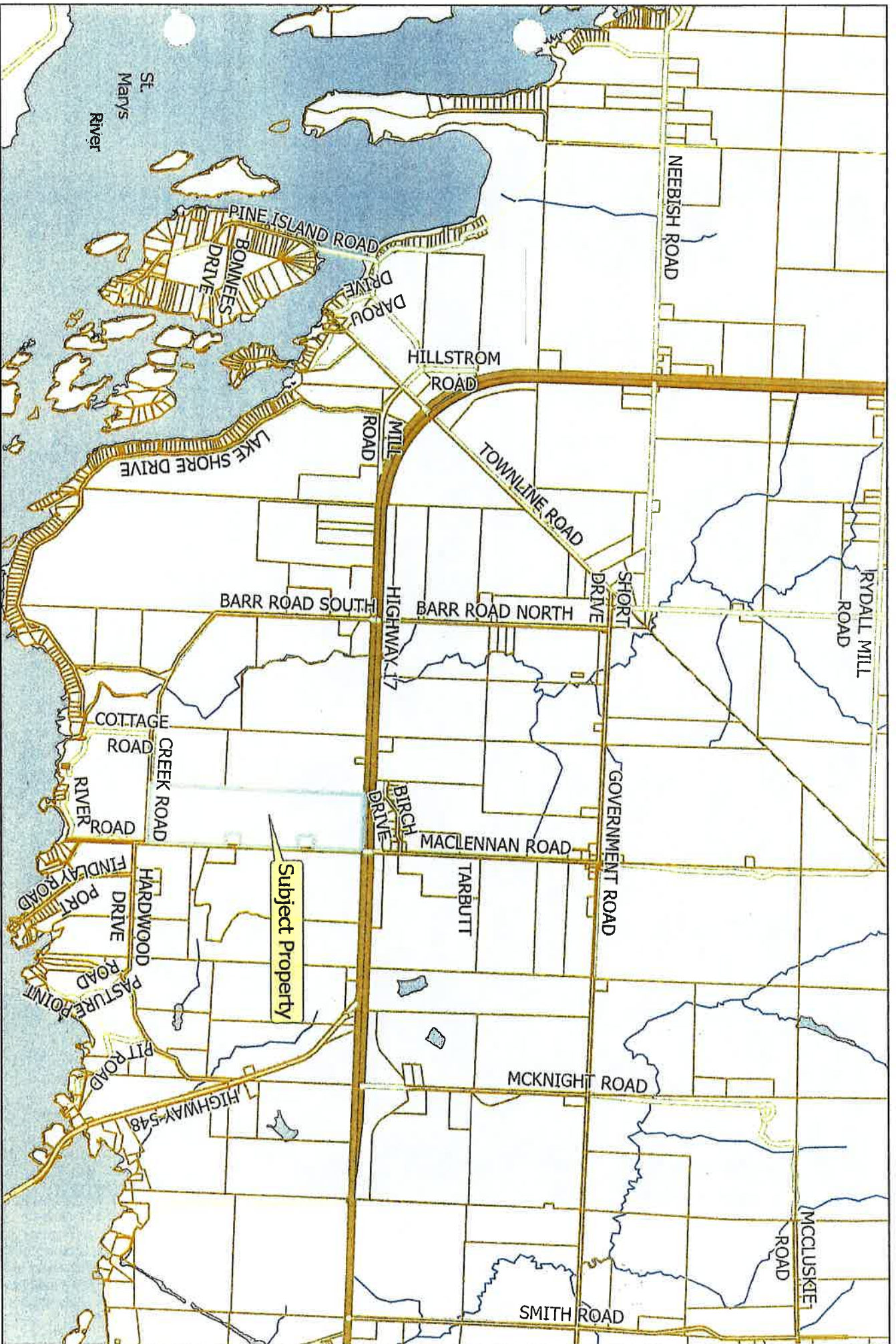
5. Land Use			
5.1	What is the existing official plan designation (s), if any, of the subject land? Rural, Agricultural, Aggregate Extraction Overlay		
5.2	What is the zoning, if any, of the subject land? If the subject land is covered by a Ministry's zoning order, what is the Ontario Regulation Number? Rural, Agricultural		
5.3	Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any, which apply.		
	Use or Feature	On the Subject Land	
	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)		
	An agricultural operation, including livestock facility or stockyard	no	+200 m from severed portion
	A landfill	no	no
	A sewage treatment plant or waste stabilization plant	no	no
	A provincially significant wetland (class 1, 2, or 3 wetland)	no	no
	A provincially significant wetland within 120 metres of the subject land	no	no
	Flood plain	no	no
	A rehabilitated mine site	no	no
	A non-operating mine site within 1 kilometre of the subject land	no	approx 550 m
	An active mine site	no	approx 550 m
	An industrial or commercial use, and specify the use (s)	no	yes, gravel pit and
	An active railway line	no	no
	A municipal or federal airport	no	no

6. History of the Subject Land

6.1	<p>Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>If Yes and if known, provide the Ministry's application file number and the decision made on the application:</p> <p>File # _____ Decision: _____</p>		
6.2	<p>If this application is a re-submission of a previous consent application, describe how it has been changed from the original application:</p>		
6.3	<p>Has any land been severed from the parcel originally acquired by the owner of the subject land?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide for each parcel severed, the date of transfer, the name of the transferee and the land use:</p> <table border="1"><tr><td> </td></tr><tr><td> </td></tr></table>		

7. Current Applications

7.1	<p>Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>If Yes, and if known, specify the Ministry file number and status of the application:</p>
7.2	<p>Is the subject land the subject of an application for a zoning by-law amendment [], Minister's zoning order amendment [], minor variance [], consent or approval of a plan of subdivision []?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>If Yes, and if known, specify the Ministry file number and status of the application:</p>



DESBARATS TO ECHO BAY PLANNING BOARD

Planning Board Regional Map

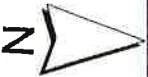
T2022-03 Waugh

Township of Tarbutt

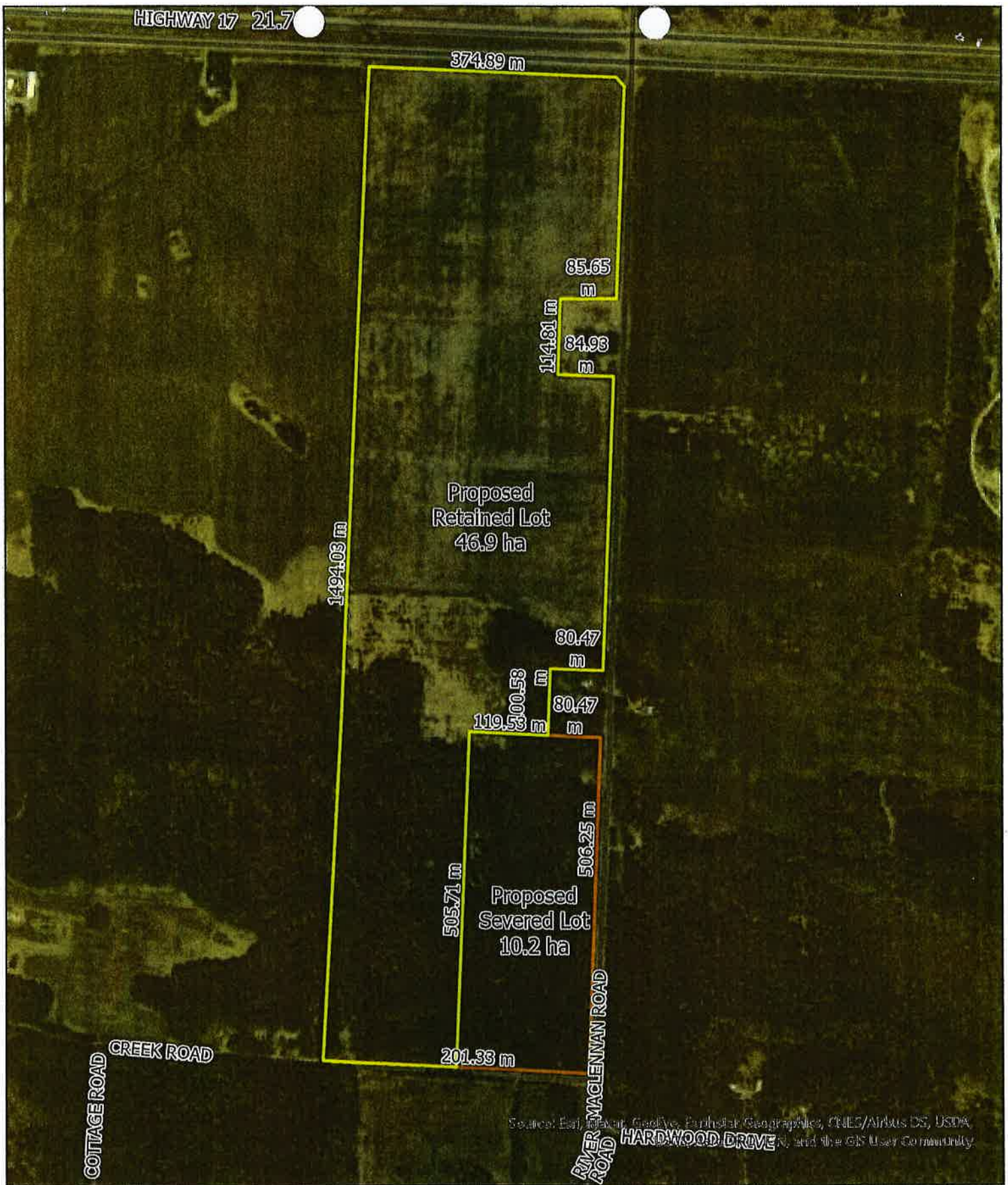
Scale: 1:35,000

0 50 100 200

Meters

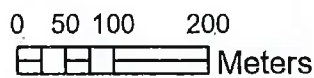


Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no guarantees as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.



DESBARATS TO ECHO BAY PLANNING BOARD
Consent Application - T2022-03 Waugh
Creation of One Lot
MacLennan Road South,
Tarbutt Twp.

Scale: 1:7,500



Maps are provided as a courtesy only and the Desbarats to Echo Bay Planning Board makes no guarantees as to the accuracy of this information. This map is not intended to be used for conveyance, authoritative definition of the legal boundary, or property title. This is not a survey product.

Revised

Desbarats to Echo Bay Planning Board

RE: Clerks Meeting for First Draft Joint Official Plan

Tarbutt Township Council Chambers – 11 March 2022 @ 9 am

Present: Lynne Duguay, Jennifer Errington, Carol Trainor Kent, Jared Brice

Absent: Glenn Martin

The Clerks of the Municipalities that comprise the Desbarats to Echo Bay Planning Board region met to address the first draft of the Draft Joint Official Plan. This report intends to reflect the comments made during the meeting.

General Housekeeping:

There are many spelling mistakes and references to the Township that need to be addressed. It is in the best interest of the Planner to address these mistakes and references to such matters prior to the Planning Boards meeting on the 22nd of March, 2022.

The definitions should be less technical in their nature and should be able to more easily interpreted. Also it was recommended that the definitions should be located at the start of the Official Plan and that the pages be numbered.

Technical Notes:

It was discussed that the number of severances should not be limited to just the Rural designation, but to all areas. It was put forward that a maximum of 3 lots may be severed from a lot that existed in its current form on from the date of the commencement of the Desbarats to Echo Bay Planning Board (1998). It was also mentioned that the minimum lot size of 10 hectares for the original lot size is too large an area.

A3.1.2.(5) (p.4) To *prohibit* the degradation of PSW (suggested that this wording too strong).

A3.2.1. (p.4)and a landscape *dominated* by agricultural fields and forests. (Suggested that this wording is too strong).

B3.4 (p.17) Development Policies – Request to amend heading from *Rural Residential Purposes* changed to *Rural Purposes*.

B3.4.3. (p.18) Original Lots of Record – questions about the exact meaning of this, laypersons definition required.

The definition of “affordable” housing should be defined in a more local context in the Joint OP and not word for word from the PPS definitions.

Desbarats to Echo Bay Planning Board

All references to Commercial Dog Kennels – requested that this be taken out and that information such as this should only be in the Zoning By-law, not the OP. Other example(s) but not limited to: B4.4.4. (p.24-25).

B4.5. Haul Routes (p.25) – to include all Townships haul routes associated with Mineral Aggregates.

B5.5.3 Agriculture Related Uses (p. 31) – No differentiation between whether it shall be produced on the farm or if it is an agricultural product from elsewhere.

B5.5.3(b) Agriculture Related Uses (p. 31) *the floor area does not exceed 300m² ...* is this sufficient for all members of community including Mennonites?

B6.4.2 (p.34) Existing Residential Development on Private Roads – Questions about the nature of this section. Is it required in the OP?

B6.4.5(d) (p.36) New Residential Lots by Consent - Why a distance generally not exceeding 1000m for registered right of way?

B6.4.9. (p.38) Accessory Dwelling Units vs Guest Cabins in the Shoreline designation – requested that it should state that accessory dwelling units be permitted where applicable. If an Accessory Dwelling Units is not applicable then a Guest Cabin would be permitted, if applicable.

B6.4.13. (p.40) Public Open Spaces – to include Tower Lake (MMAA), Centennial Park, Finn's Bay Road North Wharf and the Fairgrounds (Laird).

B8.4.2. (p.44) Adjacent Lands – Is there a difference between *Provincially Significant Life Science Area of Natural Scientific Interest* vs *Provincially significant Earth Science Area of Natural Scientific Interest*. *Do we have Provincially Significant Life Science Area of Natural Scientific Interest area(s)?*

B8.6. (p.46) *There are portions of two wetland complexes in the Planning Area that have been evaluated by the Ministry of Natural Resources and have been classified as being part of a Provincially Significant Wetland.* There are several other PSW's that shall be added.

B8.7. (p.46-47) Habitat of Endangered, Threatened Species – Species list is very detailed, should it be in OP? Clerks recommend shortening section to:

The Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry is responsible for approving and defining habitat of endangered species and threatened species. For habitat of endangered species and threatened species in the Planning Area will be protected by this Plan.

C2.3. (p.55) Woodlands and Valleylands – *Is this required by the PPS? Is an EIS required for all new development within 120m for all Significant Wildlife Habitat areas including the Deer Wintering Area(s)?*

Desbarats to Echo Bay Planning Board

C6. (p.61) Waste Disposal Areas – Three landfill sites (add MMAA Landfill site). The Joint Tarbutt Johnson Landfill to commence shipping waste and thus *will not expire during the life of this plan.*

C9. (p.65) Top Soil – Is this mandatory or optional?

D1.2 Preferred Means of Servicing – Check with MMAA and Johnson Clerks regarding sanitary septic systems and water treatment plant.

D2.2.6 (p.71-72) Provincial Highways to include Hwy. 638 in addition to Hwy 17. And Hwy. 548.

D2.2.6 (p.71-72) Clerks disagree with following sentence regarding Secondary Highways (Hwy. 548 and Hwy. 638). *New development will be discouraged from locating on lands adjacent to these highways and direct access onto a provincial highway will be restricted with the exception of lands zoned for industrial or commercial use.*

Recommended that changed to include *subject to MTO approval...*

D3.2.1 Recognition of Cultural Heritage Resources – where are the 15 registered archaeological sites?

D3.2.7 Inventories – do we have data of all known heritage resources?

Other Notes from the Meeting:

The Clerks present were in favor to the possibility of putting out a Request for Proposal for a Planner to:

- 1) Assist the Desbarats to Echo Bay Planning Board with Consent Applications; and
- 2) Have on contract/hire through the Planning Board and sub-contracted out to each Municipality to assist with land-use planning on the municipal level. The costs associated with the Consent Applications would be covered by the application fee and the costs involved for the Municipality to utilize the planner would be covered by the municipality or by the Planning Board levy(s) that go out to the municipality(s).

SCHEDULE 24
PLANNING ACT — AMENDMENTS PROPOSED BY THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1 Subsection 47 (2) of the *Planning Act* is amended by striking out “subsections 45 (4) to (8)” and substituting “subsections 45 (4) to (8.2)”.

2 (1) Section 50 of the Act is amended by adding the following subsection:

Interpretation, “retained land”

(1.0.0.1) For the purposes of this section and section 53, a reference to “retained land” refers to the whole of a parcel of land that abuts land that is the subject of a certificate given under subsection 53 (42) allowing the conveyance by way of a deed or transfer with a consent that was given on or after March 31, 1979 and that did not stipulate that subsection (3) or (5) applies to any subsequent conveyance or other transaction.

(2) Subsections 50 (1.1) to (1.5) of the Act are repealed and the following substituted:

Removal of power

(1.1) The Minister may by order, accompanied by a written explanation for it, remove the powers of the council of a municipality under this section and sections 53 and 57 and the order may be in respect of one or more of the following:

1. One or more applications for a consent or for a certificate of validation specified in the order.
2. Any or all applications for consents or for certificates of validation made after the order is made.
3. One or more applications for a certificate of cancellation specified in the order.
4. Any or all applications for certificates of cancellation made after the order is made.

Minister to grant consents, etc.

(1.2) If an order is made under subsection (1.1),

- (a) the Minister has the power of the council to,
 - (i) grant consents or issue certificates of validation in respect of applications to which the order relates, and
 - (ii) issue certificates of cancellation in respect of applications to which the order relates; and
- (b) the council shall forward to the Minister all papers, plans, documents and other materials that relate to any matter in respect of which the powers were removed and of which a final disposition was not made by the council before the power was removed.

Effect of revocation

(1.3) If the Minister revokes the order or part of the order made under subsection (1.1),

- (a) the power to grant consents or to issue certificates of validation reverts back to the council in respect of all applications to which the revoked order or revoked part of the order applied; and
- (b) the power to issue certificates of cancellation reverts back to the council in respect of all applications to which the revoked order or revoked part of the order applied.

Delegation

(1.4) If an order is made under subsection (1.1) in respect of land that is located in a municipal planning area, the Minister may by order delegate to the municipal planning authority the power which was removed from the council to grant consents or to issue certificates of validation or certificates of cancellation and the delegation may be subject to such conditions as the order provides.

Effect of revocation

(1.5) If the Minister revokes the order or part of the order made under subsection (1.4),

- (a) the power of the municipal planning authority to grant consents or to issue certificates of validation reverts back to the Minister in respect of all applications to which the revoked order or revoked part of the order applied;
- (b) the power of the municipal planning authority to issue certificates of cancellation reverts back to the Minister in respect of all applications to which the revoked order or revoked part of the order applied; and
- (c) the municipal planning authority shall forward to the Minister all papers, plans, documents and other materials that relate to any matter to which the revoked order or part of the order applied and of which a final disposition was not made by the municipal planning authority before the order or part of the order was revoked.

(3) Subsection 50 (3) of the Act is amended by adding the following clause:

- (a.1) the land is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants;

(4) Clause 50 (3) (b) of the Act is repealed and the following substituted:

- (b) the person does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than,
- (i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,
 - (ii) land that is within a registered description under the *Condominium Act, 1998*, or
 - (iii) land that is the identical parcel of land that was previously conveyed by way of a deed or transfer with a consent given under section 53 or was mortgaged or charged with a consent given under section 53, either of which consent was given on or after March 31, 1979 and did not stipulate that this subsection or subsection (5) applies to any subsequent conveyance or other transaction;

(5) Clause 50 (3) (g) of the Act is repealed and the following substituted:

- (g) the land or any use of or right therein was acquired for the purpose of an electricity distribution line, electricity transmission line or hydrocarbon line within the meaning of Part VI of the *Ontario Energy Board Act, 1998* and is being disposed of to the person from whom it was acquired or to that person's successor in title, provided the person to whom it is being disposed of holds the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land being disposed of; or

(6) Subsection 50 (5) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Part-lot control

(5) If land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey any part of the land other than the whole of any lot or block by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of such part, or mortgage or charge such part, or enter into an agreement of sale and purchase of such part or enter into any agreement that has the effect of granting the use of or right in such part directly or by entitlement to renewal for a period of 21 years or more unless,

(7) Clause 50 (5) (a) of the Act is repealed and the following substituted:

- (a) the person does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than,
- (i) land that is the whole of one or more lots or blocks within one or more registered plans of subdivision,
 - (ii) land that is within a registered description under the *Condominium Act, 1998*, or
 - (iii) land that is the identical parcel of land that was previously conveyed by way of a deed or transfer with a consent given under section 53 or was mortgaged or charged with a consent given under section 53, either of which consent was given on or after March 31, 1979 and did not stipulate that this subsection or subsection (3) applies to any subsequent conveyance or other transaction;

(8) Subsection 50 (5) of the Act is amended by adding the following clause:

- (a.2) the land is the whole of a parcel of land that was previously owned by, or abutted land previously owned by, joint tenants and the ownership would have, but for this clause, merged in the person as a result of the death of one of the joint tenants;

(9) Clause 50 (5) (g) of the Act is repealed and the following substituted:

- (g) the land or any use of or right therein was acquired for the purpose of a utility line within the meaning of the *Ontario Energy Board Act, 1998* and is being disposed of to the person from whom it was acquired or to that person's successor in title, provided the person to whom it is being disposed of holds the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land being disposed of; or

(10) Subsection 50 (6) of the Act is repealed and the following substituted:

Conveyance of retained land

(6) Despite subsections (3) and (5), retained land may be conveyed or otherwise dealt with before the land that is the subject of the consent is dealt with, provided the retained land is conveyed or otherwise dealt with before the consent lapses under subsection 53 (43).

(11) Subsection 50 (9) of the Act is amended by striking out "in a part of a building or structure for any period of years" at the end and substituting "in a part of a building or structure, including the use of or right in lands, which use or right is ancillary to the use of or right in the part of the building or structure, for any period of years".

(12) Section 50 of the Act is amended by adding the following subsection:

Same

(9.1) For greater certainty, subsection (9) applies to an agreement that has the effect of granting the use of or right in a part of a building or structure, including the use of or right in lands, which use or right is ancillary to the use of or right in the part of the building or structure, for the lifetime of an individual.

(13) Subsection 50 (18) of the Act is repealed and the following substituted:

Foreclosure or exercise of power of sale

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law unless,

- (a) all of the land that is then subject to the mortgage or charge is included in the foreclosure or exercise of the power of sale; or
- (b) all of the land included in the foreclosure or exercise of the power of sale could otherwise be conveyed by way of a deed or transfer by the registered owner of the land in compliance with the provisions of this section.

(14) Subsection 50 (18.1) of the Act is repealed.

(15) Subsection 50 (23) of the Act is amended by adding “or otherwise determining compliance with this section” after “subclause (22) (c) (ii)”.

3 (1) Subsection 51 (13) of the Act is amended by striking out “applies” at the end and substituting “applied”.

(2) Subsection 51 (19.1) of the Act is amended by striking out “the clerk of the municipality” and substituting “the clerk of the local municipality”.

(3) Subsection 51 (19.3.1) of the Act is amended by striking out “clause (19.4) (a) and subsections (20) and (21) do not apply” at the end and substituting “clause (19.4) (a) and subsections (19.4.1) and (20) to (21) do not apply”.

(4) Subsection 51 (19.4) of the Act is repealed and the following substituted:

Notice of particulars and public access

(19.4) Subject to subsection (19.4.1), within 15 days after the approval authority gives an affirmative notice under subsection (19.1), or within 15 days after the Tribunal advises the approval authority and the clerk or secretary-treasurer of its affirmative decision under subsection (19.2), the approval authority shall ensure that,

- (a) the prescribed persons and public bodies are given notice of the application, in the prescribed manner, and that the notice is accompanied by the prescribed information; and
- (b) the information and material provided under subsections (17) and (18) are made available to the public.

Exception

(19.4.1) Subsection (19.4) does not apply if the land that is the subject of the application is not located in a municipality or in the planning area of a planning board.

Request by approval authority

(19.4.2) An approval authority may request that a local municipality or a planning board having jurisdiction over the land that is proposed to be subdivided give the notice of the application referred to in clause (19.4) (a) and make the information and material referred to in clause (19.4) (b) available to the public.

Responsibilities

(19.4.3) A local municipality or planning board that is requested under subsection (19.4.2) to give notice of the application shall ensure that the notice is given in accordance with clause (19.4) (a).

(5) Subsection 51 (20) of the Act is repealed and the following substituted:

Public meeting

(20) Before a decision is made by an approval authority under subsection (31), the approval authority shall ensure that a public meeting is held, if required by regulation, for the purpose of giving the public an opportunity to make representations in respect of the proposed subdivision.

Notice of meeting

(20.1) Notice of the public meeting required under subsection (20),

- (a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and
- (b) shall be accompanied by the prescribed information.

Participation in public meeting

(20.2) Every person who attends a public meeting referred to in subsection (20) shall be given an opportunity to make representations in respect of the proposed subdivision.

Information

(20.3) At a public meeting referred to in subsection (20), the approval authority shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (34), (39), (43) and (48).

Transition

(20.4) For clarity, subsections (20.2) and (20.3) do not apply with respect to a public meeting held before the day those subsections came into force.

(6) Clauses 51 (21.1) (a) and (b) of the Act are repealed and the following substituted:

- (a) notice of the meeting is given in accordance with subsection (20.1);
- (b) the public meeting is held in accordance with subsections (20), (20.2) and (20.3); and

(7) Subsection 51 (35) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

(8) Subsection 51 (50) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

- (c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

4 (1) Subsection 53 (1) of the Act is repealed and the following substituted:

Same

(1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Same

(1.1) For the purposes of subsection (1), a purchaser of land is a person who has entered into an agreement of purchase and sale to acquire the land and who is authorized in the agreement of purchase and sale to make the application.

(2) Section 53 of the Act is amended by adding the following subsections:

Amendment to application

(4.2.1) An application may be amended by the applicant at any time before the council or the Minister gives or refuses to give a consent.

Terms

(4.2.2) If an application is amended by the applicant, the council or the Minister may impose such terms as the council or Minister considers appropriate, including terms,

- (a) requiring the provision of additional information and material in relation to the amendment; and
- (b) specifying that the time period referred to in subsection (14) is deemed not to have begun until the later of,
 - (i) the date the application was amended, and
 - (ii) if additional information and material was required under clause (a), the date on which all the information and material was provided.

Fees

(4.2.3) For greater certainty, the council or the Minister may include fees in respect of an amendment to an application in its fees established under section 69 or 69.1, as the case may be.

Other

(4.2.4) For greater certainty, subsection (4.2.1) shall not be construed as preventing a person from amending any other type of application under this Act.

(3) Section 53 of the Act is amended by adding the following subsection:

Requirements re public meeting

(5.1) If a regulation referred to in clause (5) (b) is made requiring a public meeting, the regulation may also specify one or more purposes of the public meeting, such persons or entities who are entitled to make representations at the public meeting and any information required to be made available at the public meeting.

(4) Section 53 of the Act is amended by adding the following subsection:

Same

(12.1) For greater certainty, the powers of a council or the Minister under subsection (12) apply to both the part of the parcel of land that is the subject of the application for consent and the remaining part of the parcel of land.

(5) Subsection 53 (15) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

(6) Subsection 53 (17) of the Act is amended by adding “and” at the end of clause (b) and by repealing clause (c).

(7) Subsection 53 (18.1) of the Act is amended by striking out “provisional consent” wherever it appears and substituting in each case “application”.

(8) Subsection 53 (28) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal.

(9) Subsection 53 (39) of the Act is amended by striking out “If the decision of the Tribunal under subsection (34) is that a provisional consent be given” at the beginning and substituting “If a provisional consent has been given by the Tribunal under subsection (34)”.

(10) Subsection 53 (40) of the Act is repealed and the following substituted:

Same

(40) If a provisional consent has been given by the Minister or the council and there has been no appeal under subsection (19) or (27), subject to subsection (23), the consent shall be given. However, if conditions have been imposed, the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

(11) Subsection 53 (41) of the Act is repealed and the following substituted:

Conditions not fulfilled

(41) If conditions have been imposed and the applicant has not, within a period of two years after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of two years from the date of the order of the Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33).

Transition

(41.1) For greater certainty, subsection (41), as it reads on and after the day subsection 4 (11) of Schedule 24 to the *Supporting Recovery and Competitiveness Act, 2021* comes into force, does not apply with respect to an application that was, before that day, deemed to have been refused under subsection (41), as it read immediately before that day.

(12) Section 53 of the Act is amended by adding the following subsection:

Same, retained land

(42.1) If a consent has been given under this section to a conveyance of a part of a parcel of land and the consent did not stipulate that subsection 50 (3) or (5) applies to any subsequent conveyance or other transaction, the clerk of the municipality or the Minister, as the case may be, shall give the same form of certificate described in subsection (42) to the applicant for the retained land resulting from the consent, if the applicant, in making the application for consent,

(a) requests that the certificate be given; and

(b) provides a registrable legal description of the retained land.

(13) Section 53 of the Act is amended by adding the following subsections:

Certificate of cancellation

(45) An owner of land that was previously conveyed with a consent, or the owner’s agent duly authorized in writing, may apply to the council or the Minister, whichever is authorized to give a consent in respect of the land at the time of the application, for the issuance of a certificate of cancellation of such consent. The certificate must provide that subsection 50 (12) does not

apply in respect of the land that was the subject of the consent and that subsection 50 (3) or (5), as the case may be, applies to a subsequent conveyance or other transaction involving the land.

Same, deemed delegation

(46) A delegation by the Minister under section 4 or by a council or planning board under section 5 of the Minister's authority for the giving of consents under this section shall be deemed to include the authority to issue certificates of cancellation under subsection (45).

Same, application

(47) An application referred to in subsection (45) shall be accompanied by any prescribed information and material and such other information or material as the council or the Minister, as the case may be, requires.

Provision of certificate

(48) If an application for a certificate of cancellation is made under subsection (45), the council or the Minister, as the case may be, may provide the certificate to the applicant.

Cancellation

(49) After the registration of a certificate of cancellation referred to in subsection (45),

- (a) subsection 50 (3) or (5), as the case may be, applies to any subsequent conveyance or other transaction involving land that is the subject of the certificate despite subsection 50 (12); and
- (b) for the purposes of subsection 50 (3) or (5), as the case may be, the land that is the subject of the certificate is deemed not to be land that was previously conveyed by way of a deed or transfer with a consent.

5 (1) Subsection 54 (2.1) of the Act is amended by striking out "to give approvals under subsection 50 (18) and" and substituting "to issue certificates of cancellation under subsection 53 (45) and".

(2) Subsection 54 (2.2) of the Act is amended by striking out "to give approvals under subsection 50 (18) or".

(3) Subsection 54 (6.1) of the Act is repealed and the following substituted:

Same

(6.1) Where, under subsection (2) or (5), a committee of adjustment has the authority to issue certificates of cancellation under subsection 53 (45) and the authority to issue certificates of validation under section 57, subsections 45 (8) to (8.2) apply in the exercise of that authority, but subsections 45 (4) to (7) and (9) to (20) do not apply.

(4) Subsection 54 (7) of the Act is amended by striking out "all applications for consent, for approval under subsection 50 (18) or for the issuance of a certificate of validation under section 57" and substituting "all applications for consent, for the issuance of a certificate of validation under section 57 or for the issuance of a certificate of cancellation under subsection 53 (45)".

6 Subsection 55 (1) of the Act is amended by striking out "the authority to give approvals under subsection 50 (18) or the authority" and substituting "to issue certificates of cancellation under subsection 53 (45) or".

7 Subsections 57 (6) and (7) of the Act are repealed and the following substituted:

Criteria for certificate

(6) No certificate shall be issued under subsection (1) unless the land described in the certificate of validation conforms with the same criteria that apply to the granting of consents under section 53.

8 Paragraph 26 of subsection 70.1 (1) of the Act is repealed.

Commencement

9 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

The subdivision control amendments to the Ontario Planning Act are now law

Torkin Manes LLP - Sidney H. Troister, LSM

On January 1, 2022, numerous important amendments to Section 50 of the Ontario *Planning Act* became law; amendments that reflect significant enhancements, simplifications and practical adjustments that have been designed to modernize the legislation and improve the ways in which Ontarians interact with it.

Section 50 of the Ontario *Planning Act*, which controls the subdivision of land in the province, has always been a bear trap of unintended consequences for real estate lawyers, owners, developers, farmers, lenders, real estate agents and title insurers. It is technical and the language has been ambiguous, confusing and inconsistent among many of its more than 30 subsections. Section 50 applies to virtually every transaction involving land in Ontario, and its provisions have seen no major legislative review or reconsideration over the past 35-plus years. With the best of intentions to control how land is divided, its penalty provision voids a transfer or other transaction involving land that contravenes its prohibitions. While it may prevent the division of land, its provisions have historically nullified transactions that involve no planning issue whatsoever, but arise through inadvertence, misunderstanding of the technicalities, or even fate.

Despite being a planning statute, Section 50's penalty provision also makes it a title statute. The real estate title issues and the traps have been well known in the real estate legal community for more than 50 years, but largely ignored by the Province until recently. After more than 22 years of persistent effort to remedy some of the traps in the Act, these important amendments will eliminate some of the traps without in any way interfering with the purpose of the legislation.

The Act is technical, but in simple terms, no person can deal with land if they own land abutting the land being dealt with or unless the land is the subject of a municipal consent (a "consent") to the transaction. Even historically separate properties, once they are owned by the same person are considered merged as a single property and a consent is required to deal with the previously separate parts. Land that is the subject of a consent has life long separate identity; however, land abutting that consented parcel required a consent even though its neighbour was considered a separate parcel. Logic was defied by the strict language of the Act and the fear of annulment if the Act were contravened.

Like the Act itself, the amendments are technical but they do eliminate most of the common traps that have plagued property owners and their advisers, and title and errors and omissions insurers, for years. The amendments include the following:

1. Abutting properties no longer merge on the death of a joint tenant. Frequently, families would own abutting properties, such as cottages or farms, one in the name of one spouse and the other in the name of both spouses as joint tenants, all for the purpose of keeping the two properties separately conveyable and not merged under the *Planning Act*. The death of a joint tenant, however, would result in the survivor owning two abutting—and now merged—properties. Death of a joint tenant is no longer a merger, allowing families to avoid a legal and unintended consequence of a merger, and better plan their land holdings and estates.
2. Land abutting land that was the subject of consent is now considered a separate property. Until the amendments, the consented parcel was considered separately conveyable regardless of the ownership of abutting land. The unconsented "retained" parcel had no such separate identity if owned by the same person who owned the consented parcel. It required work arounds as to the manner of holding title, and was often the basis for a void transaction. "Once a consent, always a consent" was the logical refrain for both parcels of land, but that was not the law. Only the consented parcel had that benefit; the retained parcel was still

subject to compliance with the Act, even if the abutting parcel could be separately dealt with. Now, land abutting land previously conveyed with consent is itself considered a separate parcel of land. The “retained” land has its own separate status.

3. There is an exception in the Act for dealings with parts of buildings or structures. Long term leases in multi-tenanted buildings are not subject to the prohibitions. However, often, tenants have outdoor rights appurtenant to the lease of part of a building for, say, outdoor selling areas, restaurant patios or storage. These additional premises were not part of the building or structure, and the question arose whether a consent was required for the lease in respect of the outdoor areas, given the statutory limitation to parts of the building or structure only. The Act now permits rights in outdoor spaces if ancillary to the lease (for example) of part of a building or structure.

4. Life leases involving parts of a building or structure are exempt.

5. Where land has been conveyed with a consent, it has a separate identity forever. At times, that a parcel of land has been subject of a consent may be an obstacle to an owner seeking an addition to its land holding or a development of land where a part of the land was the subject of a consent. Now, an owner whose land or a part thereof that is the subject of a consent can apply for a consent cancellation certificate, the effect of which will cancel that certificate from and after the date it is issued. The obstacle has been eliminated.

6. At times, a transaction has been completed that contravened the technical prohibitions of the Act. Such contraventions were usually innocent and did not involve a planning issue. As a simple example, an owner owns one house, buys the house next door, and registers a mortgage on the new house to finance the purchase. While the owner has good title to both houses—now considered merged as a single property—the mortgage is void since the owner mortgaged part of its land while it owned the abutting parcel. Where a prior transaction contravenes the technical prohibitions of the Act, there is a procedure to validate the transaction after the fact; essentially retroactively cure the contravention. However, the procedure involved statutory conditions that might prevent the application of the validation procedure or impose substantial costs to satisfy the conditions. Those conditions have now been eliminated and the validation criteria are now no different from those involved in a consent application.

7. Until the amendments, the ownership of all units on a condominium plan and an abutting property by one party, created a technical breach if the abutting property were being dealt with separately. Now, the land abutting the condominium plan is considered separately conveyable regardless of the ownership of the units in the condominium. Essentially, the condominium plan has the same status as a registered plan of subdivision. Developers and lenders of phased condominiums will be assisted by this new provision.

8. Housekeeping amendments have also eliminated archaic provisions, such as approvals for mortgage enforcement, and eliminated ambiguous and inconsistent language among the many subsections of Section 50. Technical amendments now permit purchasers and lenders—and not just owners—to apply for consent, consent applications can be amended at any time up to a decision being rendered, and the time for satisfying conditions is now two years instead of one.

Subscription Renewal

Online Member Application:

Active/Full Membership - \$150:

Restricted to Committee Members, Secretary Treasurers & Assistant Secretary Treasurers of Committees of Adjustment, Land Division Committees and Consent Granting Authorities.

Associate Membership - \$150:

Associate Membership: Persons, private companies, corporations, partnerships and associations who have an interest in planning regulations, such as (but not limited to) land surveyors, lawyers, engineers, town planners.

Please enter information on the form below to process renew subscription for **OACA Membership for 1 year**.

First Name *

Jared

Last Name *

Brice

If you would like an email address to be included in our Membership Directory, please provide it below:

Membership Directory Email Address

admin@tarbutt.ca

Municipality *

Tarbutt Township & Desbarat

Powers Delegated to Committee

- ☒ Consents & Minor Variances
☐ Consent Only
☐ Minor Variance Only
☐ N/A

Street Address *

27 Barr Road S

Address Line 2

City/Town *

Desbarats

Postal Code *

P0R 1E0

Country *

Canada

Province *

Ontario

Ontario mayors speak out against proposal to give more power over housing to province

Local officials know best, Toronto Mayor John Tory says after task force report released

Low-rise apartments and new developments in Toronto's east end on Tuesday. A report commissioned by the Doug Ford government says Ontario needs to increase urban density by building 1.5 million new homes over the next decade. (Evan Mitsui/CBC)

Ontario mayors are raising concerns about a new report from a Ford government task force that recommends taking some control over housing policy away from municipalities and giving it to the province.

Among other things, the report from the Housing Affordability Task Force, released early Tuesday morning, is calling for "binding provincial action" to allow buildings up to four storeys tall, and up to four units, on a residential lot. It's also calling for less public consultation.

Toronto Mayor John Tory told reporters Tuesday he's had "extensive discussions" with Premier Doug Ford and Municipal Affairs and Housing Minister Steve Clark.

"I have emphasized to them that it is local officials ... who know best, not the provincial government," Tory said.

The task force recommendations aim to have 1.5 million homes built in the next 10 years across Ontario at a time when an estimated 70 per cent of land zoned for housing in Toronto is restricted to single-detached or semi-detached homes. That's as the cost of buying a home has nearly tripled in the area over the past 10 years.

"I am truly disappointed in the housing task force report," said Aurora Mayor Tom Mrakas in a statement.

"Apparently, the solution to the housing affordability crisis is to limit public input and allow developers to build whatever they want, wherever they want. Profit driven public planning won't solve the affordability crisis in our communities."

Mayor John Tory says it should be the responsibility of the municipal government, not the province, to plan out urban areas based on the needs of people living in Toronto. 0:41

The report specifies that affordable housing was not part of the task force's mandate and that cabinet would deal with that issue separately.

A statement released Tuesday by the organization Ontario Big City Mayors, of which Tory is a member, also expressed concerns.

"Unilateral actions, absent municipal input, may have unintended consequences that slow down development and reduce the community support needed to continue to sustainably add housing," the statement reads.

"While overcoming NIMBYism is essential to success, so is respect for local decision-making and the democratic process."

Changing NIMBYism to 'YIMBYism'

The acronym NIMBY stands for "Not In My Back Yard" and describes a belief among some homeowners in single-family neighbourhoods that building denser communities and more affordable housing is great in theory, but not close to where they live.

The task force report raises concerns with NIMBYism, which it says some have now re-termed BANANA (Build Absolutely Nothing Anywhere Near Anything).

"My neighbour can tear down what was there to build a monster home, but I'm not allowed to add a basement suite to my home," the report quotes one homeowner as saying.

Ontario Premier Doug Ford is pictured here speaking to reporters with Minister of Municipal Affairs and Housing Steve Clark in Toronto on Sept. 10, 2018. (Christopher Katsarov/The Canadian Press)

Bilal Akhtar is hoping the recommendations in the report will mean the end of stories like that. Akhtar is with More Neighbours Toronto, an organization pushing for the building of more "new multi-family homes in every neighbourhood," according to its website.

"You are looking at less red tape, you are looking at faster time to approval for some projects," he said.

He describes his group as having a YIMBY focus, meaning "Yes In My Backyard."

- **Doug Ford's government wants housing built quickly, but this project is in limbo**
- **Metrolinx sells public land to developer for \$64.5M with no conditions for affordable housing**

Akhtar was happy to see the recommendation to allow mid-rise buildings of up to 11 storeys along transit corridors, plus permitting up to four suites in one residential lot.

"That is going to unlock a lot of land."

Deterring investors who push up housing prices

The Toronto Region Board of Trade also supports the recommendation to allow those increases in housing density to "help address the affordability crisis that we have highlighted on behalf of the region's business community," the board said in a news release.

"Put simply, this would be good for businesses and good for people looking for homes," said Jan De Silva, the organization's president.

The report focused only on adding supply to the housing market, not on measures that could decrease demand, especially from investors who snap up multiple homes.

Experts have warned that people who own at least two properties make up a larger share of the market, pushing up prices.

"The discussion has been laser-focused on supply and we're forgetting that there's obviously the other side to this economic equation, which is demand and what's driving it," said realtor John Pasalis with Realosophy.

While he called the report's recommendations positive, he expects it'll take five to 15 years to see their effect on the housing market.

"The demand side policies typically have a more immediate impact," Pasalis said.



Legislative Services
Michael de Rond
905-726-4771
clerks@aurora.ca

Town of Aurora
100 John West Way, Box 1000
Aurora, ON L4G 6J1

February 22, 2022

Delivered by email
premier@ontario.ca

The Honourable Doug Ford
Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Dear Premier:

Re: Town of Aurora Council Resolution of February 22, 2022

Re: Item 10.1 – Mayor Mrakas; Re: Request to Dissolve Ontario Land Tribunal (OLT)

Please be advised that this matter was considered by Council at its meeting held on February 22, 2022, and in this regard, Council adopted the following resolution:

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, "that future planning and development will meet the specific needs of (our) community"; and

Whereas our Official Plan includes provisions that encourage development of the "missing middle" or "gentle density" to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the Town of Aurora Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the Town of Aurora Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or "OMB"), an unelected, appointed body that is not accountable to the residents of Aurora; and

Whereas the OLT has the authority to make a final decision on planning matters based on a "best planning outcome" and not whether the proposed development is in compliance with municipal Official Plans; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings add years to the development approval process and acts as a barrier to the development of attainable housing;

- 1. Now Therefore Be It Hereby Resolved That Town of Aurora Council requests the Government of Ontario to dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and**
- 2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and**
- 3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.**

The above is for your consideration and any attention deemed necessary.

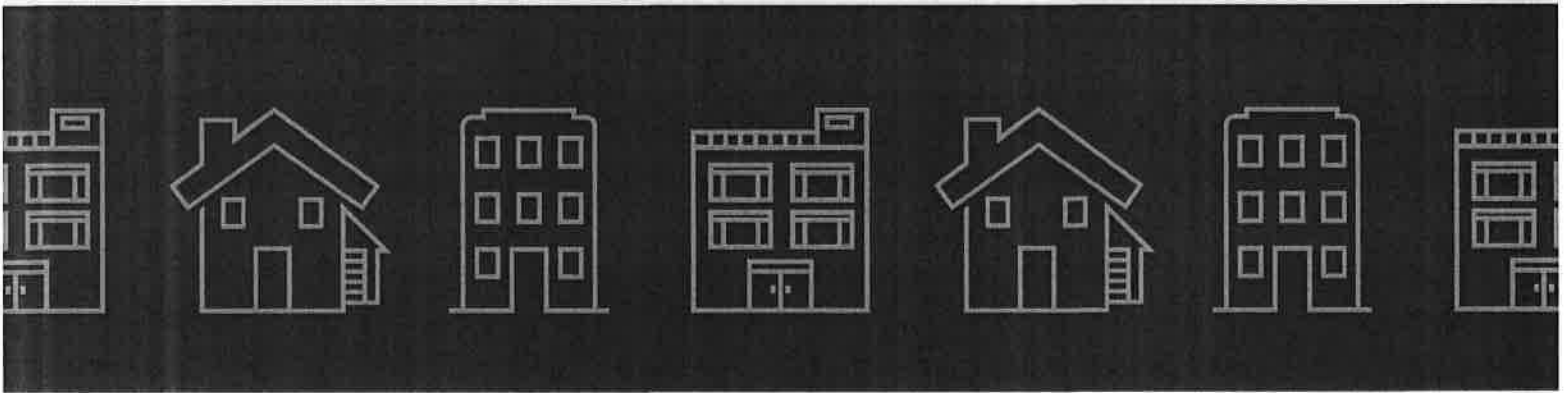
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael de Rond', written in a cursive style.

Michael de Rond
Town Clerk
The Corporation of the Town of Aurora

MdR/is

Copy: Hon. Steve Clark, Minister of Municipal Affairs and Housing
Andrea Horwath, Leader of the Opposition, New Democratic Party
Steven Del Luca, Leader, Ontario Liberal Party
Mike Schreiner, Leader, Green Party of Ontario
All MPPs in the Province of Ontario
Large Urban Mayors' Caucus of Ontario (Ontario's Big City Mayors)
Small Urban GTHA Mayors
Regional Chairs of Ontario
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities



Report of the
**Ontario Housing
Affordability Task Force**

February 8, 2022

Contents

Letter to Minister Clark.....	3
Executive summary and recommendations.....	4
Introduction.....	6
Focus on getting more homes built.....	9
Making land available to build.....	10
Cut the red tape so we can build faster and reduce costs.....	15
Reduce the costs to build, buy and rent.....	18
Support and incentivize scaling up housing supply.....	22
Conclusion	26
Appendix A: Biographies of Task Force Members	27
Appendix B: Affordable Housing.....	29
Appendix C: Government Surplus Land.....	31
Appendix D: Surety Bonds.....	32
References.....	33

Letter to Minister Clark

Dear Minister Clark,

Hard-working Ontarians are facing a housing crisis. For many years, the province has not built enough housing to meet the needs of our growing population. While the affordability crisis began in our large cities, it has now spread to smaller towns and rural communities.

Efforts to cool the housing market have only provided temporary relief to home buyers. The long-term trend is clear: house prices are increasing much faster than Ontarian's incomes. The time for action is now.

When striking the Housing Affordability Task Force, you and Premier Ford were clear: you wanted actionable, concrete solutions to help Ontarians and there was no time to waste. You asked us to be bold and gave us the freedom and independence to develop our recommendations.

In the past two months, we have met municipal leaders, planners, unions, developers and builders, the financial sector, academics, think tanks and housing advocates. Time was short, but solutions emerged consistently around these themes:

- More housing density across the province
- End exclusionary municipal rules that block or delay new housing
- Depoliticize the housing approvals process
- Prevent abuse of the housing appeals system
- Financial support to municipalities that build more housing

We present this report to you not as an "all or nothing" proposal, but rather as a list of options that the government has at its disposal to help address housing affordability for Ontarians and get more homes built. We propose an ambitious but achievable target: 1.5 million new homes built in the next ten years.

Parents and grandparents are worried that their children will not be able to afford a home when they start working or decide to start a family. Too many Ontarians are unable to live in their preferred city or town because they cannot afford to buy or rent.

The way housing is approved and built was designed for a different era when the province was less constrained by space and had fewer people. But it no longer meets the needs of Ontarians. The balance has swung too far in favour of lengthy consultations, bureaucratic red tape, and costly appeals. It is too easy to oppose new housing and too costly to build. We are in a housing crisis and that demands immediate and sweeping reforms.

It has been an honour to serve as Chair, and I am proud to submit this report on behalf of the entire Task Force.



Jake Lawrence

Chair, Housing Affordability Task Force

Chief Executive Officer and Group Head, Global Banking and Markets, Scotiabank

Executive summary and recommendations

House prices in Ontario have almost tripled in the past 10 years, growing much faster than incomes. This has home ownership beyond the reach of most first-time buyers across the province, even those with well-paying jobs. Housing has become too expensive for rental units and it has become too expensive in rural communities and small towns. The system is not working as it should.

For too long, we have focused on solutions to “cool” the housing market. It is now clear that we do not have enough homes to meet the needs of Ontarians today, and we are not building enough to meet the needs of our growing population. If this problem is not fixed – by creating more housing to meet the growing demand – housing prices will continue to rise. We need to build more housing in Ontario.

This report sets out recommendations that would set a bold goal and clear direction for the province, increase density, remove exclusionary rules that prevent housing growth, prevent abuse of the appeals process, and make sure municipalities are treated as partners in this process by incentivizing success.

Setting bold targets and making new housing the planning priority

Recommendations 1 and 2 urge Ontario to set a bold goal of adding 1.5 million homes over the next 10 years and update planning guidance to make this a priority.

The task force then recommends actions in five main areas to increase supply:

Require greater density

Land is not being used efficiently across Ontario. In too many neighbourhoods, municipal rules only allow single-family homes – not even a granny suite. Taxpayers have invested heavily in subway, light rail, bus and rail lines and highways, and the streets nearby are ideally suited for more mid- and high-rise housing. Underused or redundant commercial and industrial buildings are ripe to be redeveloped into housing or mixed commercial and residential use. New housing on undeveloped land should also be higher density than traditional suburbs, especially close to highways.

Adding density in all these locations makes better use of infrastructure and helps to save land outside urban boundaries. Implementing these recommendations will provide Ontarians with many more options for housing.

Recommendations 3 through 11 address how Ontario can quickly create more housing supply by allowing more housing in more locations “as of right” (without the need for municipal approval) and make better use of transportation investments.

Reduce and streamline urban design rules

Municipalities require numerous studies and set all kinds of rules for adding housing, many of which go well beyond the requirements of the provincial Planning Act. While some of this guidance has value for urban design, some rules appear to be arbitrary and not supported by evidence – for example, requiring condo buildings to include costly parking stalls even though many go unsold. These rules and requirements result in delays and extra costs that make housing either impossible to build or very expensive for the eventual home buyer or renter.

Recommendation 12 would set uniform provincial standards for urban design, including building shadows and setbacks, do away with rules that prioritize preservation of neighbourhood physical character over new housing, no longer require municipal approval of design matters like a building’s colour, texture, type of material or window details, and remove or reduce parking requirements.

Depoliticize the process and cut red tape

NIMBYism (not in my backyard) is a major obstacle to building housing. It drags out the approval process, pushes up costs, and keeps out new residents. Because local councillors depend on the votes of residents who want to keep the status quo, the planning process has become politicized. Municipalities allow far more public consultation than is required, often using formats that make it hard for working people and families with young children to take part. Too few technical decisions are delegated to municipal staff. Pressure to designate buildings with little or no heritage value as “heritage” if development is proposed and bulk listings of properties with “heritage potential” are also standing in the way of getting homes built. Dysfunction throughout the system, risk aversion and needless bureaucracy have resulted in a situation where Ontario lags the rest of Canada and the developed world in approval times. Ontarians have waited long enough.

Recommendations 13 through 25 would require municipalities to limit consultations to the legislated maximum, ensure people can take part digitally, mandate the delegation of technical decisions, prevent abuse of the heritage process and see property owners compensated for financial loss resulting from designation, restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews, legislate timelines for approvals and enact several other common sense changes that would allow housing to be built more quickly and affordably.

Fix the Ontario Land Tribunal

Largely because of the politicization of the planning process, many proponents look to the Tribunal, a quasi-judicial body, to give the go-ahead to projects that should have been approved by the municipality. Even when there is municipal approval, however, opponents appeal to the Tribunal – paying only a \$400 fee – knowing that this may well succeed in delaying a project to the point where it might no longer make economic sense. As a result, the Tribunal faces a backlog of more than 1,000 cases and is seriously under-resourced.

Recommendations 26 through 31 seek to weed out or prevent appeals aimed purely at delaying projects, allow adjudicators to award costs to proponents in more cases, including instances where a municipality has refused an approval to avoid missing a legislated deadline, reduce the time to issue decisions, increase funding, and encourage the Tribunal to prioritize cases that would increase housing supply quickly as it tackles the backlog.

Support municipalities that commit to transforming the system

Fixing the housing crisis needs everyone working together. Delivering 1.5 million homes will require the provincial and federal governments to invest in change. Municipalities that make the difficult but necessary choices to grow housing supply should be rewarded, and those that resist new housing should see funding reductions.

Recommendations 49 and 50 call for Ontario government to create a large “Ontario Housing Delivery Fund” and encourage the federal government to match funding, and suggest how the province should reward municipalities that support change and reduce funding for municipalities that do not.

This executive summary focuses on the actions that will get the most housing units approved and built in the shortest time. Other recommendations in the report deal with issues that are important but may take more time to resolve or may not directly increase supply (recommendation numbers are indicated in brackets): improving tax and municipal financing (**32-37, 39, 42-44**); encouraging new pathways to home ownership (**38, 40, 41**); and addressing labour shortages in the construction industry (**45-47**).

This is not the first attempt to “fix the housing system”. There have been efforts for years to tackle increasing housing prices and find solutions. This time must be different. **Recommendations 50-55** set out ways of helping to ensure real and concrete progress on providing the homes Ontarians need.

Introduction

Ontario is in a housing crisis. Prices are skyrocketing: the average price for a house across Ontario was \$923,000 at the end of 2021.^[1] Ten years ago, the average price was \$329,000.^[2] Over that period, average house prices have climbed 180% while average incomes have grown roughly 38%.^{[3] [4]}

Not long ago, hard-working Ontarians – teachers, construction workers, small business owners – could afford the home they wanted. In small towns, it was reasonable to expect that you could afford a home in the neighbourhood you grew up in. Today, home ownership or finding a quality rental is now out of reach for too many Ontarians. The system is not working as it should be.

Housing has become too expensive for rental units and it has become too expensive in rural communities and small towns.

While people who were able to buy a home a decade or more ago have built considerable personal equity, the benefits of having a home aren't just financial. Having a place to call home connects people to their community, creates a gathering place for friends and family, and becomes a source of pride.

Today, the reality for an ever-increasing number of Ontarians is quite different. Everyone in Ontario knows people who are living with the personal and financial stress of not being able to find housing they can afford. The young family who can't buy a house within two hours of where they work. The tenant with a good job who worries about

where she'll find a new apartment she can afford if the owner decides to sell. The recent graduate who will have to stay at home for a few more years before he can afford to rent or buy.

While the crisis is widespread, it weighs more heavily on some groups than on others. Young people starting a family who need a larger home find themselves priced out of the market. Black, Indigenous and marginalized people face even greater challenges. As Ontarians, we have only recently begun to understand and address the reality of decades of systemic racism that has resulted in lower household incomes, making the housing affordability gap wider than average.

The high cost of housing has pushed minorities and lower income Ontarians further and further away from job markets. Black and Indigenous homeownership rates are less than half of the provincial average.^[5] And homelessness rates among Indigenous Peoples are 11 times the national average. When housing prevents an individual from reaching their full potential, this represents a loss to every Ontarian: lost creativity, productivity, and revenue. Lost prosperity for individuals and for the entire Ontario economy.



As much as we read about housing affordability being a challenge in major cities around the world, the depth of the challenge has become greater in Ontario and Canada than almost anywhere in the developed world.



Canada has the lowest amount of housing per population of any G7 country.

How did we get here? Why do we have this problem?

A major factor is that there just isn't enough housing. A 2021 Scotiabank study showed that Canada has the fewest housing units per population of any G7 country – and, our per capita housing supply has *dropped* in the past five years.^[6] An update to that study released in January 2022 found that two thirds of Canada's housing shortage is in Ontario.^[7] Today, Ontario is 1.2 million homes – rental or owned – short of the G7 average. With projected population growth, that huge gap is widening, and bridging it will take immediate, bold and purposeful effort. And to support population growth in the next decade, we will need one million more homes.

While governments across Canada have taken steps to “cool down” the housing market or provide help to first-time buyers, these demand-side solutions only work if there is enough supply. Shortages of supply in any market have a direct impact on affordability. Scarcity breeds price increases. Simply put, if we want more Ontarians to have housing, we need to build more housing in Ontario.

Ontario must build 1.5 million homes over the next 10 years to address the supply shortage

The housing crisis impacts all Ontarians. The ripple effect of the crisis also holds back Ontario reaching its full potential.

Economy

Businesses of all sizes are facing problems finding and retaining workers. Even high-paying jobs in technology and manufacturing are hard to fill because there's not enough housing nearby. This doesn't just dampen the economic growth of cities, it makes them less vibrant, diverse, and creative, and strains their ability to provide essential services.

Public services

Hospitals, school boards and other public service providers across Ontario report challenges attracting and retaining staff because of housing costs. One town told us that it

could no longer maintain a volunteer fire department, because volunteers couldn't afford to live within 10 minutes drive of the firehall.

Environment

Long commutes contribute to air pollution and carbon emissions. An international survey of 74 cities in 16 countries found that Toronto, at 96 minutes both ways, had the longest commute times in North America and was essentially tied with Bogota, Colombia, for the longest commute time worldwide.^[8] Increasing density in our cities and around major transit hubs helps reduce emissions to the benefit of everyone.

Ontario must build

1.5M

homes over the next **10 years**
to address the supply shortage.



Our mandate and approach

Ontario's Minister of Municipal Affairs and Housing tasked us with recommending ways to accelerate our progress in closing the housing supply gap to improve housing affordability.

Time is of the essence. Building housing now is exactly what our post-pandemic economy needs. Housing construction creates good-paying jobs that cannot be outsourced to other countries. Moreover, the pandemic gave rise to unprecedented levels of available capital that can be invested in housing – if we can just put it to work.

We represent a wide range of experience and perspectives that includes developing, financing and building homes, delivering affordable housing, and researching housing market trends, challenges and solutions. Our detailed biographies appear as [Appendix A](#).



We acknowledge that every house in Ontario is built on the traditional territory of Indigenous Peoples.



People in households that spend 30% or more of total household income on shelter expenses are defined as having a “housing affordability” problem. Shelter expenses include electricity, oil, gas, coal, wood or other fuels, water and other municipal services, monthly mortgage payments, property taxes, condominium fees, and rent.

Our mandate was to focus on how to increase market housing supply and affordability. By market housing, we are referring to homes that can be purchased or rented without government support.

Affordable housing (units provided at below-market rates with government support) was not part of our mandate.

The Minister and his cabinet colleagues are working on that issue. Nonetheless, almost every stakeholder we spoke with had ideas that will help deliver market housing and also make it easier to deliver affordable housing. However, affordable housing is a societal responsibility and will require intentional investments and strategies to bridge the significant affordable housing gap in this province. We have included a number of recommendations aimed at affordable housing in the body of this report, but have also included further thoughts in [Appendix B](#).

We note that government-owned land was also outside our mandate. Many stakeholders, however, stressed the value of surplus or underused public land and land associated with major transit investments in finding housing solutions. We agree and have set out some thoughts on that issue in [Appendix C](#).

How we did our work

Our Task Force was struck in December 2021 and mandated to deliver a final report to the Minister by the end of January 2022. We were able to work to that tight timeline because, in almost all cases, viewpoints and feasible solutions are well known. In addition, we benefited from insights gleaned from recent work to solve the problem in other jurisdictions.

During our deliberations, we met with and talked to over 140 organizations and individuals, including industry associations representing builders and developers, planners, architects, realtors and others; labour unions; social justice advocates; elected officials at the municipal level; academics and research groups; and municipal planners. We also received written submissions from many of these participants. In addition, we drew on the myriad public reports and papers listed in the [References](#).

We thank everyone who took part in sessions that were uniformly helpful in giving us a deeper understanding of the housing crisis and the way out of it. We also thank the staff of the Ministry of Municipal Affairs and Housing who provided logistical and other support, including technical briefings and background.

The way forward

The single unifying theme across all participants over the course of the Task Force's work has been the urgency to take decisive action. Today's housing challenges are incredibly complex. Moreover, developing land, obtaining approvals, and building homes takes years.

Some recommendations will produce immediate benefits, others will take years for the full impact.

This is why there is no time to waste. We urge the Minister of Municipal Affairs and Housing and his cabinet colleagues to continue measures they have already taken to accelerate housing supply and to move quickly in turning the recommendations in this report into decisive new actions.

The province must set an ambitious and bold goal to build 1.5 million homes over the next 10 years. If we build 1.5 million new homes over the next ten years, Ontario can fill the housing gap with more affordable choices, catch up to the rest of Canada and keep up with population growth.

By working together, we can resolve Ontario's housing crisis. In so doing, we can build a more prosperous future for everyone.

The balance of this report lays out our recommendations.

Focus on getting more homes built

Resolving a crisis requires intense focus and a clear goal. The province is responsible for the legislation and policy that establishes the planning, land use, and home building goals, which guide municipalities, land tribunals, and courts. Municipalities are then responsible for implementing provincial policy in a way that works for their communities. The province is uniquely positioned to lead by shining a spotlight on this issue, setting the tone, and creating a single, galvanizing goal around which federal support, provincial legislation, municipal policy, and the housing market can be aligned.

In 2020, Ontario built about 75,000 housing units.^[9] For this report, we define a housing unit (home) as a single dwelling (detached, semi-detached, or attached), apartment, suite, condominium or mobile home. Since 2018, housing completions have grown every year as a result of positive measures that the province and some municipalities have implemented to encourage more home building. But we are still 1.2 million homes short when compared to other G7 countries and our population is growing. The goal of 1.5 million homes feels daunting – but reflects both the need and what is possible. In fact, throughout the 1970s Ontario built more housing units each year than we do today.^[10]

The second recommendation is designed to address the growing complexity and volume of rules in the legislation, policy, plans and by-laws, and their competing priorities, by providing clear direction to provincial agencies, municipalities, tribunals, and courts on the overriding priorities for housing.

1. Set a goal of building 1.5 million new homes in ten years.
2. Amend the Planning Act, Provincial Policy Statement, and Growth Plans to set “growth in the full spectrum of housing supply” and “intensification within existing built-up areas” of municipalities as the most important residential housing priorities in the mandate and purpose.



The “missing middle” is often cited as an important part of the housing solution. We define the missing middle as mid-rise condo or rental housing, smaller houses on subdivided lots or in laneways and other additional units in existing houses.

Making land available to build

The Greater Toronto Area is bordered on one side by Lake Ontario and on the other by the protected Greenbelt. Similarly, the Ottawa River and another Greenbelt constrain land supply in Ottawa, the province's second-largest city.

But a shortage of land isn't the cause of the problem. Land is available, both inside the existing built-up areas and on undeveloped land outside greenbelts.

We need to make better use of land. Zoning defines what we can build and where we can build. If we want to make better use of land to create more housing, then we need to modernize our zoning rules. We heard from planners, municipal councillors, and developers that "as of right" zoning – the ability to by-pass long, drawn out consultations and zoning by-law amendments – is the most effective tool in the provincial toolkit. We agree.

Stop using exclusionary zoning that restricts more housing

Too much land inside cities is tied up by outdated rules. For example, it's estimated that 70% of land zoned for housing in Toronto is restricted to single-detached or semi-detached homes.^[11] This type of zoning prevents homeowners from adding additional suites to create housing for Ontarians and income for themselves. As one person said, "my neighbour can tear down what was there to build a monster home, but I'm not allowed to add a basement suite to my home."

It's estimated that

70%

of land zoned for housing in Toronto is restricted to **single-detached** or **semi-detached** homes.



While less analysis has been done in other Ontario communities, it's estimated that about half of all residential land in Ottawa is zoned for single-detached housing, meaning nothing else may be built on a lot without public consultation and an amendment to the zoning by-law. In some suburbs around Toronto, single unit zoning dominates residential land use, even close to GO Transit stations and major highways.

One result is that more growth is pushing past urban boundaries and turning farmland into housing. Undeveloped land inside and outside existing municipal boundaries must be part of the solution, particularly in northern and rural communities, but isn't nearly enough on its own. Most of the solution must come from densification. Greenbelts and other environmentally sensitive areas must be protected, and farms provide food and food security. Relying too heavily on undeveloped land would whittle away too much of the already small share of land devoted to agriculture.

Modernizing zoning would also open the door to more rental housing, which in turn would make communities more inclusive.

Allowing more gentle density also makes better use of roads, water and wastewater systems, transit and other public services that are already in place and have capacity, instead of having to be built in new areas.

The Ontario government took a positive step by allowing secondary suites (e.g., basement apartments) across the province in 2019. However, too many municipalities still place too many restrictions on implementation. For the last three years, the total number of secondary suites in Toronto has actually declined each year, as few units get permitted and owners convert two units into one.^[12]

These are the types of renovations and home construction performed by small businesses and local trades, providing them with a boost.

Underused and vacant commercial and industrial properties are another potential source of land for housing. It was suggested to us that one area ripe for redevelopment into a mix of commercial and residential uses is the strip mall, a leftover from the 1950s that runs along major suburban streets in most large Ontario cities.

“As of right” zoning allows more kinds of housing that are accessible to more kinds of people. It makes neighbourhoods stronger, richer, and fairer. And it will get more housing built in existing neighbourhoods more quickly than any other measure.

3. Limit exclusionary zoning in municipalities through binding provincial action:

- a) Allow “as of right” residential housing up to four units and up to four storeys on a single residential lot.
- b) Modernize the Building Code and other policies to remove any barriers to affordable construction and to ensure meaningful implementation (e.g., allow single-staircase construction for up to four storeys, allow single egress, etc.).

4. Permit “as of right” conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use.

5. Permit “as of right” secondary suites, garden suites, and laneway houses province-wide.

6. Permit “as of right” multi-tenant housing (renting rooms within a dwelling) province-wide.

7. Encourage and incentivize municipalities to increase density in areas with excess school capacity to benefit families with children.

Align investments in roads and transit with growth

Governments have invested billions of dollars in highways, light rail, buses, subways and trains in Ontario. But without ensuring more people can live close to those transit routes, we're not getting the best return on those infrastructure investments.

Access to transit is linked to making housing more affordable: when reliable transit options are nearby, people can get to work more easily. They can live further from the centre of the city in less expensive areas without the added cost of car ownership.

The impacts of expanding public transit go far beyond serving riders. These investments also spur economic growth and reduce traffic congestion and emissions. We all pay for the cost of transit spending, and we should all share in the benefits.

If municipalities achieve the right development near transit – a mix of housing at high- and medium-density, office space and retail – this would open the door to better ways of funding the costs. Other cities, like London, UK and Hong Kong, have captured the impacts of increased land value and business activity along new transit routes to help with their financing.

Ontario recently created requirements (residents/hectare) for municipalities to zone for higher density in transit corridors and “major transit station areas”.^{[13a] [13b]} These are areas surrounding subway and other rapid transit stations and hubs. However, we heard troubling reports that local opposition is blocking access to these neighbourhoods and to critical public transit stations. City staff, councillors, and the province need to stand up to these tactics and speak up for the Ontarians who need housing.

The Province is also building new highways in the Greater Golden Horseshoe, and it's important to plan thoughtfully for the communities that will follow from these investments, to make sure they are compact and liveable.

8. Allow “as of right” zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years if municipal zoning remains insufficient to meet provincial density targets.
9. Allow “as of right” zoning of six to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).
10. Designate or rezone as mixed commercial and residential use all land along transit corridors and redesignate all Residential Apartment to mixed commercial and residential zoning in Toronto.
11. Support responsible housing growth on undeveloped land, including outside existing municipal boundaries, by building necessary infrastructure to support higher density housing and complete communities and applying the recommendations of this report to all undeveloped land.

Start saying “yes in my backyard”

Even where higher density is allowed in theory, the official plans of most cities in Ontario contain conflicting goals like maintaining “prevailing neighbourhood character”. This bias is reinforced by detailed guidance that often follows from the official plan. Although requirements are presented as “guidelines”, they are often treated as rules.

Examples include:

- Angular plane rules that require successively higher floors to be stepped further back, cutting the number of units that can be built by up to half and making many projects uneconomic
- Detailed rules around the shadows a building casts
- Guidelines around finishes, colours and other design details

One resident’s desire to prevent a shadow being cast in their backyard or a local park frequently prevails over concrete proposals to build more housing for multiple families. By-laws and guidelines that preserve “neighbourhood character” often prevent simple renovations to add new suites to existing homes. The people who suffer are mostly young, visible minorities, and marginalized people. It is the perfect

example of a policy that appears neutral on its surface but is discriminatory in its application.^[14]

Far too much time and money are spent reviewing and holding consultations for large projects which conform with the official plan or zoning by-law and small projects which would cause minimal disruption. The cost of needless delays is passed on to new home buyers and tenants.

Minimum parking requirements for each new unit are another example of outdated municipal requirements that increase the cost of housing and are increasingly less relevant with public transit and ride share services. Minimum parking requirements add as much as \$165,000 to the cost of a new housing unit, even as demand for parking spaces is falling: data from the Residential Construction Council of Ontario shows that in new condo projects, one in three parking stalls goes unsold. We applaud the recent vote by Toronto City Council to scrap most minimum parking requirements. We believe other cities should follow suit.

While true heritage sites are important, heritage preservation has also become a tool to block more housing. For example, some municipalities add thousands of properties at a time to a heritage register because they have “potential” heritage value. Even where a building isn’t heritage designated or registered, neighbours increasingly demand it be as soon as a development is proposed.

This brings us to the role of the “not in my backyard” or NIMBY sentiment in delaying or stopping more homes from being built.



New housing is often the last priority

A proposed building with market and affordable housing units would have increased the midday shadow by 6.5% on a nearby park at the fall and spring equinox, with no impact during the summer months. To conform to a policy that does not permit “new net shadow on specific parks”, seven floors of housing, including 26 affordable housing units, were sacrificed.

Multiple dry cleaners along a transit route were designated as heritage sites to prevent new housing being built. It is hard not to feel outrage when our laws are being used to prevent families from moving into neighbourhoods and into homes they can afford along transit routes.

NIMBY versus YIMBY

NIMBYism (not in my backyard) is a large and constant obstacle to providing housing everywhere. Neighbourhood pushback drags out the approval process, pushes up costs and discourages investment in housing. It also keeps out new residents. While building housing is very costly, opposing new housing costs almost nothing.

Unfortunately, there is a strong incentive for individual municipal councillors to fall in behind community opposition – it's existing residents who elect them, not future ones. The outcry of even a handful of constituents (helped by the rise of social media) has been enough, in far too many cases, to persuade their local councillor to vote against development even while admitting its merits in private. There is a sense among some that it's better to let the Ontario Land Tribunal approve the development on appeal, even if it causes long delays and large cost increases, then to take the political heat.

Mayors and councillors across the province are fed up and many have called for limits on public consultations and more "as of right" zoning. In fact, some have created a new term for NIMBYism: BANANAs – Build Absolutely Nothing Anywhere Near Anything, causing one mayor to comment "NIMBYism has gone BANANAs". We agree. In a growing, thriving society, that approach is not just bad policy, it is exclusionary and wrong.

As a result, technical planning decisions have become politicized. One major city has delegated many decisions to senior staff, but an individual councillor can withdraw the delegation when there is local opposition and force a vote at Council. We heard that this situation is common across the province, creating an electoral incentive for a councillor to delay or stop a housing proposal, or forcing a councillor to pay the electoral cost of supporting it. Approvals of individual housing applications should be the role of professional staff, free from political interference.

The pressure to stop any development is now so intense that it has given rise to a counter-movement – YIMBYism, or "yes in my backyard," led by millennials who recognize entrenched opposition to change as a huge obstacle to finding a home. They provide a voice at public consultations for young people, new immigrants and refugees, minority groups, and Ontarians struggling to access housing by connecting our ideals to the reality of housing. People who welcome immigrants to Canada should welcome them to the neighbourhood, fighting climate change means supporting higher-density housing, and "keeping the neighbourhood the way it is" means keeping it off-limits. While anti-housing voices can be loud,

a member of More Neighbours Toronto, a YIMBY group that regularly attends public consultations, has said that the most vocal opponents usually don't represent the majority in a neighbourhood. Survey data from the Ontario Real Estate Association backs that up, with almost 80% of Ontarians saying they are in favour of zoning in urban areas that would encourage more homes.

Ontarians want a solution to the housing crisis. We cannot allow opposition and politicization of individual housing projects to prevent us from meeting the needs of all Ontarians.

12. Create a more permissive land use, planning, and approvals system:

- a) Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood
- b) Exempt from site plan approval and public consultation all projects of 10 units or less that conform to the Official Plan and require only minor variances
- c) Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes; restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the Planning Act and reduce or eliminate minimum parking requirements; and
- d) Remove any floorplate restrictions to allow larger, more efficient high-density towers.

13. Limit municipalities from requesting or hosting additional public meetings beyond those that are required under the Planning Act.

14. Require that public consultations provide digital participation options.

15. Require mandatory delegation of site plan approvals and minor variances to staff or pre-approved qualified third-party technical consultants through a simplified review and approval process, without the ability to withdraw Council's delegation.

- 16.** Prevent abuse of the heritage preservation and designation process by:
 - a) Prohibiting the use of bulk listing on municipal heritage registers
 - b) Prohibiting reactive heritage designations after a Planning Act development application has been filed
- 17.** Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.
- 18.** Restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews.

We have heard mixed feedback on Committees of Adjustment. While they are seen to be working well in some cities, in others they are seen to simply add another lengthy step in the process. We would urge the government to first implement our recommendation to delegate minor variances and site plan approvals to municipal staff and then assess whether Committees of Adjustment are necessary and an improvement over staff-level decision making.

Cut the red tape so we can build faster and reduce costs

One of the strongest signs that our approval process is not working: of 35 OECD countries, only the Slovak Republic takes longer than Canada to approve a building project. The UK and the US approve projects three times faster without sacrificing quality or safety. And they save home buyers and tenants money as a result, making housing more affordable.^[15]

A 2020 survey of development approval times in 23 Canadian cities shows Ontario seriously lagging: Hamilton (15th), Toronto (17th), Ottawa (21st) with approval times averaging between 20-24 months. These timelines do not include building permits, which take about two years for an apartment building in Toronto. Nor did they count the time it takes for undeveloped land to be designated for housing, which the study notes can take five to ten years.^[16]

Despite the good intentions of many people involved in the approvals and home-building process, decades of dysfunction in the system and needless bureaucracy have made it too difficult for housing approvals to keep up with the needs of Ontarians. There appear to be numerous reasons why Ontario performs so poorly against other Canadian cities and the rest of the developed world. We believe that the major problems can be summed up as:

- Too much complexity in the planning process, with the page count in legislation, regulation, policies, plans, and by-laws growing every year
- Too many studies, guidelines, meetings and other requirements of the type we outlined in the previous section, including many that go well beyond the scope of Ontario's Planning Act
- Reviews within municipalities and with outside agencies that are piecemeal, duplicative (although often with conflicting outcomes) and poorly coordinated
- Process flaws that include reliance on paper
- Some provincial policies that are more relevant to urban development but result in burdensome, irrelevant requirements when applied in some rural and northern communities.



All of this has contributed to widespread failure on the part of municipalities to meet required timelines. The provincial Planning Act sets out deadlines of 90 days for decisions on zoning by-law amendments, 120 days for plans of subdivision, and 30 days for site plan approval, but municipalities routinely miss these without penalty. For other processes, like site plan approval or provincial approvals, there are no timelines and delays drag on. The cost of delay falls on the ultimate homeowner or tenant.

The consequences for homeowners and renters are enormous. Ultimately, whatever cost a builder pays gets passed on to the buyer or renter. As one person said: "Process is the biggest project killer in Toronto because developers have to carry timeline risk."

Site plan control was often brought up as a frustration. Under the Planning Act, this is meant to be a technical review of the external features of a building. In practice, municipalities often expand on what is required and take too long to respond.

Then: In 1966, a draft plan of subdivision in a town in southwestern Ontario to provide 529 low-rise and mid-rise housing units, a school site, a shopping centre and parks was approved by way of a two-page letter setting out 10 conditions. It took seven months to clear conditions for final approval.

And now: In 2013, a builder started the approval process to build on a piece of serviced residential land in a seasonal resort town. Over the next seven years, 18 professional consultant reports were required, culminating in draft plan approval containing 50 clearance conditions. The second approval, issued by the Local Planning Appeals Board in 2020, ran to 23 pages. The developer estimates it will be almost 10 years before final approval is received.

An Ontario Association of Architects study calculating the cost of delays between site plan application and approval concluded that for a 100-unit condominium apartment building, each additional month of delay costs the applicant an estimated \$193,000, or \$1,930 a month for each unit.^[12]

A 2020 study done for the Building Industry and Land Development Association (BILD) looked at impacts of delay on low-rise construction, including single-detached homes. It estimated that every month an approval is delayed adds, on average, \$1.46 per square foot to the cost of a single home. A two-year delay, which is not unusual for this housing type, adds more than \$70,000 to the cost of a 2,000-square-foot house in the GTA.^[16]

Getting rid of so much unnecessary and unproductive additional work would significantly reduce the burden on staff.^[16] It would help address the widespread shortages of planners and building officials. It would also bring a stronger sense among municipal staff that they are part of the housing solution and can take pride in helping cut approval times and lower the costs of delivering homes.

Adopt common sense approaches that save construction costs

Wood using “mass timber” – an engineer compressed wood, made for strength and weight-bearing – can provide a lower-cost alternative to reinforced concrete in many mid-rise projects, but Ontario’s Building Code is hampering its use. Building taller with wood offers advantages beyond cost:

- Wood is a renewable resource that naturally sequesters carbon, helping us reach our climate change goals

- Using wood supports Ontario’s forestry sector and creates jobs, including for Indigenous people

British Columbia’s and Quebec’s building codes allow woodframe construction up to 12 storeys, but Ontario limits it to six. By amending the Building Code to allow 12-storey woodframe construction, Ontario would encourage increased use of forestry products and reduce building costs.

Finally, we were told that a shift in how builders are required to guarantee their performance would free up billions of dollars to build more housing. Pay on demand surety bonds are a much less onerous option than letters of credit, and are already accepted in Hamilton, Pickering, Innisfil, Whitchurch-Stouffville and other Ontario municipalities. We outline the technical details in [Appendix D](#).

19. Legislate timelines at each stage of the provincial and municipal review process, including site plan, minor variance, and provincial reviews, and deem an application approved if the legislated response time is exceeded.
20. Fund the creation of “approvals facilitators” with the authority to quickly resolve conflicts among municipal and/or provincial authorities and ensure timelines are met.
21. Require a pre-consultation with all relevant parties at which the municipality sets out a binding list that defines what constitutes a complete application; confirms the number of consultations established in the previous recommendations; and clarifies that if a member of a regulated profession such as a professional engineer has stamped an application, the municipality has no liability and no additional stamp is needed.
22. Simplify planning legislation and policy documents.
23. Create a common, province-wide definition of plan of subdivision and standard set of conditions which clarify which may be included; require the use of standard province-wide legal agreements and, where feasible, plans of subdivision.
24. Allow wood construction of up to 12 storeys.
25. Require municipalities to provide the option of pay on demand surety bonds and letters of credit.

Prevent abuse of the appeal process

Part of the challenge with housing approvals is that, by the time a project has been appealed to the Ontario Land Tribunal (the Tribunal), it has usually already faced delay and compromises have been made to reduce the size and scope of the proposal. When an approved project is appealed, the appellant – which could just be a single individual – may pay \$400 and tie up new housing for years.

The most recent published report showed 1,300 unresolved cases.^[18] While under-resourcing does contribute to delays, this caseload also reflects the low barrier to launching an appeal and the minimal risks if an appeal is unsuccessful:

- After a builder has spent time and money to ensure a proposal conforms with a municipality's requirements, the municipal council can still reject it – even if its own planning staff has given its support. Very often this is to appease local opponents.
- Unlike a court, costs are not automatically awarded to the successful party at the Tribunal. The winning side must bring a motion and prove that the party bringing the appeal was unreasonable, clearly trying to delay the project, and/or being vexatious or frivolous. Because the bar is set so high, the winning side seldom asks for costs in residential cases.

This has resulted in abuse of the Tribunal to delay new housing. Throughout our consultations, we heard from municipalities, not-for-profits, and developers that affordable housing was a particular target for appeals which, even if unsuccessful, can make projects too costly to build.

Clearly the Tribunal needs more resources to clear its backlog. But the bigger issue is the need for so many appeals: we believe it would better to have well-defined goals and rules for municipalities and builders to avoid this costly and time-consuming quasi-judicial process. Those who bring appeals aimed at stopping development that meets established criteria should pay the legal costs of the successful party and face the risk of a larger project being approved.

The solution is not more appeals, it's fixing the system. We have proposed a series of reforms that would ensure only meritorious appeals proceeded, that every participant faces some risk and cost of losing, and that abuse of the Tribunal will be penalized. We believe that if Ontario accepts our recommendations, the Tribunal will not face the same volume of appeals. But getting to that point will take time, and the Tribunal needs more resources and better tools now.

Recommendation 1 will provide legislative direction to adjudicators that they must prioritize housing growth and intensification over competing priorities contained in provincial and municipal policies. We further recommend the following:

- 26.** Require appellants to promptly seek permission ("leave to appeal") of the Tribunal and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted.
- 27.** Prevent abuse of process:
 - a) Remove right of appeal for projects with at least 30% affordable housing in which units are guaranteed affordable for at least 40 years.
 - b) Require a \$10,000 filing fee for third-party appeals.
 - c) Provide discretion to adjudicators to award full costs to the successful party in any appeal brought by a third party or by a municipality where its council has overridden a recommended staff approval.
- 28.** Encourage greater use of oral decisions issued the day of the hearing, with written reasons to follow, and allow those decisions to become binding the day that they are issued.
- 29.** Where it is found that a municipality has refused an application simply to avoid a deemed approval for lack of decision, allow the Tribunal to award punitive damages.
- 30.** Provide funding to increase staffing (adjudicators and case managers), provide market-competitive salaries, outsource more matters to mediators, and set shorter time targets.
- 31.** In clearing the existing backlog, encourage the Tribunal to prioritize projects close to the finish line that will support housing growth and intensification, as well as regional water or utility infrastructure decisions that will unlock significant housing capacity.

Reduce the costs to build, buy and rent

The price you pay to buy or rent a home is driven directly by how much it costs to build a home. In Ontario, costs to build homes have dramatically increased at an unprecedented pace over the past decade. In most of our cities and towns, materials and labour only account for about half of the costs. The rest comes from land, which we have addressed in the previous section, and government fees.

A careful balance is required on government fees because, as much as we would like to see them lowered, governments need revenues from fees and taxes to build critically needed infrastructure and pay for all the other services that make Ontario work. So, it is a question of balance and of ensuring that our approach to government fees encourages rather than discourages developers to build the full range of housing we need in our Ontario communities.

Align government fees and charges with the goal of building more housing

Improve the municipal funding model

Housing requires more than just the land it is built on. It requires roads, sewers, parks, utilities and other infrastructure. The provincial government provides municipalities with a way to secure funding for this infrastructure through development charges, community benefit charges and parkland dedication (providing 5% of land for public parks or the cash equivalent).

These charges are founded on the belief that growth – not current taxpayers – should pay for growth. As a concept, it is compelling. In practice, it means that new home buyers pay the entire cost of sewers, parks, affordable housing, or colleges that will be around for generations and may not be located in their neighbourhood. And, although building

affordable housing is a societal responsibility, because affordable units pay all the same charges as a market unit, the cost is passed to new home buyers in the same building or the not-for-profit organization supporting the project. We do not believe that government fees should create a disincentive to affordable housing.

If you ask any developer of homes – whether they are for-profit or non-profit – they will tell you that development charges are a special pain point. In Ontario, they can be as much as \$135,000 per home. In some municipalities, development charges have increased as much as 900% in less than 20 years.^[20] As development charges go up, the prices of homes go up. And development charges on a modest semi-detached home are the same as on a luxury 6,000 square foot home, resulting in a disincentive to build housing that is more affordable. Timing is also a challenge as development charges have to be paid up front, before a shovel even goes into the ground.

To help relieve the pressure, the Ontario government passed recent legislation allowing builders to determine development charges earlier in the building process. But they must pay interest on the assessed development charge to the municipality until a building permit is issued, and there is no cap on the rate, which in one major city is 13% annually.

Cash payments to satisfy parkland dedication also significantly boost the costs of higher-density projects, adding on average \$17,000 to the cost of a high-rise condo across the GTA.^[21] We heard concerns not just about the amount of cash collected, but also about the money not being spent in the neighbourhood or possibly not being spent on parks at all. As an example, in 2019 the City of Toronto held \$644 million in parkland cash-in-lieu payments.^[22] Everyone can agree that we need to invest in parks as our communities grow, but if the funds are not being spent, perhaps it means that more money is being collected for parklands than is needed and we could lower the cost of housing if we adjusted these parkland fees.



A 2019 study carried out for BILD showed that in the Greater Toronto Area, development charges for low-rise housing are on average more than three times higher per unit than in six comparable US metropolitan areas, and roughly 1.75-times higher than in the other Canadian cities.

For high-rise developments the average per unit charges in the GTA are roughly 50% higher than in the US areas, and roughly 30% higher than in the other Canadian urban areas.^[19]

Modernizing HST Thresholds

Harmonized sales tax (HST) applies to all new housing – including purpose-built rental. Today, the federal component is 5% and provincial component is 8%. The federal and provincial government provide a partial HST rebate. Two decades ago, the maximum home price eligible for a rebate was set at \$450,000 federally and \$400,000 provincially, resulting in a maximum rebate of \$6,300 federally and \$24,000 provincially, less than half of today's average home price. Buyers of new homes above this ceiling face a significant clawback. Indexing the rebate would immediately reduce the cost of building new homes, savings that can be passed on to Ontarians. When both levels of government agree that we are facing a housing crisis, they should not be adding over 10% to the cost of almost all new homes.

- 32.** Waive development charges and parkland cash-in-lieu and charge only modest connection fees for all infill residential projects up to 10 units or for any development where no new material infrastructure will be required.
- 33.** Waive development charges on all forms of affordable housing guaranteed to be affordable for 40 years.
- 34.** Prohibit interest rates on development charges higher than a municipality's borrowing rate.
- 35.** Regarding cash in lieu of parkland, s.37, Community Benefit Charges, and development charges:
 - a) Provincial review of reserve levels, collections and drawdowns annually to ensure funds are being used in a timely fashion and for the intended purpose, and, where review points to a significant concern, do not allow further collection until the situation has been corrected.
 - b) Except where allocated towards municipality-wide infrastructure projects, require municipalities to spend funds in the neighbourhoods where they were collected. However, where there's a significant community need in a priority area of the City, allow for specific ward-to-ward allocation of unspent and unallocated reserves.
- 36.** Recommend that the federal government and provincial governments update HST rebate to reflect current home prices and begin indexing the thresholds to housing prices, and that the federal government match the provincial 75% rebate and remove any clawback.

Government charges on a new single-detached home averaged roughly \$186,300, or almost 22% of the price, across six municipalities in southcentral Ontario. For a new condominium apartment, the average was almost \$123,000, or roughly 24% of a unit's price.

Make it easier to build rental

In cities and towns across Ontario, it is increasingly hard to find a vacant rental unit, let alone a vacant rental unit at an affordable price. Today, 66% of all purpose-built rental units in the City of Toronto were built between 1960 and 1979. Less than 15% of Toronto's purpose-built rentals were constructed over the ensuing 40 years in spite of the significant population growth during that time. In fact, between 2006 and 2016, growth in condo apartments increased by 186% while purpose-built rental only grew by 0.6%.^[12] In 2018, the Ontario government introduced positive changes that have created growth in purpose-built rental units – with last year seeing 18,000 units under construction and 93,000 proposed against a 5-year average prior to 2020 of 3,400 annually.^[23]

Long-term renters often now feel trapped in apartments that don't make sense for them as their needs change. And because they can't or don't want to move up the housing ladder, many of the people coming up behind them who would gladly take those apartments are instead living in crowded spaces with family members or roommates. Others feel forced to commit to rental units at prices way beyond what they can afford. Others are trying their luck in getting on the wait list for an affordable unit or housing co-op – wait lists that are years long. Others are leaving Ontario altogether.

66%

of all purpose-built rental units
in the City of Toronto were
built between **1960** and **1979**.



A pattern in every community, and particularly large cities, is that the apartments and rented rooms that we do have are disappearing. Apartment buildings are being converted to condos or upgraded to much more expensive rental units. Duplexes get purchased and turned into larger single-family homes.

A major challenge in bridging the gap of rental supply is that, more often than not, purpose-built rental projects don't make economic sense for builders and investors. Ironically, there is no shortage of Canadian investor capital seeking housing investments, particularly large pension funds – but the economics of investing in purpose-built rental in Ontario just don't make sense. So, investments get made in apartment projects in other provinces or countries, or in condo projects that have a better and safer return-on-investment. What can governments do to get that investor capital pointed in the right direction so we can create jobs and get more of the housing we need built?

Some of our earlier recommendations will help, particularly indexing the HST rebate. So will actions by government to require purpose-built rental on surplus government land that is made available for sale. ([Appendix C](#))

Municipal property taxes on purpose-built rental can be as much as 2.5 times greater than property taxes for condominium or other ownership housing.^[24]

The Task Force recommends:

37. Align property taxes for purpose-built rental with those of condos and low-rise homes.

Make homeownership possible for hardworking Ontarians who want it

Home ownership has always been part of the Canadian dream. You don't have to look far back to find a time when the housing landscape was very different. The norm was for young people to rent an apartment in their twenties, work hard and save for a down payment, then buy their first home in their late twenties or early thirties. It was the same for many new Canadians: arrive, rent, work hard and buy. The house might be modest, but it brought a sense of ownership, stability and security. And after that first step onto the ownership ladder, there was always the possibility of selling and moving up. Home ownership felt like a real possibility for anyone who wanted it.

That's not how it works now. Too many young people who would like their own place are living with one or both parents well into adulthood.

The escalation of housing prices over the last decade has put the dream of homeownership out of reach of a growing number of aspiring first-time home buyers. While 73% of Canadians are homeowners, that drops to 48% for Black people, 47% for LGBTQ people^[9] (StatsCan is studying rates for other populations, including Indigenous People who are severely underhoused). This is also an issue for younger adults: a 2021 study showed only 24% of Torontonians aged 30 to 39 are homeowners.^[25]

In Canada, responsibility for Indigenous housing programs has historically been a shared between the federal and provincial governments. The federal government works closely with its provincial and territorial counterparts to improve access to housing for Indigenous peoples both on and off reserve. More than 85% of Indigenous people live in urban and rural areas, are 11 times more likely to experience homelessness and have incidence of housing need that is 52% greater than all Canadians. The Murdered and Missing Indigenous Women and Girls report mentions housing 299 times – the lack of which being a significant, contributing cause to violence and the provision of which as a significant, contributing solution. The Province of Ontario has made significant investments in Urban Indigenous Housing, but we need the Federal Government to re-engage as an active partner.

While measures to address supply will have an impact on housing prices, many aspiring homeowners will continue to face a gap that is simply too great to bridge through traditional methods.

The Task Force recognizes the need for caution about measures that would spur demand for housing before the supply bottleneck is fixed. At the same time, a growing number of organizations – both non-profit and for-profit are proposing a range of unique home equity models. Some of these organizations are aiming at households who have sufficient income to pay the mortgage but lack a sufficient down payment. Others are aiming at households who fall short in both income and down payment requirements for current market housing.

The Task Force heard about a range of models to help aspiring first-time home buyers, including:

- Shared equity models with a government, non-profit or for-profit lender holding a second “shared equity mortgage” payable at time of sale of the home
- Land lease models that allow residents to own their home but lease the land, reducing costs
- Rent-to-own approaches in which a portion of an occupant’s rent is used to build equity, which can be used as a down payment on their current unit or another market unit in the future
- Models where the equity gain is shared between the homeowner and the non-profit provider, such that the non-profit will always be able to buy the home back and sell it to another qualified buyer, thus retaining the home’s affordability from one homeowner to the next.

Proponents of these models identified barriers that thwart progress in implementing new solutions.

- The Planning Act limits land leases to a maximum of 21 years. This provision prevents home buyers from accessing the same type of mortgages from a bank or credit union that are available to them when they buy through traditional homeownership.
- The Perpetuities Act has a similar 21-year limit on any options placed on land. This limits innovative non-profit models from using equity formulas for re-sale and repurchase of homes.
- Land Transfer Tax (LTT) is charged each time a home is sold and is collected by the province; and in Toronto, this tax is also collected by the City. This creates a double-tax in rent-to-own/equity building models where LTT ends up being paid first by the home equity organization and then by the occupant when they are able to buy the unit.
- HST is charged based on the market value of the home. In shared equity models where the homeowner neither owns nor gains from the shared equity portion of their home, HST on the shared equity portion of the home simply reduces affordability.
- Residential mortgages are highly regulated by the federal government and reflective of traditional homeownership. Modifications in regulations may be required to adapt to new co-ownership and other models.

The Task Force encourages the Ontario government to devote further attention to avenues to support new homeownership options. As a starting point, the Task Force offers the following recommendations:

- 38.** Amend the Planning Act and Perpetuities Act to extend the maximum period for land leases and restrictive covenants on land to 40 or more years.
- 39.** Eliminate or reduce tax disincentives to housing growth.
- 40.** Call on the Federal Government to implement an Urban, Rural and Northern Indigenous Housing Strategy.
- 41.** Funding for pilot projects that create innovative pathways to homeownership, for Black, Indigenous, and marginalized people and first-generation homeowners.
- 42.** Provide provincial and federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects.

Support and incentivize scaling up housing supply

Our goal of building 1.5 million homes in ten years means doubling how many homes Ontario creates each year. As much as the Task Force's recommendations will remove barriers to realizing this ambitious goal, we also need to ensure we have the capacity across Ontario's communities to deliver this new housing supply. This includes capacity of our housing infrastructure, capacity within our municipal planning teams, and boots on the ground with the skills to build new homes.

There is much to be done and the price of failure for the people of Ontario is high. This is why the provincial government must make an unwavering commitment to keeping the spotlight on housing supply. This is also why the province must be dogged in its determination to galvanize and align efforts and incentives across all levels of government so that working together, we all can get the job done.

Our final set of recommendations turns to these issues of capacity to deliver, and the role the provincial government can play in putting the incentives and alignment in place to achieve the 1.5 million home goal.

Invest in municipal infrastructure

Housing can't get built without water, sewage, and other infrastructure

When the Task Force met with municipal leaders, they emphasized how much future housing supply relies on having the water, storm water and wastewater systems, roads, sidewalks, fire stations, and all the other parts of community infrastructure to support new homes and new residents.

Infrastructure is essential where housing is being built for the first time. And, it can be a factor in intensification when added density exceeds the capacity of existing infrastructure, one of the reasons we urge new infrastructure in new developments to be designed for future capacity. In Ontario, there are multiple municipalities where the number one barrier to approving new housing projects is a lack of infrastructure to support them.

Municipalities face a myriad of challenges in getting this infrastructure in place. Often, infrastructure investments are required long before new projects are approved and funding must be secured. Notwithstanding the burden development charges place on the price of new housing, most municipalities report that development charges are still not enough to fully cover the costs of building new infrastructure and retrofitting existing infrastructure in neighbourhoods that are intensifying. Often infrastructure crosses municipal boundaries creating complicated and time-consuming "who pays?" questions. Municipal leaders also shared their frustrations with situations where new housing projects are approved and water, sewage and other infrastructure capacity is allocated to the project – only to have the developer land bank the project and put off building. Environmental considerations with new infrastructure add further cost and complexity. The Task Force recommends:

- 43. Enable municipalities, subject to adverse external economic events, to withdraw infrastructure allocations from any permitted projects where construction has not been initiated within three years of build permits being issued.**
- 44. Work with municipalities to develop and implement a municipal services corporation utility model for water and wastewater under which the municipal corporation would borrow and amortize costs among customers instead of using development charges.**

Create the Labour Force to meet the housing supply need

The labour force is shrinking in many segments of the market

You can't start to build housing without infrastructure. You can't build it without people – skilled trades people in every community who can build the homes we need.

The concern that we are already facing a shortage in skilled trades came through loud and clear in our consultations. We heard from many sources that our education system funnels young people to university rather than colleges or apprenticeships and creates the perception that careers in the skilled trades are of less value. Unions and builders are working to fill the pipeline domestically and recruit internationally, but mass retirements are making it challenging to maintain the workforce at its current level, let alone increase it.

Increased economic immigration could ease this bottleneck, but it appears difficult for a skilled labourer with no Canadian work experience to qualify under Ontario's rules. Moreover, Canada's immigration policies also favour university education over skills our economy and society desperately need. We ought to be welcoming immigrants with the skills needed to build roads and houses that will accommodate our growing population.

The shortage may be less acute, however, among smaller developers and contractors that could renovate and build new "missing middle" homes arising from the changes in neighbourhood zoning described earlier. These smaller companies tap into a different workforce from the one needed to build high rises and new subdivisions. Nonetheless, 1.5 million more homes will require a major investment in attracting and developing the skilled trades workforce to deliver this critically needed housing supply. We recommend:

45. Improve funding for colleges, trade schools, and apprenticeships; encourage and incentivize municipalities, unions and employers to provide more on-the-job training.
46. Undertake multi-stakeholder education program to promote skilled trades.
47. Recommend that the federal and provincial government prioritize skilled trades and adjust the immigration points system to strongly favour needed trades and expedite immigration status for these workers, and encourage the federal government to increase from 9,000 to 20,000 the number of immigrants admitted through Ontario's program.

Create a large Ontario Housing Delivery Fund to align efforts and incent new housing supply

Build alignment between governments to enable builders to deliver more homes than ever before

All levels of government play a role in housing.

The federal government sets immigration policy, which has a major impact on population growth and many tax policies. The province sets the framework for planning, approvals, and growth that municipalities rely upon, and is responsible for many other areas that touch on housing supply, like investing in highways and transit, training workers, the building code and protecting the environment. Municipalities are on the front lines, expected to translate the impacts of federal immigration policy, provincial guidance and other factors, some very localized, into official plans and the overall process through which homes are approved to be built.

The efficiency with which home builders can build, whether for-profit or non-profit, is influenced by policies and decisions at every level of government. In turn, how many home developers can deliver, and at what cost, translates directly into the availability of homes that Ontarians can afford.

Collectively, governments have not been sufficiently aligned in their efforts to provide the frameworks and incentives that meet the broad spectrum of housing needs in Ontario. Much action, though, has been taken in recent years.

- The Ontario government has taken several steps to make it easier to build additional suites in your own home: reduced disincentives to building rental housing, improved the appeal process, focused on density around transit stations, made upfront development charges more predictable, and provided options for municipalities to create community benefits through development.
- The federal government has launched the National Housing Strategy and committed over \$70 billion in funding.^[26] Most recently, it has announced a \$4 billion Housing Accelerator Fund aimed at helping municipalities remove barriers to building housing more quickly.^[27]
- Municipalities have been looking at ways to change outdated processes, rules, and ways of thinking that create delays and increases costs of delivering homes. Several municipalities have taken initial steps towards eliminating exclusionary zoning and addressing other barriers described in this report.

All governments agree that we are facing a housing crisis. Now we must turn the sense of urgency into action and alignment across governments.

Mirror policy changes with financial incentives aligned across governments

The policy recommendations in this report will go a long way to align efforts and position builders to deliver more homes.

Having the capacity in our communities to build these homes will take more than policy. It will take money. Rewarding municipalities that meet housing growth and approval timelines will help them to invest in system upgrades, hire additional staff, and invest in their communities. Similarly, municipalities that resist new housing, succumb to NIMBY pressure, and close off their neighbourhoods should see funding reductions. Fixing the housing crisis is a societal responsibility, and our limited tax dollars should be directed to those municipalities making the difficult but necessary choices to grow housing supply.

In late January 2022, the provincial government announced \$45 million for a new *Streamline Development Approval Fund* to “unlock housing supply by cutting red tape and improving processes for residential and industrial developments”.^[28] This is encouraging. More is needed.

Ontario should also receive its fair share of federal funding but today faces a shortfall of almost \$500 million,^[29] despite two thirds of the Canadian housing shortage being in Ontario. We call on the federal government to address this funding gap.

48. The Ontario government should establish a large “Ontario Housing Delivery Fund” and encourage the federal government to match funding. This fund should reward:

- a) Annual housing growth that meets or exceeds provincial targets
- b) Reductions in total approval times for new housing
- c) The speedy removal of exclusionary zoning practices

49. Reductions in funding to municipalities that fail to meet provincial housing growth and approval timeline targets.

We believe that the province should consider partial grants to subsidize municipalities that waive development charges for affordable housing and for purpose-built rental.

Sustain focus, measure, monitor, improve

Digitize and modernize the approvals and planning process

Some large municipalities have moved to electronic tracking of development applications and/or electronic building permits (“e-permits”) and report promising results, but there is no consistency and many smaller places don’t have the capacity to make the change.

Municipalities, the provincial government and agencies use different systems to collect data and information relevant to housing approvals, which slows down processes and leaves much of the “big picture” blank. This could be addressed by ensuring uniform data architecture standards.

Improve the quality of our housing data to inform decision making

Having accurate data is key to understanding any challenge and making the best decisions in response. The Task Force heard from multiple housing experts that we are not always using the best data, and we do not always have the data we need.

Having good population forecasts is essential in each municipality as they develop plans to meet future land and housing needs. Yet, we heard many concerns about inconsistent approaches to population forecasts. In the Greater Golden Horseshoe, the forecast provided to municipalities by the province is updated only when the Growth Plan is updated, generally every seven years; but federal immigration policy, which is a key driver of growth, changes much more frequently. The provincial Ministry of Finance produces a population forecast on a more regular basis than the Growth Plan, but these are not used consistently across municipalities or even by other provincial ministries.

Population forecasts get translated into housing need in different ways across the province, and there is a lack of data about how (or whether) the need will be met. Others pointed to the inconsistent availability of land inventories. Another challenge is the lack of information on how much land is permitted and how much housing is actually getting built once permitted, and how fast. The Task Force also heard that, although the Provincial Policy Statement requires municipalities to maintain a three-year supply of short-term (build-ready) land and report it each year to the province, many municipalities are not meeting that requirement.^[30]

At a provincial and municipal level, we need better data on the housing we have today, housing needed to close the gap, consistent projections of what we need in the future, and data on how we are doing at keeping up. Improved data will help anticipate local and provincial supply bottlenecks and constraints, making it easier to determine the appropriate level and degree of response.

It will also be important to have better data to assess how much new housing stock is becoming available to groups that have been disproportionately excluded from home ownership and rental housing.

Put eyes on the crisis and change the conversation around housing

Ours is not the first attempt to “fix the housing system”. There have been efforts for years to tackle increasing housing prices and find solutions so everyone in Ontario can find and afford the housing they need. This time must be different.

The recommendations in this report must receive sustained attention, results must be monitored, significant financial investment by all levels of government must be made. And, the people of Ontario must embrace a housing landscape in which the housing needs of tomorrow’s citizens and those who have been left behind are given equal weight to the housing advantages of those who are already well established in homes that they own.

- 50. Fund the adoption of consistent municipal e-permitting systems and encourage the federal government to match funding. Fund the development of common data architecture standards across municipalities and provincial agencies and require municipalities to provide their zoning bylaws with open data standards. Set an implementation goal of 2025 and make funding conditional on established targets.**
- 51. Require municipalities and the provincial government to use the Ministry of Finance population projections as the basis for housing need analysis and related land use requirements.**
- 52. Resume reporting on housing data and require consistent municipal reporting, enforcing compliance as a requirement for accessing programs under the Ontario Housing Delivery Fund.**
- 53. Report each year at the municipal and provincial level on any gap between demand and supply by housing type and location, and make underlying data freely available to the public.**
- 54. Empower the Deputy Minister of Municipal Affairs and Housing to lead an all-of-government committee, including key provincial ministries and agencies, that meets weekly to ensure our remaining recommendations and any other productive ideas are implemented.**
- 55. Commit to evaluate these recommendations for the next three years with public reporting on progress.**

Conclusion

We have set a bold goal for Ontario: building 1.5 million homes in the next 10 years.

We believe this can be done. What struck us was that everyone we talked to – builders, housing advocates, elected officials, planners – understands the need to act now. As one long-time industry participant said, “for the first time in memory, everyone is aligned, and we need to take advantage of that.”

Such unity of purpose is rare, but powerful.

To leverage that power, we offer solutions that are bold but workable, backed by evidence, and that position Ontario for the future.

Our recommendations focus on ramping up the supply of housing. Measures are already in place to try to cool demand, but they will not fill Ontario's housing need. More supply is key. Building more homes will reduce the competition for our scarce supply of homes and will give Ontarians more housing choices. It will improve housing affordability across the board.

Everyone wants more Ontarians to have housing. So let's get to work to build more housing in Ontario.

APPENDIX A:

Biographies of Task Force Members

Lalit Aggarwal is President of Manor Park Holdings, a real estate development and operating company active in Eastern Ontario. Previously, Lalit was an investor for institutional fund management firms, such as H.I.G. European Capital Partners, Soros Fund Management, and Goldman Sachs. He is a past fellow of the C.D. Howe Institute and a former Director of both Bridgepoint Health and the Centre for the Commercialization of Regenerative Medicine. Lalit holds degrees from the University of Oxford and the University of Pennsylvania. He is also a current Director of the Hospital for Sick Children Foundation, the Sterling Hall School and the Chair of the Alcohol & Gaming Commission of Ontario.

David Amborski is a professional Urban Planner, Professor at Ryerson University's School of Urban and Regional Planning and the founding Director of the Centre for Urban Research and Land Development (CUR). His research and consulting work explore topics where urban planning interfaces with economics, including land and housing markets. He is an academic advisor to the National Executive Forum on Public Property, and he is a member of Lambda Alpha (Honorary Land Economics Society). He has undertaken consulting for the Federal, Provincial and a range of municipal governments. Internationally, he has undertaken work for the Canadian International Development Agency (CIDA), the World Bank, the Inter-American Development Bank, the Lincoln Institute of Land Policy, and several other organizations in Eastern Europe, Latin America, South Africa, and Asia. He also serves on the editorial boards of several international academic journals.

Andrew Garrett is a real estate executive responsible for growing IMCO's \$11+ Billion Global Real Estate portfolio to secure public pensions and insurance for Ontario families. IMCO is the only Ontario fund manager purpose built to onboard public clients such as pensions, insurance, municipal reserve funds, and endowments. Andrew has significant non-profit sector experience founding a B Corp certified social enterprise called WeBuild to help incubate social purpose real estate projects. He currently volunteers on non-profit boards supporting social purpose real estate projects, youth programs and the visual arts at Art Gallery

of Ontario. Andrew sits on board advisory committees for private equity firms and holds a Global Executive MBA from Kellogg School Management and a Real Estate Development Certification from MIT Centre for Real Estate.

Tim Hudak is the CEO of the Ontario Real Estate Association (OREA). With a passion and voice for championing the dream of home ownership, Tim came to OREA following a distinguished 21-year career in politics, including five years as Leader of the Progressive Conservative Party of Ontario.

In his role, Tim has focused on transforming OREA into Ontario's most cutting-edge professional association at the forefront of advocacy on behalf of REALTORS® and consumers, and providing world-class conferences, standard forms, leadership training and professional guidance to its Members. As part of his work at OREA, Tim was named one of the most powerful people in North American residential real estate by Swanepoel Power 200 for the last five years. Tim is married to Deb Hutton, and together they have two daughters, Miller and Maitland. In his spare time, Tim enjoys trails less taken on his mountain bike or hiking shoes as well as grilling outdoors.

Jake Lawrence was appointed Chief Executive Officer and Group Head, Global Banking and Markets in January 2021. In this role, Jake is responsible for the Bank's Global Banking and Markets business line and strategy across its global footprint. Jake joined Scotiabank in 2002 and has held progressively senior roles in Finance, Group Treasury and Global Banking and Markets. From December 2018 to January 2021, Jake was Co-Group Head of Global Banking and Markets with specific responsibility for its Capital Markets businesses, focused on building alignment across product groups and priority markets to best serve our clients throughout our global footprint. Previously, Jake was Executive Vice President and Head of Global Banking and Markets in the U.S., providing overall strategic direction and execution of Scotiabank's U.S. businesses. Prior to moving into GBM, Jake served as Senior Vice President and Deputy Treasurer, responsible for Scotiabank's wholesale funding activities and liquidity management as well as Senior Vice President, Investor Relations.

Julie Di Lorenzo (GPLLM, University of Toronto 2020), is self-employed since 1982, operates one of the largest female-run Real Estate Development Companies in North America. She was instrumental in the Daniel Burnham award-winning Ontario Growth Management Plan (2004) as President of BILD. Julie served as the first female-owner President of GTHBA (BILD) and on the boards of the Ontario Science Centre, Harbourfront Toronto, Tarion (ONHWP), St. Michael's Hospital, NEXT36, Waterfront Toronto, Chair of IREC Committee WT, Havergal College (Co-Chair of Facilities), York School (interim Vice-Chair), and Canadian Civil Liberties Association Board. Julie has served various governments in advisory capacity on Women's issues, Economic Development, Innovation and Entrepreneurship. Awards include Lifetime Achievement BILD 2017, ICCO Business Excellence 2005 & ICCO Businesswoman of the Year 2021.

Justin Marchand (CIHCM, CPA, CMA, BComm) is Métis and was appointed Chief Executive Officer of Ontario Aboriginal Housing Services (OAHS) in 2018. Justin has over 20 years of progressive experience in a broad range of sectors, including two publicly listed corporations, a large accounting and consulting firm, and a major crown corporation, and holds numerous designations across financial, operations, and housing disciplines. He was most recently selected as Chair of the Canadian Housing and Renewal Association's (CHRA's) Indigenous Caucus Working Group and is also board member for CHRA. Justin is also an active board member for both the Coalition of Hamilton Indigenous Leadership (CHIL) as well as Shingwauk Kinoomaage Gamig, located in Bawaating. Justin believes that Housing is a fundamental human right and that when Indigenous people have access to safe, affordable, and culture-based Housing this provides the opportunity to improve other areas of their lives.

Ene Underwood is CEO of Habitat for Humanity Greater Toronto Area), a non-profit housing developer that helps working, lower income families build strength, stability and self-reliance through affordable homeownership. Homes are delivered through a combination of volunteer builds, contractor builds, and partnerships with non-profit and for-profit developers. Ene's career began in the private sector as a strategy consultant with McKinsey & Company before transitioning to not-for-profit sector leadership. Ene holds a Bachelor of Arts (Honours) from the University of Waterloo and a Master of Business Administration from Ivey Business School.

Dave Wilkes is the President and CEO of the Building Industry and Land Development Association of the GTA (BILD). The Association has 1,300 members and proudly represents builders, developers, professional renovators and those who support the industry.

Dave is committed to supporting volunteer boards and organizations. He has previously served on the George Brown College Board of Directors, Ontario Curling Association, and is currently engaged with Black North Initiative (Housing Committee) and R-Labs I+T Council.

Dave received his Bachelor of Arts (Applied Geography) from Ryerson.

APPENDIX B:

Affordable Housing

Ontario's affordable housing shortfall was raised in almost every conversation. With rapidly rising prices, more lower-priced market rental units are being converted into housing far out of reach of lower-income households. In parallel, higher costs to deliver housing and limited government funding have resulted in a net decrease in the number of affordable housing units run by non-profits. The result is untenable: more people need affordable housing after being displaced from the market at the very time that affordable supply is shrinking.

Throughout our consultations, we were reminded of the housing inequities experienced by Black, Indigenous and marginalized people. We also received submissions describing the unique challenges faced by off-reserve Indigenous Peoples both in the province's urban centres and in the north.

While many of the changes that will help deliver market housing will also help make it easier to deliver affordable housing, affordable housing is a societal responsibility. We cannot rely exclusively on for-profit developers nor on increases in the supply of market housing to fully solve the problem.

The non-profit housing sector faces all the same barriers, fees, risks and complexities outlined in this report as for-profit builders. Several participants from the non-profit sector referred to current or future partnerships with for-profit developers that tap into the development and construction expertise and efficiencies of the private sector. Successful examples of leveraging such partnerships were cited with Indigenous housing, supportive housing, and affordable homeownership.

We were also reminded by program participants that, while partnerships with for-profit developers can be very impactful, non-profit providers have unique competencies in the actual delivery of affordable housing. This includes confirming eligibility of affordable housing applicants, supporting independence of occupants of affordable housing, and ensuring affordable housing units remain affordable from one occupant to the next.

One avenue for delivering more affordable housing that has received much recent attention is inclusionary zoning. In simple terms, inclusionary zoning (IZ) requires developers to deliver a share of affordable units in new

housing developments in prescribed areas. The previous Ontario government passed legislation in April 2018 providing a framework within which municipalities could enact Inclusionary Zoning bylaws.

Ontario's first inclusionary zoning policy was introduced in fall 2021 by the City of Toronto and applies to major transit station areas. Internationally, inclusionary zoning has been used successfully to incentivize developers to create new affordable housing by providing density bonuses (more units than they would normally be allowed, if some are affordable) or reductions in government fees. Unfortunately, the City's approach did not include any incentives or bonuses. Instead, Toronto requires market-rate fees and charges for below-market affordable units. This absence of incentives together with lack of clarity on the overall density that will be approved for projects has led developers and some housing advocates to claim that these projects may be uneconomic and thus will not get financed or built. Municipalities shared with us their concerns regarding the restriction in the provincial IZ legislation that prohibits "cash in lieu" payments. Municipalities advised that having the option of accepting the equivalent value of IZ units in cash from the developer would enable even greater impact in some circumstances (for example, a luxury building in an expensive neighbourhood, where the cost of living is too high for a low-income resident).

Funding for affordable housing is the responsibility of all levels of government. The federal government has committed to large funding transfers to the provinces to support affordable housing. The Task Force heard, however, that Ontario's share of this funding does not reflect our proportionate affordable housing needs. This, in turn, creates further financial pressure on both the province and municipalities, which further exacerbates the affordable housing shortages in Ontario's communities.

Finally, many participants in Task Force consultations pointed to surplus government lands as an avenue for building more affordable housing and this is discussed in [Appendix C](#).

We have made recommendations throughout the report intended to have a positive impact on new affordable housing supply. We offer these additional recommendations specific to affordable housing:

- Call upon the federal government to provide equitable affordable housing funding to Ontario.
 - Develop and legislate a clear, province-wide definition of “affordable housing” to create certainty and predictability.
 - Create an Affordable Housing Trust from a portion of Land Transfer Tax Revenue (i.e., the windfall resulting from property price appreciation) to be used in partnership with developers, non-profits, and municipalities in the creation of more affordable housing units. This Trust should create incentives for projects serving and brought forward by Black- and Indigenous-led developers and marginalized groups.
- Amend legislation to:
 - Allow cash-in-lieu payments for Inclusive Zoning units at the discretion of the municipality.
 - Require that municipalities utilize density bonusing or other incentives in all Inclusionary Zoning and Affordable Housing policies that apply to market housing.
 - Permit municipalities that have not passed Inclusionary Zoning policies to offer incentives and bonuses for affordable housing units.
 - Encourage government to closely monitor the effectiveness of Inclusionary Zoning policy in creating new affordable housing and to explore alternative funding methods that are predictable, consistent and transparent as a more viable alternative option to Inclusionary Zoning policies in the provision of affordable housing.
 - Rebate MPAC market rate property tax assessment on below-market affordable homes.

APPENDIX C:

Government Surplus Land

Surplus government lands fell outside the mandate of the Task Force. However, this question came up repeatedly as a solution to housing supply. While we take no view on the disposition of specific parcels of land, several stakeholders raised issues that we believe merit consideration:

- Review surplus lands and accelerate the sale and development through RFP of surplus government land and surrounding land by provincially pre-zoning for density, affordable housing, and mixed or residential use.
- All future government land sales, whether commercial or residential, should have an affordable housing component of at least 20%.
- Purposefully upzone underdeveloped or underutilized Crown property (e.g., LCBO).
- Sell Crown land and reoccupy as a tenant in a higher density building or relocate services outside of major population centres where land is considerably less expensive.
- The policy priority of adding to the housing supply, including affordable units, should be reflected in the way surplus land is offered for sale, allowing bidders to structure their proposals accordingly.

APPENDIX D:

Surety Bonds

Moving to surety bonds would free up billions of dollars for building

When a development proposal goes ahead, the developer typically needs to make site improvements, such as installing common services. The development agreement details how the developer must perform to the municipality's satisfaction.

Up until the 1980s, it was common practice for Ontario municipalities to accept bonds as financial security for subdivision agreements and site plans. Today, however, they almost exclusively require letters of credit from a chartered bank. The problem with letters of credit is that developers are often required to collateralize the letter of credit dollar-for-dollar against the value of the municipal works they are performing.

Often this means developers can only afford to finance one or two housing projects at a time, constraining housing supply. The Ontario Home Builders' Association estimates that across Ontario, billions of dollars are tied up in collateral or borrowing capacity that could be used to advance more projects.

Modern "pay on demand surety bonds" are proven to provide the same benefits and security as a letter of credit, while not tying up private capital the way letters of credit do. Moving to this option would give municipalities across Ontario access to all the features of a letter of credit with the added benefit of professional underwriting, carried out by licensed bonding companies, ensuring that the developer is qualified to fulfill its obligations under the municipal agreement.

Most important from a municipal perspective, the financial obligation is secured. If a problem arises, the secure bond is fully payable by the bond company on demand. Surety companies, similar to banks, are regulated by Ontario's Office of the Superintendent of Financial Institutions to ensure they have sufficient funds in place to pay out bond claims.

More widespread use of this instrument could unlock billions of dollars of private sector financial liquidity that could be used to build new infrastructure and housing projects, provide for more units in each development and accelerate the delivery of housing of all types.

References

1. Ontario Housing Market Report
<https://wowa.ca/ontario-housing-market>
2. Global Property Guide
<https://www.globalpropertyguide.com/North-America/Canada/Price-History-Archive/canadian-housing-market-strong-127030>
3. National Household Survey Factsheet
<https://www.fin.gov.on.ca/en/economy/demographics/census/nhsh11-6.html#:~:text=Median%20After%20Tax%20Income%20of,and%20British%20Columbia%20at%20%2467%2C900>
4. CMHC
<https://www03.cmhc-schl.gc.ca/hmip-pimh/en/TableMapChart/>
5. The Globe And Mail
<https://www.theglobeandmail.com/business/article-black-canadians-have-some-of-the-lowest-home-ownership-rates-in-canada/>
6. Scotiabank
<https://www.scotiabank.com/ca/en/about/economics/economics-publications/post.other-publications.housing.housing-note.housing-note--may-12-2021-.html>
7. Scotiabank
<https://www.scotiabank.com/ca/en/about/economics/economics-publications/post.other-publications.housing.housing-note.housing-note--january-12-2022-.html>
8. Expert Market
<https://www.expertmarket.co.uk/vehicle-tracking/best-and-worst-cities-for-commuting>
9. Statista
<https://www.statista.com/statistics/198063/total-number-of-housing-starts-in-ontario-since-1995/>
10. Poltext
https://www.poltext.org/sites/poltext.org/files/discoursV2/DB/Ontario/ON_DB_1975_29_5.pdf
11. Toronto City Planning
<https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-173165.pdf>
12. Federation of Rental-housing Providers of Ontario (FRPO)
<https://www.frpo.org/wp-content/uploads/2020/09/Urbanation-FRPO-Ontario-Rental-Market-Report-Summer-2020.pdf>
- 13a. Centre for Urban Research and Land Development at Ryerson University (CUR)
https://www.ryerson.ca/content/dam/centre-urban-research-land-development/pdfs/CUR_Pre-Zoning_Corridor_Lands_to_a_Higher_Density.pdf
- 13b. Ministry of Municipal Affairs and Housing
<https://www.ontario.ca/document/growth-plan-greater-golden-horseshoe/where-and-how-grow>
14. More Neighbours Toronto
<https://www.moreneighbours.ca/>
15. The World Bank
<https://www.doingbusiness.org/en/data/exploretopics/dealing-with-construction-permits>
16. The Building Industry and Land Development Association (BILD)
<https://bildgta.ca/Assets/BILD%20Municipal%20Benchmarking%20Study%20-%20FINAL%20-%20Sept%202020%20BILD.pdf>
- 16b. Centre for Urban Research and Land Development at Ryerson University (CUR)
https://www.ryerson.ca/content/dam/centre-urban-research-land-development/CUR_Accelerating_Housing_Supply_and_Affordability_by_Improving_the_Land-use_Planning_System_Nov_2021.pdf
17. Ontario Association of Architects
https://oaa.on.ca/OAA/Assets/Documents/Gov.%20Initiatives/p5727_-_site_plan_delay_study_-_oaa_site_plan_delay_study_update_-_july_....pdf
18. Tribunals Ontario 2019-20 Annual Report
https://oll.gov.on.ca/wp-content/uploads/2021/01/Tribunals_Ontario_2019-2020_Annual_Report_EN_v2.html
19. The Building Industry and Land Development Association (BILD)
<https://bildgta.ca/Assets/BILD%20-%20BILD%20-%20Comparison%20of%20Government%20Charges%20in%20Canada%20and%20US%20-%20Sept%2013%202019.pdf>
20. The Building Industry and Land Development Association (BILD)
<https://bildgta.ca/Assets/FINAL%20GTA%20-%20Development%20Charges%20-%2009%202020.pdf>
21. Toronto Star
<https://www.thestar.com/life/homes/2018/09/01/where-did-the-money-go-parkland-dedication-fees-should-be-used-to-build-parks-in-gta.html>
22. The Building Industry and Land Development Association (BILD)
[https://bildgta.ca/Assets/misc/BILD%20-%20New%20Homeowner%20Money%20Report%20-%20Oct%2015%202021%20\(002\)_Redacted.pdf](https://bildgta.ca/Assets/misc/BILD%20-%20New%20Homeowner%20Money%20Report%20-%20Oct%2015%202021%20(002)_Redacted.pdf)
23. Urbanation Inc.
<https://www.urbanation.ca/news/336-gta-rental-construction-surged-2021-vacancy-fell>
24. Federation of Rental-housing Providers of Ontario (FRPO)
<https://www.frpo.org/lobby-view/cities-still-ripping-off-renters>
25. Edison Financial
<https://edisonfinancial.ca/millennial-home-ownership-canada/>
26. Government of Canada National Housing Strategy
<https://www.placetocalhome.ca/what-is-the-strategy>
27. CMHC
<https://www.cmhc-schl.gc.ca/en/media-newsroom/news-releases/2021/housing-accelerator-fund-rent-to-own-program>
28. Toronto Star
<https://www.thestar.com/news/gta/2022/01/19/ford-government-announces-45-million-to-cut-red-tape-and-speed-up-applications-for-new-home-construction.html>
29. Canadian Real Estate Wealth
<https://www.canadianrealestatemagazine.ca/news/federal-funds-must-flow-for-housing-programs-334810.aspx>
30. Centre for Urban Research and Land Development at Ryerson University (CUR)
https://www.ryerson.ca/content/dam/centre-urban-research-land-development/pdfs/CUR_Submission_Proposed_Land_Needs_Assessment_Methodology_A_Place_to_Grow_July_2020.pdf

