
TO: PLANNING COMMITTEE

SUBJECT: IMPLEMENTATION OF BILL 109, MORE HOMES FOR EVERYONE ACT, 2022

WARD: ALL

PREPARED BY AND KEY CONTACT: T. THOMPSON, RPP, MANAGER OF GROWTH AND DEVELOPMENT, EXT. 5485

SUBMITTED BY: M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES

GENERAL MANAGER APPROVAL: B. ARANIYASUNDARAN, P.ENG., PMP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That this report be received for information purposes regarding the impacts and potential implementation measures required as a result of Bill 109, *More Homes for Everyone Act, 2022*.
2. That staff be directed to repeal and replace Site Plan Control By-law 99-312, as amended by By-law 2017-045, and any related Council policies to reflect changes in legislation through Bill 109 and Bill 23, if approved, and that staff bring the proposed Site Plan Control By-law to Council for consideration.
3. That staff be directed to amend Pre-Consultation By-law 2018-108 to reflect the required changes to the City's pre-consultation, pre-submission, and complete application review process as a result of Bill 109.
4. That staff be directed to amend Schedule 'K' of Fee By-law 2022-013 outlined in Schedule "D" as an interim step to protect Planning fee revenue until a full fee review can be completed, and for these process and fee changes be effective on January 1, 2023.
5. That staff be directed to undertake a comprehensive fee review for Planning and Development application approvals in 2023 with the intent of supporting full cost recovery under Development Services operating budget.
6. That staff in Development Services work with the Clerk to ensure the frequency of Planning Committee and Council meetings throughout 2023 will facilitate the consideration of planning applications on a regular and "as-needed" basis.
7. That staff be directed to undertake any necessary amendments to the City's new Official Plan, including any required public planning meetings, as a result of Bill 109 or Bill 23 following approval by the Ministry of Municipal Affairs and Housing.
8. That the Chief Administrative Officer be authorized to retain a strategic advisory firm at an estimated cost of \$90,000, through a non-standard procurement, to assist the City of Barrie in its communications with the Province of Ontario, as the City addresses the challenges and opportunities presented by Bills 23 and 109, as well as potential additional Provincial legislation with significant impacts to municipalities, with the cost to be funded from the Reinvestment Reserve.

PURPOSE & BACKGROUND

Report Overview

9. The purpose of this report is to provide Council with an overview of the changes to the *Planning Act, R.S.O. 1990*, as a result of Bill 109, *More Homes for Everyone Act, 2022* which received Royal Assent on April 14, 2022.
10. The intent of the Bill was to streamline development approvals regarding planning applications to assist in increasing housing supply in the province. The City supports the goal of streamlining development approval processes in a concerted effort to see additional housing units being constructed for current and future residents. In planning complete communities, the City has continued to focus on working collaboratively with applicants, residents, internal departments, external agencies, and provincial ministries through an iterative process.
11. While the City is supportive of the intended goals of the legislation, there may be unintended consequences with implementation of the Bill particularly related to financial risk, limited public consultation, and increased litigation.
12. The City, even prior to the pandemic, has been proactive in streamlining development review and approvals processes. These actions include delegated planning approval authority for site plans, subdivisions and the lifting of holding symbols to the Director of Development Services, an online submission and review portal for all planning applications, posting of all development submissions and status updates on the City's website, holding virtual neighbourhood meetings for resident input at the early stages of a development concept, robust pre-consultation and technical review meetings, and updated terms of references for twenty (20) studies. The City has also utilized the provincial streamlining funding received in 2022 to undertake a comprehensive development process review and hire a temporary position for application intake. These improvements are aimed at assisting the development community and residents engaged in planning projects while ensuring the City meets its municipal obligations, minimizes risk to operations and infrastructure, incorporates strategic initiatives and reduces financial liabilities.
13. As noted within this report, the potential financial risks related to meeting mandatory processing timelines established by Bill 109 relating to refunds of Official Plan Amendments, Zoning By-law Amendments and Site Plans are forecasted to result in a potential revenue loss of \$906,368.04 in 2023 for the City. The exposure for a significant loss in planning revenue is particularly concerning and has forced many municipalities to consider realigning development review processes to reduce the potential negative financial impacts.
14. In addition to the loss of planning revenues, additional costs to the municipality may also result from increased litigation to the Ontario Land Tribunal (OLT) with a higher volume of applications being recommended for denial due poor submission quality and the time constraints of Bill 109. These costs are typically borne by the City's Legal Services and Development Services Departments with staff time being dedicated to legal proceedings.
15. While a comprehensive staffing review is not recommended at this time, an interim measure will likely result in an increase in staff overtime to meet the approval deadlines related to applications subject to refunds. This, along with the requested five staffing positions in the 2023 Development Services budget, may provide adequate staffing while the full impacts of the Bill are realized. Additionally, staff time will be further limited for special projects or strategic priorities as City staff involved in development review will need to prioritize application review over unrelated projects or tasks.
16. To mitigate as much risk as possible with the information known at the time of this report, staff propose a comprehensive set of changes to the City's development review processes. These initial changes include:

- a) New Pre-Submission Application Review and Fee
 - i) A new application and fee are proposed for applications for Zoning By-law Amendments, Zoning By-law Amendments with an Official Plan Amendments, and Site Plans.
 - ii) This application will be required following pre-consultation and will include the submission of all technical reports and studies for review and comment within 45 days (30 working days) for internal departments and external agencies.
 - iii) A new fee of \$5,000.00 will be required and is proposed to be deducted from current application fees for the same application types.
 - iv) Update to Pre-Consultation By-law 2018-108 will be required.
 - v) Update to Schedule 'K' of Fee By-law 2022-013 will be required.
 - b) New 'Standard' and 'Complex' Removal of Holding Symbol Application and Fee
 - i) A new application and fee are proposed to address the removal of "complex" holds.
 - ii) Complex holds would include the submission of studies that require staff review and comment such as an updated servicing study. The current removal of holds application has been further clarified as applying to matters not involving staff review such as a Record of Site Condition (RSC).
 - iii) This process is delegated to the Director of Development Services.
 - iv) The existing fee for a Removal of a Hold (\$2,304.01) (2022) is proposed to be updated to add the word "Standard" and will be referred to as "Removal of a Standard Hold".
 - v) A new fee of \$10,000.00 is proposed for the "Removal of a Complex Hold".
 - vi) Update to Schedule 'K' of Fee By-law 2022-013 will be required.
 - c) Creation of Request for Refunds Form
 - i) A form will be developed for refund requests by applicants. A form will allow for formal tracking and confirmation of refunds through Development Services and Finance and ultimately will assist with monitoring revenue loss.
 - d) Updates to Site Plan Control By-law 99-312, as amended by By-law 2017-045, will be required. The extent of this update will be dependent on the approval of proposed Bill 23.
17. Along with the proposed changes above, staff will be actively reviewing internal processes seeking improvements to City guidelines and technical documents, updating standardized conditions, clarifying comments, creating checklists and other methods to create efficiencies and clearly communicate requirements to the development community.
18. This report also identifies long term opportunities for the City to explore in streamlining development approvals. Many of these items will require research and budgetary consideration.
19. As the changes contained in this report are considered a "pilot" solution to the perceived impacts of Bill 109, it is the intent of staff to bring a status update on the implementation of Bill 109 in September 2023. This update will coincide with the City's planned Community Benefits Charge (CBC) By-law as well as any municipal changes resulting from proposed Bill 23, *More Homes Built Faster Act, 2022* and Bill 39, *Better Municipal governance Act, 2022*.

Background

20. On March 30, 2022, the Province took the first step in implementing the recommendations of the Housing Affordability Task Force with the introduction of Bill 109, *the More Homes for Everyone Act, 2022*. The Acts that were impacted by Bill 109 include:
- a) *Planning Act, 1990*
 - b) *Development Charges Act*
 - c) *New Home Construction Licensing Act, 2017*
 - d) *Ontario New Home Warranties Plan Act*
 - e) *Rebuilding Consumer Confidence Act, 2020*
 - f) *City of Toronto Act, 2006*

21. Bill 109 went through first reading on March 30, 2022 and received Royal Assent on April 14, 2022. The Bill, along with two other legislative changes, were posted on the Environmental Registry of Ontario with a closing date of April 29, 2022. The City's Development Services Department provided comments on proposed *Planning Act* Changes – Bill 109 (ERO No. 019-5284), Opportunities to Increase Missing Middle Housing and Gentle Density (ERO No. 019-5286) and Community Infrastructure and Housing Accelerator Guidelines (ERO No. 019-5285) attached as Appendix "A" to this report.
22. The *More Homes for Everyone Act, 2022* implements significant changes to several Acts in the Province with an aim to:
 - a) Increase the housing supply in Ontario
 - b) Incentivize the speed of processing certain applications
 - c) Increase transparency in decision making in respect of certain applications
 - d) Expand discretionary powers of the Minister and municipalities
 - e) Support the development of the Ontario Land Tribunal
23. This report provides commentary and recommendations with respect to the legislative changes introduced in Bill 109 to the *Planning Act* as well as the impacts to City procedures to implement the intended streamlined approval process to increase housing supply.

ANALYSIS

Bill 109, *More Homes for Everyone Act, 2022*

24. The entirety of Bill 109 can be found at <https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-109>

Site Plans - Complete Application and Mandatory Delegation of Authority

25. Section 41 of the *Planning Act* has been amended requiring applications for site plan approval to be deemed complete or incomplete similar to the existing rules for official plan amendments and zoning by-law amendments. Section 41(3.6) allows for thirty (30) days to review an application for completeness. While some municipalities may need to amend their official plan to implement this change, the City's current Official Plan and adopted Official Plan have wording that address complete submission requirements for site plan approval.
26. Municipalities also must delegate the authority to approve site plans from Council to a designated authorized person. The City previously delegated approval authority for site plans to the Director of Development Services in 1999 under By-law 99-312. By-law 99-312 was amended by By-law 2017-045 which detailed site plan control for the secondary plan areas. With full delegation of approval, the ability to "bump up" a site plan application is no longer possible given the new legislation.
27. It is recommended that existing Site Plan By-law 99-312, as amended by By-law 2017-045, be repealed and replaced by a new site plan by-law that reflects the changes as per Bill 109. Bill 23, *More Homes Built Faster Act, 2022* is a recently proposed bill which may require further amendments to By-law 99-312. Bill 23 proposes to remove site plan control for residential developments of ten (10) or less units along with eliminating architectural controls. In developing a new site plan by-law, Planning staff will work closely with staff in Economic and Creative Development and Building departments to ensure that a clear and streamlined approach to development projects is achieved within the City. It is anticipated that a new by-law would be brought forward for consideration in early 2023 subject to a decision on Bill 23.

28. With the addition of Section 41(3.6) of the *Planning Act*, staff now need to deem site plan control applications complete or incomplete. Staff implemented this requirement following the passing of the legislation in the late spring with a formal letter of complete being issued to applicants.
29. Additionally, it has been standard practice to circulate draft site plan conditions to the Ward Councillor with two days to review and comment prior to issuance. To ensure approval timelines are met, staff will not be able to wait more than two days to issue the conditions. It will be essential for the Ward Councillor to raise any concerns within the two day period. As this is a courtesy, the circulation will not hold up issuance of conditional approval.

Minister's Discretion on Approval of Official Plans

30. The Minister has the discretion to refer new official plans or official plan amendments supported by a Municipal Comprehensive Review to the OLT for either:
 - a) A recommendation on whether the Minister should approve or modify the official plan amendment; or
 - b) A final decision from the Tribunal on whether the official plan amendment or new official plan should be approved or modified.
31. The tribunal has the discretion on whether to hold a hearing in either case. The Minister also has a new power to retroactively suspend the time in which a decision must be made on an official plan amendment or new official plan on the Minister's desk for approval.

Authority to Reinstate Lapsed Draft Plan Approvals

32. The legislation prescribes that an approval authority may deem a draft plan of subdivision that lapsed within the past five (5) years to not have lapsed. The City has no concerns regarding this change.
33. Additionally, the Minister may prescribe matters that are not permitted to be imposed as conditions of subdivision approval. The matters have yet to be identified through the legislation and staff will provide further comment on the proposed changes and revise draft plan conditions as required.

Community Infrastructure and Housing Accelerator Tool

34. A new Community Infrastructure and Housing Accelerator (CIHA) tool was established. In addition to the Minister's Zoning Orders (MZO), the Minister can now make decision on zoning by-law amendments for affordable housing, mixed use developments, healthcare and long term care facilities and employment uses. Municipalities would be responsible for the public consultation and would pass a resolution requesting the Minister for a decision. The Minister can issue a decision that does not comply with Provincial policies or official plans. The decision is not appealable to the OLT.
35. The tool may advance strategic municipal projects for approvals for housing or community infrastructure while increasing transparency that is lacking in the use of MZOs.
36. The draft guideline for CIHA was released on the Environmental Registry of Ontario (ERO No. 019-5285). A decision on the guideline was made on October 25, 2022, providing additional direction on how and where the tool may be used. The guideline was amended to clarify that subsequent approvals must be still obtained even if an order provides that provincial and local land use policies do not apply. A webpage has also been created identifying the steps involved in utilizing the tool, information, and materials to be provided, consultation requirements including Indigenous communities and best practices for municipalities to consider.

Surety Bonds

37. Similar to most municipalities, the City requires applicants to provide a letter of credit to secure obligations such as landscaping or infrastructure which are imposed through development approvals. The legislation allows for the Minister to create a new regulation that would permit applicants to stipulate the type of surety bond or other prescribed instruments which may be used to secure agreement obligations in connection with land use approvals.
38. This change may impact the City’s ability to control the type of financial security required if works are not completed. A letter of credit is similar to cash which the municipality can draw on if a developer fails to complete a project or there are deficiencies in the project execution.
39. Surety bonds are different in that funds are not guaranteed but require the surety to confirm that a commitment is fulfilled. A surety may perform an investigation to determine if it is required to respond to a claim on a bond and may dispute the need with a municipality which may end up in litigation. The surety may also be able to choose what entity will fulfill the outstanding obligations (depending on the wording of the bond) leaving the municipality with no control over timing or fulfillment. The municipality may not have control over when items such as infrastructure deficiencies are corrected.
40. The regulation relating to the implementation of surety bonds has not been released. Staff will provide an update to Council once the details of the regulations are made available along with the implications and potential risks to the City. In the meantime, the City will continue to collect letters of credit for development projects.

Incentives and Refund of Fees

41. Incentives to have decisions made on applications within the timelines of the *Planning Act* through the refunding of fees including zoning by-law amendments, zoning by-law amendments with official plan amendments and site plans were introduced in the Bill. The refunds legislated for applications received after January 1, 2023, are detailed below along with the related dollar amount based on current application fees.

Application Type	Deadline for Decision to Approve or Deny	Refund of Application Fees	Refund Amount based on 2022 Fees
Zoning By-law Amendment	90 days (3 months)	50%	\$11,156.67
	150 days (5 months)	75%	\$16,735.05
	180 days (7 months)	100%	\$22,313.34
Zoning By-law Amendment and Official Plan Amendment	120 days (4 months)	50%	\$12,193.75
	180 days (7 months)	75%	\$18,290.63
	240 days (9 months)	100%	\$24,387.50
Site Plan	60 days (2 months)	50%	\$6,685.69
	90 days (3 months)	75%	\$10,028.54
	120 days (4 months)	100%	\$13,371.38
*2022 City of Barrie Application Fees: Zoning By-law Amendment = \$22,313.34 Official Plan Amendment and Zoning By-law Amendment = \$24,387.50 Site Plan = \$9,501.94 (up to 5,000 sq. m.) indexed per sq. m. – average site plan amount = \$13,371.38			

42. The total revenue received for applications for official plan amendments, zoning by-law amendments and site plan is detailed in Appendix “B” to this staff report. The three application types combined result in total annual revenues of \$627,035.28 (2020), \$695,363.52 (2021) and \$797,399.64 (2022 to date). Forecasted revenues for 2023 are \$906,368.04.

43. The City does not currently actively track Key Performance Indicators (KPIs) for planning approval timelines however, it can be confirmed with a high degree of certainty that the City does not meet the current approval timelines identified in the *Planning Act*. This is in line with the reporting from other municipalities in the province. Current application timelines under the *Planning Act* include circulation requirements (20 days), holding a statutory public meeting, technical review, applicant response to technical and public comments, staff report and council consideration for approval. With these requirements and given the wide variety and complexity of development applications, it is difficult for any municipality to provide approvals within two to four months as currently required. As cited in the City of Toronto's staff report reviewing Bill 109 dated April 1, 2022, it was estimated that the City would have only retained 1.2% of application revenue resulting in a net loss of \$46,001,025 based on 181 applications processed between January 1, 2019 to March 31, 2022.
44. The potential revenue loss for the City of Barrie is significant with a forecasted revenue of \$906,368.04 for 2023. This loss will directly impact the City's overall budget.
45. An unintended consequence of the refund incentives may be an increase in the number of denial recommendations for development projects that cannot be supported from a policy or infrastructure perspective. The City rarely recommends denial of applications as staff are proactive in identifying glaring issues during pre-consultation and work with applicants to modify proposals to meet City requirements. The possibility of more recommendations for denial or refusal will likely result in increased appeals to the OLT which will impact staffing resources in Development Services and Legal Services. City of Hamilton has noted in their Bill 109 staff report the need for additional planning and legal staff to facilitate the anticipated increase of appeals.
46. An additional consequence of the Bill will be an increase in the use of holding provisions to push detailed design elements to future stages in the planning process. While items such as servicing capacity are reviewed during the submission for an official plan or zoning by-law amendment, such details could be included as conditions of a hold in order to meet approval timelines. This alternative does not advance projects to construction but would protect revenues and mitigate risk in terms of operational or infrastructure commitments with the risk being borne by the applicant, and not the City. As noted above, the removal of holding symbols was delegated to the Director of Development Services in 2022 which allows for faster processing of requests to remove holds.

Proposed Changes to Existing Development Review Processes – Short Term

47. As municipalities grapple with the implications of Bill 109, changes need to occur to the development review process. Staff are proposing changes in the short term to minimize the refunding of fees starting in 2023.
48. The focus of the proposed changes contained in this report is to front end applications placing the requirement for quality submissions on the applicant based on City policies and standards.
49. The City currently provides a comprehensive pre-consultation review which allows staff and external agencies to review a proposal over a 4 week period (30 days or 22 working days) resulting in a virtual meeting with staff, a fulsome comment package and list of required studies and reports.
50. **Pre-Submission Application Review and Fee** - The introduction of a pre-submission application is proposed. The pre-submission application would be required following formal pre-consultation with the City and would include the submission of all required reports, studies, peer reviews and recommended agency approvals. The review of the pre-submission materials would occur over a 6 week period (45 days or 30 working days) and would result in a virtual meeting with staff, a fulsome qualitative review of the submission noting any deficiencies or errors that would need to be corrected in order for a complete submission to the City. An associated fee of \$5,000.00 is proposed to be added to the current Fee By-law along with a reduction of the same amount to the complete application fees for Zoning By-law Amendments, Zoning By-law Amendments with Official Plan Amendments and Site Plans.

51. Proposed development review process for zoning by-law amendments, zoning by-law amendments with official plan amendments and site plan applications are shown below.

Zoning By-law Amendment or Zoning By-law Amendment with Official Plan Amendment	Review or Circulation Period	Revised Period subject to Refund
Pre-Consultation	4 weeks (30 days or 22 working days)	
Neighbourhood Meeting	2 weeks (12 days or 10 working days)	
Pre-Submission	6 weeks (45 days or 30 working days)	
Complete Submission	4 weeks (30 days or 22 working days)	30 days
Circulation for Technical Review	6 weeks (45 days or 30 working days)	45 days
Public Meeting	20 days	20 days
Staff Report		
Council Approval or Denial		
	Target for Zoning By-law Amendment	90 days
	Target for Zoning By-law Amendment with Official Plan Amendment	120 days

Site Plan Applications	Review or Circulation Period	Revised Period subject to Refund
Pre-Consultation	4 weeks (30 days or 22 working days)	
Pre-Submission	6 weeks (45 days or 30 working days)	
Complete Submission	4 weeks (30 days or 22 working days)	30 days
Circulation for Technical Review	6 weeks (45 days or 30 working days)	45 days
Conditional Approval Issued based on 1 st submission review	20 days	15 days
	Target for Site Plan Conditional Approval	60 days

52. **New ‘Standard’ and ‘Complex’ Removal of Holding Symbol Application and Fees** - The anticipated use of holding symbols is expected to increase both in volume and complexity. The existing fee is proposed to be modified by differentiating “standard” versus “complex” holding symbols. Complex holds will include the submission of studies for staff review such as an updated servicing study while standard holds will be for items not involving staff review such as a Record of Site Condition (RSC). This process is delegated to the Director of Development Services.
53. **Creation of Request for Refunds Form** – It is proposed that the City will not initiate the refunding of application fees. Staff are of the opinion that the legislation does not require municipalities to automatically refund application fees if timelines are not met. Instead, Development Services will create a form for refund requests to be submitted by applicants. This will allow staff to confirm that applications qualify and refund amounts along with formal tracking of revenue loss. If a request is not made even though the application may meet the refund threshold, staff will continue working with the applicant beyond the refund period.
54. Updates to Site Plan Control By-law 99-312, as amended by By-law 2017-045, will be required as well as Schedule ‘K’ of Fee By-law 2022-013.
55. Along with the changes proposed above, staff will be actively reviewing internal processes seeking improvements to City guidelines and technical documents, updating standardized conditions, clarifying comments, creating checklists and other methods to create efficiencies and communicate requirements clearly to the development community as well as expediting report writing and review for Council consideration. Council will also need to consider increasing the frequency of Planning Committee and Council meetings throughout the year to avoid any delays in approvals.

Optional Considerations to Improving Existing Development Review Processes – Long Term

56. While staff have recommended interim solutions to address Bill 109, Planning Committee may need to consider additional matters to ensure full cost recovery, appropriate allocation of staff resources, municipal servicing and inactive draft approvals.

57. Long term matters that Planning Committee may recommend be considered include:
- Comprehensive Planning Services and Development Approval Fee Review
 - Comprehensive Staffing Review including all departments affected by development review
 - Delegation of minor zoning by-law amendments and technical consents to the Director of Development Services
 - Water and Sewage Servicing Allocation Policy
 - Inactive File and Draft Approval Policy
 - Community Permit Planning System (CPPS) for the Urban Growth Centre (UGC) and Major Transit Station Areas (MTSAs)
 - Updating technical standard documents, master plans and policies/guidelines
 - Amendment to the City's new Official Plan following approval by the Ministry of Municipal Affairs and Housing
58. The recommended motion also includes a paragraph that, if approved, would permit the Chief Administrative Officer to retain a strategic advisory firm to assist the City of Barrie in its communications with the Province of Ontario. The Province has tabled legislation (Bills 23 and Bill 109) that as noted through this report, has a significant impact on Barrie and its taxpayers. Given the significance of these legislative changes as well as others that the Province has suggested may be forthcoming in the near future, and the very short timelines for the consultation and any responses, staff are of the view that a strategic advisory firm would be valuable in allowing the City to assert concerns and opportunities in an effective fashion.
59. All of the initiatives identified above require research, staffing resources, and budget to undertake and therefore have been categorized as long term measures. Investigation into some or all of the items identified above could take place in 2023 while staff assess the real impacts of Bill 109 on the development approvals process. Alternatively, Planning Committee could prioritize any of the long term matters for budgetary or staffing considerations in 2023.

Summary

60. As detailed throughout this report, staff are attempting to modify current development review processes to streamline development approvals while also mitigating the potential of risk and liability to the municipality.
61. Staff are currently recommending that the following actions be undertaken to address the implications and implementation requirements resulting from Bill 109:
- That staff be directed to repeal and replace Site Plan Control By-law 99-312, as amended by By-law 2017-045, and any related Council policies to reflect changes in legislation through Bill 109 and Bill 23, if approved, and that staff bring the proposed Site Plan Control By-law to Council for consideration.
 - That staff be directed to amend Pre-Consultation By-law 2018-108 to reflect the required changes to the City's pre-consultation, pre-submission, and complete application review process as a result of Bill 109.
 - That staff be directed to amend Schedule 'K' of Fee By-law 2022-013 outlined in Schedule "D" as an interim step to protect Planning fee revenue until a full fee review can be completed, and for these process and fee changes be effective on January 1, 2023.
 - That staff be directed to undertake a comprehensive fee review for Planning and Development application approvals in 2023 with the intent of supporting full cost recovery.
 - That staff in Development Services work with the Clerk to ensure the frequency of Planning Committee and Council meetings throughout 2023 will facilitate the consideration of planning applications on a regular and "as-needed" basis.

- vi) That staff be directed to undertake any necessary amendments to the City’s new Official Plan, including any required public planning meetings, as a result of Bill 109 or Bill 23 following approval by the Ministry of Municipal Affairs and Housing.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

- 62. There are no immediate environmental matters related to the recommendation. However, staff note that the compressed review and approval timelines may result in an increased use of holds or conditions to address any outstanding environmental or climate impact matters.

ALTERNATIVES

- 63. The following alternatives are available for consideration by Planning Committee:

Alternatives for Policy and Procedures for Bill 109 Implementation

<u>Alternative #1</u>	<p>Maintain current practices.</p> <p>This alternative is not recommended due to the potential for a substantial loss in planning application fees in 2023 which may place the City at a financial risk. Additionally, this alternative is not in keeping with the intent of Bill 109 in streamlining development approval processes to increase the supply of housing.</p>
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FINANCIAL

- 64. There would be financial implications to Development Services revenues related to the current fees received for planning applications. Current development application fees are outlined in Schedule ‘K’ of By-law 2022-013 and been proposed to be indexed by 4.8% for the 2023 budget.
- 65. Planning application revenues from 2020 to 2022 are attached as Appendix “B” to this staff report. The chart shows actual revenue generated from 2020 to 2022 along with forecasts to 2025 as required through the City’s budget process. From the total revenue received from planning applications, the only impacted application types are Official Plan and Zoning By-law Amendments and Site Plan Approval. However, the three application types combined result in a total revenue of \$627,035.28 (2020), \$695,363.52 (2021) and \$797,399.64 (2022 to date). Forecasted revenues for 2023 are \$906,368.04.
- 66. If refunds are requested for applications for Zoning By-law Amendments, Zoning By-law Amendments with Official Plan Amendments and Site Plans, the potential maximum revenue loss will be \$906,368.04 to the City’s budget in 2023.
- 67. Other revenues or fees that may be impacted include a reduction in engineering review fees due to increased number of appealed applications to the Ontario Land Tribunal (OLT) or changes in peer review contracts to expedite complex proposals.
- 68. With respect to the motion to retain a strategic advisory firm, the estimated cost is \$90,000. Due to the urgency for responses within the Province’s short timelines, staff are recommending that a non-standard procurement process be authorized. This would allow the Chief Administrative Officer to single source the firm rather than issuing a request for proposals. It is recommended that the cost associated with retaining the firm, be funded from the Reinvestment Reserve.
- 69. While there are no immediate impacts on staff resources, the Bill will have significant impacts on the City’s ability to review applications in a timely way and will likely result in requiring additional staff time to complete development review to minimize fee refunds. Staff need to assess and report

back on the impacts to staffing resources realized through the legislative changes in Bill 109 and potentially Bill 23.

LINKAGE TO 2018–2022 STRATEGIC PLAN

70. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:

- Growing our Economy
 - i) Make it easier to do business
 - ii) Help businesses grow
- Building Strong Neighbourhoods
 - i) Grow Responsibility

71. The interim solutions proposed in this report will allow for the City to continue its cooperative relationship with the development community to advance housing projects in a timely manner while balancing the risk of revenue loss and additional demands on staffing resources.

Attachments:

Appendix “A” – City of Barrie Comments

Planning Act Changes Bill 109 (ERO No. 019-5284)

Opportunities to Increase Missing Middle Housing and Gentle Density (ERO No. 019-5286)

Community Infrastructure and Housing Accelerator Guidelines (ERO No. 019-5285)

Appendix “B” – City of Barrie Planning Application Revenues 2020 to 2022

Appendix “C” – Current Planning Services Fees 2022 and Proposed Budget 2023

Appendix “D” – Proposed Planning Services Fees 2022 and Proposed Budget 2023

APPENDIX "A"

City of Barrie Comments

Planning Act Changes Bill 109 (ERO No. 019-5284)

THE CORPORATION OF THE CITY OF BARRIE



April 29, 2022

Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

VIA EMAIL
PlanningConsultation@ontario.ca

RE: Environmental Registry of Ontario Posting 019-5284: Proposed Planning Act Changes (Bill 109 – More Homes for Everyone Act, 2022)

Please accept this letter in response to Environmental Register of Ontario (ERO) proposal 019-5284 regarding changes to the *Planning Act, R.S.O. 1990 ('Planning Act')* as presented in *Bill 109 – More Homes For Everyone Act, 2022*. Staff have undertaken a review of the proposal and offer the following comments.

Proposal Summary

Staff understand that the changes to the *Planning Act* provided in *Bill 109 – More Homes for Everyone Act, 2022*, are intended to expedite the development approvals process to bring more homes to market. Staff support the Province's initiatives to create more housing opportunities for Ontarians as well as make housing more affordable. The City's newly adopted Official Plan, which is currently under Provincial review, provides a road map as to where and how Barrie is to grow. For example, the City's adopted Official Plan expands land use permissions in existing neighbourhoods to permit 'missing middle' housing as well as mid-rise buildings in new/developing neighbourhoods. While the City of Barrie and the Province are aligned in prioritizing the creation of more affordable homes, City staff do want to take the opportunity to provide feedback on the changes outlined in *Bill 109*, as they may not have the intended effect of creating more affordable housing options for Ontarians.

Comments

The comments provided below are ordered numerically and according to the changes to the *Planning Act* enacted by *Bill 109*.

Changes to Sec 17, sub sec 40.1-40.1.3) – Powers to suspend review period

It is unclear as to why the introduction of such powers is required. The introduction of what is an extension to an approval timeline seems to be at odds with the Province's interest in accelerating approvals for the purpose of creating more housing units. It is recommended that Province clarify under the scenario or condition that these powers could be used and how doing so will help with creating more housing units.

Changes to Sec 17, sub sections 55-64 – Referral to Tribunal

Similar to the introduction of "powers to suspend a review period" (see above), it is unclear why it is in the interest of the Province, or the affected municipality, to refer an Official Plan review for recommendation or decision to the Tribunal. The purpose of the Tribunal has been to resolve disputes. Referral of an Official Plan review to the Tribunal would therefore indicate that the Province disagrees or has concerns with a municipality's Official Plan. However, there

are already processes in place – such as the Minister’s ability to amend an adopted Official Plan – to resolve such issues. It is therefore unclear why the introduction of these new powers is necessary. Furthermore, the Tribunal is currently backlogged and under-resourced. While staff understand that the Province intends to resolve this matter by appointing more members to the Tribunal, it is unlikely that this will occur quickly, introducing further delays. Finally, the referral of an Official Plan to the tribunal signals that the Province prefers the opinion of an outside expert, rather than continuing to foster a collaborative approach between informed Provincial and municipal staff to ensure understanding of the policies presented in an Official Plan and the reasoning behind them.

It is therefore recommended that the Province clarify or outline why and when plans will be referred to the Tribunal. At the very least, it is recommended that the Minister provide a notice to municipalities to explain why an adopted Official Plan is being referred to the Tribunal instead of proceeding through the established approval process.

New subsection 34(10.12) of the Planning Act

Staff understand that new rules respecting when municipalities are required to refund fees in respect of an application for a zoning by-law amendment are being introduced by *Bill 109*. Making a decision within 90 days is challenging given legislated timeframes for providing notice of a complete application, notice of a public meeting, hosting a public meeting, providing opportunity for review and comment by prescribed agencies, and accounting for Council scheduling, which typically requires planning reports to be prepared weeks in advance of actually bringing an application forward to Council for a decision. Further delays can also occur if Council takes a summer recess or as in the case this year – a municipal election. By requiring a decision to be made within 90 days or be required to refund fees, there is less incentive or opportunity for municipal staff to work with applicants to address any concerns that arise through the review process, or to collaborate with applicants to find mutually agreeable solutions or improvements to plans. Instead, municipalities will need to base their decisions on the application as submitted, and this could result in more recommendations to refuse an application if the application fails to satisfactorily address local or provincial policy on first submission.

This could in turn result in additional time and costs for both applicants and municipalities if decisions are subsequently appealed to the Ontario Land Tribunal. Alternatively, more information and details will need to be provided by applicants during the pre-consultation process, which will front-end review timelines in advance of any public consultation, rather than reduce overall length of approval.

Based on the above, it is unclear how the requirement to refund fees will facilitate faster approval timelines, contribute to housing affordability, or address current delays in the development approval process, and staff have concerns that it could achieve the opposite. Similarly, staff question the overall impact of application fees on the cost of development, noting that much of the cost of putting together an application is spent on preparing the required reports, plans and studies to justify the proposed development.

By comparison, the financial impact on municipalities could be significant as the lost revenue from refunding fees may need to be reconciled from other municipal funding sources.

Addition of new section, being Sec 34.1 – New Minister Order (Accelerator tool)

The City of Barrie has submitted comments on the Community Infrastructure and Housing Accelerator (CIHA) tool guidelines under a separate letter. The comments below speak specifically to the changes to the *Planning Act*, as presented in *Bill 109*, to implement the CIHA. For clarity, comments are organized under bullets as staff do not have comments on each subsection of the proposed new section 34.1

- **34.1(1) – Request for Order:** Staff complement the Province on making the use of the CIHA tool an option only for local councils. While a local council may use the tool to facilitate a private development, it is at least the locally elected officials who will need to make the choice if in-effect processes, or the CIHA tool, are best for facilitating a development proposal in their community.
- **34.1(3)(b) – Content of resolution:** The language used in this section is not accessible and it is unclear as to what is required. It is recommended that this language be clarified or that the guideline to the CIHA provide further direction.
- **34.1(6) – Consultation:** Given the extraordinary authority and potential impact of an order issued as part of the CIHA, the lack of minimum standards for consultation is very concerning. In contrast, with this change, the *Planning Act* would prescribe greater requirements for public consultation on Minor Variances than on a municipality's intent to request a CIHA order. The public must be made aware that their local council intends to request a CIHA order and the impacts of the order if it is given. Without clear minimum standards for public consultation the use of the CIHA order may be misused or abused to permit development that the public has expressed concern with through the in-effect approvals process. It is recommended that Section 34.1(6) to the *Planning Act* be amended to prescribe minimum standards for public consultation or defer the establishment of a public consultation process to appropriate regulations.
- **34.1(9)(b) – Orders:** Staff support the province's decision to allow locally elected councils to request the issuance of a CIHA order. However, *Planning Act* section 34.1(9)(b) would allow the Minister to modify a CIHA order. Staff are unclear as to why a modification to an order would be necessary. It is recommended that the CIHA guidelines stipulate the conditions under which the minister may amend a CIHA order and how any modifications to a CIHA order will be in keeping with the original order requested by a local council.
- **34.1(12) – Non application to order:** Staff are deeply concerned about the non application of the Provincial Policy Statement (PPS), Provincial Plans, and local Official Plans to the making of a CIHA order. Staff expressed concern about the non application of the PPS in response to ERO proposal 019-3233 regarding proposed changes to a Minister's Zoning Order (see attached letter). Planning in Ontario can be done in a manner that does not abandon the good planning practices and policies of the PPS and Provincial Plans, particularly *A Place to Grow: A Growth Plan for the Greater Golden Horseshoe*. It is recommended that section 34.1.(12) be struck from *Bill 109*. Should this provision remain, it is recommended that section 34.1(9) be amended to require any residential development permitted in urban areas by way of a CIHA order to provide *affordable housing* units or demonstrate how the housing units being sold or rented are attainable to residents or customers in the local market area. This way the non application of the PPS, Provincial Plans, and local official plans – while still deeply concerning to staff – will, at the very least, result in a measurable public good.
- **34.1(13) – Conditions:** Due to the non application of local official plans to CIHA orders, and the inability for municipalities to impose their own conditions, it is unclear how municipalities are to address technical details – such as need to collect right-of-way widenings, require land dedication for utilities or active transportation, require parkland dedication or at minimum the provision of amenity areas, ensure stormwater management facilities that are to be assumed by a municipality meet Provincial Standards, etc. – that arise at time of development approval or construction. It is recommended that section 34.1(13) be amended to permit municipalities to impose technical conditions, particularly when development is to proceed through site plan control, which is to be delegated to a staff-level approval. This change will provide flexibility for municipalities to address unforeseen matters quickly rather than seek CIHA order amendments or request additional conditions, all of which will delay the very projects a CIHA order is intended to expedite.

- **34.1(15) Application of subs. (12) to licences, etc.** – Staff can speculate on the intent of this section, but it lacks clarity. It is recommended that this section be revised to clearly explain its application. Alternatively, it is recommended that the CIHA guidelines provide clarity as to the application of this section. Specifically, staff are unclear what is meant by “necessary modifications.” For instance, will municipalities be able to ask for development applications to proceed through the site plan approval process (e.g., to collect land for right-of-way widening)?

Amendments to Section 41 of the Planning Act

Several amendments were made to Section 41 of the *Planning Act* by *Bill 109, the More Homes for Everyone Act, 2022*. Similar to the above, comments are ordered numerically and according to the changes presented in *Bill 109*.

- **41 (3.1-3.9) – Site plan matters:** Staff are supportive of the introduction of changes which will have the effect of delegating site plan control review to staff and the introduction of complete application requirements. Staff look forward to the opportunity to comment on any prescribed materials.
- **41(11.1) – Refund:** Staff again have concerns respecting the refunding of site plan application fees should approval not be provided within 60 days. While there are no public consultation requirements for site plan applications, or the requirement to bring forward a report to Council, the short approval timelines do not allow much opportunity for the applicant to respond to staff and agency comments. This will could require further conditions of approval. Staff also have concerns with the proposed wording of subsection 41 (11.1), as it is unclear whether approval in full, or conditional approval, must be made within 60 days. Given that there were no changes made to subsection 41 (7), and approval authorities maintain the ability to impose conditions of approval, staff interpret the new subsection require conditional approval within 60 days, and that final approval and the registration of a site plan agreement can occur beyond the 60-day period without financial penalties.
- **41(12) lengthening of review timelines:** Staff support lengthening the review timelines from 30 days to 60 days as this provides a much more reasonable timeframe for processing applications and avoiding appeals to the OLT.

Amendments to section 51 of the Planning Act

Staff have no concerns with the proposed changes to section 51, as it is our understanding that the new rules under subsection 51 (33.1), that would allow an approval authority to deem the approval not to have lapsed, are optional. However, staff look forward to the opportunity to engage in further consultation on any prescribed matters under new subsection 51 (25.1).

Thank you for providing the opportunity to comment on this proposal.

Respectfully,



Michelle Banfield, RPP,
Director of Development Services

cc: Bala Araniyasundaran, P.Eng, PMP, General Manager of Infrastructure and Growth Management
Wendy Cooke, Clerk

Community Infrastructure and Housing Accelerator Guidelines (ERO No. 019-5285)

THE CORPORATION OF THE CITY OF BARRIE



April 29, 2022

Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

SUBMITTED ELECTRONICALLY

RE: Environmental Registry of Ontario Posting 019-5285: Community Infrastructure and Housing Accelerator – Proposed Guideline

Please accept this letter in response to Environmental Register of Ontario (ERO) proposal 019-5285 regarding the proposed guideline for the Community Infrastructure and Housing Accelerator (CIHA) developed to support the implementation of changes to the *Planning Act, R.S.O. 1990* as proposed in ERO posting 019-5284. Staff have undertaken a review of the proposal and offer the following comments.

Proposal Summary

Staff understand that ERO Posting 019-5285, which is to be implemented through Bill 109, known as the *More Homes for Everyone Act*, introduces a guideline that clarifies the application of the CIHA, which is intended to expedite the approval and construction of housing, infrastructure, and community projects via an order issued by the Minister of Municipal Affairs and Housing. Specifically, the Minister's order may regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development.

Comments

Generally, staff are supportive of the Province's initiatives to assist in the creation of more housing units, in supporting intensification, and in the development of complete, compact, and transit-supportive communities. To assist with the implementation of the CIHA, it is recommended that the guideline:

- **Provide municipalities and municipal councils with direction as to the conditions or situations in which the use of the CIHA may be appropriate given that established processes for approving development are in place.** As presented, it is unclear as to why or when a municipality may request the Minister to use the CIHA tool. Specifically, as processes already exist for the re-designation or re-zoning of land, and approving development in general, the guideline should specify why it may be appropriate for municipalities for use the CIHA tool rather than process a proposal under the established protocol. This would ensure that the CIHA tool is not mis-used or abused and that accountability and due public process is maintained.
- **Outline the minimum standards for public consultation.** Given that there is no appeal of a Minister's order under the CIHA, and the order and subsequent approvals may need not be consistent with the Provincial Policy Statement or conform to any Provincial Plans and municipal policies, the public needs to be made aware of and consulted on the impacts of an order issued under the CIHA, such as impacts on local natural heritage systems or community.

- **Clarify how municipalities are to address technical development approval matters without ability to impose conditions.** As development permitted by the Minister under a CIHA order may not need to conform to local policy framework, it is unclear how, or if at all, a municipality is to address the technical side of approving development, such as:
 - Land dedication for right-of-way widening,
 - Parkland dedication (or cash-in-lieu), or
 - Application of community benefits by-laws.
- **Include a flow-chart that outlines steps involved in requesting and implementing an order under the CIHA.** The Minister has, in the past, developed and published flow-charts which illustrate the steps involved in implementing matters under the *Planning Act*. The same is true for matters under the *Ontario Heritage Act*, albeit under a different ministry. A flow chart that outlines what municipalities are required to do, as well as what they can do, such as requesting that the Minister give specific conditions or require specific studies, would help the implementation of the CIHA and allow municipalities to protect public interest.

Thank you for providing the opportunity to comment on this proposal.

Respectfully,



Michelle Banfield, RPP,
Director of Development Services

Opportunities to Increase Missing Middle Housing and Gentle Density (ERO No. 019-5286)

THE CORPORATION OF THE CITY OF BARRIE



April 29, 2022

Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

****SUBMITTED ELECTRONICALLY****

RE: Environmental Registry of Ontario Posting 019-5286: Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing

Please accept this letter in response to Environmental Register of Ontario (ERO) proposal 019-5286, which is seeking input on how to diversify housing choices in existing neighbourhoods through gentle density and increases to Ontario's missing middle housing, including encouraging multigenerational housing solutions. Staff have reviewed the discussion questions posed in ERO Posting 019-5286 and offer the following comments.

Proposal Summary

Staff understand that ERO Posting 019-5286, which is to be implemented through the introduction of More Homes for Everyone, has a goal of introducing targeted policies for the immediate term that would make accessing housing fairer for working Ontarians, and make it faster to build appropriate homes for families. Further, it is our understanding that any specific policy proposals to address these housing matters would be consulted on before the government makes any changes; we welcome and look forward to participating in meaningful consultation on any future proposed changes.

Comments

Generally, staff are supportive of the Province's initiatives to assist in the creation of more missing middle and multigenerational housing units through intensification of existing neighbourhoods and the introduction of new types of built form, to support the development of communities that are complete, compact, and transit-supportive. To this effect, the City of Barrie recently adopted a new Official Plan (which is awaiting Provincial approval), which encourages a range and mix of housing types, uses and built form within the existing built-up area, including innovative and non-traditional housing types.

Considering this, we offer the following in response to the discussion questions posed in ERO Posting 019-5286, based on the work we have been doing locally to address housing affordability and access:

- **Barriers and delays to diversifying the types of housing built in existing neighbourhoods**

Existing restrictive zoning, such as standards that require larger lot sizes and limit the types of built form that are permitted within residential zones, continues to be a barrier to diversifying housing forms. The City of Barrie has already addressed a number of these barriers, including introducing new multi-residential uses within many zones (such as stacked and back-to-back townhouses), removing minimum dwelling unit size requirements from zoning for detached accessory units, and making it easier to add additional dwelling units into existing buildings that do not meet today's zone standards. The City also

intends to implement further changes through a comprehensive update to the City's Zoning By-law, pending approval of the new Official Plan by the Province. In this regard, we would encourage the Province to recognize the critical role that timely review and approval of Official Plans and comprehensive Zoning By-laws play in removing barriers to building more and diverse housing.

However, even with more permissive as-of-right zoning in place, infrastructure challenges within older built-up areas (including water, sanitary and stormwater management systems), and the costs associated with upgrading infrastructure and meeting today's Building Code standards, can make small-scale redevelopment or the addition of new units cost-prohibitive for many. There are also challenges with introducing changes or new standards within established neighbourhoods and local resistance is often met, particularly as it relates to concerns over the impact of new types of housing on property values. While staff recognize the importance of community consultation and engagement in the planning process and maintain its importance, the current legislative framework for consultation elevates the voices of neighbouring property owners and often fails to adequately represent those people who will live in the new housing.

- **Changes to the planning and development process to make it easier to support gentle density and build missing middle housing and multigenerational housing, in Ontario**

Many of the changes proposed to date address concerns regarding municipal approval timelines and perceived red tape, however concerns regarding the poor quality of submissions, and the fact that many approved developments have not yet begun construction, remain unaddressed. Clearer standards regarding who is qualified to submit planning justification reports and other studies, could be helpful in increasing quality of submissions, resulting in the need for fewer revisions and a significant improvement in overall approval timelines.

Changes to the planning and development approval process to require timely movement through the approvals process on the part of the applicant could assist in ensuring that projects are approved and built within a shorter timeframe to ensure projects remain financially feasible and up to date with current policies and best practices. Requirements to limit the amount of time an applicant has to revise submissions or move forward with a subsequent site plan application or building permit following initial planning approvals could also free up staff capacity to focus on projects that are acting in good faith to produce more housing, and not merely up-zoning properties in the interest of land speculation or financial gain.

Lastly, the Province is introducing streamlined approval processes for certain classes of development, including affordable housing; further consideration of similar permissions at the local level, respecting matters such as delegated approval authority for minor variances for affordable housing projects, could be considered.

- **Other changes and innovative approaches to land use planning and community building from other jurisdictions that would help increase the supply of missing middle and multigenerational housing**

Subsection 35 (2) of the *Planning Act* currently contains provisions to prevent distinction on the basis of relationship within zoning by-laws, and in essence prevents "people zoning". Notwithstanding this, further changes to ensure that multigenerational housing can be easily built, as well as clearer guidance on requirements and standards, particularly in relation to boarding, lodging and rooming houses, would be welcome. Shared housing, both among multigenerational families and by roommates, remains one of the most affordable housing options within Barrie and the province at large. Unfortunately, this type of

housing is often stigmatized and can be particularly susceptible to NIMBYism, which can pose a barrier to improving standards and consequently the quality and availability of this housing. Additionally, language respecting boarding, lodging and rooming houses in the Ontario Building Code specifically references the number of tenants, which makes it challenging to align with zoning standards.

On a related note, there is currently no ability to zone land based on tenure, which can make it challenging to ensure that enough land is set aside for rental housing. Within the City of Barrie, it is estimated that roughly 75 per cent of rental households are accommodated within the secondary rental market. This points to both a demand for more rental housing and removes ownership units from the market. A review of the laws and regulations respecting smaller-scale condominium corporations in other provinces, such as Alberta and Quebec, would also be encouraged to determine whether there is an opportunity for changes to Ontario's Condominium Act that may make it easier to build smaller-scale, more affordable, missing-middle ownership units.

Lastly, the creation of affordable market housing units remains a challenge to realize, particularly for those that are family-sized, despite this being a matter of provincial interest and the introduction of local affordable housing targets. To introduce more options for market developers to make meaningful affordable housing contributions and meet local policy objectives, the introduction of guidelines for establishing a cash-in-lieu of affordable housing units option (outside of inclusionary zoning areas) could be explored. This approach has been particularly successful in places such as Seattle, Washington, where they have funded workforce housing through an affordable housing linkage fee to preserve and create affordable housing.

Thank you for providing the opportunity to comment on this proposal.

Respectfully,

A handwritten signature in blue ink that reads "Michelle Banfield".

Michelle Banfield, RPP,
Director of Development Services

cc: Bala Araniyasundaran, P.Eng, PMP, General Manager of Infrastructure and Growth Management
Wendy Cooke, Clerk



APPENDIX "B"
City of Barrie Planning Application Revenues 2020 to 2022

GL Account Type	GL Account *1344 Planning	2020 Actual	2021 Actual	2022 Actual*	2022 Budget	2023 Budget	2024 Budget	2025 Budget
Revenues	810090 - Committee of Adjustment Application Fees	69,589.00	171,665.26	116,553.70	158,558.18	161,729.34	164,963.93	168,263.21
Revenues	810160 - Compliance Letters	16,538.15	35,330.49	20,815.78	27,194.22	27,738.10	28,292.87	28,858.72
Revenues	810170 - Site Plan Applications	235,017.65	332,778.55	279,420.16	327,730.00	334,284.60	340,970.29	347,789.70
Revenues	810180 - Subdivision and Condo Fees	193,108.10	609,723.53	589,555.80	118,430.49	120,799.10	123,215.08	125,679.38
Revenues	810190 - Rezoning and OP Fees	234,409.62	356,544.68	514,615.97	560,866.12	572,083.44	583,525.11	595,195.61
Revenues	810220 - Part Lot Control Fees	8,503.90	20,499.58	24,251.75	12,805.59	13,061.70	13,322.94	13,589.39
Revenues	810290 - Enforcement Fees	-	88.49	8,492.35	6,936.00	7,074.72	7,216.21	7,360.54
Revenues	810460 - Permit Review Fees (Zoning)	4,326.95	113,823.79	167,975.51	118,201.68	120,565.71	122,977.02	125,436.56
Revenues	810820 - Sundry Revenue	492.42	13,530.17	11,434.75	-	-	-	-
Revenues	810940 - Pre-Consultation Application Fee	40,483.18	214,993.87	138,800.66	103,323.50	105,389.97	107,497.77	109,647.72
GL Account Type	GL Account *1245 Development Services	2020 Actual	2021 Actual	2022 Actual*				
Revenues	810090 - Committee of Adjustment Application Fees	81,583.46	4,229.69	2,774.90				
Revenues	810160 - Compliance Letters	12,209.56	-	-				
Revenues	810170 - Site Plan Applications	64,891.07	6,040.29	3,363.51				
Revenues	810180 - Subdivision and Condo Fees	12,800.52	-	-				
Revenues	810190 - Rezoning and OP Fees	92,716.94	-	-				
Revenues	810220 - Part Lot Control Fees	2,981.54	-	-				
Revenues	810290 - Enforcement Fees	8,365.74	-	(90.26)				
Revenues	810460 - Permit Review Fees (Zoning)	16,092.83	2,139.76	77.36				
Revenues	810820 - Sundry Revenue	15,492.60	399.63	-				
Revenues	810940 - Pre-Consultation Application Fee	80,321.60	12,277.26	6,323.40				
Total Revenues Cost Centre 1344 Planning and 1245 Development Services		1,189,924.83	1,894,065.04	1,884,365.34	1,434,045.78	1,462,726.69	1,491,981.23	1,521,820.85
Total Revenue Impacted GLs - 810170 Site Plan and 810190 Rezoning and OP		627,035.28	695,363.52	797,399.64	888,596.12	906,368.04	924,495.40	942,985.31

*2022 Actuals are as of November 14, 2022



SCHEDULE "C"
Current Planning Services Fees 2022 and Proposed 2023 Budget

SECTION 3: PLANNING SERVICES FEES	Current 2022 Fees	Proposed 2023 Fees Prior to Bill 109	Proposed % Increase Prior to Bill 109
1. OFFICIAL PLAN/ZONING BY-LAW AMENDMENTS			
1.1 Rezoning Zoning By-law Amendment Application without Official Plan Amendment	\$22,313.34	\$23,384.38	4.80%
1.2 Rezoning Application Zoning By-law Amendment with Official Plan Amendment	\$24,387.50	\$25,558.10	4.80%
1.3 Official Plan Amendment	\$24,987.33	\$26,186.72	4.80%
1.4 Rezoning - Removal of Holding Provision	\$2,304.01	\$2,414.60	4.80%
1.5 Temporary Use	\$9,703.75	\$10,169.53	4.80%
1.6 Extension of Temporary Use - Per Request	\$4,921.95	\$5,158.20	4.80%
2. PLAN OF SUBDIVISION/CONDOMINIUM			
2.1 Plan of Subdivision Application - Base fee plus per unit fee	\$19,401.89	\$20,333.18	4.80%
(a) Units 1-25	\$392.13	\$410.95	4.80%
(b) Units 26-100	\$281.67	\$295.20	4.80%
(c) Units 101-200	\$226.44	\$237.31	4.80%
(d) Units 201+	\$165.69	\$173.64	4.80%
2.2 Plan of Condominium Application	\$10,297.97	\$10,792.27	4.80%
2.3 Plan of Subdivision - Extension of Draft Plan Approval	\$4,181.97	\$4,382.71	4.80%
2.4 Plan of Condominium - Extension of Draft Plan Approval	\$3,985.77	\$4,177.09	4.80%
2.5 Condominium Exemption	\$3,212.16	\$3,366.35	4.80%
2.6 Application for Red Line Revision	\$6,087.97	\$6,380.19	4.80%
2.7 Fourth and Subsequent Subdivision and Site Plan Submission Review	\$5,689.82 / full submission plan of subdivision - \$1,709.92 / full submission site plan	\$5,962.93 / full submission plan of subdivision - \$1,791.99 submission site plan	4.80%
3. SITE PLAN			
3.1 - Up to 5000 m2	\$9,501.94	\$9,958.03	4.80%



(a) - 5001 to 20,000 m2	\$12,260.02	\$12,848.50	4.80%
(b) - 20,001-35,000 m2	\$14,653.72	\$15,357.10	4.80%
(c) - Developments greater than 35,000 m2	\$17,069.85	\$17,889.20	4.80%
3.2 Revision to Site Plan	\$3,727.89	\$3,906.83	4.80%
3.3 Extension of Site Plan Approval	\$2,786.12	\$2,919.85	4.80%
3.4 Site Plan Exemption	\$1,121.17	\$1,174.99	4.80%
3.5 Site Plan Light	\$4,836.48	\$5,068.63	4.80%
4. PRE-CONSULTATIONS			
4.1 All Applications	\$2,107.80	\$2,208.98	4.80%
4.2 Conformity Review Fee	\$2,107.80	\$2,208.98	4.80%
5. CASH-IN-LIEU OF PARKING SPACE			
5.1 Cash-in-lieu of Parking Rate Per Stall	\$16,817.58	\$17,624.83	4.80%
5.2 Cash-in-lieu of Parking Rate Per Stall - C1 Zones within the City Centre	\$5,605.86	\$5,874.95	4.80%
6. TELECOMMUNICATIONS FACILITIES			
6.1 Processing and review of applications for the installation of telecommunication facilities	\$3,385.94	\$3,548.47	4.80%
6.2 Processing and review of applications for the installation of small cell telecommunication (per structure)	\$102.00	\$106.90	4.80%
7. DEEMING BY-LAW			
7.1 Application fee (includes legal fees)	\$880.12	\$922.37	4.80%
8. PART LOT CONTROL			
8.1 Application fee (includes legal fees)	\$1,306.17	\$1,368.86	4.80%
9. COMMITTEE OF ADJUSTMENT FEES			
9.1 Pre-consultation (per hour) with a minimum of 0.5 hours, with 50% credited to the subsequent application fee	\$145.76	\$152.75	4.80%
9.2 Severance/Consent Application	\$2,774.90	\$2,908.10	4.80%
9.3 Application for Minor Variance	\$2,079.78	\$2,179.61	4.80%
9.4 Easements for Utilities	\$1,250.11	\$1,310.11	4.80%



9.5 Deferral/Amendments requiring recirculation	50% off original fee	50% off original fee	0.00%
9.6 Special Meeting Request	\$908.15	\$951.74	4.80%
9.7 Validation of Title	\$683.91	\$716.74	4.80%
10. ZONING REVIEW OF DEVELOPMENT APPLICATIONS			
10.1 Residential Building Permit (New, additions)	\$77.31 / dwelling unit for first 10 units, plus \$38.66 / dwelling unit thereafter	\$81.02 / dwelling unit for first 10 units, plus \$40.51 / dwelling unit thereafter	4.80%
10.2 Residential Building Permit (Alterations, repairs)	\$33.63 / dwelling unit, maximum of \$347.82	\$35.24 / dwelling unit, maximum of \$364.51	4.80%
10.3 Allandale Historic Neighbourhood New Building Permit and Alterations/Repairs in Scoped Site Plan Review Area - Allandale Heritage Urban Design Guidelines	\$313.93	\$328.99	4.80%
10.4 Non-residential Building Permit (new, <50 m2, per building)	\$77.36	\$81.07	4.80%
10.5 Non-residential Building Permit (new, additions, per building)	\$222.83	\$233.53	4.80%
10.6 Non-residential Building Permit (Alterations, repairs, per application)	\$77.36	\$81.07	4.80%
10.7 Two-Unit Registration or Business License review/investigation (per hour, minimum 0.5 hours)	\$154.72	\$162.14	4.80%
10.8 Pool Enclosure Permit	\$53.81	\$56.40	4.80%
10.9 Pool Enclosure Permit when project is combined with a deck permit or change house permit issued concurrently	\$30.27	\$31.72	4.80%
10.10 Retaining walls not regulated by Building Code	\$53.81	\$56.40	4.80%
10.11 Change of Use Permit	\$77.36	\$81.07	4.80%
10.12 Scope site plan review detached accessory dwelling units	\$307.77	\$322.54	4.80%
11. MISCELLANEOUS PLANNING FEES			
11.1 Permitted Use Letter	\$135.88	\$142.40	4.80%
11.2 Compliance Letter - Standard department information (each property)	\$92.46	\$96.90	4.80%
11.3 Compliance Letter - Forty-eight hour rush response (each property)	\$141.92	\$148.73	4.80%
11.4 Address Change Request	\$224.24	\$235.00	4.80%



11.5 Re-Addressing Request for Subdivisions and Blocks Subject to Site Plan Control	\$224.24 / per request plus \$5.00 per lot/unit, maximum of \$1,000.00	\$239.69 / per request plus \$5.00 per lot/unit, maximum of \$1,000.00	4.80%
12. ZONING BY-LAW ENFORCEMENT			
12.1 Fee invoiced to the property owner when an investigation confirms the property does not comply with the City's Zoning By-law			
12.1.1 Upon issuance of a first warning letter/notice – interior and exterior of building	\$180.51	\$189.17	4.80%
12.1.2 Upon issuance of a first warning letter/notice – exterior of building only	\$90.26	\$94.59	4.80%
12.1.3 Upon issuance of a second warning letter/notice – interior and exterior of building	\$748.94	\$784.89	4.80%
12.1.4 Upon issuance of a second warning letter/notice – exterior of building only	\$409.23	\$428.87	4.80%
12.2 Issuance of a Summons (each) Plus Legal expenses	\$810.60	\$849.51	4.80%
13. TWO-UNIT HOUSE REGISTRATION BY-LAW			
13.1 Registration Fee - existing two unit registration	\$536.96	\$562.73	4.80%
13.2 File management fee when a second or subsequent letter is issued to an unregistered two-unit house	\$159.38	\$167.03	4.80%
13.3 Issuance of a Summons (each) Plus Legal Expenses	\$794.71	\$832.86	4.80%

SCHEDULE "D"
Proposed Planning Services Fees 2022 and 2023 Budget

SECTION 3: PLANNING SERVICES FEES	2022 Fees	2023 Fees	% Increase	Notes
1. OFFICIAL PLAN/ZONING BY-LAW AMENDMENTS				
1.1 Zoning By-law Amendment Application without Official Plan Amendment	\$17,313.34	\$18,144.38	4.80%	Revised Fee - Reduced by \$5,000 (2022) and \$5,240 (2023) if pre-submission takes place
1.2 Zoning By-law Amendment with Official Plan Amendment	\$19,387.50	\$20,318.10	4.80%	Revised Fee - Reduced by \$5,000 (2022) and \$5,240 (2023) if pre-submission takes place
1.3 Official Plan Amendment	\$24,987.33	\$26,186.72	4.80%	
1.4 Removal of Holding Provision – Standard	\$2,304.01	\$2,414.60	4.80%	Revised Fee - Add "Standard" to current application category to remove standard conditions of hold not requiring a technical report or study review
1.5 Removal of Holding Provision – Complex	\$10,000.00	\$10,480.00	4.80%	New Fee - Add fee to address removal of "Complex" holds requiring the review of technical studies or reports
1.6 Temporary Use	\$9,703.75	\$10,169.53	4.80%	
1.7 Extension of Temporary Use - Per Request	\$4,921.95	\$5,158.20	4.80%	
2. PLAN OF SUBDIVISION/CONDOMINIUM				
2.1 Plan of Subdivision Application - Base fee plus per unit fee	\$19,401.89	\$20,333.18	4.80%	
(a) Units 1-25	\$392.13	\$410.95	4.80%	
(b) Units 26-100	\$281.67	\$295.20	4.80%	
(c) Units 101-200	\$226.44	\$237.31	4.80%	
(d) Units 201+	\$165.69	\$173.64	4.80%	
2.2 Plan of Condominium Application	\$10,297.97	\$10,792.27	4.80%	
2.3 Plan of Subdivision - Extension of Draft Plan Approval	\$4,181.97	\$4,382.71	4.80%	
2.4 Plan of Condominium - Extension of Draft Plan Approval	\$3,985.77	\$4,177.09	4.80%	
2.5 Condominium Exemption	\$3,212.16	\$3,366.35	4.80%	
2.6 Application for Red Line Revision	\$6,087.97	\$6,380.19	4.80%	
2.7 Fourth and Subsequent Subdivision and Site Plan Submission Review	\$5,689.82 / full submission plan of subdivision - \$1,709.92 / full submission site plan	\$5,962.93 / full submission plan of subdivision - \$1,791.99 submission site plan	4.80%	Remove Fee - Not applicable with multiple submission review not permitted with issuance required within 60 days
3. SITE PLAN				
3.1 - Up to 5000 m2	\$4,501.94	\$4,718.03	4.80%	Revised Fee - Reduced by \$5,000 (2022) and \$5,240 (2023) if pre-submission takes place
(a) - 5001 to 20,000 m2	\$7,260.02	\$7,608.50	4.80%	Revised Fee - Reduced by \$5,000 (2022) and \$5,240 (2023) if pre-submission takes place
(b) - 20,001-35,000 m2	\$9,653.72	\$10,117.10	4.80%	Revised Fee - Reduced by \$5,000 (2022) and \$5,240 (2023) if pre-submission takes place
(c) - Developments greater than 35,000 m2	\$12,069.85	\$12,649.20	4.80%	Revised Fee - Reduced by \$5,000 (2022) and \$5,240 (2023) if pre-submission takes place
3.2 Revision to Site Plan	\$3,727.89	\$3,906.83	4.80%	
3.3 Extension of Site Plan Approval	\$2,786.12	\$2,919.85	4.80%	
3.4 Site Plan Exemption	\$1,121.17	\$1,174.99	4.80%	

3.5 Site Plan Light	\$4,836.48	\$5,068.63	4.80%	
4. PRE-CONSULTATION AND PRE-SUBMISSION				
4.1 All Applications	\$2,107.80	\$2,208.98	4.80%	
4.2 Pre-Submission (Zoning By-law Amendments, Zoning By-law Amendments with Official Plan Amendments, Site Plans)	\$5,000.00	\$5,240.00	4.80%	New Fee – Pre-submission requirement for Zoning By-law Amendments, Zoning By-law Amendments with Official Plan Amendments and Site Plans – Fee deducted from related complete submission fees
4.2 Conformity Review Fee	\$2,107.80	\$2,208.98	4.80%	Remove Fee – Conformity will no longer be required due to new Official Plan and conformity will be merged with pre-consultation requirements
5. CASH-IN-LIEU OF PARKING SPACE				
5.1 Cash-in-lieu of Parking Rate Per Stall	\$16,817.58	\$17,624.83	4.80%	
5.2 Cash-in-lieu of Parking Rate Per Stall - C1 Zones within the City Centre	\$5,605.86	\$5,874.95	4.80%	
6. TELECOMMUNICATIONS FACILITIES				
6.1 Processing and review of applications for the installation of telecommunication facilities	\$3,385.94	\$3,548.47	4.80%	
6.2 Processing and review of applications for the installation of small cell telecommunication (per structure)	\$102.00	\$106.90	4.80%	
7. DEEMING BY-LAW				
7.1 Application fee (includes legal fees)	\$880.12	\$922.37	4.80%	
8. PART LOT CONTROL				
8.1 Application fee (includes legal fees)	\$1,306.17	\$1,368.86	4.80%	
9. COMMITTEE OF ADJUSTMENT FEES				
9.1 Pre-consultation (per hour) with a minimum of 0.5 hours, with 50% credited to the subsequent application fee	\$145.76	\$152.75	4.80%	
9.2 Severance/Consent Application	\$2,774.90	\$2,908.10	4.80%	
9.3 Application for Minor Variance	\$2,079.78	\$2,179.61	4.80%	
9.4 Easements for Utilities	\$1,250.11	\$1,310.11	4.80%	
9.5 Deferral/Amendments requiring recirculation	50% off original fee	50% off original fee	0.00%	
9.6 Special Meeting Request	\$908.15	\$951.74	4.80%	
9.7 Validation of Title	\$683.91	\$716.74	4.80%	
10. ZONING REVIEW OF DEVELOPMENT APPLICATIONS				
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