



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Bill 97 – Helping Homebuyers, Protecting Tenants Act, 2023 Information Report

Report Number: INFO-2023-11

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner – Policy

Date: May 1, 2023

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this report is to provide Council with a summary of the proposed changes to the Planning Act through the [Helping Homebuyers, Protecting Tenants Act, 2023 \(Bill 97\)](#).

Background

The Ontario government (the Province) has set a goal to construct 1.5 million new homes by 2031. To achieve this housing goal, the Province has introduced a number of legislative changes with the intent to increase housing supply.

On April 6, 2023, the Province introduced the Helping Homebuyers, Protecting Tenants Act, 2023 (Bill 97), which proposes changes to seven pieces of legislation including the Building Code Act, City of Toronto Act, Development Charges Act, Municipal Act, Ministry of Municipal Affairs and Housing Act, Planning Act, and Residential Tenancies Act. The Province is seeking input on the proposed legislative changes by May 6, 2023.

In addition to Bill 97, the Province also released the [proposed Provincial Planning Statement](#) (proposed PPS) on April 6, 2022. The proposed PPS is intended to replace the current Provincial Policy Statement, 2020 (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan). The commenting period for the proposed PPS ends on June 5, 2023. Staff will provide an analysis of the proposed PPS under a separate staff report.

Discussion

The following subsections summarize the main Planning Act changes proposed through Bill 97.

Delay Refunding of Fees to Come into Effect on July 1, 2023

One of the changes introduced through the More Homes for Everyone Act, 2022 (Bill 109) was the mandatory refund of fees where municipalities do not provide a decision on zoning by-law amendment or approval of site plan application within statutory timelines. The refund requirements would apply to any zoning by-law amendment or site plan application that was submitted on or after January 1, 2023. In November 2022, the Province advised municipalities that the effective date of the refunds would be changing from January 1, 2023 to July 1, 2023. **Bill 97, if passed, would formalize this change of date and would deem refunds that would have been required between January 1 and July 1 not to have been required.** This change would come into effect on the day Bill 97 receives Royal Assent.

Clarify the Requirement of Maximum One Parking Space Only Applies to the Second or Third Residential Unit

One of the changes to the Planning Act through the More Homes Built Faster Act, 2023 (Bill 23) was to allow up to three residential units on a parcel of urban residential land and limit the required parking to one parking space per unit. It was unclear in Bill 23 if the maximum one parking space per unit also applied to the primary dwelling unit, or if it was only to apply to the additional residential unit(s). Bill 97 provides clarity that the maximum one parking space requirement **only applies to the additional residential unit(s) and that municipalities can require more than one parking space for the primary residential unit.** This change would come into effect on the day Bill 97 receives Royal Assent.

New Ministerial Powers

The Province proposes to give the Minister the following additional powers under the Planning Act:

- Make regulations for transitional matters regarding the proposed PPS;
- Where the Minister has appointed a Provincial Land Development Facilitator or a Deputy Facilitator, the Minister may require landowners to enter into agreement(s) with the Minister or the municipality to address any matters the Minister considers necessary for the appropriate development of land, and
- Exempt lands that are subject to Minister Zoning Order from complying with the PPS and official plans when other Planning Act applications are applied for.

Reduce the Time a Municipality Has to Give Notice of Passing an Interim Control By-law and Reduce the Appeal Period

Currently, municipalities must issue a Notice of Passing within 30 days of the passing of an Interim Control By-law and the appeal period is 60 days after the passing of the by-law. The proposed changes, if passed, would shorten the 30-day notice period to 20 days, and the appeal period would be reduced to 50 days. These changes would come into effect on the day Bill 97 receives Royal Assent.

Allow Developments that are 10 units or Less within Certain Distances of Shoreline or Railway Line to be Subject to Site Plan Control

As part of Bill 23, the Planning Act was amended to exempt residential developments of 10 units or less on a single lot from Site Plan control. The Province is proposing two new regulations to allow the use of Site Plan control for residential developments of 10 units or less, if the lands are located within:

- 120 metres of a shoreline, and
- 300 metres of a railway line.

If Bill 97 is passed, the above mentioned two proposed regulations would come into effect immediately upon filing of the same.

Revise the Definition of “Area of Employment”

The Planning Act currently defines “Area of Employment” as an area designated in an official plan for clusters of business and economic uses. The Planning Act further specifies what “business and economic uses” means. The proposed amendment keeps manufacturing, warehousing, and ancillary uses related to the above mentioned uses as “business and economic uses” and adds “uses related to research and development in connection with manufacturing anything” to the list. The proposed change also specifically excludes institutional uses and commercial uses (including retail and office uses that are not associated with manufacturing, research and development relating to manufacturing, or warehousing) from “business and economic use”. These changes are intended to ensure an Area of Employment is used for economic uses that are non-compatible with other uses, acknowledging that most other economic uses can and should be mixed in with other uses in other areas. These changes would come into force on a day proclaimed by the Lieutenant Governor.

Other Bill 97 Proposed Legislative Changes

While this report focuses on proposed changes to the Planning Act, the following proposed amendments may also be of interest to Council:

- Municipal Act – New Ministerial power to allow the Minister to make regulations regarding the powers of municipalities to regulate demolition and conversion of

residential rental properties, including to pass a by-law requiring a landowner to provide compensation.

- Residential Tenancies Act – Strengthen protections against evictions due to renovations, demolitions and conversions, as well as those in respect of landlord’s own use, and clarify tenants’ rights to install air conditioners.

Conclusion

Staff have reviewed the proposed changes to the Planning Act and generally have no objections to the proposed changes. Most of the proposed changes provide clarity to some of the Bill 109 and Bill 23 uncertainties or support the implementation of the proposed PPS, which will be discussed in a separate report.

Business Plan and Strategic Plan Linkages

None

Consultation

None

Human Resource Considerations

None

Budget Impact

None

Attachments

None

Approval

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Contact

Phoebe Chow, Senior Planner – Policy, pchow@newmarket.ca