

From: [Jennifer White](#)
To: [Jennifer White](#)
Subject: Update - Implementation of Bill 23 & Bill 109
Date: January 11, 2023 10:32:34 AM
Attachments: [cob_logo_482ea6ae-463f-4d00-8147-f4e02eda1e3e.png](#)
[MNRUpdates_December282022-FINAL.pdf](#)
[234-2022-6136 HoC Housing Regs MG Letter SIGNED.pdf](#)

From: Claire Dodds <CIDodds@brucecounty.on.ca>

Sent: January 5, 2023 4:23 PM

Subject: Update - Implementation of Bill 23 & Bill 109

Good afternoon and Happy New Year!

It appears that 2023 is off to a busy start already with the implementation of Bill 23.

1. Conservation Authorities can no longer comment on Natural Heritage matters

I believe all municipalities have received emails from your local Conservation Authority confirming that as of January 1, 2023 they are no longer have the authority to comment on natural heritage matters associated with planning applications, aggregate applications, environmental assessments, etc.

Attached is the letter that was issued by MNRF on December 28th, 2022 notifying of this change, as well as freezing the CA fees for 2023.

While the CAs are no longer able to provide comment on natural heritage matters – these matters continue to need to be addressed to move planning applications forward.

To help immediately fill the need for natural heritage review, County staff have reached out to the North-South Environmental, who are working with us on the County Official Plan. These consultants are available to assist with taking on natural heritage review for planning applications across Bruce County right away.

I request confirmation that your municipality is supportive of the County taking on the role of natural heritage review as soon as possible to help us move quickly to engage consultants and to inform County budget discussions starting in mid-January.

The County will work towards re-billing consultant fees to applicants to cover the costs of delivering this service.

The County will be evaluating moving to hire internal staff resources versus the use of consultants for natural heritage review over the long term as we move into 2023.

The County will be connecting with GSCA, SVCA and MVCA to determine changes required to our existing MOU, and transition of application work. We will also look to establish a MOU with each

municipality that would cover the delivery of natural heritage review services and other planning services as we get farther into 2023.

2. Bill 109 Implementation

On January 1, 2023, the fee refund schedule for site plans, zoning by-law amendments and official plan amendments introduced by Bill 109 took effect. That said, municipalities were circulated the attached letter by Minister Steve Clark on December 22, 2022. Minister Clark indicated that he is committed to bringing forward legislation to delay the effective date from January 1, 2023 to July 1, 2023 in the new year. He has indicated if any fee refunds come due before legislative changes are made, municipalities may consider not issuing these refunds.

The County will be proceeding to undertake a fee review in 2023 ahead of the July 1, 2023 implementation of the fee refund schedule to ensure fees are structured to minimize the financial impact of Bill 109.

3. Provincial Policy Statement Review

The County prepared and submitted comments ahead of the December 30, 2022 deadline. The comments will be shared with County Council on January 26, 2023. Once shared with County Council, these comments will be shared with each municipality.

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4. Clarification on Affordability and Additional Dwelling Units

The County is continuing to seek clarification from the province about the definition of affordable housing for Bruce County. We are also seeking provincial and legal clarification on the emerging interpretation that the Additional Residential Units (ARUs) will still require municipalities to pass a zoning by-law amendment to permit 3 ADUs in serviced settlement areas. We will share any information we receive as soon as possible.

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Summary

Please forward confirmation your municipality is comfortable with the County stepping into the role of natural heritage review as soon as possible.

We will continue to provide updates and share information about the implementation of Bill 23 as it comes available.

Please reach out should you have any questions.

Sincerely,

Claire Dodds

Claire Dodds
Director

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