

Technical Overview

Bill 109, the More Homes for Everyone Act, 2022

April 2022

Context

More Homes for Everyone builds on the success of the Housing Supply Action Plan 2019 by introducing a range of cross-government initiatives that will help increase supply, address market speculation, and protect homebuyers, owners and renters.

Legislative and Regulatory Changes

- Changes to the Planning Act, Development Charges Act, 1997, City of Toronto Act, 2006 and to regulations under the Planning Act and Development Charges Act, 1997.
- Legislative amendments to and regulatory amendments under the New Home Construction Licensing Act, 2017 and the Ontario New Home Warranties Plan Act to strengthen consumer protection for new home purchasers.

Other Initiatives Included in the Plan

- Funding commitments and policy and program changes that represent cross-government efforts that will help increase supply and improve affordability.

More Homes for Everyone

Less red tape, more homes

Make it easier to build community housing

Protect home buyers, homeowners and renters

Summary of Legislative Changes

On March 30, 2022, the government introduced Bill 109, the More Homes for Everyone Act. The Bill was passed by the Legislature and received Royal Assent on April 14, 2022.

Schedules 1, 2 and 5 of the bill make changes to the Planning Act, City of Toronto Act, 2006 and the Development Charges Act, 1997 to:

- Make changes related to zoning, plan of subdivision and site plan application processes to expedite approvals and incent timely decisions
- Ensure provincial housing policies are implemented and priority projects are expedited by making changes to provide the Minister of Municipal Affairs and Housing with new tools to address dispute resolution, and
- Enhance transparency and increase certainty of development costs through changes to development-related charges.

The changes in Schedules 1, 2 and 5 came into force on April 14, 2022 upon Royal Assent except as otherwise noted.

Schedules 3 and 4 of the bill make amendments to the New Home Construction Licensing Act, 2017 (Licensing Act) and to the Ontario New Home Warranties Plan Act (Warranties Act) to strengthen protections for purchasers of new homes.

Minister's Authority Regarding Official Plans

Change	Bill and Leg. References
<p>The changes provide the Minister of Municipal Affairs and Housing with discretionary authority to suspend the time period for the Minister to make a decision on official plans and amendments.</p> <p>For official plans and amendments before the Minister on March 30, 2022 (i.e., date of introduction) the following are suspended:</p> <ul style="list-style-type: none">• the ability to appeal in respect of the Minister's failure to make a decision where the 120-day time period has expired prior to March 30, 2022 and no appeals have been filed prior to that date, and• the 120-day time period for those matters that are still within the 120-day time period on March 30, 2022. <p>The changes also give the Minister discretionary authority to refer all or part(s) of an official plan matter to the Ontario Land Tribunal (OLT) for a recommendation, and forward all of an official plan matter to the OLT to make a decision.</p>	<p>Bill References: Schedule 5 of Bill, sections 1 and 3.</p> <p>Planning Act References: New subsections 17 (40.1) to (40.1.3) provide rules respecting when the Minister as an approval authority can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan.</p> <p>New subsections 17 (55) to (64) provide a process for the Minister as an approval authority to refer plans to the Ontario Land Tribunal for a recommendation or a decision.</p>

Minister's order at request of municipality (Community Infrastructure and Housing Accelerator)

Change	Bill and Leg. References
<p>The changes establish a new Minister's order-making authority to respond to municipal council resolutions requesting expedited zoning. The tool cannot be used in the Greenbelt Area. The Minister shall also issue guidelines governing the scope of how this authority may be used, and the guidelines need to be in place before an order could be made.</p> <p>The requesting municipality is responsible for providing public notice, undertaking public consultation and ensuring the order is made available to the public.</p> <p>Provincial plans, the Provincial Policy Statement and municipal official plans do not apply to the Minister's order.</p> <p>In issuing an order, the Minister is able to:</p> <ul style="list-style-type: none"> • provide exemption for other necessary planning related approvals from provincial plans, the Provincial Policy Statement and municipal official plans, if requested by the municipality, and • impose conditions on municipality and/or proponent. <p>Where conditions were imposed, the Minister or the municipality is able to require agreements to be entered into that could be registered on title.</p> <p>Once in effect, only the Minister would be able to make any changes to the order. The Minister could amend an order at the request of the municipality or could revoke or amend an order at any time at their own discretion, without having to undertake consultation or provide notice. The Minister's order would not be subject to appeal.</p>	<p>Bill References: Schedule 5 of Bill, sections 2 and 5.</p> <p>Planning Act References: An additional type of Minister's order is added to the Act in section 34.1. These orders are made by the Minister at the request of a municipality. This section sets out the process and rules respecting such orders.</p>

Refunds of Zoning By-law Application Fees

Change	Bill and Leg. References
<p>The changes require municipalities to gradually refund zoning by-law amendment application fees if they fail to make a decision on an application within the following legislated timelines:</p> <ul style="list-style-type: none">• 50% of the fee if the decision is not made within 90 days (or 120 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee,• 75% of the fee if the decision is not made within 150 days (or 180 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee, and• 100% of the fee if the decision is not made within 210 days (or 240 days if concurrent with an official plan amendment application) from the date the municipality received the complete application and fee. <p>The change to require a gradual refund of zoning bylaw amendment application fees will apply to all applications received on or after January 1, 2023.</p>	<p>Bill References: Schedule 5 of Bill, section 4.</p> <p>Planning Act References: New subsection 34 (10.12) provides rules respecting when municipalities are required to refund fees in respect of applications under that section.</p>

Site Plan Control

Change	Bill and Leg. References
<p>The changes:</p> <ul style="list-style-type: none">• establish complete application requirements for site plan control, with recourse if the application has not been deemed complete within 30 days of acceptance by the municipality,• extend site plan control application timelines from 30 to 60 days, and• require that site plan control decisions be made by staff (instead of municipal councils or committees of council) and that this will apply to all site plan applications received on or after July 1, 2022. <p>Complementary changes reflecting the site plan control changes in the Planning Act have also been made to the site plan control provisions in the City of Toronto Act, 2006.</p>	<p>Bill References:</p> <p>Schedule 1 of Bill (complementary changes to the City of Toronto Act, 2006), subsections 1 (1)-(3) and 1 (5)-(8) and section 2, and Schedule 5 of Bill (Planning Act), subsections 7 (1)-(4) and 7 (6)-(9).</p> <p>Planning Act References:</p> <p>A number of amendments are made to section 41. A number of subsections are added that set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications made under this section.</p> <p>New subsection (4.0.1) provides for the appointment of an authorized person for the purposes of subsection (4).</p>

Site Plan Control

Change	Bill and Leg. References
<p>The changes require municipalities to gradually refund site plan control application fees if an approval is not made within the following legislated timelines:</p> <ul style="list-style-type: none"> • 50% of the fee if the decision is not made within 60 days from the date the municipality received the complete application and fee • 75% of the fee if the decision is not made within 90 days from the date the municipality received the complete application and fee, and • 100% of the fee if the decision is not made within 120 days from the date the municipality received the complete application and fee. <p>The change to require a gradual refund of site plan application fees will apply to all applications received on or after January 1, 2023.</p> <p>Complementary changes reflecting the site plan control changes in the Planning Act have also been made to the site plan control provisions in the City of Toronto Act, 2006.</p>	<p>Bill References: Schedule 1 (complementary changes to the City of Toronto Act, 2006), subsection 1 (4) and Schedule 5 of Bill (Planning Act) subsection 7 (5).</p> <p>Planning Act References: A number of amendments are made to section 41. A number of subsections are added that set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications made under this section.</p> <p>New subsection (4.0.1) provides for the appointment of an authorized person for the purposes of subsection (4).</p> <p>City of Toronto Act, 2006 References: Various amendments to section 114, including:</p> <ul style="list-style-type: none"> • Subsection (4) is replaced with a number of subsections that set out the rules respecting consultations with the City before plans and drawings are submitted for approval and respecting completeness of applications made under this section. • New subsection (5.1) provides for the appointment of an authorized person for the purposes of subsection (5). Various related amendments are made to section 114.

Plans of Subdivision

Change	Bill and Leg. References
<p>The changes establish a one-time discretionary authority to allow municipalities to reinstate draft plans of subdivision that have lapsed within the past five years without the need for a new application. This authority only applies where no agreements of purchase and sale had been entered into prior to the lapsing of the draft plan of subdivision.</p> <p>The changes also establish regulation-making authority for the province to prescribe what can and/or cannot be required as a condition of draft plan of subdivision approval.</p>	<p>Bill References: Schedule 5 of Bill, section 9.</p> <p>Planning Act References: New rules are added to section 51 with respect to extensions of approvals by approval authorities.</p>

Public Reporting Requirements

Change	Bill and Leg. References
The changes establish authority for the Minister of Municipal Affairs and Housing to require public reporting by planning authorities on development applications and approvals, including the format of municipal reporting (i.e. data standard).	<p>Bill References: Schedule 5 of Bill, sections 11 and 12.</p> <p>Planning Act References: New section 64 provides the Minister with authority to require reporting by planning authorities on planning matters.</p>

Community Benefits Charge By-law Reviews

Change	Bill and Leg. References
<p>The changes require any municipality with a community benefits charge by-law to publicly consult and complete a review no later than five years after the by-law is passed, and every five years thereafter.</p> <p>After reviewing the community benefits charge by-law, a municipality must pass a resolution indicating whether a revision is needed. If a municipality does not pass a resolution within the timeframe, the community benefits charge by-law would expire, and a new by-law would need to be passed in order to charge for community benefits.</p>	<p>Bill References: Schedule 5 of Bill, section 6.</p> <p>Planning Act References: New subsections 37 (54) to (59) require regular reviews of community benefits charge by-laws and provide rules respecting such reviews.</p>

Transit-Oriented Communities and Parkland

Change	Bill and Leg. References
<p>The changes specify a tiered alternative parkland dedication rate for transit-oriented community development sites, based on the amount or value of development land.</p> <p>The alternative dedication rate will be structured as follows:</p> <ul style="list-style-type: none">• for sites 5 hectares or less, parkland will be dedicated up to 10% of the land or its value• for sites greater than 5 hectares, parkland will be dedicated up to 15% of the land or its value. <p>Changes also provide for encumbered land (i.e., land that is subject to a restriction or stratified ownership) in respect of transit-oriented community developments identified in a Minister's order (Minister of Infrastructure), to be conveyed to a municipality for park or other public recreational purposes. Encumbered parkland will be deemed to count towards any municipal parkland dedication requirements.</p> <p>Transit-oriented community lands subject to the tiered alternative dedication rates on parkland will be identified pursuant to subsection 2 (1) of the Transit-Oriented Communities Act, 2020.</p>	<p>Bill References: Schedule 5 of Bill, sections 8 and 10.</p> <p>Planning Act References: Amendments are made to sections 42 and 51.1 with respect to parkland requirements on land designated as transit-oriented community land under the Transit-Oriented Communities Act, 2020.</p>

Surety Bonds

Change	Bill and Leg. References
<p>The changes provide the Minister of Municipal Affairs and Housing with regulation-making authority to authorize owners of land and applicants to stipulate the type of surety bonds and other prescribed instruments which may be used to secure agreement obligations in connection with local approval of land use planning matters. The regulation-making power enables the Minister to prescribe the circumstances when this authority may be used by owners of land and applicants.</p> <p>The regulation-making authority regarding surety bonds will come into force on a day to be named by proclamation.</p>	<p>Bill References: Schedule 5 of Bill, section 13.</p> <p>Planning Act References: New section 70.3.1 provides the Minister with authority to make certain regulations respecting surety bonds and other instruments in connection with approvals with respect to land use planning.</p>

Development Charge Reporting on Municipal Website

Change	Bill and Leg. References
<p>The Development Charges Act, 1997, requires the municipal treasurer to provide the municipal council with an annual financial statement related to development charges and reserve funds each year.</p> <p>The amendments require municipalities that have passed a development charge by-law, to make this statement available to the public on the website of the municipality. The Lieutenant Governor in Council also has the regulation-making authority to prescribe further requirements on the manner in which statements are made publicly available.</p> <p>In circumstances where a municipality does not have a website, the statement must be made available in the municipal office.</p>	<p>Bill Reference: Schedule 2 of Bill.</p> <p>Development Charges Act, 1997 References: The Schedule amends the Development Charges Act, 1997 with respect to the publication of the statement of the treasurer under section 43 of the Act.</p>

New Home Construction Licensing Act, 2017

The Ministry of Government and Consumer Services is making amendments to the New Home Construction Licensing Act, 2017 (Licensing Act) and to the Ontario New Home Warranties Plan Act (Warranties Act) to strengthen protections for purchasers of new homes.

LICENSING: Amendments would to help address the issue of inappropriate or unethical behaviour by new home builders and vendors, and also enhance the Home Construction Regulatory Authority's (HCRA) enforcement powers, among other things. The amendments:

- Enhance consumer protection by giving additional tools to the HCRA, such as ensuring the registrar does not require a complaint to be received to take certain actions
- Encourage compliance with the rules by increasing the maximum amount of a fine that the Discipline Committee may impose if a licensee contravenes the Code of Ethics, from \$25,000 to \$50,000 for individual licensees, and \$100,000 for non-individual licensees
- Establish the authority for the Discipline Committee to impose an additional fine in an amount equal to the monetary benefit acquired by a licensee as a result of a breach of the Code of Ethics
- Clarify the authority for the Discipline Committee to consider repeat contraventions as part of its determination when imposing fines for any type of Code of Ethics violations
- Increase the maximum administrative penalty amount from \$10,000 to \$25,000
- Establish the authority for an assessor to impose an additional administrative penalty in an amount equal to the monetary benefit acquired by a person as a result of a contravention
- Create the authority for a court to impose an additional fine for a conviction in an amount equal to the monetary benefit acquired by a person as a result of an offence
- Clarify that the registrar can review whether an applicant's past or ongoing conduct either is or will be in contravention of the Licensing Act and prescribed legislation, and
- Clarify under the Licensing Act that an assessor may impose an administrative penalty if the person has contravened, or is contravening, a prescribed provision of the Warranties Act or the regulations or the by-laws made under it.

Ontario New Home Warranties Plan Act

NEW HOME WARRANTIES: Amendments provide Tarion regulatory authority to extend the duration of statutory warranties for items in a new home that are not completed when the warranties for the home begin (i.e. when the home is completed for the homeowner's possession).

- Tarion's authority will be subject to the Minister of Government and Consumer Services' approval and the Lieutenant Governor in Council will retain authority to make these regulations.

Opportunities for Missing Middle and Multi-Generational Housing and Gentle Density

The Ministry of Municipal Affairs and Housing is seeking feedback on opportunities to increase missing middle and gentle density, including multigenerational housing to address the housing supply crisis. Specifically, the Ministry is seeking feedback on best practices and examples of how the government can support the creation of more missing middle housing, including multigenerational housing, in Ontario.

Discussion Questions:

1. What are the biggest barriers and delays to diversifying the types of housing built in existing neighbourhoods?
2. What further changes to the planning and development process would you suggest to make it easier to support gentle density and build missing middle housing and multigenerational housing, in Ontario?
3. Are you aware of innovative approaches to land use planning and community building from other places that would help increase the supply of missing middle and multigenerational housing?
4. Are there any other changes that would help support opportunities for missing middle and multigenerational housing?

Seeking Feedback on Housing Needs in Rural and Northern Municipalities

The government recognizes the importance of supporting a range of housing options and increasing overall housing supply in rural and northern municipalities.

- The aim of this posting ([ERO 019-5287](#)) is to seek feedback on the specific challenges and barriers faced by rural and northern municipalities to better understand their unique housing needs. For example, we acknowledge that Northern Ontario faces challenges due to high construction costs to build new housing.
- The posting also seeks ideas, solutions, or proposals on potential ways to help address the housing needs in these areas. This could include a range of land use planning and non-land use planning tools.
- The Ministry welcomes feedback on the following discussion questions.

Discussion Questions

1. What are the key barriers impacting your municipality in meeting its housing needs that may be unique to northern and rural communities?
2. What kind of flexibility is needed to address housing needs in your municipality?
3. What potential tools or policies could the government consider to address housing needs in your municipality while balancing other provincial priorities?
4. Do you have other suggestions for ways to improve housing supply and needs in rural and northern municipalities?

Other Initiatives in More Homes for Everyone

In addition to the legislative and related regulatory changes included in More Homes for Everyone, there are various cross-ministry initiatives that will also help to increase the supply of housing including:

- Establishing an Ontario Housing Supply Working Group with partner ministries, municipal and federal governments and industry to review how new housing tools are being used and recommend annual updates to Ontario's housing plan, including new policy and legislative changes
- Consulting on enhancing access to financing for non-profit housing providers
- Building Code changes to enable partial/early occupancy of super-tall buildings, allowing streamlined approval of CSA certified multi-unit modular buildings, enabling construction of 12-storey mass timber buildings, and making it easier for building inspector training/internships. Also exploring potential changes to enable partial/early occupancy of super-tall buildings, and longer-term potential changes to allow single means of egress for 4-6 storey buildings
- Leveraging provincial surplus land for non-profit and supportive housing through a proposed Centre of Realty Excellence
- Working with municipalities to ensure a more efficient and consistent approvals process and facilitate e-permitting (Ontario Digital Service)
- Reporting to municipalities on the results of MOF's annual population projections with a focus on emerging and key population growth trends
- Implementing the Transit-Oriented Communities program
- Connecting transit ridership forecasts to population growth for housing and employment
- Collaborating with the federal government on the housing accelerator fund and rent-to-own program, and advocating for Ontario's fair share of federal funding

Question and Comments

- For a copy of Bill 109, the More Homes for Everyone Act, 2022, please visit the [Legislative Assembly of Ontario](#) website
- Comments were invited through the [Environmental Registry of Ontario](#) and the [Regulatory Registry](#):

Environmental Registry of Ontario Postings:

- [More Homes for Everyone Plan – Proposed Planning Act Changes](#)
- [Community Infrastructure and Housing Accelerator – Proposed Guideline](#)
- [Housing needs of rural and northern municipalities](#)
- [Opportunities to increase missing middle housing and gentle density](#)

Regulatory Registry Postings:

- [Proposed Planning Act Changes](#)
- [Proposed Development Charges Act Changes](#)
- [Proposed New Home Construction Licensing Act, 2017 Changes](#)
- [Proposed Ontario New Home Warranties Plan Act Changes](#)
- [Proposed Regulatory Changes - Condominium Cancellations](#)
- [Access to financing for not-for-profit housing developers](#)