

Staff Report

To	City Council
Service Area	Office of the Chief Administrative Officer
Date	Tuesday, November 22, 2022
Subject	Analysis of Bill 109 (More Homes for Everyone Act, 2022) and Bill 23 (More Homes Built Faster Act, 2022) - 2022-349

Recommendation

1. That staff be directed to use the key themes in the Analysis of Bill 109 (More Homes for Everyone Act, 2022) and Bill 23 (More Homes Built Faster Act, 2022) - 2022-349 report to respond to the various consultations related to Bill 23, More Homes Built Faster Act, 2022; and

2. Whereas Bill 23, More Homes Built Faster Act, 2022, significantly affects municipal financing, infrastructure planning and funding, climate change strategies and staffing levels without meaningful pre-consultation and has the potential for unintended impacts to municipalities; and

Whereas the current timing for input on these substantial changes in legislation and regulation is not adequate for the municipal sector to provide fulsome, effective, and constructive feedback or to identify the unintended consequences and serious implications that may arise from these proposed changes.

Therefore, be it resolved that Guelph City Council requests the Province of Ontario extend the comment period for all 30 and 31-day postings for feedback on potential legislative, regulatory, policy and other changes, to 66-day postings, to allow for robust and meaningful municipal consultation; and

3. That in response to Bill 109, By-Law Number (2017)-20216, be amended in accordance with the Planning and Development Fees outlined in Attachment 1 as an interim step to protect Planning and Development Fee revenue until a full fee review can be completed; and
4. That in response to Bill 109, Council directs staff to undertake a Planning and Development Fee review in 2023 with the intent of supporting full cost recovery; and
5. That in response to Bill 109, and the urgency to get in place appropriate staffing to meet the shortened, mandated development application timelines, and the challenges experienced with recruiting contract/temporary resources to support this work, Council approves an investment of \$1,010,000 for staffing and related costs, and consulting fees for a Planning and Development Fee study in 2023, funded as follows:

- a. \$558,000 in one-time funding from the Tax Rate Operating Contingency reserve with the intention of full cost recovery for these positions through fees beginning in 2024; and
 - b. \$452,000 in tax levy impact, comprised of \$274,000 (0.10%) in additional payments in lieu and taxes to be levied above what is included in the 2023 approved budget and \$178,000 that is already included in the 2023 approved budget; and
 - c. That the City of Guelph calls on the Government of Ontario to provide ongoing funding for costs associated with complying with Bill 109 that are not able to be recovered through Planning and Development fees.
 6. That in response to Bill 23, and recognizing that with the changes proposed by this legislation that the gap between the cost of growth infrastructure and capital growth revenue streams will increase, the City of Guelph calls on the Government of Ontario to fund the financial gap for municipalities; and
 7. That in response to Bill 23, and with no demonstrable evidence that the proposed legislative changes will result in lower housing prices, the City of Guelph calls on the Province of Ontario to review policies and penalties related to approved, unbuilt housing units targeting approved, unbuilt units where 18 months or more has passed since the issuance of building permits or approval of zoning amendments; and
 8. That a copy of this report, and all related public correspondence and feedback from Guelph residents, be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Provincial Standing Committee on Heritage, Infrastructure and Cultural Policy, Mayor Drew Dilkens, Chair, Housing Supply Action Plan Implementation Team, Grand River Conservation Authority, Wellington County, MPP Mike Schreiner, the Honourable Ted Arnott, Speaker, MPP Wellington-Halton Hills, Colin Best, President of the Association of Municipalities of Ontario (AMO), and Ontario's Big City Mayors (OBCM).
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Executive Summary

Purpose of Report

The purpose of this report is two-fold. First to bring forward analysis and recommendations from staff related to Bill 109, More Homes for Everyone Act, 2022 (part A). Secondly, this report is an initial analysis of Bill 23, More Homes Built Faster Act, 2022 (part B), and a platform for staff and Council to develop a shared understanding of the guiding principles to support responses on behalf of the City of Guelph to several upcoming consultations.

The Province of Ontario introduced Bill 109, More Homes for Everyone Act, 2022 on March 30, 2022, and it received Royal Assent on April 14, 2022, before the commenting period lapsed. The City of Guelph provided its [response](#) to the Bill 109 provincial consultation on April 29, 2022.

The Province of Ontario introduced Bill 23, More Homes Built Faster Act, 2022 one day following the municipal election, on October 25, 2022. The stated goal of the legislation is to facilitate the construction of 1.5 million new homes in Ontario by 2031. The omnibus bill proposes amending several existing statutes including: the Planning Act, Ontario Heritage Act, Development Charges Act, Conservation

Authorities Act, and Ontario Land Tribunals Act, amongst others. At the time of writing, the Bill has passed second reading and has been sent to the Standing Committee on Heritage, Infrastructure and Cultural Policy for review.

Together, Bill 109 and Bill 23 propose significant changes to how development applications are to be processed, the policy framework that underpins the associated decision-making, and as written, will transfer significant and long-term financial impacts of growth from developers and homebuilders to existing tax and ratepayers of the City.

Key Findings

As a complex omnibus bill touching on so many technical facets of planning policy and process, municipal finance and law, staff and the municipal sector is only beginning to understand the implications of Bill 23.

Taken together, Bill 109 and Bill 23 have municipalities wrestling with a plethora of new and changing processes, expedited timelines, cost and resource pressures, rework of budgets, plans and master plans to understand implications of new targets, and much more.

The City of Guelph is very much aligned with the desire to increase housing supply. As the order of government closest to our residents, we take seriously our responsibility to build communities where people can thrive. These pieces of legislation have been developed without substantial partnership and/or consultation from the municipal sector and as result there are concerns about affordability for new and existing tax and ratepayers, and unease about the implications related to critical infrastructure, including greenspaces. As we move to more density in our communities, there are important conversations to be had about quality of place, equity, and affordability.

The recommendations in response to Bill 109 include identification of additional resources and changes to development related fees. It should be noted that the City of Guelph has also taken advantage of the Provincial Streamline Development Approvals Fund and is simultaneously working to modernize, digitize and streamline our development application process. This is important work, that will support expediting approvals to increase housing supply, but it requires many of the same human resources to execute on this project and respond to continually changing legislation.

For many years, communities have been concerned about the costs of growth. Currently, growth-related revenue streams cover approximately 85% of the cost of growth-related infrastructure. This is not consistent with the principle that growth should pay for growth. Bill 23 stands to intensify this gap, at a time when taxpayers and municipalities alike are struggling with affordability, and it is imperative that the Province of Ontario partner with municipalities to fill this funding gap.

Strategic Plan Alignment

This report supports the priority area of Building our Future, specifically increasing the availability of housing that meets community needs. It is also tied to the goal of maintaining community assets and securing new ones. In addition, this report is connected to Sustaining our Future where we aim to plan and design an increasingly sustainable city as Guelph grows. Lastly, there are connections in this

report to Working Together for our future as we consider the financial impacts of proposed changes.

Financial Implications

Bill 109 Impacts

The financial implications of Bill 109 are twofold. First, is a significant risk that application fees for Zoning By-law amendments, Site Plan applications, and combined Official Plan amendments and Zoning By-law amendments will need to be refunded under the current fee structure, representing a loss of approximately \$840 thousand in fee revenue. A new fee structure is proposed to address this, increasing pre-consultation fees to better reflect actual cost of staff time with an offsetting decrease in complete application fees. A Planning and Development Fee study is recommended to be undertaken in 2023 in advance of the 2024-2027 multi-year budget.

Second, additional staff are required to meet the intent of the legislation (to get Planning approvals processed more quickly). Staff recommend adding 7 permanent, full-time positions across various divisions in 2023. A 2023 investment totaling \$1,010,000, inclusive of consulting fees for a Planning and Development Fee study is recommended, with funding of \$558,000 from the Tax Rate Operating Contingency reserve and \$452,000 from property taxes.

Bill 23 Impacts

While growth targets are provincially mandated, the City of Guelph is committed to the principle that “growth pays for growth” to the extent this is possible. However, municipalities are limited by legislation in the amount they can recover from developers. Prior to the most recent by-law update in 2019, it was calculated growth revenues supported approximately 85 per cent of the capital cost of growth in Guelph.

The financial implications of Bill 23 if enacted as written, will have a significant impact on the ability of the City to fund growth related capital costs. Accelerated City growth will require an accelerated infrastructure plan and the City’s fiscal capacity to support this growth would be challenged even without the revenue loss from Bill 23.

Staff are working with Watson & Associates Economists Ltd. to obtain estimated financial impacts from these changes. Based on current information, the most significant impact in 2023 with additional Development Charge exemptions and future financial impacts will be reflected in the 2024-2027 Multi-year Budget once the impacts are known.

Other financial impacts expected from Bill 23, including increased staffing requirements to support nearly double the volume of planning and building activity will be brought to Council as part of the 2024-2027 Multi-year Budget in late 2023.

Report

Part A – Bill 109 – More Homes for Everyone Act, 2022

Bill 109 amended the Planning Act to require municipalities to refund development application fees if a decision is not made within legislative timelines and require

complete applications for Site Plan Control applications. These changes come into effect January 1, 2023.

Bill 109 introduces application fee refunds where decisions are not made on Zoning By-law Amendments, Official Plan Amendments and approvals are not made on Site Plans, for applications received on or after January 1, 2023, in accordance with Table 1: Phased Fee Refunds for Zoning By-law Amendment and Site Plan Applications, below.

Table 1: Phased Fee Refunds for Zoning By-law Amendment and Site Plan Applications

Refund	Planning Application		
	Zoning By Law Amendment	Combined Official Plan Amendment and Zoning By-law amendment	Site Plan Application
No refund	Decision made within 90 days	Decision made within 120 days	Decision made within 60 days
50% refund	Decision made within 91 and 149 days	Decision made within 121 and 179 days	Decision made within 61 and 89 days
75% refund	Decision made within 150 and 209 days	Decision made within 180 and 239 days	Decision made within 90 and 119 days
100% refund	Decision made 210 days or later	Decision made 240 days or later	Decision made 120 days or later

The City's response to the legislative changes requires a fundamental shift in how the City processes applications and engages with the community and applicants in the processing of development applications.

Many of the existing application review processes allow for an iterative process with multiple re-submissions that require re-circulation to commenting departments and agencies. This process of working with applicants to refine an application means the time between application and approval is extended beyond the statutory timelines. With the introduction of an inflexible refund requirement tied to the application approval/denial with no regard for how long an application is with the applicant to prepare a response, resubmission or satisfy conditions, the City will not be able to continue this time-consuming process in the legislative time frame, nor will be able to process concurrent applications (e.g., Zoning Amendment and Site Plan).

It is anticipated that significant changes will be required to existing work processes, resources available for reviewing planning and development applications and

Ontario Land Tribunal appeals. The changes are required to mitigate future fee refunds under Bill 109 and avoid any tax levy impacts.

Given that Council has consistently operated under the principle that development should pay for itself, and therefore the guiding principle in developing the City's response to the legislative changes was that refunds of development application fees should be avoided to the maximum extent possible. The total gross annual development application fee revenues that would be "at risk" if refunds are required is approximately \$840,000.

In response to these pressures, the City will initiate a comprehensive review of all fees related to the development approvals process to ensure that the City is recovering fees. However, with the introduction of Bill 109, there are some immediate fee updates required to address the potential decline in revenues, increase in costs, and to increase capacity (i.e., headcount and consultants) to manage these applications and provide decisions before the required timeline to refund fees. Increasing review and processing capacity will not only result in less fees being refunded but will also likely result in fewer appeals to the OLT and therefore a reduction in costs borne by the municipality for those appeals. Without an increase in fees, the additional costs will be borne by the taxpayer.

In an effort to reduce the amount of refusals and thus potential OLT appeals, we are amending our process that would allow an applicant to go through an alternative process outside of the "complete application" process that would allow for a complete review of an applicant's Pre-submission materials to receive a full set of review comments that would give an applicant time to revise their application prior to submitting a complete application and having the clock start that could result in a refusal.

These fees proposed with this alternative process are interim until a comprehensive fee review can be completed. With the introduction of a new Pre-submission fee, the final complete application fee will be reduced.

High level Proposed Fee Changes - Full details can be found in Attachment 1:

- Increased fees for initial Pre-consultation based on cost recovery
- Current Mandatory Pre-consultation: \$485.00
- Proposed Mandatory Pre-consultation: \$3,000.00
- Add fees for a Pre-submission meeting: \$5,000.00 per review
- Reduce fee for ZBL and OP by \$5,000.00
- Reduce the max site plan fee by \$5,000.00

These proposed fee changes move the City closer to a cost recovery model and give applicants an option outside of the complete application process to refine their application and help offset any refunds from the City. It is important to note the fee changes do not increase staff capacity to approve applications and is still not addressing the time it takes to process an application.

The current by-law which prescribes fees for the processing of development applications is adjusted annually based on the Statistics Canada quarterly Construction Price Statistics. The Q3 Construction Price Statistics was 15.6%. Due to a resulting large increase in planning application fees staff have put forward in the attached Fee-By-law the use of the September Consumer Price Index of 6.9% starting January 1, 2023. Staff feel that this annual adjustment is more appropriate given the significant increase in the construction price index.

In total, the City has identified a need for 21 additional staff over two years to meet the timelines set out in Bill 109. Given current budget constraints, impacts of Bill 109 still to be discovered, staff have recommended adding 7 permanent, full-time positions in various departments in 2023, allowing us more time to fully understand the impacts and return with a more complete ask as part of the 2024-2027 multi-year budget. Through this report staff are recommending in-year approval of these seven positions. One of the seven positions, a Development Planner, is included in the 2023 budget approved by Council in 2021; advance approval is requested to move forward with recruiting this position immediately. Another position, a capital accounting analyst in Finance, is part of the Capital Program Resourcing Strategy, and is proposed to move forward from the 2025 forecast to 2023. The remaining five positions are in Planning, Development Engineering, and IT. This recommendation does not account for Bill 23. Additional resources, such as development engineers, planners, site plan coordinators, plans examiners, building inspectors, and support staff in corporate services may be required as the industry ramps up in response to housing development goals proposed in Bill 23.

Part B – Bill 23 – More Homes Built Faster Act, 2022

Bill 23 was introduced by the Provincial Government as a measure intended to advance the province's plan to address the housing crisis in Ontario by building 1.5 million homes over the next 10 years. This is part of the government's longer-term strategy to increase the supply of housing across Ontario. The City of Guelph's Strategic Plan acknowledges the need for more attainable and affordable housing and is broadly in agreement with this objective.

While increasing housing supply is a laudable goal, the municipal sector is concerned about the potential for significant lost development revenue related to Bill 23. The effect of this lost revenue is that the burden of development servicing is shifted from the development industry to existing municipal taxpayers and ratepayers. Additionally, with an increased emphasis on intensification and density in development, the need for parkland, greenspaces and shared outdoor amenities increases while the related funding decreases. In the implementation of this Bill, we risk important quality of place amenities that nurture community and economic well-being.

Staff, industry experts, and municipal organizations continue to review and assess the specifics of the proposed changes. A high-level summary of the proposed changes as understood at the time of writing is outlined below.

Bill 23 proposed changes to three sources of growth revenue: Development Charges, Community Benefit Charges, and Parkland Dedication. Reductions in any of these will have a negative impact on the capital funding availability and would mean that a larger portion of the cost of building growth related infrastructure is supported by existing property tax and utility ratepayers. There is potential that this shift could increase the ongoing costs of home ownership at a time of rapidly rising inflation.

Development Charges

The following are the changes proposed to the Development Charges Act, and staff's preliminary assessment of the financial impact of those changes:

Table 2: Preliminary Impact Assessment of Proposed Development Charge Changes

Change	Preliminary Impact Assessment
<p>Mandatory phase-in of a Development Charge – requires a 5-year phase in period where 80% of the maximum charge can be charged in year one, 85% in year two, 90% in year three, 95% in year four, and 100% in year five.</p>	<p>High – the phase-in does not refer to a phase in of the increase in a Development Charge rate. As currently written in Bill 23, it applies to the entire rate. This would mean that every time a Development Charge rate is updated, the City would have an immediate loss of 20% of Development Charge revenue in the first year, 15% in year two, and so on. This would apply even if the rate increase was less than 20% and could result in decreasing Development Charge revenues with increased related capital costs.</p> <p>This change is not expected to impact the City in 2023, however the City is in the midst of a Development Charge background study to support an updated By-law to take effect in January 2024.</p> <p>Watson & Associates’ preliminary estimate is that this could result in a potential loss of 10% - 15% of Development Charge funding. In 2021 Development Charge inflows totaled \$21.2 million; 10% of this would be a \$2.1 million annual impact to the City’s Development Charge collections.</p>
<p>New Development Charge By-law discounts and exemptions – residential rental units in new and existing residential buildings, affordable units (owned or rental), attainable units, inclusionary zoning units, and non-profit housing developments</p>	<p>High - all mandatory (legislated) and discretionary (Council decision) exemptions are funded through property taxes and utility rates per Council approved Development Charge Exemption Policy. In 2021 tax and utility rate funded exemptions totaled \$4.1 million, a 25% increase over 2020.</p> <p>The precise impact of these additional exemptions can be difficult to determine as historical data on the volume of these unit types is not readily available and future exemptions may exceed historical exemptions.</p>

Change	Preliminary Impact Assessment
	<p>For more information on Development Charge exemptions, please refer to the 2021 Long-term Financial Statement – Reserves and Debt. The implementation date of these changes is to be determined.</p> <p>Watson & Associates’ preliminary estimate is that this could result in a potential loss of 10% – 15% of Development Charge funding. A 10% loss equates to approximately \$2.1 million of the \$21.2 million of Development Charge collections in 2021.</p>
<p>Historical level of service – increase in need for service is limited by average historical service level. This is currently calculated over the 10 preceding years but will be increased to 15 years.</p>	<p>Medium – With a 10-year service cap, any new services built are essentially averaged over the service level for 10 years. For example, if a new recreation centre is built in 2022 the City’s recreation space is increased significantly. The service standard calculation uses an average of the last 10 years of recreation space as a cap. Changing this average to 15 years will lower the amount of Development Charges able to be collected.</p>
<p>Eligible capital costs – land will no longer be an eligible capital cost for some services and the cost of preparing studies (such as master plans and Development Charge Background Studies) will no longer be eligible.</p>	<p>High (land) – this is potentially a high impact, but we need to know the services impacted for land restriction. Land costs for facilities are likely included, but services such as land appropriation for new roads or sidewalks could be impacted and would be much more costly.</p> <p>Low (studies)– there are several studies that could be currently funded by Development Charges. While we would want to recover the cost of these studies, the dollar impact is less significant than other capital projects included in the study.</p> <p>Ironically, growth studies were only recently added as a Development Charge eligible service in Bill 108 in 2019. The City has not yet included the</p>

Change	Preliminary Impact Assessment
	change from Bill 108 and it is changing again.
Development Charge By-law expiry – proposed to change from current 5 years to 10 years	Low – Development Charge By-laws are supported by a Development Charge background study; extending this to 10 years would give the City the option, but not the requirement to update the background study less frequently and the cost of the background study could be spread over a longer period. A longer period of time between background studies would increase the importance of robust capability for long-term planning and forecasting for growth related infrastructure.
Maximum interest rate for installments and determination of charge for eligible site plan and zoning By-law amendment applications is prime rate plus one percent	Low - the current interest rate per Council's approved Development Charge Interest Rate Policy is the non-residential construction price index year over year percentage change as of September 30 th of the prior year (plus 2% if no security is provided). For context, the year over year increase in the non-residential construction price index from September 30, 2021, to September 30, 2022, is 15.6%, for a maximum rate of 17.6%. The prime rate, as defined in Bill 23 would be 5.95%, resulting in a maximum interest rate of 6.95% for installments. While this is a significant difference, the historic uptake for installments has not been significant. This impact could potentially change if more developers opt for this installment option with a lower rate.
Requirement to allocate funds received – beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway.	Low, but more clarity is required on the definition of "allocated". By definition, all Development Charges are allocated as Development Charges are collected based on growth projects identified in the Development Charges background study. The City's Development Charges reserve funds collectively had commitments of \$71.5 million in excess of the current balance at the end of

Change	Preliminary Impact Assessment
	<p>2021, offset by \$80.4 million in Development Charge funded debt outstanding, leaving a net positive balance of \$9.9 million. The uncommitted balances in the Water, Wastewater and Services Related to a Highway reserve funds as of December 31, 2021, were:</p> <p>Water Services: \$15.5 million Wastewater Services: \$22.6 million Highway Services: (\$10.6) million</p> <p>There are major growth-related capital projects for both Water and Wastewater services in the 10-year capital forecast that these funds are intended to support.</p>
Removal of Housing as an eligible service	<p>No impact – Housing is not currently included in Guelph’s Development Charge. Staff have been investigating the possibility of including housing in future background studies, but it is unlikely we could have collected Development Charges due to lack of planned new social housing units and large existing backlog.</p>

Community Benefit Charges

The City’s Community Benefits Charges By-law provides funding for the growth-related capital costs of facilities and services that are not able to be collected through Development Charges, for example, municipal parking, public art, and cultural and entertainment space. This charge is limited to high-density developments. The proposed changes to the Planning Act regarding Community Benefits Charges are:

Table 3: Preliminary Impact Assessment of Proposed Community Benefit Charge Changes

Change	Preliminary Impact Assessment
New statutory exemptions for affordable, attainable, and inclusionary zoning units.	Low – this will reduce the Community Benefits Charges amount, but it is not expected to be a significant financial impact.
Incremental development – Community Benefits Charges on development or	Low to Medium – this will reduce the Community Benefits Charges amount,

Change	Preliminary Impact Assessment
redevelopment on land with existing buildings can only be charged on the incremental parcel of land under development or redevelopment.	but Community Benefits Charges are not a significant generator of revenue and this is not expected to be a significant financial impact. This could change with future development.

Parkland Dedication

The [City's Parkland Dedication By-law](#) provides resources (land or cash-in-lieu of land) for parks and greenspace in the City. The City currently collects Parkland Dedication at two rates. At the subdivision stage, Parkland Dedication is collected at 5% of the land value for low density developments. The alternate rate applies to high density developments and provides Parkland Dedication of 1ha per 300 units for land or 1 ha per 500 units for cash in lieu. The Official Plan rate is 3.1 ha per 1000 people, which works out to about 3.1 ha per 500 units (depends on people per unit). The following changes are proposed to the Planning Act regarding Parkland Dedication.

Table 4: Preliminary Impact Assessment of Proposed Parkland Dedication Changes

Change	Preliminary Impact Assessment
New statutory exemptions for affordable, attainable, inclusionary zoning and additional residential units as well as non-profit housing development.	Medium – this is difficult to determine as it will be based on the definitions of attainable, affordable, etc. Historical data on these unit types is not readily available and may not be a reliable guide as past volume may not be indicative of future volume.
Maximum alternative dedication rate reduced to 1ha/600 units for land and 1 ha/1000 units for cash in lieu.	<p>High – As shown above, this is approximately 50% of what we can currently collect. In 2021, the City collected \$5.7 million in Parkland Dedication. A loss of half of this amount would equate to \$2.9 million. The current Parkland Dedication collection rate is far below the Official Plan target, and this will increase that gap significantly.</p> <p>In addition, increased densities are projected for future growth and will decrease the funding availability for parkland for future residents.</p> <p>It is worth noting that residents of high-density developments will not have backyards and limited available space so demand for parks will intensify</p>

Change	Preliminary Impact Assessment
	with density while funding for parkland decreases.
The maximum amount of land that can be conveyed or paid in lieu is capped at 10% of the land or its value for sites under 5 ha, and 15% for sites greater than 5 ha.	High – We currently cap at 30% of land value in downtown. There was significant discussion at Council about the impact of these caps on parkland funding and this would reduce the amount collected by half to two thirds for those properties. For other properties that are not subject to caps this impact could be even greater.
Municipalities will be required to spend or allocate 60% of parkland reserve funds at the start of each year.	Medium – at the end of 2021 the Parkland Dedication reserve fund had an uncommitted balance of \$13.1 million. Development of a Parks Master Plan is currently in progress and this reserve fund is expected to be a significant source of funding for that plan. Similar to the Development Charges language, the impact will depend on the definition of “allocate”. It is worth noting that the purchasing power for parks funding tends to decrease. For example, the \$13.1 million collected for parks would likely buy a much smaller parcel than at the time of collection.
Parkland rates frozen as of the date that a zoning by-law or site plan application is filed. The freeze remains in effect for two years following approval. If no building permits are pulled during that time the rate in place at the time the building permit is pulled would apply.	Low to Medium – we currently freeze Parkland Dedication at the subdivision stage. This would increase the gap between when land is purchased and when funds are received. The impact would depend on the pace of land appreciation. If land did not increase significantly during the freeze period, there would be little impact.
Encumbered parkland/strata parks, as well as privately owned publicly accessible spaces will be eligible for Parkland credits.	Low – while the financial impact is limited, what this means in terms of greenspace in the City needs to be analyzed. This would be a major shift in how we count parkland and would also require additional administrative burden for Parkland inventory management. Specific operating budgets may be

Change	Preliminary Impact Assessment
	impacted to properly maintain this type of parkland.
Landowners can identify land they intend to provide for Parkland, with the municipality able to appeal to the Ontario Land Tribunal if there is a disagreement.	Direct impact is low to medium – the financial impacts are mainly expected to be potential appeal costs; however, this may impede the City’s ability to secure usable Parkland that does not come with extra work and costs to develop. As an indirect impact is that if we cannot acquire the parkland we consider best located for community purposes during the development stage and using the Planning Act process, we will need to use cash-in-lieu funds or tax dollars to purchase land which may come at greater cost and limit what we are able to attain.
Parkland Dedication will apply to new units only (i.e., no dedication can be imposed for existing units).	<p>Low to medium, depending on the infill site.</p> <p>Currently additional residential units are exempt from parkland dedication under our By-law, and one-to-one replacement of singles are exempt with up to 50% expansion of the gross floor area, but where there is redevelopment of residential units where there was no prior payment of parkland dedication, redevelopment pays at the full rate. The revenue impact will depend on the scale of redevelopment in each case; if a four-plex is redeveloped into an eight-plex for example, it would be a 50% reduction in our Parkland Dedication on that particular property. If a 16-unit apartment is torn down and replaced with 64 units, it will have a 25% impact, etcetera.</p>

Infrastructure

A significant challenge in completing the construction of 18,000 new homes in a shorter time than planned for in Guelph is the demand new construction puts on essential services like water and wastewater and the infrastructure required to provide those services. The City of Guelph has an infrastructure backlog of \$289 million (pre-inflation). From an asset management perspective, and with \$100’s of millions worth of infrastructure approaching the end of service life in the next 5-10 years, this represents a serious financial pressure and represents infrastructure that

will require improvement to service new growth (e.g., in-fill). If growth does not pay for growth, then existing taxpayers will have to cover the rising costs of the increasing infrastructure backlog and the cost of new infrastructure, which is an unsustainable solution.

Funding from other levels of government is required to deal with the competing priority of backlog needs and new infrastructure to service new home construction. In addition to funding pressures, there are very real constraints in the professionals required to execute this ambitious agenda. There will be significant requirement for engineers and project managers to deliver these projects in addition to the needs for skilled trades in the construction industry.

There are other service challenges and opportunities that would require, or could benefit from, streamlining and alignment of Provincial requirements that run counter to the speed required to meet the outcomes of Bill 23. For example, further challenges could include demand for new water supply sources, which will require expedited Provincial facilitation, support and approvals to bring water sources online as quickly as possible to support the capacity to service the growth. Similarly, there are opportunities for the province to streamline, fund, and support redevelopment of brownfield properties, by updating appeal processes or consideration reductions in excess soil management requirements. There are also considerations from a water resource recovery perspective, in that Guelph's treatment plant may require an upgrade to service the growth, and the time and cost required to properly design and build of this type of infrastructure improvement is substantial.

Lastly, staff are supportive of improvements to the Ontario One Call system as impacts from delays in obtaining locates have the potential to extend project schedules significantly; however, at present, the City is concerned that Bill 93 will not address the core issues with respect to the locates industry, which will cause delays in project execution.

Ontario Land Tribunal

Guelph has advocated for changes to the Ontario Land Tribunal (OLT) for some time. There is general acknowledgement among municipalities that there exists room for improvement and efficiency with the OLT.

Staff welcome the changes proposed to enhance the power of the Tribunal to dismiss proceedings which are not being advanced by the appellant. The City of Guelph has encountered situations where an appeal is taken for purposes of seeking strategic advantage without a bona fide intention of bringing them to a hearing. The changes proposed to section 19 [new subsections 1(b.1) and 1.1] are generally laudable.

The provisions of greatest concern from a municipal perspective are those in proposed subsection 20(2) which grant the Tribunal the express power to order costs based on the "success" of the proceeding. Currently, costs are addressed in the rules and are reserved for exceptional cases where they are awarded based on a party's inappropriate conduct rather than being ordered based on whether an appellant "wins" or "loses". The implication of this change to the Act implies a shift from costs being a remedy for conduct to being an expectation based on "success". If applied without restriction, and if a private developer prevails at the

Tribunal, the developer's costs could be ordered to be borne by municipal taxpayers.

Lastly, the proposed elimination of most third-party appeals has drawn the attention of grassroots community organizations and has been criticized for limiting public engagement. The real and perceived role of Council will be impacted by the fact that parties other than the owner will be unable to appeal Council's decisions. There is likely to be financial pressure on Council from one side to grant development applications to remove the appeal costs and risks, and from the other side, a greater challenge in getting owners and developers to work with the community where the capacity of third parties to challenge development directly has been eliminated. This is further exacerbated by the rebate of fees that was implemented in Bill 109, which will make it more challenging to solicit community input outside of what the Planning Act strictly requires, and by substantive changes to the Planning Act which remove municipal powers to require changes like exterior design and landscaping which would otherwise mitigate the impact of infill development on existing communities.

Conservation Authorities

Bill 23 and the proposed amendments to the Greenbelt Plan and the Ontario Wetland Evaluation system threaten to prioritize development over environmental and conservation concerns. The stated purpose of the proposed changes to the Conservation Authorities Act is to focus conservation authorities on their core mandate, support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

Table 5: Preliminary Impact Assessment of Proposed Changes to Conservation Authorities

Change	Preliminary Impact Assessment
Proposal to focus conservation authority's role on reviews of development applications and land use planning policies to matters within their core mandate (i.e., protection of people and property from natural hazards) and away from natural heritage review.	<p>The GRCA currently provides valuable services outside their core mandate through the review of development applications and land use planning policy matters. Therefore, aspects of the proposed legislative changes are of concern.</p> <p>The proposed changes may require the City to take on more responsibility in relation to wetland protection, which could result in additional costs through the need for additional staff.</p>
Conservation authorities must issue permits for community infrastructure and housing accelerator orders.	<p>Reduces authority over regulated features (floodplains, wetlands). Potential impact on City infrastructure in the future (operational and maintenance issues).</p>

Change	Preliminary Impact Assessment
<p>Proposal to remove 'conservation of land' from matters considered in conservation authority permit decisions.</p>	<p>Official Plan protections for many wetlands would be removed or lessened leaving the City no ability to ensure wetland protection through development approvals.</p> <p>The loss of GRCA regulatory oversight of wetlands would result in significant impacts to the City's Natural Heritage System and the services they provide to residents.</p>
<p>Expand the program to offset development pressures on wetlands requiring a net positive impact on wetlands.</p>	<p>Reduced protection for PSWs, impacts environment which could have negative impacts on City infrastructure in the long term. The loss of GRCA regulatory oversight of those wetlands would result in significant impacts to the City's Natural Heritage System</p>
<p>Removal of the consideration of 'pollution' from the matters considered in conservation authority permit decisions</p>	<p>This will download expertise and responsibilities to the City leading to increased costs. Water quality considerations in relation to stormwater management, wastewater treatment and erosion and sediment spills into natural areas are examples of services GRCA currently provides to the City that would be lost.</p>
<p>Proposal to enable the Minister to freeze conservation authority fees for service.</p>	<p>A freeze in fees for service could lead to increase costs to the City and taxpayers through increased municipal levy.</p>
<p>Identify conservation authority owned land that could support housing development. Streamline the process to sell or lease Conservation Authority owned land.</p>	<p>Overall impacts—allow development of protected land for housing. Reduction in conservation areas and community recreation opportunities. This could lead to loss of and/or impacts to the City's Natural Heritage System given the inclusion of wetlands and the habitat of threatened or endangered species in the discussion.</p>

Planning Matters

Table 6: Preliminary Impact Assessment of Proposed Changes to Planning Matters

Change	Preliminary Impact Assessment
<p>Bill 23 proposes to amend the Additional Residential Unit regulations of the Planning Act and Ontario Regulation 299/19.</p> <p>The proposed changes will allow as-of-right permission for three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. This is in addition to the previous permissions introduced through Bill 108, More Homes More Choice Act, which allows:</p> <p>(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;</p> <p>(b) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.</p> <p>Proposed changes maintain that no more than one parking space per residential unit can be required by a municipality and parking spaces can be provided in tandem. In addition, no minimum floor area shall be required for a residential unit.</p>	<p>The City's Official Plan and Zoning Bylaw were updated in December 2020 to align with Additional Residential Unit regulations introduced through Bill 108. A future zoning bylaw amendment would be required to conform to the changes introduced through Bill 23, allowing as-of-right three residential units within a detached house, semi-detached house or rowhouse. Accessory dwelling unit policies will have to be amended to remove size caps.</p> <p>Proposed changes to the Planning Act and O.Reg. 299/19 align with the direction taken by draft Comprehensive Zoning Bylaw and proposed changes to end exclusionary zoning within the city. There are no concerns with the proposed changes.</p>

Change	Preliminary Impact Assessment
<p>Furthermore, an additional residential unit may be occupied by any person regardless of whether,</p> <ul style="list-style-type: none"> i. the person who occupies the additional residential unit is related to the person who occupies the primary residential unit, and ii. the person who occupies either the primary or additional residential unit is the owner of the lot. 	
<p>Residential development proposals with less than ten units (10) are exempt from site plan approval.</p>	<p>The City's Official Plan is clear that urban design, which includes exterior design and landscaping, is critical. The City will need to accommodate 48% of its growth primarily through intensification and redevelopment, and these forms of development require innovative and sensitive design to ensure high quality urban environments that promote compatibility, sustainability and improve sense of place. The removal site plan review process is anticipated to result in reduced built form quality and negative impact to accessibility, sustainability and tree canopy targets. Less ability to mitigate potential impacts of development. Potentially stormwater management needs may not be adequately regulated/addressed could result in flooding of roads, natural environment impacts.</p> <p>To give some specific examples, this jeopardizes the City's ability to: to ask for bird-friendly glass, ensure non-invasive plantings are installed as part of site plan, achieve the urban canopy cover goals and ensure the character of the elevation elements (e.g., door placement, windows or materials) contribute to the surrounding neighbourhood/create a pedestrian friendly environment.</p> <p>Removal of Site Plan for less than 10 units shifts additional work to plans examiners and local guidelines will not</p>

Change	Preliminary Impact Assessment
	<p>apply but only building code. E.g., Sidewalk width in the building code is 1.1m. This will also impact the ability to approve building permits within the legislative timeframe and have staffing impacts in the Building division.</p>
<p>Public meetings for applications for draft plans of subdivisions are now optional for approval authorities.</p>	<p>Could streamline the process, however, less public input and awareness for the community of what will be happening in their neighbourhood.</p>
<p>Requires zoning to be updated to include minimum heights and densities within approved Major Transit Station Areas (MTSA) and Protected MTSAs within one year of MTSA/PMTSA being approved</p>	<p>Overall, 1 year seems to be a reasonable amount of time to update the zoning bylaw for specific policies. This would ensure that development conforms to current policy and provide certainty to developers and residents.</p> <p>The City has one MTSA, downtown, which has current zoning in place that conforms to the Downtown Secondary Plan. Minor adjustments will be needed to the bylaw to conform to the City's update Official Plan (OPA 80).</p>
<p>Amendment to affordable residential units' definition. The update for rents to no greater than 80%.</p> <p>Bill 23 proposed definition:</p> <p>Affordable residential unit rented (2) A residential unit intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria: 1. The rent is no greater than 80 per cent of the average market rent, as determined in accordance with subsection (5). 2. The tenant is dealing at arm's length with the landlord.</p> <p>Affordable residential unit, ownership (3) A residential unit not intended for use as a rented residential premises shall be considered to be an affordable residential unit if it meets the following criteria: 1. The price of the residential unit is no greater than 80 per cent of the average purchase price, as</p>	<p>Affordability would now be determined solely based on market rents and market purchase price and does not have consideration for incomes.</p> <p>For Guelph, this represents a major change in achieving affordable units and could be detrimental to low to mid income households. This is particularly evident in affordable ownership housing.</p> <p>Annually we calculate the ownership housing benchmark using the income-based price method (1) results in a benchmark price of \$455,125. Calculating the benchmark using the average purchase price method above (2) uses the 2021 average resale price of \$702,964 for all types of dwellings sold in Guelph, which results in a benchmark price of \$632,668. The less expensive of the two methods is the income-based method (1), which sets</p>

Change	Preliminary Impact Assessment
determined in accordance with subsection (6). 2. The residential unit is sold to a person who is dealing at arm's length with the seller.	the 2022 affordable housing ownership benchmark price of \$455,125. The definition of affordable should consider both incomes and regional market rates as set out in the Provincial Policy Statement. The update for rents to no greater than 80%, the definition should also consider incomes.
Road widenings: Remove the ability to require a road widening unless it is on a public transit right of way.	Road widenings identified in the Official Plan and/or in the Transportation Master plan may not be eligible to be provided as part of a development application. This may impact the City's ability to provide future infrastructure or to provide transit in the future.

Ontario Wetland Evaluation Systems

The stated purpose of the proposed changes to the Ontario Wetland Evaluation System (OWES) is to remove duplicative requirements, streamline the evaluation process, and better recognize the professional opinion of evaluators and the role of local decision makers (e.g., municipalities).

Table 7: Preliminary Impact Assessment of Proposed changes to the Ontario Wetland Evaluation System

Change	Preliminary Impact Assessment
Removal of the existing 'Approval of the Wetland Evaluation' section combined with the addition of a new section titled "A Complete Evaluation" and revisions to Appendix 1. The removal of MNR oversight of the Ontario Wetland Evaluation System and the addition of new section giving all responsibilities to wetland evaluators.	The proposed changes leave no role for local decision makers (municipalities). This means that whether a wetland is provincially significant is a decision made solely by evaluators (i.e., ecological consultants hired by landowners). Such a lack of any oversight would be unprecedented in land-use planning decisions and of major concern.
The consideration of Endangered and Threatened species, an important wetland value, is proposed for removal from the OWES to 'reduce duplication' (a stated purpose of the proposed changes) as those species and their	Significant Wildlife Habitat and Fish Habitat, two important wetland values that also receive protection through other mechanisms but are weighted lower than Endangered and Threatened species in OWES scoring, were maintained and in some cases bolstered through the proposed revisions. As

Change	Preliminary Impact Assessment
habitats are protected under the provincial Endangered Species Act.	such, this appears to be an arbitrary, non-scientific revision to purposefully result in less provincially significant wetland.
The proposed removal of provincial expertise and other important sources of information and guidance for evaluators, combined with the elimination of wetland complexing and the consideration of Endangered and Threatened species as a critical wetland value.	<p>This will likely result in most of the existing Provincially Significant Wetlands (totaling over 600 ha) in Guelph no longer being identified as such. This will lessen the existing protection for the affected wetlands through a reduction in minimum buffers and result in their degradation over time. Further, it appears likely that wetland loss will be realized in the City due to the proposed changes to the OWES (and the proposed changes outlined in ERO number 019-6141 which would eliminate Conservation Authority regulation of wetlands in planning approvals). Initial estimates indicate that up to 48 ha of wetland may lose all protection in the City in planning approvals (i.e., approximately 7% of existing wetland area in the City).</p> <p>Wetland loss will result in additional costs for the City and developers and will reduce the availability of land for development through the replacement of necessary stormwater management functions by engineered solutions.</p>

Conserving Ontario's Natural Heritage

The stated purpose of the proposal is to seek feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat to help meet Ontario's housing supply needs.

Table 8: Preliminary Impact Assessment of Changes to Natural Heritage Policies

Change	Preliminary Impact Assessment
The development of an ecological offsetting policy.	Consistent with the City's Community Plan and Strategic Plan, Guelph protects its natural heritage through strong Official Plan policies that, in some cases, go beyond the minimum requirements of the Provincial Policy

Change	Preliminary Impact Assessment
	<p>Statement. Those policies do not accommodate offsetting.</p> <p>The City is preparing for climate change through adaptation and mitigation plans, and that protecting natural assets is aligned to our climate change goals and our asset management programs in compliance with Ontario Regulations. Provincial offsetting policies put our goals at risk.</p> <p>An ecological offsetting policy being imposed on the City without the ability for local decision making would be of major concern as it is likely to result in negative ecological impacts and the loss of natural heritage features and functions.</p> <p>While off-setting of complex features is not supported by the City, we are not opposed to offsetting in the right situations. The City has introduced a draft off-setting policy in proposed Official Plan Amendment 80 that the province is currently reviewing. This policy would apply to municipal infrastructure projects and require the demonstration of no negative impacts and a net benefit to the City's Natural Heritage System. Additionally, we may support offsetting with a net gain for the simplest of features (e.g., small marsh or plantation with limited diversity) and those that can be relatively easy to reproduce (e.g., Monarch Significant Wildlife Habitat) in conjunction with private development approvals.</p> <p>Offsetting policies are most successful when they have an area multiplier and are focused on achieving ecological function. As the proposal allows for a net gain in area <u>or</u> function, it will likely fail in preventing a net loss in natural heritage value.</p> <p>The proposal includes the possibility of paying into a fund rather than providing</p>

Change	Preliminary Impact Assessment
	an offsetting project and indicates that this fund would contribute to projects elsewhere in the watershed if possible. The Grand River Watershed in which Guelph is located is very large. Therefore, it is conceivable that an off-setting project for the removal of a natural feature in Guelph is replaced 100 km or more from the city and represent a significant impact to the City's Natural Heritage System.

Heritage Act

Bill 23 proposes major changes to the Ontario Heritage Act with respect to the Municipal Register of Cultural Heritage Properties. Fundamentally, the changes to the Ontario Heritage Act detailed in Bill 23 contradict the provincial government's own heritage policies in the Provincial Policy Statement, specifically Section 2.6.1 that states, "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." The changes proposed to municipal heritage registers makes certain that significant built heritage resources and cultural heritage landscapes will not be conserved but erased by unfettered demolitions that will not necessarily provide more housing.

Table 9: Preliminary Impact Assessment of Proposed Heritage Act Changes

Change	Preliminary Impact Assessment
Non-designated properties listed on the Register must meet at least one criteria from Ontario Regulation 9/06.	Heritage Planning staff use Ontario Regulation 9/06 to screen properties for listing on the Register. This change is consistent with best practice.
<p>A Property will be removed from the register if council has issued a Notice of Intention to Designate and:</p> <ul style="list-style-type: none"> • Withdrawal of the Notice of Intention to Designate • Let 90 days lapse without designation • If by-law is passed, but repealed by OLT 	There are no concerns with this process, if a Notice of Intention to Designate is withdrawn or repealed, the property has been considered for designation and decisions were made about designation.
Non-designated properties listed in the Register will be removed on the second anniversary of their listing, or on the	This represents a fundamental change to the Ontario Heritage Act and to the conservation of built heritage resources. This removes a tool for conservation and essentially reduces

Change	Preliminary Impact Assessment
<p>second anniversary of Bill 23 coming into force.</p>	<p>heritage conservation to designated properties only. This will have significant impacts to Heritage Conservation in the City. Rather than being proactive with Listings, staff will now have to be reactive. This is not regarded as good heritage planning.</p> <p>Listing buildings on the Heritage Register is generally considered good planning practice. It has provided property owners, developers, and property buyers with a level of certainty about the status of their property and the expectations under the Ontario Heritage Act. Listing only affects a property owner's ability to demolish a building (in which case, the owner must provide the City with 60-days' notice, at which point the City may designate the building to deny the demolition permit).</p> <p>In terms of a strategy going forward, staff will need to review the existing Heritage Register to determine a course of action for prioritizing designations over the next two years. It is important to note that we have 1713 non-designated properties on the municipal register. It is unlikely that new properties will be added to the Heritage Register, likely resulting in the loss of buildings which may be significant.</p>
<p>Council is not required to consult Heritage Committees before removing property under proposed S.27(14-16) (the two points above).</p>	<p>The Act proposes to automatically remove properties from the register in a two-year time frame or with respect to certain decisions being made. As noted above, we do not agree with the proposal to have properties removed from the register after two years of being listed.</p>
<p>Property removed from the register will not be eligible for re-listing for a period of five years.</p>	<p>While we appreciate the inclusion of a clause to allow for re-listing, a five-year time frame is not appropriate. This could lead to the loss of significant heritage resources and alter the character of communities. This proposed regulation effectively ensures</p>

Change	Preliminary Impact Assessment
	that the majority of the City of Guelph's significant built heritage resources will have no heritage protection by 2025.
<p>If a prescribed event occurs council may give a Notice of Intention to Designate only if the property is listed in the register under subsection 27 as of the date of the prescribed event.</p>	<p>This limits Council's ability to conserve cultural heritage resources that have not previously been assessed. This assumes that full inventories of resources have been completed and that all resources are known. The risk posed to heritage resources by changes to the register are further compounded by this prohibition from issuing a Notice of Intention to Designate after a prescribed event if a property is not listed on their municipal register. This proposed regulation should be removed.</p>
<p>Part IV and Part V Designation Criteria</p> <p>To designate a Heritage Conservation District, the defined area must meet certain prescribed criteria for determining whether the area is of cultural heritage value or interest. A regulation is anticipated outlining the criteria for Part V designation.</p> <p>Part IV designations must meet 2 of the criteria outlined in O.Reg 9/06.</p>	<p>Staff agree that an HCD should have clear guidance for determining cultural heritage value or interest. Further information about the proposed criteria is needed to properly comment on this.</p> <p>The proposed changes to O.Reg 9/06, that properties meet two of the criteria to be eligible for designation, fundamentally changes the way the Province of Ontario has defined cultural heritage since the regulation was introduced in 2005. Municipalities across Ontario have made great strides to address diversity, equity, and inclusion in heritage conservation through the recognition and protection of heritage resources that convey the histories of marginalized communities. The requirement for properties to meet two of the criteria will thwart such initiatives and continue to overvalue the architecture and well-documented histories of wealthy European settlers.</p>

Table 10: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario - ERO number 019-2927

Change	Preliminary Impact Assessment
Proposal to repeal individual conservation authority regulations and replace with a single regulation.	A single regulation that focuses permitting decisions on matters related solely to the control of flooding and other natural hazards would likely lead to significant wetland loss in the City as the City's site alteration bylaw's intended purpose is not wetland or watercourse protection.
Proposal to change the definition of "other areas" in which the prohibitions on development apply to within 30 m of all wetlands.	This proposal would result in no change to the City, provided that potential impacts to wetlands may continue to be addressed through the existing "adjacent lands" framework in our Official Plan.
Unspecified changes to streamlined approval process.	Depending on what the unspecified rules that must be followed are, impacts to wetlands or watercourses in the City's Natural Heritage System may result.

Ontario Building Code (OBC)

Code changes related to Bill 109 (More Homes for Everyone Act, 2022) came into effect throughout 2022, starting in April. These were mainly technical changes to the Code requirements and included allowing for the early and partial occupancy of super tall buildings; removing barriers to unit-modular housing construction; supporting the creation of municipal building official internship programs; and to exempt certain size sheds from OBC requirements. Consultation on further proposed Code changes from Bill 23 (More Homes Built Faster Act, 2022) is underway and also primarily relates to the technical requirements of the OBC. These changes would further harmonize the Ontario Building Code with the National Building Code (NBC) and also proposes to change some requirements related to Encapsulated Mass Timber Construction, mid-rise wood construction and stacked townhouses. There are some life safety concerns with the proposed exemption for standpipe installation in combustible four storey sprinklered stacked townhouse units. There are also other separate proposed Code change consultations occurring right now, separate from Bill 23, and are related to further harmonization between the OBC and NBC, as well as updates to sewage system requirements.

Inclusionary Zoning

The proposed amendments to O. Reg 232/18 would establish an upper limit on the number of units that would be required to be set aside as affordable, set at 5% of the total number of units (or 5% of the total gross floor area of the total residential units, not including common areas). It would also establish a maximum period of twenty-five (25) years over which the affordable housing units would be required to

remain affordable. Amendments would also prescribe the approach to determining the lowest price/rent that can be required for inclusionary zoning units, set at 80% of the average resale purchase price of ownerships units or 80% of the average market rent (AMR) for rental units. These proposed amendments would only apply on lands within Protected Major Transit Station Areas (PMTSA).

The City of Guelph has one PMTSA as delineated through OPA 80, and it is the downtown. While the proposed prescribed time frame for affordability could provide certainty, setting it at 25 years does not allow municipalities to consider local needs or provide for affordable units for the long term. While we have not examined the use of this tool in the City of Guelph, staff note that the provision of 5% of units as affordable is very low and is insufficient to make any substantial change to affordability in our community. The requirements to develop and use the program, along with the limited geographic area that it can apply to, and the proposed new program limits make this tool less desirable and less effective than intended.

Review of A Place to Grow and Provincial Policy Statement

The government is proposing to integrate the Provincial Policy Statement and A Place to Grow into a new province-wide planning policy instrument. The stated purpose of this review is to create a new document that:

- Leverages the housing-supportive policies of both policy documents;
- Removes or streamlines policies that result in duplication, delays or burden in the development of housing;
- Ensures key growth management and planning tools are available where needed across the province to increase housing supply and support a range and mix of housing options;
- Continues to protect the environment, cultural heritage and public health and safety; and
- Ensures that growth is supported with the appropriate amount and type of community infrastructure.

The province states that the intent of this consultation is to identify potential opportunities that will complement other provincial priorities and plans.

Staff are reviewing the consultation questions and will be providing a response prior to the December 30 deadline.

The city has been in a constant review cycle over the past 5 years as the province has updated and released multiple amendments/updates to A Place to Grow, modified planning horizons and population targets and released a new Provincial Policy Statement in 2020. Staff are supportive of reducing duplication, removing potentially conflicting policy directions, and providing clarity on matters of provincial interest. A Place to Grow is a prescriptive plan that is challenging for municipalities because it presents one approach to planning for a large geographic area and sets growth targets without consultation with municipalities. Staff would be supportive of greater local autonomy through a combined provincial planning framework that respects local growth constraints and fiscal impacts.

Municipal Housing Targets

The Bill also introduces municipal housing targets based on population size and growth for 29 municipalities, including the City of Guelph. The City of Guelph has been assigned a housing target of 18,000 by 2032 as part of the provincial goal to

build 1.5 million homes in 10 years. Municipalities will be required to develop pledges outlining how they will help kick start development to meet the target. No consultation with the City occurred and this target is not in keeping with the recent Official Plan work or Master Plans recently completed to meet the Ministry's housing targets that were released in 2021. Concerns with the inability to provide infrastructure to meet the new housing target compounded with a reduction in development charges will make this difficult.

18,000 new units is close to double what was projected in the Land Needs Assessment provided to the Province in July 2022. Staff remain concerned that reduction in barriers to development through a reduction in fees and refundable applications will not bring on double the number of housing units based on other factors including rising interest rates, supply chain constraints, a shortage in skilled trades and the time it takes to ramp up production. Council has already approved Additional Residential Dwelling units, which may require some minor amendments based on proposed legislation, and staff have presented three units as of right through the draft comprehensive zoning by-law, which will help to reach that target.

It is important to note that on November 16, 2022, staff received notice that the Minister of Municipal Affairs and Housing has suspended the 120 day minister review timeline for Guelph Official Plan Amendment 80, which was adopted on July 11, 2022 and received by the Ministry of Municipal Affairs and Housing on August 18, 2022. Without the approvals for increased densities proposed in OPA, it will be even more cumbersome to meet the new housing unit targets.

This topic of a housing pledge will be the subject of a Council report scheduled for late February 2023 if the legislation passes.

Consultations

With the introduction of the legislation, a significant number of consultations were initiated with commenting periods varying from 30 to 66 days. The changes being proposed by Bill 23 are significant and the deadlines for several of the consultations is extremely short given the complex analysis required. The City of Guelph, along with other municipalities across the province, is very concerned that these timelines will not allow staff and newly elected municipal councils the opportunity to provide fulsome feedback. There are over 18 pieces of legislation and postings to review for Guelph. Staff have also worked to assess the proposed changes in close collaboration with several organizations. This includes the Regional Planning Commissioners of Ontario, the Regional Public Works Commissioners of Ontario, the Regional/Single-Tier Chief Administrative Officers, and Ontario's Big City Mayors. For the City's draft consultation response to item #2 in the table below, kindly see Attachment 2.

Table 11: Bill 23 consultations of most significant interest to the City of Guelph

	Bill 23 Consultations	Commenting Period
1	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X - the proposed More Homes	October 25, 2022 - November 24, 2022 (30 days)

	Built Faster Act, 2022): https://ero.ontario.ca/notice/019-6163	
2	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges: https://ero.ontario.ca/notice/019-6172	October 25, 2022 - November 24, 2022 (30 days)
3	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0: https://ero.ontario.ca/notice/019-6141	October 25, 2022 - November 24, 2022 (30 days)
4	Proposed Updates to the Ontario Wetland Evaluation System: https://ero.ontario.ca/notice/019-6160	October 25, 2022 - November 24, 2022 (30 days)
5	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario: https://ero.ontario.ca/notice/019-2927	October 25, 2022 - December 30, 2022 (66 days)
6	Conserving Ontario's Natural Heritage (Policy): https://ero.ontario.ca/notice/019-6161	October 25, 2022 - December 30, 2022 (66 days)
7	Proposed legislative amendments to the Ontario Underground Infrastructure Notification System Act, 2012 under the More Homes Built Faster Act, 2022: https://www.ontariocanada.com/registry/view.do?postingId=42912&language=en	October 25, 2022 - November 25, 2022 (31 days)
8	Proposed Changes to the Ontario Heritage Act and its regulations: the Proposed More Homes Built Faster Act, 2022: https://ero.ontario.ca/notice/019-6196	October 25, 2022 - November 24, 2022 (30 days)
9	Proposed Building Code Changes to Support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023 (Phase 3 - Fall 2022 Consultation for the Next Edition of Ontario's Building Code): https://www.ontariocanada.com/registry/view.do?postingId=42787&language=en	October 25, 2022 – December 9, 2022 (45 days)
10	General Proposed Changes for the Next Edition of Ontario's Building Code (Phase 3 - Fall 2022 Consultation): https://www.ontariocanada.com/registry/view.do?postingId=42888&language=en	October 25, 2022 – December 9, 2022 (45 days)

11	Proposed Changes to Sewage Systems and Energy for the Next Edition of Ontario's Building Code: https://ero.ontario.ca/notice/019-6211	October 25, 2022 – December 9, 2022 (45 days)
12	Proposed Amendments to the Ontario Land Tribunal Act, 2021: https://www.ontariocanada.com/registry/view.do?postingId=42913&language=en	October 25, 2022 - November 25, 2022 (31 days)
13	Seeking Feedback on Municipal Rental Replacement By-Laws: https://www.ontariocanada.com/registry/view.do?postingId=42808&language=en	October 25, 2022 - November 24, 2022 (30 days)
14	Seeking Input on Rent-to-Own Arrangements: https://www.ontariocanada.com/registry/view.do?postingId=42827&language=en	October 25, 2022 – December 9, 2022 (45 days)
15	Proposed Amendment to O. Reg 232/18: Inclusionary Zoning: https://ero.ontario.ca/notice/019-6173	October 25, 2022 – December 9, 2022 (45 days)
16	Review of A Place to Grow and Provincial Policy Statement (Policy): https://ero.ontario.ca/notice/019-6177	October 25, 2022 - December 30, 2022 (66 days)
17	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units: https://ero.ontario.ca/notice/019-6197	October 25, 2022 – December 9, 2022 (45 days)
18	Amendments to the New Home Construction Licensing Act, 2017 to protect purchasers of new homes: https://www.ontariocanada.com/registry/view.do?postingId=42927&language=en	October 25, 2022 - November 24, 2022 (30 days)

Financial Implications

While growth targets are provincially mandated, the City of Guelph is committed to the principle that “growth pays for growth” to the extent this is possible. This means that new growth is financially sustainable when growth revenue sources support the cost of servicing that growth. This should apply to both the capital infrastructure as well as ongoing operating costs associated with growth to minimize the impact on existing taxpayers.

There are several sources of funding for growth, including Development Charges, Community Benefit Charges, Parkland Dedication, building permit fees, planning and development application fees, user fee growth, property tax assessment growth, and utility rate growth. The City's [Growth Strategy](#) formed part of the 2022 and 2023 budget documentation and can be referenced for more information.

Municipalities are limited by legislation in the amount they can recover from developers. Prior to the most recent By-law update to conform to legislation passed in 2019, it was calculated that growth revenues supported approximately 85 per cent of the capital cost of growth in Guelph. The remaining 15% of capital cost is expected to be funded by tax and ratepayers. The 2019 legislated updates worsened this situation and left municipalities slightly worse off overall. Municipalities are facing additional financial challenges with Bill 23 on all capital growth revenue fronts as legislation moves further away from the “growth pays for growth” principle.

The financial implications of Bill 109 are twofold: first, there is a significant risk that application fees for Zoning By-law amendments, Site Plan applications, and combined Official Plan amendments and Zoning By-law amendments will need to be refunded under the current fee structure, representing a loss of approximately \$840 thousand in fee revenue. A new fee structure is proposed, increasing pre-consultation fees with an offsetting decrease in complete application fees.

Second, a need for 21 additional staff over two years to meet the timelines set out in Bill 109 have been identified. Given current budget constraints, impacts of Bill 109 still to be discovered, and not having received the province’s complete application requirements, staff have recommended adding seven permanent, full-time positions in 2023, allowing us more time to fully understand the impacts and return with a more complete ask as part of the 2024-2027 multi-year budget. A 2023 investment totaling \$1,010,000 is recommended, with funding of \$558,000 from the Tax Rate Operating Contingency reserve and \$452,000 from property taxes.

The financial implications of Bill 23 if enacted as written, will have a significant impact on the ability of the City to fund growth related capital costs. Significantly increased growth targets combined with reductions in the available revenue tools will put the City in a challenging position to implement the infrastructure requirements to support that growth over the next 8 years. Debt capacity limits and cash flows are also a concern, and the City may not be able to finance future infrastructure needs before development revenues begin.

Staff are working with Watson & Associates Economists Ltd. to obtain estimated financial impacts from these changes. Staff’s opinion based on current information is that the most significant impact in 2023 will be the additional Development Charge exemptions and will bring a recommendation to Council as part of the 2023 budget update to begin to address this. While the proposed Phase-in of Development Charge rates and making land an ineligible cost are expected to be the most significant financial impacts from Bill 23 overall, the phase-in will not impact the City until the updated Development Charge By-law is adopted (currently expected in January 2024).

In addition to lost revenue, there are other financial impacts expected from Bill 23, including increased staffing requirements to support nearly double the volume of planning and building activity and then subsequently double the pace of services expansion needs not just at the City, but also the health care sector and school boards to meet the demands of these new populations. However, it will take time for the development community to increase activity and for staff figure out a plan to respond to this required increase in volume to meet the new provincial targets;

budget requests to resource this will be brought to Council as part of the 2024-2027 Multi-Year Budget in late 2023.

The timeline for the Development Charge background study that is currently underway may also be impacted by Bill 23. The City's current by-law expires in March 2024, so a new by-law is required to be in place before that time. Staff initially planned to present it to Council in draft in May 2023, kicking off community engagement on the study over the summer, and bringing it back to Council for approval along with an updated Development Charge By-law in September 2023 for implementation in January 2024. This timeline would meet the requirements of current Development Charges legislation to update the City's By-law every five years. Bill 23 proposes to change the requirement to update the By-law to ten years, but Staff are not sure if this applies to current By-laws. Additional time may be required as the projects in the background study have been based on building infrastructure to support the provincial growth targets outlined for Guelph in the Places to Grow Act; Bill 23 would nearly double that level of growth and with that will come a requirement to re-assess the timelines for growth infrastructure. Staff will provide an information update on the timeline for this work when known.

The City has recently completed a fiscal impact assessment for the Clair Maltby Secondary Plan as well as the Municipal Comprehensive Review based on previously mandated growth targets. With the expectation of a pledge for greatly accelerated growth requirements, the related infrastructure timing and the impact to growth revenues, staff expect that both assessments will need to be redone to reflect the growth implications of Bill 23.

Staff also recognize that the level and pace of growth proposed through Bill 23 will increase property tax assessment growth and this will provide an additional source of funding to contribute to growth-related capital and operating costs associated with providing services to a significantly expanded community. More work is required to understand the potential property tax impacts.

Consultations

This report was developed in consultation with all Service Areas across the corporation. Analysis and preliminary feedback from professional and municipal associations as well as industry consultants has also been considered in the development of Guelph's response.

Attachments

Attachment 1 – 2022-2023 Development Application Fees

Attachment 2 - Consultation Response to Proposed Planning Act and Development Charges Act, 1997 Changes

Departmental Approval

Gene Matthews, General Manager, Parks Department

Terry Gayman, Acting General Manager, Environmental Services

Steve Anderson, Acting General Manager, Engineering and Transportation Services

Allison Thornton, Associate Solicitor, Legal and Legislative Services

Daniel Beemsigne, Acting General Manager, Strategy, Innovation and Intergovernmental Service

Report Author

Jodie Sales, Acting General Manager, Strategic Communications & Community Engagement

Krista Walkey, General Manager, Planning and Building Services

Shanna O'Dwyer, Acting General Manager, Finance Department

This report was approved and recommended by:

Scott Stewart

Chief Administrative Officer

Office of the Chief Administrative Officer

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Development Application Fees

January 1, 2022/2023



Note: Fees are proposed to be increased by the CPI of 6.9 percent vs the NRCPI of 15.6 percent, which is the policy in the current User Fee By-law (2021) – 20655, as amended.

Table 1: Development Fees

Service or Process	Fee: 2022	Fee: 2023	Notes
Minor Official Plan Amendment	\$14,307.44	\$10,294.65 (2023 increase less \$5,000)	Site-specific amendment, involves minor policy change or exemption
Major Official Plan Amendment	\$17,378.70	\$13,577.83 (2023 increase less \$5,000)	Land use change or major policy change involves more than one property or large land holdings
Draft Plan of Subdivision	\$41,397.03	\$44,253.42	Plus Plan of Subdivision Approval Fee
Plan of Subdivision Approval	\$17,350.80 (includes: Notice of Draft Plan Approval, Subdivision Agreement, Subdivision Clearance)	\$18,548.01	Fee does not include the search and registration costs in the Land Registry Office, which costs are set by the Province of Ontario, and are in addition to any fees imposed by this By-law.
Engineering Review Fee	6% Cost of Work for Services		Required for Plan of Subdivision and Vacant Land Condominium.

Condominium Approval	\$4,991.85 plus \$121.25/unit plus \$1,212.50 Condo Agreement fee (if Agreement required)	\$5,336.29 \$129.61/unit plus \$1,296.16 Condo Agreement fee (if Agreement required)	Fee does not include the search and registration costs in the Land Registry Office, which costs are set by the Province of Ontario, and are in addition to any fees imposed by this By-law.
Condominium Registration	\$1,422.26 (will apply to each phase of condominium registration)	\$1,520.40	
Minor Zoning By-law Amendment	\$14,307.44 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	\$10,294.65 (2023 increase less \$5,000)	Minor includes: adding uses to an existing zone, temporary use, no change in zoning category. Additional Development Agreement Fee may be imposed under the User Fee By-law where applicable.
Major Zoning By-law Amendment	\$17,378.70 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	\$13,577.83 (2023 increase less \$5,000)	Major includes: change in zoning category. Additional Development Agreement Fee may be imposed under the User Fee By-law where applicable.

Development Approval Fee - By-law Preparation, Notice of Passing	\$963.93 plus Development Agreement Fee (if Development Agreement required)	\$1,030.44	Additional Development Agreement Fee may be imposed under the User Fee By-law where applicable.
Minor Official Plan/Zoning By-law Amendment	\$19,532.08 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	\$15,879.80 (2023 increase less \$5,000)	Additional Development Agreement Fee may be imposed under the User Fee By-law where applicable.
Major Official Plan/Zoning By-law Amendment	\$23,635.17 plus Development Approval Fee plus Development Agreement Fee (if Development Agreement required)	\$20,266.00 (2023 increase less \$5,000)	Additional Development Agreement Fee may be imposed under the User Fee By-law where applicable.
Draft Plan of Subdivision/Minor Zoning By-law Amendment	Draft Plan of Subdivision Fee of \$41,397.03 plus 50% reduction in Minor Zoning By-law Amendment Fee plus Development Approval Fee plus Plan of Subdivision Approval Fee	Fee category removed	Concurrent applications are no longer accepted
Draft Plan of Subdivision/Major Zoning By-law Amendment	Draft Plan of Subdivision Fee of \$41,397.03 plus 50% reduction in Major Zoning By-law Amendment Fee plus Development Approval Fee plus Plan of Subdivision Approval Fee	Fee category removed	Concurrent applications are no longer accepted

Draft Plan of Subdivision/Minor Official Plan Amendment/Zoning By-law Amendment	Draft Plan of Subdivision Fee of \$41,397.03 plus 50% reduction in Minor Official Plan/Zoning By-law Amendment Fee plus Development Approval Fee plus Plan of Subdivision Approval Fee	Fee category removed	Concurrent applications are no longer accepted
Draft Plan of Subdivision/Major Official Plan Amendment/Zoning By-law Amendment	Draft Plan of Subdivision Fee of \$41,397.03 plus 50% reduction in Major Official Plan/Zoning By-law Amendment Fee plus Development Approval Fee plus Plan of Subdivision Approval Fee	Fee category removed	Concurrent applications are no longer accepted
Part Lot Control Exemption	\$2,302.53	\$2,461.40	

Table 2: Site Plan Fees

Service or Process	Fee: 2022	Fee: 2023	Notes
Residential Application	Base fee of \$6,901.52 (includes up to 20 residential units) plus \$160.04 per residential unit in excess of 20 units to a maximum fee of \$17,253.81 plus Site Plan Agreement fee.	Base fee of \$7,377.72 (includes up to 20 residential units) plus \$171.08 per residential unit in excess of 20 units to a maximum fee of \$13,444.32 plus Site Plan Agreement fee. (2023 increase Less \$5,000 on the max fee)	What constitutes a "Standard" Site Plan has been clearly defined in the "Site Plan User Guide."

Commercial/Office / Institutional Application	Base fee of \$6,901.52 (includes up to 500m2 of GFA) plus \$3.06/m2 of GFA in excess of 500m2 to a maximum fee of \$17,253.81 plus Site Plan Agreement fee.	Base fee of \$7,377.72 (includes up to 500m2 of GFA) plus \$3.27/m2 of GFA in excess of 500m2 to a maximum fee of \$13,444.32 plus Site Plan Agreement fee. (2023 increase Less \$5,000 on the max fee)	What constitutes a "Standard" Site Plan has been clearly defined in the "Site Plan User Guide."
Industrial Application	Base fee of \$6,901.52 (includes up to 1,000m2 of GFA) plus \$1.90/m2 of GFA in excess of 1,000m2 to a maximum fee of \$17,253.81 plus Site Plan Agreement fee.	Base fee of \$7,377.72 (Includes up to 1,000m2 of GFA) plus \$2.03/m2 of GFA in excess of 1,000m2 to a maximum fee of \$13,444.32 plus, Site Plan Agreement fee. (2023 increase Less \$5,000 on the max fee)	What constitutes a "Standard" Site Plan has been clearly defined in the "Site Plan User Guide."
Minor Site Plan Application	\$4,219.48 plus Site Plan Agreement fee.	\$4,510.62	What constitutes a "Minor" Site Plan has been clearly defined in the "Site Plan User Guide."
Site Plan Agreement	\$1,212.50	\$1,296.16	Fee does not include the search and registration costs in the Land Registry Office, which costs are set by the Province of Ontario, and are in addition to any fees imposed by this By-law.

Table 3: Other Fees

Service or Process	Fee: 2022	Fee: 2023	Notes
Extension of Draft Plan Approval (Subdivision/Condo)	\$2,302.53	\$2,461.40	
Removal of 'H' Symbol – routine	\$2,302.53	\$2,461.40	
Removal of 'H' Symbol (complex plus submission review)		\$10,000.00	New fee based on report reviews
Extension of Temporary Use	\$2,895.44	\$3,095.22	
Annual Inactive File Holding	\$606.24	\$1,000.00	Applies to applications submitted prior to December 31, 2022
Mandatory Pre-consultation	\$485.00	\$3,000.00	No longer deducted from complete application fee
Site Plan – Additional Site Inspection (beyond 1st)	\$606.24	\$648.07	
Site Plan – Additional Technical Circulation >3	\$3,031.24	Fee category removed	Applied when previous staff comments have not been addressed in 3 submissions.
Subdivision – Additional Technical Circulation >3	\$6,062.48	Fee category removed	Applied when previous staff comments have not been addressed in 3 submissions.
Applicant Initiated Revision	\$3,031.24 for Draft Plan or Major Rezoning. \$1,818.74 for Minor Rezoning \$1,818.74 for Standard Site Plan	Fee category removed	This fee will not be applied for revisions made by applicants in response to staff comments.

Pre-submission review (site Plan and OP.ZBA)		\$5,000.00	New fee for each site plan /OPA/ZBA submission made outside of the formal process
Pre-Submission review – individual report		\$3,200.00	New fee for each individual report submission made outside of the formal site plan/ZBA/OPA process
Engineering Servicing Capacity Modelling Check	In accordance with the User Fee By-law.	In accordance with the User Fee By-law.	Noted here for information purposes only. *

Thursday, November 24, 2022

To be sent via email to MFPB@ontario.ca and minister.mah@ontario.ca

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
Government of Ontario
17th Floor – 777 Bay St.
Toronto, ON M7A 2J3

**RE: Proposed Planning Act and Development Charges Act, 1997 Changes:
Providing Greater Cost Certainty for Municipal Development-related
Charges (ERO 019-6172)**

Dear Minister Clark,

The City of Guelph (the City) welcomes the opportunity to provide comments on the proposed changes to the Planning Act and Development Charges Act. This submission will provide overall comments and specific comments from the City's financial perspective. The Province introduced Bill 23 with the objective: "a long-term strategy to increase housing supply and provide attainable housing options." While the City shares and supports the province's goals, the proposed changes to the Development Charges Act and the Planning Act regarding Community Benefits Charges and Parkland Dedication will limit municipalities' ability to build the infrastructure necessary to support the province's target level of growth.

While growth targets are provincially mandated, municipalities are required to build and fund the related infrastructure to support that growth. Like many municipalities, the City of Guelph tries to limit the impact of growth-related costs on existing residents through the principle that "growth pays for growth".

Municipalities are restricted in the amount they can recover from developers to support growth related infrastructure. Prior to the most recent Development Charges By-law update in 2019, it was calculated that growth revenues supported approximately 85 per cent of the capital cost of growth in the City of Guelph leaving the remaining balance to be funded by existing residents.

These constraints, as well as reduced revenues available from Bill 23, may slow the pace of infrastructure construction to support growth due to lack of available funding. The City of Guelph calls on the Province to provide funding to offset the loss of funding for growth related infrastructure so municipalities can partner with the Province to achieve its goal to build more homes faster.

Specific Comments

Overall Growth Revenue

These changes will substantially reduce the overall funding available to support growth infrastructure projects at the same time that growth targets are nearly doubling. As explained above, this shortfall could delay needed infrastructure projects that would support future growth. Potential funding shortfalls would be passed on to existing tax and ratepayers and, in the case of market housing, are unlikely to be passed on to homeowners, as homes will continue to be sold at market value, while developers will have an increased profit margin at the expense of tax and utility ratepayers.

The City of Guelph calls on the Government of Ontario to remove the reductions to growth revenue streams from the proposed legislation or replace the lost revenue related to the changes proposed in Bill 23 to ensure development related servicing can proceed as needed.

Changes to Exemptions

This will result in a reduction to growth revenue and require new infrastructure to be built without a matching funding source. This will also increase the administrative costs to track agreements and review documentation to ensure developments meet these definitions and continue to do so over time.

The City recommends these exemption definitions should be well-defined to make sure that they are helping the right groups and that the housing types endure over the long term. This change will reduce the amount of funding available without reducing the servicing costs. The City requests funding from the provincial government to offset growth funding shortfalls to ensure servicing is in place to support future development.

Changes to Historical Level of Service

The City's position is that this may reduce the level of service cap for the City and reduce overall D.C. revenues. This reduction in overall revenue could potentially delay construction of new facilities which would further reduce the service level cap creating a negative cycle. This was seen in Transit until corrected in 2016 with a forward looking standard.

It is recommended that the historical service standard remain at 10-years and does not increase to 15-years. Ideally a forward-looking service standard could be used so anticipated growth could be incorporated in the standard.

Changes to the Capital Cost inclusion

Land represents a significant cost for services such as roads and new facilities to support new residents. Depending on the definition of eligible service this cost could be significant.

Master Plans and environmental assessments are required to understand the servicing needs development. These studies are necessary to inform the servicing required to establish the supply of lands for development.

The City recommends that these costs are required to deliver growth-related infrastructure. It is recommended that they remain as an eligible cost for DC recovery.

Mandatory Phase-in of a D.C

The phase in does not refer to a phase in of *increase* in a Development Charge rate. As currently written in Bill 23, it applies to the entire rate. This would apply even if the rate increase was less than 20% and could result in decreasing Development Charge revenues even with increased related capital costs.

It is estimated mandatory phase-in will result in the City losing approximately 10% to 15% of revenues over the five-year phase-in period. This may result in the delay of construction of infrastructure that is required to service new homes.

An unintended consequence of this could be that developers hold off on moving forward with new developments when they know a new Development Charges By-law is imminent as there may be a financial incentive to do so.

The City of Guelph recommends that the Province remove this phase in requirement as the charge is based on actual growth related infrastructure costs of a municipality. Should the phase in option remain, that it apply only to the *increase* of the development charge, not the entire DC rate. This would reduce the impact to municipal revenue while providing for a phased increase for developers. If the phase-in remains in any form, the City requests funding from the provincial government to offset the shortfalls resulting from the phase-in to reduce the impact on existing tax and ratepayers.

Changes to Parkland Dedication

Parkland and recreation space is a key need for new residents. The revised rate reduces parkland revenue by approximately 50% of the current maximum. In addition, the cap on collections based on land value will further reduce the amount available, particularly for high density units. Increased densities are projected for future growth and the proportionate parkland for future residents will decrease.

It is also worth noting that residents of high-density developments will not have backyards and limited available personal recreation space. Demand for parks will likely intensify with increased density while funding for future parkland decreases.

It is recommended that parkland dedication rates remain in at current levels to support the building of new parks for future residents. There should be alignment with the land conveyance and cash in lieu as small parcels of adjacent land is often not suitable for park development.

Changes to Community Benefits Charges

Community benefits charges are not a significant revenue source but will increase with higher densities. The purpose of a CBC is to provide funding for amenities related to increased density. These proposals will reduce the funding for future amenities available for these residents.

Community benefits charges have only been in effect for a few months, changing the rules so quickly creates additional work before the impacts can be understood. It is recommended that the CBC remains as previously proposed.

Other Indirect Impacts

There will be significant pressure to respond to such an increase in development volumes. It will take time to increase staffing in response and this will represent a significant increase in Planning and Development fees as well as additional cost for municipal tax and ratepayers.

It is recommended the growth targets account for this need for municipalities to ramp up to increased growth. The growth targets should be adjusted accordingly.

Summary

The changes to the Development Charges Act and the Planning Act regarding Parkland Dedication and Community Benefits Charges pose a risk to the City of Guelph's ability to fund the infrastructure required to support growth; this challenge is exacerbated by a near doubling of provincial growth targets for Guelph. The financial implications of Bill 23 if enacted as written, will have a significant impact on the ability of the City to fund growth related capital costs and will transfer a much larger burden for supporting the cost of growth to existing tax and ratepayers.

Historical changes to the Development Charge Act did not result in lower house prices and it is unlikely a reduction in these costs would be passed on to homebuyers. In addition, if existing residents are required to make up for the shortfall in development revenue that would increase the overall cost of housing through increased property taxes and utility rates.

The City of Guelph calls on the Province to provide funding to assist with the offset of loss of funding growth related infrastructure so municipalities can partner with the Province to achieve its goal to build more homes faster.

Sincerely,

Shanna O'Dwyer, Acting General Manager, Finance and City Treasurer
Finance, **Corporate Services**
Guelph City Hall

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https://guelphpolitico.ca/2022/11/13/emergency-council-meeting-to-discuss-impact-of-bill-23/?utm_source=substack&utm_medium=email

Note to Clerk's Office: Please include the below as a written submission to the meeting package. Thank you.

This is my first letter to the new cohort of Council following the election so firstly congratulations to the new and returning Councillors and the Mayor!

I am pleased to hear that Council will be meeting to discuss the implications of [Bill 23](#).

The stated purpose and intent of the legislation is to address the housing crisis and I think it safe to say no one opposes this goal. That said there are many provisions that are questionable at best. The current provincial government is once again demonstrating that it feels no obligation to provide evidence or reasons for sweeping changes that often go against the best advice available. The disregard for input from stakeholders (other than developers) is particularly concerning and is creating massive public distrust and resistance. While many of the proposed changes have merit others are in direct opposition to the stated aims of the legislation and the [guidance of the government's own advisors](#). In other cases the proposals are blatantly undemocratic as they undermine local democracy and decision making. Some of the provisions break promises made by the government such as opening up the Greenbelt to development. Others undermine public institutions such as Conservation Authorities that were created and only exist to protect people and property from extreme, expensive and deadly events. Still others undermine the ability of municipalities to manage development revenues which will likely lead to even larger property tax increases.

The housing crisis requires timely AND prudent action. Bill 23 is certainly timely but is it prudent? Little time or effort has been dedicated to evaluating this so we don't know. I urge Guelph City Council to join with the [many other municipalities](#) denouncing THIS ITERATION of Bill 23 and calling for amendments based on input from experts and stakeholders.....not just developers.

Thank you for your consideration.

Kevin Bowman

I urge Guelph City Council to follow the City of Waterloo's (and York Region and the Town of Aurora) lead by introducing and approving a motion against Bill 23. This Bill is an insult to the people of Ontario. Cities must send a strong message to Queen's Park. We are not fooled by the so-called "intent" to "build more houses faster" of this Bill.

Tanya Gevaert

As a Guelph citizen I would like to express my displeasure with bill 23. More homes built faster is not a solution to housing if environmental and infrastructure (transportation, health care, parks, green space, water) concerns are compromised. Bill 23 is not a way to build thriving communities. It is narrow, short term, reactionary thinking. Please, as a council, push back against this bill.

Thank you.

Jay Wilson

[REDACTED]

Guelph ON

To the mayor, city councillors and staff,

I'd like to say that frankly, I'm horrified at the short sightedness of Bill 23. More data is coming out that shows that it won't speed up availability of housing or make homes more affordable but in reality, will have grave long-term consequences. Most stakeholders would be significantly and negatively impacted by these changes to planning rules and process including city planning staff. I would hope and expect that the City of Guelph would honour the fact that Guelph residents voted in the Green Party as our MPP and will make building decisions that reflect that rather than concede to a bill that has no true benefit. I believe more people, which includes Guelph and Ontario, residents, are becoming increasingly concerned about the reality of climate change and would choose to prioritize bills and decisions that protect green spaces and balance the needs of our increasing population with the needs of the environment and wildlife. This bill is incredibly out of touch with the concerns and needs of the population. I hope that Guelph councillors can see the bill for what it is: an ineffective attempt to streamline the development process by negating all the ethical and environmental considerations that need to be evaluated in building decisions when these are the very considerations that should be prioritized. This bill will make the process more convoluted, chaotic with less accountability for the negative consequences. If you were to poll Guelph residents, I suspect that many would share my concerns so if you would like a true representation of what our city thinks, a poll is a good way to get more engagement and commentary.

Sincerely,

Marina Kashevsk-Gozdek, veterinarian and Guelph resident

November 22, 2022 - Special Emergency Guelph Council Meeting

Dear Mayor, Councillors and Staff,

RE: Impacts to Guelph Community: Implications of Bill 109, More Homes for Everyone Act and Bill 23, More Homes Built Faster Act

Where do I begin with all this? Thank you for organizing this opportunity for the community to respond to this important planning and overall new governance topic. It is difficult to put into a few words the troubling notions that the present government has put before you and all of us. I'm reviewing this matter as a planning academic now. I have over a 40-year planning career, 20 of those years working in the Planning Department at the City of Guelph.

The request for comment by the Province is being made without any justification analyses being provided. Simply put, the changes being put forward are part of the current governments' war on so called 'red tape', i.e., things that get in the way of building more. I would urge City Council to 'push back' for the reasons outlined below. Our contrary stance can be tied to the way that Guelphites think a bit differently than others, i.e., how we voted in a different political stripe in the office of our local MPP.

The Provincial Government is pushing forward with a flawed development plan that as best as I can see it has had only one concerned stakeholder at the planning table – the development sector. The proposed changes to our planning system are a rough-shod attempt to dismantle the things we hold dearly as a Guelph community – the protection of our natural heritage features, our drinking water resources, and our cherished cultural heritage elements that define this place as 'special'.

I offer you the following:

- 1) The City has ample development capabilities already in the City; a simple request for information from your planning staff will be able to verify this fact. The Provincial Policy Statement (PPS) that we must abide by requires that municipalities be development-ready ALREADY so I'm unsure of what all the fuss is about by the Province.
- 2) Development in Guelph for the future may be somewhat problematic as the Province wants to double our development rate to grow beyond 200,000 people in the next few decades. This development rate is beyond the capacity of the system to deliver relative to our past historic housing unit development rate trend. From the 2018 Development Charges Watson Background Study, our past average annual unit production rate has been approx. 1000 units per year (2008 – 2018). We as a community – government, developers/builders are expected to ramp this up to over 2000 units annually which is not possible. This is asinine as there is more to life than simply adding more housing development without the requisite components that add to quality of life – like hospitals, schools, recreation facilities, parks, available infrastructure to support growth.
- 3) On the proposed planning system changes to cut so-called red tape, I will focus on the following subpoints that I believe are most relevant to Guelph:
 - a. In the quest to build affordable/attainable housing (new definitions again being set by the Province that are different from past definitions), all matters of consideration for climate change impacts are being sacrificed in order to provide a cheap, quick housing form. Matters of municipal innovation as permitted by the PPS are to be 'stamped up' as they get in the way of the current governments' maniacal quest for housing quantity over quality. <https://www.thestar.com/news/gta/2022/11/01/doug-fords-new-housing-bill-guts-green-building-law-he-voted-for-as-toronto-councillor-say-critics.html>

- b. The City's planning efforts are being undermined on the environmental front in many ways. Watershed planning (that Guelph has been on the forefront in many of the sub-watershed plans it has completed over the past 50 years) is to be done away with. The requirements for environmental impacts studies are to be diminished substantially and the Conservation Authority's role in providing expertise/guidance in this area and the identification of natural heritage features is to be done away with.
<https://ontarionature.org/bill-23-what-you-need-to-know-blog/>
- c. The recognition of the significance of cultural heritage assets in Guelph are to be curtailed as they get in the way of building cheap new buildings. The City needs to alter its processes and efforts. <https://www.guelphtoday.com/local-news/heritage-designation-sought-for-albion-hotel-3-other-properties-6080005> The creation of faceless-placeless communities by way of not recognizing the uniqueness of special places such as Guelph will follow by the Provinces' actions. Is this what we want?

The government is centralizing further planning 'power' into Queen's Park with a one size-fits all mentality to plan for more housing everywhere. They are diminishing watershed/natural heritage system planning efforts (at a time with increasing biodiversity loss and climate change impacts). The proposals seem to fit a planning regime that was in vogue back in the 1990s – for those that remember that time, i.e., 1994 PPS. The proposals being put forward include significant local revenue source cuts for new housing development (DCs, parkland dedication) and these costs will need to be added onto the backs of local taxpayers. While the Province mandates "we must provide new housing", they do not mandate how the additional costs of growth will be picked up by that senior level of government; hence, local taxpayers will suffer a diminished quality of life, i.e., access and availability of services (hospitals, schools, parks, hard/soft infrastructure); additional congestion and crime; poorer environmental conditions; higher property taxes). This does not appear to be a winning planning strategy to build a sustainable, resilient, happy community. Does it? One final note, this government cannot be trusted, i.e., the current government has broken a promise 'not to touch' the Greenbelt.
<https://www.cbc.ca/news/canada/toronto/ontario-just-got-14-000-hectares-of-land-to-develop-so-why-does-doug-ford-want-the-greenbelt-too-1.6647857>

In conclusion, the Provinces' plan for more houses everywhere is a bad plan. Their mantra of 'tall and sprawl' and 'building more housing endlessly' will come back to haunt us all. In addition, the Province is formulating more and more rules for you, mayor and councillors, to serve as trustees to provincial dictates.

I'm sorry I will not be able to join you in your important discussions on Tues. I'm pre-occupied at the moment in helping my wife as she/we queue-up for health care service at our over-stretched hospital. Also, for your reading pleasure I have added some additional links (on the next page) to other well - known organizations that have damning indictments of the proposed actions by the government.

Best Regards as we live in interesting times,

ORIGINAL SIGNED

Dr. Paul Kraehling MCIP OPPI (Ret.)

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Stakeholders other than developers expressing concerns with government proposals (only a sampling):

AMO

<https://www.amo.on.ca/advocacy/health-human-services/amo-submission-bill-23-more-homes-built-faster-act-2022>

<https://www.amo.on.ca/advocacy/health-human-services/unpacking-bill-23-more-homes-built-faster-act-2022>

Agriculture (including Ontario Federation of Agriculture)

<https://www.farms.com/ag-industry-news/ofa-president-discusses-potential-greenbelt-development-778.aspx>

<https://ontariofarmlandtrust.ca/2022/11/10/bill-23/>

Planners (Victor Doyle, Kevin Eby)

<https://thepointer.com/article/2022-11-12/doug-ford-s-more-homes-built-faster-act-is-a-trojan-horse>

<https://www.cbc.ca/listen/live-radio/1-104-the-morning-edition-k-w/clip/15948572-former-urban-planner-mystified-province-opening-greenbelt-development>

Conservation/Environmental Agencies

<https://conservationontario.ca/policy-priorities/planning-and-regulations>

<https://cela.ca/reviewing-bill-23-more-homes-built-faster-act-2022/>

<https://npca.ca/newsroom/article/npca-comments-environmental-registry-of-ontario-postings-019-6160-019-2927-019-6141-and-019-6161>

<https://www.rvca.ca/media-releases/bill-23-less-protection-more-cost-diminished-local-decision-making>

General

<https://www.theglobeandmail.com/opinion/editorials/article-ontarios-greenbelt-is-supposed-to-be-a-protected-legacy-not-a-reserve/>

<https://www.therecord.com/news/waterloo-region/2022/11/08/regional-councillors-voice-concerns-about-doug-fords-new-housing-bill.html>

<https://www.thestar.com/opinion/editorials/2022/11/09/greenbelt02.html>

<https://www.thestar.com/opinion/contributors/2022/11/10/doug-fords-housing-bill-is-short-sighted-and-will-undermine-long-term-prosperity.html>

<https://thenarwhal.ca/ford-ontario-greenbelt-cuts-developers/>

Problems with the conservative's changes to land use planning

The current state of land use planning is upset by provincial government interference. Planning processes, some years in the making, are now stalled as we await poorly thought out rules from above.

- Costs are being downloaded to municipalities.
- There is an erosion of democracy. The conservatives are using public concern over a shortage of housing to override democratic institutions and impose policy from above, mainly to benefit their corporate donors.
- Redundancy. Guelph has already eliminated exclusionary zoning, and implemented other impediments to building density. The provincial conservatives are throwing a bomb into existing processes, just so they can reinvent the wheel.

Guelph needs to push back

The government folded in response to pushback against its suspension of charter rights. Guelph should unite with other municipalities to resist further interference in local democracy. Past events have shown that this government will pivot if pushed sufficiently. Let the pushing begin.

We need more housing, but the provincial conservatives plan seems unlikely to substantially increase it. The conservatives plan is to force more land to be opened to development. This seems to be a developer driven initiative. This is not surprising because the greatest profit in the land development industry is to have land up zoned at the stroke of a pen by various levels of government, not by actually building housing.

We need more information

Currently in Guelph there are over 6000 units that are fully permitted but construction has not yet started. We need to find out why that is.

- Have units been pulled to boost prices?
- Are developers waiting for a return to a seller's market?
- Is there a shortage of contractors able to finish the work?

If it is the latter, then increasing the supply of developable land won't increase the supply of housing, but it will pad the value of developer landholdings.

Dear Councillors,

I am a Guelph resident, of the last 4 years,
having chosen to become a resident of this city.

I am deeply concerned about Bill 23 in its current form, for I feel that there are many flaws. There is much opportunity for the city of Guelph to make decisions now that will have great impact on all our lives for the seeable and unseeable future.

I believe in growth and welcoming more people to join our community.

I believe that we should build our city **not** faster, but **Better**.

I also know that Guelph is unique in the province of Ontario in its water supply.

In 2007, then Guelph mayor, Karen Farbridge, successfully lead council to reject a future pipeline to Lake Erie in its long term Water Supply Master Plan.

Her comments on this action, in **2007**, were

(the) motion makes a difference, because the province has started to say that "infrastructure constraints" can affect the population that cities will be expected to take under the Places to Grow long-term growth plan for the Greater Golden Horseshoe area, which includes Guelph. Given this, Guelph needs to be clear about the limited water supply aspect of its infrastructure, Farbridge said.

"It is very timely that we make this motion now," she said.

How correct she was.

Please continue to uphold

the best interests of Guelph's residents

Guelph's decision to live within its local water resources

at the special meeting, [Nov.22](#).

And, thank you for your successful decision to become a Guelph City Councillor.

Susan Church

[REDACTED]

Guelph ON

..... Words matter.