

February 18, 2023

Honourable Doug Ford, Premier of Ontario
Legislative Building
Queen's Park
Toronto Ontario
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Email: premier@ontario.ca

Dear Premier Ford:

RE: Bill 23, More Homes Built Faster Act, 2022

On behalf of County Council, as adopted on February 15, 2023, I have been requested to send correspondence to the Province identifying our significant concerns with Bill 23, the *More Homes Built Faster Act, 2022* as proclaimed. Essex County acknowledges and supports Ontario's stated objective to increase housing supply.

We are supportive of efficient and effective municipal decision-making and will continue to work with the Province in this regard. We cannot, however, support measures that place the burden for financing new housing squarely on our residents and put at risk community and environmental sustainability. We believe Bill 23 jeopardizes the core principles of sustainable development. Changes to several Acts that are part of Bill 23 should be paused and revisited due to their severe implications for our municipalities.

The County of Essex is concerned the *More Homes Built Faster Act* will have significant unintended consequences that may delay or obstruct the construction of additional housing supply, the opposite of what is intended. Moreover, there are no assurances in the legislation that houses built can be afforded by those who need them. The Association of Municipalities of Ontario's evaluation of the measures in this Bill have concluded that there is no confidence that it will do anything to improve the affordability of housing.

At the County Council Meeting on February 15, 2023, the following resolutions were adopted:

1. That Essex County Council endorse the Administrative comments and recommendations to the Province, as contained in Report No. 2023-0215-IPS-R02-RB, included on the February 15, 2023, County Council Agenda and titled "*Bill 23, More Homes Built Faster Act, 2022* Information Update"; and,
2. That the Warden, on behalf of Essex County Council, write to the Minister of Municipal Affairs and Housing to request that the Province of Ontario create a municipal reimbursement fund to compensate the County of Essex and more importantly its local municipalities, in order that they be made whole as a result of the impacts of Bill 23 on municipal growth funding revenues and expenditures; and
3. That the Warden's letter to the Province also request that the Government of Ontario pause the further implementation of Bill 23, and participate in meaningful engagement with municipalities, and other key stakeholders, to address identified concerns in order to achieve the shared goal of increasing housing supply and improving affordability and sustainability; and
4. That Administration be authorized to prepare and submit to the Province of Ontario any additional comments on Bill 23, and any amending bills or related regulations, as necessary during their release.

Our concerns

Our concerns pertaining to Bill 23, the *More Homes Built Faster Act, 2022*, include not only those faced by the County as the upper-tier. They have been unanimously endorsed by the Mayors and Deputy Mayors of our seven lower-tier municipalities as outlined below.

Financial burden on municipalities

The move away from a "growth pays for growth" approach places severe financial burdens on municipalities and, by extension, taxpayers, including those families and individuals reaching for home ownership. The shift of growth costs to residents through increasing property tax and water/sewer rates will impact the ability of our residents to enjoy basic quality of life services that our municipalities will struggle to provide.



For the Essex County municipalities, the changes to development charges as outlined in the legislation will result in losses in the millions of dollars over the next 10 years. The complete financial impact is unknown at this time, however the initial losses due to the number of developments currently coming forward is already significant.

The County is also anticipating significant resource implications, including the potential need for additional staff and other resources to manage the policy and administrative aspects of the changes. These additional staffing requirements are due to the prohibitions on our conservation authorities from providing natural heritage review service delivery as part of the planning process. Our municipal building, planning and engineering departments will be further burdened by the legislative changes in the *Planning Act* and *Conservation Authorities Act*. Our municipal finance departments will face added work due to the number of changes imposed under the *Development Charges Act*.

Impact on infrastructure

A significant challenge in building homes at the pace anticipated by Bill 23 is the demand new construction puts on essential services – like water, and sanitary and storm sewers – and the infrastructure required to provide those services. This is compounded by reduced municipal financing for maintenance and growth-related upgrades of existing infrastructure.

Community sustainability and environmental protection

As expressed in the Association of Municipalities of Ontario (AMO) position, which we endorse, many of the proposed amendments to the *Planning Act* and *Conservation Authorities Act*, as well as the changes to the Ontario Wetland Evaluation System (OWES), signal a move away from environmental protection at a time when climate change impacts are being felt at the local level through more frequent flood events. We recognize the important function that wetlands provide in flood attenuation and ecosystem diversity.

Essex County is seeking assurance that natural heritage and water resources are managed in a way that maintains, enhances and restores these systems. We are further concerned that the proposed offsetting policy – or "pay to pave" – will result in the loss of biodiversity and ecosystems. An offsetting policy should be applied as a last resort in the planning process.



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Erosion of local government

The removal of public meetings for subdivisions and third-party appeals for consents and minor variances demonstrates to residents that their opinions on development and its impacts on social wellbeing do not matter. The expanded power of the Ontario Land Tribunal to dismiss appeals and award costs to the successful parties further erodes local authority.

Lack of meaningful consultation

The very short consultation period provided by the Province has prevented municipalities from understanding, before commenting, the full extent and impacts of the sweeping changes that have been introduced, not to mention the various other related legislative, policy and regulatory changes that are still under consideration (e.g., Provincial Policy Statement, etc.).

We are seeking

Further consultation with Ontario's municipalities. Since the consultation timeline did not allow municipalities to fully review the proposed changes and provide comprehensive responses, we are asking the Province to pause the implementation of any further regulations and consult with municipalities and stakeholders. There is certainly a need to reflect on the vast implications of the legislative changes imposed to date.

Financial support. Early estimates of the financial impacts of the *More Homes Built Faster Act* are significant. Municipal governments are not positioned to absorb these costs and cannot carry out the Province's strategy without financial support. To address these very significant funding shortfalls we are requesting defined funding streams, not one-off grants that place additional burdens on municipal administrations to apply for and regularly report back to the Province.

Revisiting the changes that reduce sustainability and environmental protections. Municipalities need to have the ability to locally decide when to enter into service agreements with our conservation authorities for services that they are now prohibited from providing. Staff at the County and local municipalities do not have the resources to take responsibility for these services, and consultants in our region do not have the capacity to provide them. Further, if conservation authorities cannot issue permits when a development has gone through a *Planning*

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Act application, there is an increased the risk that natural disasters will have devastating impacts on new developments and future residents. The changes to the provincial guidelines (e.g. OWES and natural heritage offsetting policy) need to be revisited.

Essex County Council thanks you for taking the time to review our concerns. We are hopeful for continued dialogue on the *More Homes Built Faster Act, 2022*. In the meantime, it is our intention to continue to support municipal organizations, such as the Association of Municipalities of Ontario, to lobby the province to work with municipalities in developing solutions that grow the housing supply. It is imperative that solutions be found through collaboration, cooperation and innovation by all parties.

Thank you,



Hilda MacDonald
Essex County Warden

cc:

The Hon. Steve Clark, Minister of Municipal Affairs & Housing, (minister.mah@ontario.ca)
Kate Manson-Smith, Deputy Minister Municipal Affairs and Housing (kate.mansonsmith@ontario.ca)
Anthony Leardi, MPP, Essex Riding (Anthony.Leardi@pc.ola.org)
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Essex County Municipalities
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