

**Attachment 1**  
**Posting of Draft Bill 108 Regulations**  
**Regulations Pertaining to the *Planning Act***

**Proposed Regulations Pertaining to the *Planning Act*, Excluding  
Community Benefits Charges**

**1. Transition**

The regulation proposes that the following changes which are part of Schedule 12 to Bill 108 be transitioned as follows:

- i) Expanding the grounds of appeal of a decision on an official plan/amendment or zoning by-law/amendment and allowing the Local Planning Appeal Tribunal to make any land use planning decision the municipality or approval authority could have made would apply to:
  - appeals of decisions that have not yet been scheduled for a hearing by the Local Planning Appeal Tribunal regarding the merits of the matter before the Tribunal
- ii) Expanding the grounds of appeal of a lack of decision on an official plan/amendment or zoning by-law amendment and allowing the Local Planning Appeal Tribunal to make any land use planning decision the municipality or approval authority could have made would apply to:
  - appeals of the failure of an approval authority or municipality to make a decision within the legislated timeline that have not yet been scheduled for a hearing by the Local Planning Appeal Tribunal regarding the merits of the matter before the Tribunal
- iii) The removal of appeals other than by key participants (e.g. the province, municipality, applicant) and the reduction of approval authority decision timelines for non-decisions of official plan/amendments would apply where the approval authority has not issued a notice of decision at the time the proposed changes come into force.
- iv) The removal of appeals other than by key participants (e.g. the province, municipality, applicant, utility companies, etc.) for draft plan of subdivision approvals, conditions of draft plan of subdivision approvals or changes to those conditions would apply where:
  - the notice of the decision to draft approve or change conditions is given, or
  - conditions are appealed other than at the time of draft approval.

on or after the day the proposed changes come into force (e.g., appeals made during appeal periods that begin once the proposed changes come into force)

- v) The reduction for decision timelines on applications for official plan amendments (120 days), zoning by-law amendments (90 days, except where concurrent with official plan amendment for some proposals) and plans of subdivision (120 days) would apply to complete applications submitted after Royal Assent.

## **2. Additional Residential Unit Requirements and Standards**

A regulation is proposed under s. 35.1(2)(b) of the *Planning Act* setting out requirements and standards to remove barriers to the establishment of additional residential units, as follows:

- i) One parking space for each of the additional residential units which may be provided through tandem parking;
- ii) Where a municipal zoning by-law requires no parking spaces for the primary residential unit, no parking spaces would be required for the additional residential units;
- iii) Where a municipal zoning by-law is passed that sets a parking standard lower than a standard of one parking space for each of the additional residential units, the municipal zoning by-law parking standard would prevail;
- iv) “Tandem parking” would be defined as a parking space that is only accessed by passing through another parking space from a street, lane or driveway;
- v) An additional residential unit, where permitted in the zoning by-law, may be occupied by any person in accordance with s. 35(2) of the *Planning Act*, and, for greater clarity, regardless of whether the primary unit is occupied by the owner of the property, and
- vi) An additional residential unit, where permitted in the zoning by-law, would be permitted without regard to the date of construction of the primary or ancillary building.

## **3. Housekeeping regulatory changes**

As Schedule 12 to Bill 108 provides for the removal of provisions in the *Planning Act* for second notice of subdivision applications and provisions for some non-decision appeals for official plans/amendments, housekeeping changes are required in O. Reg. 544/06 “Plans of Subdivision” and O. Reg. 543/06 “Official Plans and Plan Amendments” to remove the redundant notice of a subdivision application and the notice requirements for non-decision appeals, which would no longer be necessary.

**Attachment 2**

Posting of Draft Bill 108 Regulations  
**Regulations Pertaining to the Community Benefits Charges**

**Proposed Regulations Under the *Planning Act* Pertaining to Community Benefit Charges**

**1. Transition**

Schedule 12 provides transitional provisions for section 37, and section 42 under the *Planning Act*, and development charges for discounted services (soft services) under the *Development Charges Act* to provide the flexibility necessary for municipalities to migrate to the community benefits charge authority.

An amendment to the *Development Charges Act, 1997* provides for a date to be prescribed in regulation that would effectively establish a deadline as to when municipalities must transition to the community benefits authority if they wish to collect for the capital costs of community benefits from new development. Beyond the date prescribed in regulation:

- i) Municipalities would generally no longer be able to collect development charges for discounted services;
- ii) Municipalities would generally no longer be able to pass by-laws to collect funds under section 37 of the *Planning Act*

It is proposed that the specified date for municipalities to transition to community benefits is January 1, 2021.

**2. Reporting on community benefit charges collected**

In order to ensure that community benefit charges are collected and spent on community benefits in a transparent manner, and for greater accountability, the Minister is proposing to prescribe reporting requirements that are similar to existing reporting requirements for development charges and parkland under section 42 of the *Planning Act*.

Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the community benefits charge special account, such as:

- i) Opening and closing balances of the special account;
- ii) A description of the services funded through the special account;
- iii) Details on amounts allocated during the year;
- iv) The amount of any money borrowed from the special account, and the purpose for which it was borrowed; and

- v) The amount of interest accrued on money borrowed.

### **3. Reporting on parkland cash-in-lieu fees collected**

In order to ensure that cash-in-lieu of parkland is collected and used in a transparent manner, the Minister is proposing to prescribe reporting requirements for parkland.

Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the special account, such as:

- i) Opening and closing balances of the special account;
- ii) A description of land and machinery acquired with funds from the special account;
- iii) Details on amounts allocated during the year;
- iv) The amount of any money borrowed from the special account, and the purpose for which it was borrowed; and
- v) The amount of interest accrued on money borrowed.

### **4. Exemptions from community benefits charges**

The Minister is proposing that the following types of developments be exempt from charges for community benefits under the *Planning Act*.

- i) Long-term care homes;
- ii) Retirement homes;
- iii) Universities and colleges;
- iv) Memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion;
- v) Hospices; and
- vi) Non-profit housing.

### **5. Community benefits charges formula**

It is proposed that a range of percentages will be prescribed to take into account varying values of land.

In determining the prescribed percentages, there are two goals.

- i) Firstly, to ensure that municipal revenues historically collected from development charges for “soft services”, parkland dedication including the alternative rate, and density bonusing are maintained; and
- ii) Secondly, to make costs of development more predictable.

This Ministry is not providing prescribed percentages at this time. However, the Ministry would welcome feedback related to the determination of these percentages. There will be further consultation on the proposed formula in late summer.

## **6. Appraisals for community benefits**

The Minister is proposing the following:

- i) If the owner of land is of the view that the amount of a community benefits charge exceeds the amount legislatively permitted and pays the charge under protest, the owner has 30 days to provide the municipality with an appraisal of the value of land;
- ii) If the municipality disputes the value of the land in the appraisal provided by the owner, the municipality has 45 days to provide the owner with an appraisal of the value of the land;
- iii) If the municipality's appraisal differs by more than 5 percent from appraisal provided by the owner of the land, the owner can select an appraiser from the municipal list of appraisers, that appraiser's appraisal must be provided within 60 days.

## **7. Excluded services for community benefits charges**

The Minister is proposing to prescribe that the following facilities, services or matters be excluded from community benefits charges:

- i) Cultural or entertainment facilities
- ii) Tourism facilities
- iii) Hospitals
- iv) Landfill sites and services
- v) Facilities for the thermal treatment of waste
- vi) Headquarters for the general administration of municipalities and local boards

This would be consistent with the ineligible services list currently found under the *Development Charges Act*.

**Attachment 3**  
Posting of Draft Bill 108 Regulations  
**Regulations Pertaining to the *Development Charges Act***

**Proposed Regulation Changes Pertaining to the *Development Charges Act* (DCA)**

**1. Transition**

The Minister proposes that the specified date for municipalities to transition to community benefits is January 1, 2021. From this date to beyond Municipalities would generally no longer be able to collect development charges for discounted services.

**2. Scope of types of development subject to development charges deferral**

The Minister proposes that the types of developments proposed for development charge deferrals be defined as follows:

- i) “Rental housing development” means construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for residential purposes with four or more self-contained units that are intended for use as rented residential premises;
- ii) “Non-profit housing development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for residential purposes by a non-profit corporation.
- iii) “Institutional development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
  - long-term care homes;
  - retirement homes;
  - universities and colleges;
  - memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion; and
  - hospices
- iv) “Industrial development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
  - manufacturing, producing or processing anything,

- research or development in connection with manufacturing, producing or processing anything,
  - storage, by a manufacturer, producer or processor, of anything used or produced in such manufacturing, production or processing if the storage is at the site where the manufacturing, production or processing takes place, or
  - retail sales by a manufacturer, producer or processor of anything produced in manufacturing, production or processing, if the retail sales are at the site where the manufacturing, production or processing takes place.
- v) “Commercial development” means the construction, erection or placing of one or more buildings or structures for or the making of an addition or alteration to a building or structure for:
- office buildings as defined under subsection 12(3) in *Ontario Regulation 282/98* under the *Assessment Act*, and
  - shopping centres as defined under subsection 11(3) in *Ontario Regulation 282/98* under the *Assessment Act*.

### **3. Period of time for which the development charge freeze would be in place**

The Minister is proposing that the development charge rate would be frozen until two years from the date the site plan application is approved, or in the absence of the site plan application, two years from the date the zoning application was approved.

### **4. Interest rate during deferral and freeze of development charges**

The Minister is not proposing to prescribe a maximum interest rate that may be charged on development charge amounts that are deferred or on development charges that are frozen.

### **5. Additional dwelling units**

The existing *O. Reg. 82/98* prescribes existing single detached dwellings, semi-detached/row dwellings and other residential buildings as buildings in which additional residential units can be created without triggering a development charge and rules related to the maximum number of additional units and other restrictions. It is proposed that this regulation be amended so that units could also be created within ancillary structures to these existing dwellings without triggering a development charge (subject to the same rules/restrictions).

It is also proposed that one additional unit in a new single detached dwelling; semi-detached dwelling; and row dwelling, including in a structure ancillary to one of these dwellings, would be exempt from development charges.

It is also proposed that within other existing residential buildings, the creation of additional units comprising 1% of existing units would be exempt from development charges.