



TOWN OF
HALTON HILLS
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MEMORANDUM

TO: Mayor Lawlor and Members of Council

FROM: Bronwyn Parker, Director of Planning Policy

DATE: June 21, 2023

MEMO NO.: PD-2023-002

SUBJECT: Bill 97 – Royal Assent

PURPOSE OF THE MEMORANDUM:

The purpose of this memorandum is to provide Council with an update regarding Bill 97, *the Helping Homebuyers, Protecting Tenants Act, 2023*.

BACKGROUND:

On April 6, 2023, the Province tabled Bill 97 – the *Helping Homebuyers, Protecting Tenants Act, 2023*. The bill proposed minor legislative changes to a number of Acts, including the *Planning Act*, *City of Toronto Act, 2006*, *Development Charges Act* and *Ministry of Municipal Affairs Act* to further the goal of the Housing Supply Action Plan of achieving the construction of 1.5 million new homes across Ontario by 2031.

The comment window for Bill 97 closed on May 6, 2023. Staff level comments were prepared and sent in two forms; a letter addressed to the Assistant Deputy Minister highlighting the Town's concerns with the proposed change to the definition of "Area of Employment", and overarching comments sent through the ERO portal.

Council received report PD-2023-041 on May 29, 2023, which highlighted staff comments on Bill 97 specific to the following areas:

- 1) Site Plan Control for Residential Development of 10 or Fewer Units
- 2) Interim Control By-law Appeal Process
- 3) Fee Refund Provisions
- 4) Areas of Employment Definition
- 5) New Ministerial Powers

The report provided an overview of the bill and highlighted key concerns, especially with the changes proposed to the definition of Area of Employment, changes to notification for the Interim Control By-law Appeal Process and New Ministerial Powers. The report was forwarded to the Ministry of Municipal Affairs and Housing, the Region of Halton, the City of Burlington and the Towns of Milton and Oakville following the May 29th Council meeting.

COMMENTS:

Bill 97:

Bill 97 received Royal Assent on June 8, 2023. In the decision notice posted by the Province, it is stated that there was a wide range of feedback received through a total of 83 written submissions, generally offering support for increasing housing supply and for creating a more streamlined development process. It identified that both positive and negative feedback was received regarding the proposed changes made through Bill 97 to the *Planning Act*, with many providing thoughts on each of the 5 items noted above.

The decision also recognizes that negative feedback was received specifically regarding:

- the new authority related to Minister's zoning orders,
- the changes to the definition of area of employment, and;
- the regulation-making authority to support the implementation of provincial policies.

Despite the seemingly common negative reaction to these three elements, Bill 97 was passed with very limited changes to the originally posted version.

One change that was made and staff wish to identify for Council is that transition provisions were added during the Standing Committee process to specifically address the change to the definition of Areas of Employment. This transition provision clarifies that where all other provisions of the legislation have come into effect upon Royal Assent (June 8, 2023), the changes related to the Areas of Employment will not come into effect until a date to be proclaimed by the Lieutenant Governor. Given that the proclamation date has not yet been released, the changes to the definition are not yet in effect.

Staff will ensure Council is kept abreast of any additional information received with respect to the transition provisions, specifically related to a proclamation date. We continue to work alongside and engage with staff from other internal departments including Economic Development and will continue to assess potential impacts to the Town's employment lands as a result of these impending changes.

Proposed Provincial Planning Statement:

As staff identified through report PD-2023-041, the proposed Provincial Planning Statement as released on April 6, 2023 noted that the natural heritage policies and related definitions from the PPS, 2020 and the Growth Plan were under consideration by the Province.

On June 16, 2023, the Province updated ERO posting #019-6813 to provide notice that natural heritage policies were ready for review and input, with a comment deadline of August 4, 2023. As of the date of writing this memo, staff were actively reviewing the draft policy changes and will be preparing a staff level submission to send to the Province identifying specific questions, comments and any concerns with what has been proposed in advance of the comment deadline. Given the commenting window and lack of appropriate time to review the draft natural heritage policies prior to the July 10th Council Meeting, staff will report back to Council at the August 28, 2023, meeting with an update regarding comments submitted to the Province.

CONCLUSION:

As noted above, Bill 97 received Royal Assent on June 8, 2023. All changes proposed by Bill 97 as reported on through PD-2023-041 related to site plan control, the Interim Control By-law appeal process, fee refunds, and new Ministerial powers have come into force and effect. As it relates to the definition of Areas of Employment, no changes will take place until proclamation, of which a date has not yet been identified by the Lieutenant Governor.

Staff will continue to keep Council informed regarding proclamation of the outstanding matters from Bill 97 and will report back to Council regarding the proposed Provincial Planning Statement natural heritage policies and any other potential updates regarding that proposed provincial policy instrument.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer