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Bill 109

(Chapter 12 of the Statutes of Ontario, 2022)

An Act to amend the various statutes with respect to housing, development and various other matters

The Hon. S. Clark

Minister of Municipal Affairs and Housing

1st Reading	March 30, 2022
2nd Reading	April 4, 2022
3rd Reading	April 14, 2022
Royal Assent	April 14, 2022



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 109 and does not form part of the law. Bill 109 has been enacted as Chapter 12 of the Statutes of Ontario, 2022.

SCHEDULE 1 CITY OF TORONTO ACT, 2006

The Schedule makes various amendments to section 114 of the *City of Toronto Act, 2006*. Here are some highlights:

1. Subsection (4) is replaced with a number of subsections that set out the rules respecting consultations with the City before plans and drawings are submitted for approval and respecting completeness of applications made under this section.
2. New subsection (5.1) provides for the appointment of an authorized person for the purposes of subsection (5). Various related amendments are made to section 114.
3. New subsection (14.1) provides for rules respecting when the City is required to refund fees paid to it pursuant to the *Planning Act*.

An associated provision respecting regulations is also added to the Act as section 122.2.

SCHEDULE 2 DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997* with respect to the publication of the statement of the treasurer under section 43 of the Act.

SCHEDULE 3 NEW HOME CONSTRUCTION LICENSING ACT, 2017

The Schedule amends the *New Home Construction Licensing Act, 2017* as follows:

1. Section 38 is amended to provide that the registrar may consider whether the activities of an applicant are, or will be if issued a licence, in contravention of the Act, the regulations or prescribed legislation.
2. Section 56 is amended to preserve the registrar's powers to receive complaints, request information from licensees about complaints and mediate or resolve complaints. Section 56.1 is added to give certain powers to the registrar if the registrar believes a licensee has contravened the Act, the regulations or prescribed legislation.
3. Section 57 is amended to increase the maximum fine to \$50,000 if a licensee is an individual and \$100,000 if a licensee is not an individual. Also, the discipline committee may impose a fine above the maximum amount if the licensee received a monetary benefit from failing to comply with the code of ethics. Last, the committee must consider any prior determination of the committee that a licensee failed to comply with the code of ethics and, subject to the maximum fine amount, may impose a more severe fine on the licensee.
4. Section 71 is amended to provide that in addition to any other penalty imposed by the court and despite the maximum fine, the court that convicts a person or entity of an offence may increase a fine imposed on the person or entity if the person or entity received a monetary benefit as a result of the commission of the offence.
5. Section 76 is amended to provide that an assessor may impose an administrative penalty if a person has contravened or is contravening a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it. This section is also amended to increase the maximum administrative penalty to \$25,000 and to provide that an assessor may impose a penalty against a person above the maximum amount if the person received a monetary benefit as a result of a contravention.
6. Section 84 is amended to grant the Minister the power to make regulations governing fines that the discipline committee or the appeals committee may impose.

SCHEDULE 4 ONTARIO NEW HOME WARRANTIES PLAN ACT

The Schedule amends the *Ontario New Home Warranties Plan Act*.

Clause 22.1 (1) (j) is amended to provide that the Lieutenant Governor in Council may make regulations extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3).

Section 23 is amended in two ways with respect to the by-law making power of the Corporation designated under the Act. First, clause 23 (1) (j) is amended to provide that the Corporation may specify warranties under clause 13 (1) (c) and the time of

expiration of those warranties. Second, clause 23 (1) (j.1) is added to provide for a similar amendment as in clause 22.1 (1) (j), but the Corporation's power is subject to a regulation made under clause 22.1 (1) (j) and the approval of the Minister.

Technical amendments to update cross-references in the Act are also made.

SCHEDULE 5 PLANNING ACT

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. New subsections 17 (40.1) to (40.1.3) provide rules respecting when the Minister as an approval authority can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan.
2. New subsections 17 (55) to (64) provide a process for the Minister as an approval authority to refer plans to the Ontario Land Tribunal for a recommendation or a decision.
3. New subsection 34 (10.12) provides rules respecting when municipalities are required to refund fees in respect of applications under that section.
4. An additional type of Minister's order is added to the Act in section 34.1. These orders are made by the Minister at the request of a municipality. This section sets out the process and rules respecting such orders.
5. New subsections 37 (54) to (59) require regular reviews of community benefits charge by-laws and provide rules respecting such reviews.
6. A number of amendments are made to section 41. A number of subsections are added that set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications made under this section. New subsection (4.0.1) provides for the appointment of an authorized person for the purposes of subsection (4). New subsection (11.1) provides for rules respecting when municipalities are required to refund fees.
7. Amendments are made to sections 42 and 51.1 with respect to parkland requirements on land designated as transit-oriented community land under the *Transit-Oriented Communities Act, 2020*.
8. New rules are added to section 51 with respect to extensions of approvals by approval authorities.
9. New section 70.3.1 provides the Minister with authority to make certain regulations respecting surety bonds and other instruments in connection with approvals with respect to land use planning.

**An Act to amend the various statutes with respect to housing,
development and various other matters**

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *More Homes for Everyone Act, 2022*.

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 (1) Subsection 114 (4) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Consultation

(4) The City may, by by-law, require applicants to consult with the City before submitting plans and drawings for approval under subsection (5).

Same

(4.1) Where a by-law referred to in subsection (4) does not apply, the City shall permit applicants to consult with the City as described in that subsection.

Prescribed information

(4.2) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the City.

Other information

(4.3) The City may require that an applicant provide any other information or material that the City considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.

Refusal and timing

(4.4) Until the City has received the plans and drawings referred to in subsection (5), the information and material required under subsections (4.2) and (4.3), if any, and any fee under section 69 of the *Planning Act*,

- (a) the City may refuse to accept or further consider the application; and
- (b) the time period referred to in subsection 114 (15) of this Act does not begin.

Response re completeness of application

(4.5) Within 30 days after the applicant pays any fee under section 69 of the *Planning Act*, the City shall notify the person or public body that the plans and drawings referred to in subsection 114 (5) of this Act and the information and material required under subsections (4.2) and (4.3) , if any, have been provided, or that they have not been provided, as the case may be.

Motion re dispute

(4.6) Within 30 days after a negative notice is given under subsection (4.5), the applicant or the City may make a motion for directions to have the Ontario Land Tribunal determine,

- (a) whether the plans and drawings and the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (4.3) is reasonable.

Same

(4.7) If the City does not give any notice under subsection (4.5), the applicant may make a motion under subsection (4.6) at any time after the 30-day period described in subsection (4.5) has elapsed.

Final determination

(4.8) The Ontario Land Tribunal’s determination under subsection (4.6) is not subject to appeal or review.

(2) Subsection 114 (5) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Approval of plans or drawings

(5) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (5.1) or, where an appeal has been made under subsection (15), the Ontario Land Tribunal has approved one or both, as the authorized person may determine, of the following:

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(3) Section 114 of the Act is amended by adding the following subsection:

Authorized person

(5.1) If the City passes a by-law under subsection (2), the City shall appoint an officer, employee or agent of the City as an authorized person for the purposes of subsection (5).

(4) Section 114 of the Act is amended by adding the following subsection:

Refund

(14.1) With respect to plans and drawings referred to in subsection (5) that are submitted on or after the day subsection 1 (4) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force, the City shall refund any fee paid pursuant to section 69 of the *Planning Act* in respect of the plans and drawings in accordance with the following rules:

1. If the City approves the plans or drawings under subsection 114 (5) of this Act within the time period referred to in subsection 114 (15) of this Act, the City shall not refund the fee.
2. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within the time period referred to in subsection 114 (15) of this Act, the City shall refund 50 per cent of the fee.
3. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within a time period that is 30 days longer than the time period referred to in subsection 114 (15) of this Act, the City shall refund 75 per cent of the fee.
4. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within a time period that is 60 days longer than the time period referred to in subsection 114 (15) of this Act, the City shall refund all of the fee.

(5) Subsection 114 (15) of the Act is amended by striking out “30” and substituting “60”.

(6) Subsection 114 (17) of the Act is repealed and the following substituted:

Classes of development, delegation

(17) Where the City has designated a site plan control area under this section, the City may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (5).

(7) Subsection 114 of the Act is amended by adding the following subsection:

Transition

(18) This section as it read immediately before the day subsection 1 (7) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (5) of this Act before that day.

(8) Subsection 114 of the Act is amended by adding the following subsection:

Same

(19) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (5) on or after the day subsection 1 (7) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022.

2 The Act is amended by adding the following section:

Regulations re s. 114 (4.2)

122.2 The Minister of Municipal Affairs and Housing may make regulations prescribing information and materials for the purposes of subsection 114 (4.2).

Commencement

3 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Subsections 1 (2), (3), (6) and (8) come into force on the later of July 1, 2022 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(3) Subsection 1 (4) comes into force on the later of January 1, 2023 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

**SCHEDULE 2
DEVELOPMENT CHARGES ACT, 1997**

1 Subsection 43 (2.1) of the *Development Charges Act, 1997* is repealed and the following substituted:

Statement available to public

(2.1) The council shall ensure that the statement is made available to the public,

- (a) by posting the statement on the website of the municipality or, if there is no such website, in the municipal office; and
- (b) in such other manner and in accordance with such other requirements as may be prescribed.

2 Subsection 60 (1) of the Act is amended by adding the following clause:

(t.0.1) prescribing the manner in which a statement is to be made available and other requirements for the purposes of clause 43 (2.1) (b);

Commencement

3 This Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

**SCHEDULE 3
NEW HOME CONSTRUCTION LICENSING ACT, 2017**

1 Clause 38 (1) (c) of the *New Home Construction Licensing Act, 2017* is repealed and the following substituted:

- (c) neither the applicant, nor any interested person in respect of the applicant, has carried on or is carrying on activities,
 - (i) that are in contravention of this Act or the regulations, or that will be in contravention of this Act or the regulations if the applicant is issued a licence, or
 - (ii) that are in contravention of prescribed legislation, or that will be in contravention of prescribed legislation if the applicant is issued a licence;

2 Section 56 of the Act is repealed and the following substituted:

Complaints

56 (1) The registrar may,

- (a) receive complaints concerning conduct that may be in contravention of this Act, the regulations or prescribed legislation;
- (b) make written requests to licensees for information regarding complaints; and
- (c) attempt to mediate or resolve complaints, as appropriate, concerning any conduct that comes to the registrar's attention that may be in contravention of this Act, the regulations or prescribed legislation.

Request for information

(2) A request made under clause (1) (b) shall indicate the nature of the complaint.

Duty to comply

(3) A licensee who receives a request made under clause (1) (b) shall provide the requested information to the registrar.

Registrar's powers

56.1 If the registrar is of the opinion, whether as a result of a complaint or otherwise, that a licensee has contravened any provision of this Act, the regulations or prescribed legislation, the registrar may do any of the following, as the registrar considers appropriate:

1. Give the licensee a written warning, stating that if the licensee continues with the activity that led to the alleged contravention, action may be taken against the licensee.
2. Require the licensee to take further educational courses.
3. Require the licensee, in accordance with the terms, if any, that the registrar specifies, to fund educational courses for persons that the licensee employs or to arrange and fund the courses.
4. Refer the matter, in whole or in part, to the discipline committee.
5. Take an action under section 40, subject to section 43.
6. Take further action as is appropriate in accordance with this Act.

3 (1) Paragraph 3 of subsection 57 (4) of the Act is repealed and the following substituted:

3. Impose such fine as the committee considers appropriate, subject to subsections (4.1), (4.2) and (4.3), to be paid by the licensee to the regulatory authority or, if there is no regulatory authority, to the Minister of Finance.

(2) Section 57 of the Act is amended by adding the following subsections:

Maximum fines

(4.1) Subject to subsection (4.2), the maximum amount of the fine mentioned in paragraph 3 of subsection (4) is,

- (a) \$50,000, or such lesser amount as may be prescribed, if the licensee is an individual; or
- (b) \$100,000, or such lesser amount as may be prescribed, if the licensee is not an individual.

Same, monetary benefit

(4.2) The total amount of the fine referred to in subsection (4.1) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the licensee as a result of a failure to comply with the code of ethics.

Same, prior determination

(4.3) In making its order to impose a fine under paragraph 3 of subsection (4), the discipline committee shall consider any prior determination of the committee that the licensee failed to comply with the code of ethics and, subject to the maximum amount of the fine referred to in subsection (4.1), may impose a more severe fine having regard to the prior determination.

4 Section 71 of the Act is amended by adding the following subsection:

Same, monetary benefit

(4.1) In addition to any other penalty imposed by the court and despite the maximum fine referred to in subsection (4), the court that convicts a person or entity of an offence under this section may increase a fine imposed on the person or entity by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person or entity as a result of the commission of the offence.

5 (1) Subsection 76 (1) of the Act is repealed and the following substituted:

Order

76 (1) An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

- (a) a prescribed provision of this Act or the regulations;
- (b) a condition of a licence, if the person is the licensee;
- (c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or
- (d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it.

(2) Subsection 76 (4) of the Act is repealed and the following substituted:

Amount

(4) Subject to subsection (4.1), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed \$25,000.

Same, monetary benefit

(4.1) The total amount of the administrative penalty referred to in subsection (4) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

6 Subsection 84 (1) of the Act is amended by adding the following clause:

- (g.1) governing fines that the discipline committee or the appeals committee may impose, including the criteria to be considered in determining the amount, the procedure for making an order for a fine and the rights of the parties affected by the procedure;

Rebuilding Consumer Confidence Act, 2020

7 Section 17 of Schedule 4 to the *Rebuilding Consumer Confidence Act, 2020* is repealed.

Commencement

8 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Section 5 comes into force on the later of the day section 76 of Schedule 1 to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 4
ONTARIO NEW HOME WARRANTIES PLAN ACT

1 Clause 22.1 (1) (j) of the *Ontario New Home Warranties Plan Act* is repealed and the following substituted:

- (j) extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3);

2 (1) Clause 23 (1) (g) of the Act is amended by striking out “22.1 (l) or (v)” and substituting “22.1 (1) (l) or (v)”.

(2) Clause 23 (1) (j) of the Act is repealed and the following substituted:

- (j) subject to the approval of the Minister, specifying warranties under clause 13 (1) (c) and the time of expiration of those warranties;

(3) Subsection 23 (1) of the Act is amended by adding the following clause:

- (j.1) subject to a regulation described in clause 22.1 (1) (j) and to the approval of the Minister, extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3);

(4) Clause 23 (1) (m.1) of the Act is amended by striking out “22.1 (t)” and substituting “22.1 (1) (t)”.

Commencement

3 This Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

**SCHEDULE 5
PLANNING ACT**

1 Section 17 of the *Planning Act* is amended by adding the following subsections:

Notice to suspend time period

(40.1) If the approval authority in respect of a plan is the Minister, the Minister may suspend the time period described in subsection (40) by giving notice of the suspension to the municipality that adopted the plan and, in the case of a plan amendment adopted in response to a request under section 22, to the person or public body that requested the amendment.

Same

(40.1.1) The effect of a suspension under subsection (40.1) is to suspend the time period referred to in subsection (40) until the date the Minister rescinds the notice, and the period of the suspension shall not be included for the purposes of counting the period of time described in subsection (40).

Same

(40.1.2) For greater certainty, the Minister may make a decision under subsection (34) in respect of a plan that is the subject of a notice provided under subsection (40.1) even if the notice has not been rescinded.

Same, retroactive deemed notice

(40.1.3) If a plan was received by the Minister on or before March 30, 2022, a decision respecting the plan has not been made under subsection (34) before that day and no notice of appeal in respect of the plan was filed under subsection (40) before that day,

- (a) the plan shall be deemed to have been received by the Minister on March 29, 2022; and
- (b) the Minister shall be deemed to have given notice under subsection (40.1) on March 30, 2022.

Referral to Tribunal for recommendation

(55) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer all or part of the plan to the Tribunal for a recommendation.

Record to Tribunal

(56) If the Minister refers all or part of a plan to the Tribunal under subsection (55) or (61), the Minister shall ensure that a record is compiled and provided to the Tribunal.

Recommendation

(57) If the Minister refers all or part of a plan to the Tribunal under subsection (55), the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the plan or part of the plan, make modifications and approve the plan or part of the plan as modified or refuse the plan or part of the plan and shall give reasons for the recommendation.

Hearing or other proceeding by Tribunal

(58) Before making a recommendation under subsection (57), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

- (a) the municipality that adopted the plan; and
- (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council.

Copy of recommendation

(59) A copy of the recommendation of the Tribunal shall be sent to each person who appeared before the Tribunal and to any person who in writing requests a copy of the recommendation.

Decision on plan

(60) After considering the recommendation of the Tribunal, the Minister may proceed to make a decision under subsection (34).

Referral to Tribunal for decision

(61) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer the plan to the Tribunal for a decision.

Hearing by Tribunal

(62) If the Minister refers a plan to the Tribunal under subsection (61), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

- (a) the municipality that adopted the plan; and
- (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council.

Decision by Tribunal

(63) Subsections (50) and (50.1) apply, with necessary modifications, to a referral for a decision made under subsection (61).

Referral of matters in process

(64) For greater certainty, a plan that was submitted to the Minister for approval prior to the day section 1 of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force may be the subject of a referral under subsection (55) or (61) if a decision respecting the plan has not yet been made under subsection (34).

2 Section 19.1 of the Act is amended by striking out “34 to 39” and substituting “34, 35 to 39”.

3 Subsection 21 (3) of the Act is repealed and the following substituted:

Exception

- (3) Subsection 17 (36.5) applies to an amendment only if it is,
- (a) an amendment that has been the subject of a referral to the Tribunal for a recommendation pursuant to subsection 17 (55); or
 - (b) a revision that is adopted in accordance with section 26.

4 (1) Clause 34 (10.3) (b) of the Act is amended by adding “or (11.0.0.0.1), as the case may be,” after “subsection (11)”.

(2) Section 34 of the Act is amended by adding the following subsection:

Refund of fee

(10.12) With respect to an application received on or after the day subsection 4 (2) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the application in accordance with the following rules:

1. If the municipality makes a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall not refund the fee.
2. If the municipality fails to make a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 50 per cent of the fee.
3. If the municipality fails to make a decision on the application within the time period that is 60 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 75 per cent of the fee.
4. If the municipality fails to make a decision on the application within the time period that is 120 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund all of the fee.

5 The Act is amended by adding the following section:

Minister’s order at request of municipality

Request for order

- 34.1** (1) The council of a municipality may pass a resolution requesting that the Minister,
- (a) make an order that involves the exercise of the municipality’s powers under section 34, or that may be exercised in a development permit by-law; or
 - (b) amend an order made under subsection (9) of this section.

No delegation

- (2) A council may not delegate its powers under subsection (1).

Content of resolution

- (3) A resolution referred to in clause (1) (a) shall identify,
- (a) the lands to which the requested order would apply; and

- (b) the manner in which the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law, would be exercised in respect to the lands.

Same

- (4) A resolution referred to in clause (1) (b) shall identify the requested amendments to the order.

Same

- (5) For greater certainty, the inclusion of a draft by-law with the resolution shall be deemed to satisfy the requirements of clause (3) (b) or subsection (4), as the case may be.

Consultation

- (6) Before passing a resolution referred to in subsection (1), the municipality shall,
- (a) give notice to the public in such manner as the municipality considers appropriate; and
 - (b) consult with such persons, public bodies and communities as the municipality considers appropriate.

Forwarding to Minister

- (7) Within 15 days after passing a resolution referred to in subsection (1), the municipality shall forward to the Minister,
- (a) a copy of the resolution;
 - (b) a description of the consultation undertaken pursuant to clause (6) (b);
 - (c) a description of any licences, permits, approvals, permissions or other matters that would be required before a use that would be permitted by the requested order could be established; and
 - (d) any prescribed information and material.

Other information

- (8) The Minister may require the council to provide such other information or material that the Minister considers necessary.

Orders

- (9) The Minister may make an order,
- (a) upon receiving a request from a municipality under subsection (1), exercising the municipality's powers under section 34, or that may be exercised in a development permit by-law, in the manner requested by the municipality with such modifications as the Minister considers appropriate; and
 - (b) upon receiving a request from the municipality or at such other time as the Minister considers advisable, amending the order made under clause (a).

Lands covered by orders

- (10) An order under subsection (9) shall apply to the lands requested by the municipality with such modifications as the Minister considers appropriate.

Non-application to Greenbelt Area

- (11) An order under subsection (9) may not be made in respect of any land in the Greenbelt Area.

Non-application to order

- (12) Despite any Act or regulation, the following do not apply to the making of an order under subsection (9):
1. A policy statement issued under subsection 3 (1).
 2. A provincial plan.
 3. An official plan.

Conditions

- (13) The Minister may, in an order under subsection (9), impose such conditions on the use of land or the erection, location or use of buildings or structures as in the opinion of the Minister are reasonable.

Same

- (14) When a condition is imposed under subsection (13),
- (a) the Minister or the municipality in which the land in the order is situate may require an owner of the land to which the order applies to enter into an agreement with the Minister or the municipality, as the case may be;
 - (b) the agreement may be registered against the land to which it applies; and

- (c) the Minister or the municipality, as the case may be, may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Application of subs. (12) to licences, etc.

(15) If a licence, permit, approval, permission or other matter is required before a use permitted by an order under subsection (9) may be established and the resolution referred to in subsection (1) includes a request that the Minister act under this subsection, the Minister may, in an order under subsection (9), provide that subsection (12) applies, with necessary modifications, to such licence, permit, approval, permission or other matter.

Coming into force

(16) An order made under subsection (9) comes into force in accordance with the following rules:

1. If no condition has been imposed under subsection (13), the order comes into force on the day the order is made or on such later day as is specified in the order.
2. If a condition has been imposed under subsection (13), the order comes into force on the later of,
 - i. the day the Minister gives notice to the clerk of the municipality that the Minister is satisfied that all conditions have been or will be fulfilled, and
 - ii. the day specified in the order.

Copy of order to clerk

(17) After making an order under subsection (9), the Minister shall provide a copy of the order to the clerk of the municipality in which the land in the order is situate.

Same, conditions fulfilled

(18) When the Minister gives notice to the clerk for the purposes of subparagraph 2 i of subsection (16), the Minister shall provide a copy of the order that does not include the conditions imposed under subsection (13).

Same, not revocation

(19) For greater certainty, the provision of a copy of the order that does not include the conditions imposed under subsection (13) is not a revocation of the order originally provided to the clerk.

Publication and availability

(20) The following publication rules apply with respect to an order under subsection (9):

1. Within 15 days after receiving a copy of the order pursuant to subsection (17) or (18), as the case may be, the clerk shall,
 - i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
 - ii. make the order available to the public in accordance with the regulations, if any.
2. The clerk shall ensure that the order remains available to the public until such time as the order is revoked.
3. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website.

Revocation order

(21) The Minister may, by order, revoke an order under subsection (9).

Copy of revocation order to clerk

(22) The Minister shall provide a copy of an order under subsection (21) to the clerk of the municipality in which the land is situate.

Publication of revocation order

(23) The following publication rules apply with respect to an order under subsection (21):

1. Within 15 days after receiving a copy of the order pursuant to subsection (22), the clerk shall,
 - i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
 - ii. make the order available to the public in accordance with the regulations, if any.
2. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website.

Conflict

(24) In the event of a conflict between an order under subsection (9) and a by-law under section 34 or 38 or a predecessor of those sections, the order prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect.

Guidelines

(25) Before an order may be issued under subsection (9), the Minister must establish guidelines respecting orders under subsection (9) and publish the guidelines in accordance with subsection (26).

Same, publishing

(26) The Minister shall publish and maintain the guidelines established under subsection (25) on a website of the Government of Ontario.

Same, content

(27) Guidelines under subsection (25) may be general or particular in application and may, among other matters, restrict orders to certain geographic areas or types of development.

Non-application of *Legislation Act, 2006*, Part III

(28) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order under subsection (9) or (21) or to a guideline under subsection (25).

Deemed zoning by-law

(29) An order under subsection (9) that has come into force is deemed to be a by-law passed under section 34 for the purposes of the following:

1. Subsections 34 (9), 41 (3) and 47 (3) of this Act.
2. Sections 46, 49, 67 and 67.1 of this Act.
3. Subsection 114 (3) of the *City of Toronto Act, 2006*.
4. The *Building Code Act, 1992*.
5. Any other prescribed Act, regulation or provision of an Act or regulation.

6 Section 37 of the Act is amended by adding the following subsections:**Regular review of by-law**

(54) If a community benefits charge by-law is in effect in a local municipality, the municipality shall ensure that a review of the by-law is undertaken to determine the need for a revision of the by-law.

Same, consultation

(55) In undertaking the review required under subsection (54), the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Resolution re need for revision

(56) After conducting a review under subsection (54), the council shall pass a resolution declaring whether a revision to the by-law is needed.

Timing of review

(57) A resolution under subsection (56) shall be passed at the following times:

1. Within five years after the by-law was first passed.
2. If more than five years have passed since the by-law was first passed, within five years after the previous resolution was passed pursuant to subsection (56).

Notice

(58) Within 20 days of passing a resolution pursuant to subsection (56), the council shall give notice, on the website of the municipality, of the council's determination regarding whether a revision to the by-law is needed.

Failure to pass resolution

(59) If the council does not pass a resolution pursuant to subsection (56) within the relevant time period set out in subsection (57), the by-law shall be deemed to have expired on the day that is five years after the by-law was passed or five years after the previous resolution was passed pursuant to subsection (56), as the case may be.

7 (1) Subsection 41 (3.1) of the Act is repealed and the following substituted:

Consultation

(3.1) The council may, by by-law, require applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4).

Same

(3.2) Where a by-law referred to in subsection (3.1) does not apply, the municipality shall permit applicants to consult with the municipality as described in that subsection.

Prescribed information

(3.3) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the municipality.

Other information

(3.4) A municipality may require that an applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.

Refusal and timing

(3.5) Until the municipality has received the plans and drawings referred to in subsection (4), the information and material required under subsections (3.3) and (3.4), if any, and any fee under section 69,

- (a) the municipality may refuse to accept or further consider the application; and
- (b) the time period referred to in subsection (12) of this section does not begin.

Response re completeness of application

(3.6) Within 30 days after the applicant pays any fee under section 69, the municipality shall notify the person or public body that the plans and drawings referred to in subsection (4) and the information and material required under subsections (3.3) and (3.4), if any, have been provided, or that they have not been provided, as the case may be.

Motion re dispute

(3.7) Within 30 days after a negative notice is given under subsection (3.6), the applicant or municipality may make a motion for directions to have the Tribunal determine,

- (a) whether the plans and drawings and the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (3.4) is reasonable.

Same

(3.8) If the municipality does not give any notice under subsection (3.6), the applicant may make a motion under subsection (3.7) at any time after the 30-day period described in subsection (3.6) has elapsed.

Final determination

(3.9) The Tribunal's determination under subsection (3.7) is not subject to appeal or review.

(2) Subsection 41 (4) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (4.0.1) or, where an appeal has been made under subsection (12), the Tribunal has approved one or both, as the authorized person may determine, of the following:

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(3) Section 41 of the Act is amended by adding the following subsection:

Authorized person

(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4).

(4) Subsection 41 (6) of the Act is amended by striking out "the council of".

(5) Section 41 of the Act is amended by adding the following subsection:

Refund

(11.1) With respect to plans and drawings referred to in subsection (4) that are submitted on or after the day subsection 7 (5) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the plans and drawings in accordance with the following rules:

1. If the municipality approves the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall not refund the fee.
2. If the municipality has not approved the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall refund 50 per cent of the fee.
3. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 30 days longer than the time period referred to in subsection (12), the municipality shall refund 75 per cent of the fee.
4. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 60 days longer than the time period referred to in subsection (12), the municipality shall refund all of the fee.

(6) Subsection 41 (12) of the Act is amended by striking out “30” and substituting “60”.

(7) Subsection 41 (13) of the Act is repealed and the following substituted:

Classes of development, delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5).

(8) Section 41 of the Act is amended by adding the following subsection:

Transition

(15.1) This section as it read immediately before the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) of this section before that day.

(9) Section 41 of the Act is amended by adding the following subsection:

Same

(15.2) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) on or after the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022.

8 Section 42 of the Act is amended by adding the following subsections:

Exception, transit-oriented community land

(3.2) Subsections (3.3) and (3.4) apply to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

Same, alternative requirement

(3.3) A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,

- (a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and
- (b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.

Deemed amendment of by-law

(3.4) If a by-law passed under this section requires a conveyance or payment in lieu that exceeds the amount permitted by subsection (3.3), the by-law is deemed to be amended to be consistent with subsection (3.3).

Encumbered land, identification by Minister of Infrastructure

(4.27) The Minister of Infrastructure may, by order, identify land as encumbered land for the purposes of subsection (4.28) if,

- (a) the land is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*;
- (b) the land is,
 - (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane only,
 - (ii) subject to an easement or other restriction, or
 - (iii) encumbered by below grade infrastructure; and

- (c) in the opinion of the Minister of Infrastructure, the land is capable of being used for park or other public recreational purposes.

Same, conveyance of described land

(4.28) If land proposed for development or redevelopment includes land identified as encumbered land in an order under subsection (4.27), the encumbered land,

- (a) shall be conveyed to the local municipality for park or other public recreational purposes; and
 (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement, set out in the by-law, applicable to the development or redevelopment.

Same, non-application of *Legislation Act, 2006, Part III*

(4.29) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (4.27).

9 (1) Section 51 of the Act is amended by adding the following subsection:

Same, exception

(25.1) With respect to an application made on or after the day a regulation made pursuant to this subsection comes into force, despite subsection (25), the approval authority may not impose conditions respecting any prescribed matters.

(2) Subsection 51 (33) of the Act is repealed and the following substituted:

Extension

(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1).

Deemed not to have lapsed

(33.1) If an approval of a plan of subdivision lapses before an extension is given, the approval authority may deem the approval not to have lapsed unless,

- (a) five or more years have passed since the approval lapsed;
 (b) the approval has previously been deemed not to have lapsed under this subsection; or
 (c) an agreement had been entered into for the sale of the land by a description in accordance with the draft approved plan of subdivision.

Same

(33.2) Before an approval is deemed not to have lapsed under subsection (33.1), the owner of the land proposed to be subdivided shall provide the approval authority with an affidavit or sworn declaration certifying that no agreement had been entered into for the sale of any land by a description in accordance with the draft approved plan of subdivision.

Same, new time period

(33.3) If an approval authority deems an approval not to have lapsed under subsection (33.1), the approval authority shall provide that the approval lapses at the expiration of the time period specified by the approval authority.

10 Section 51.1 of the Act is amended by adding the following subsections:

Conveyance of described land

(2.4) If land proposed for a plan of subdivision includes land identified as encumbered land in an order under subsection 42 (4.27), the encumbered land,

- (a) shall be conveyed to the local municipality for park or other public recreational purposes; and
 (b) despite any provision in a by-law passed under section 42, shall be deemed to count towards any requirement applicable to the plan of subdivision under this section.

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Exception, transit-oriented community land

(3.3) Subsection (3.4) applies to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

Limits on subs. (2) re conveyance percentage

(3.4) The amount of land a municipality may require to be conveyed under subsection (2) or the amount of a payment in lieu a municipality may require under subsection (3.1) shall not exceed,

- (a) if the land included in the plan of subdivision is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; or
- (b) if the land included in the plan of subdivision is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.

11 The Act is amended by adding the following section:

Reporting on planning matters

64 A council of a municipality or planning board, as the case may be, shall,

- (a) if requested by the Minister, provide such information to the Minister on such planning matters as the Minister may request; and
- (b) report on the prescribed planning matters in accordance with the regulations.

12 Subsection 70.1 (1) of the Act is amended by adding the following paragraphs:

26. prescribing conditions for the purposes of subsection 51 (25.1);

30.0.1 for the purposes of section 64,

- i. prescribing the planning matters in respect of which municipalities and planning boards must report and the information about the planning matters that must be included in a report,
- ii. identifying the persons to whom a report must be provided,
- iii. specifying the frequency with which reports must be produced and provided, and
- iv. specifying the format in which a report must be provided;

13 The Act is amended by adding the following section:

Regulations re surety bonds and other instruments

70.3.1 (1) The Minister may make regulations,

- (a) prescribing and defining surety bonds and prescribing and further defining other instruments for the purposes of this section;
- (b) authorizing owners of land, and applicants for approvals in respect of land use planning matters, to stipulate the specified types of surety bond or other instrument to be used to secure an obligation imposed by the municipality, if the municipality requires the obligation to be secured as a condition to an approval in connection with land use planning, and specifying any particular circumstances in which the authority can be exercised.

Definition

(2) In this section,

“other instrument” means an instrument that secures the performance of an obligation.

Commencement

14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Subsections 4 (2) and 7 (5) come into force on the later of January 1, 2023 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(3) Subsections 7 (2), (3), (7) and (9) come into force on the later of July 1, 2022 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(4) Section 13 comes into force on a day to be named by proclamation of the Lieutenant Governor.