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Bill 97

An Act to amend various statutes with respect to housing and development

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading April 6, 2023

2nd Reading April 20, 2023

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on Heritage, Infrastructure and
Cultural Policy and as reported to the Legislative Assembly May 29, 2023)*

(The provisions in this bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

SCHEDULE 1 BUILDING CODE ACT, 1992

Currently, subsection 4 (4) of the *Building Code Act, 1992* requires that inspectors necessary for the enforcement of the Act in the areas in which Ontario has jurisdiction be appointed under Part III of the *Public Service of Ontario Act, 2006*. The subsection is re-enacted to require the Deputy Minister of Municipal Affairs and Housing to appoint those inspectors.

SCHEDULE 2 CITY OF TORONTO ACT, 2006

The Schedule amends the *City of Toronto Act, 2006* in the following ways:

1. Section 111 is amended by providing the Minister of Municipal Affairs and Housing with authority to make regulations with respect to a variety of matters including governing the powers of the City under section 111 and authorizing the City to require certain owners of land to make payments and provide compensation.
2. New subsection 111 (8) provides that in the event of a conflict, the provisions of the regulations made under section 111 prevail over the provisions of the Act or any other Act or regulation.
3. Currently, subsection 114 (1.2) provides that the construction, erection or placing of a building or structure for residential purposes on a parcel of land does not constitute “development” for the purposes of section 114 if the parcel of land will contain no more than 10 residential units. This subsection is amended to provide that such activities do in fact constitute “development” if the parcel of land includes land in a prescribed area.
4. Subsection 114 (14.1) currently provides for circumstances in which the City is required to refund fees for processing an application for the approval of plans and drawings that are submitted on or after January 1, 2023. This subsection is amended to apply with respect to plans and drawings that are received by the City on or after July 1, 2023. A new subsection 114 (14.2) provides for the cancellation of any refund if the plans and drawings are received by the City before July 1, 2023. In addition, a new subsection 114 (14.3) gives the Minister the power to make a regulation providing that the City is not required to refund fees for plans and drawings received on or after a specified date or during a specified period.
5. Subsection 114 (15.2) is amended to provide that any information or material an applicant must provide to the City under subsections 114 (4.2) and (4.3) must also be forwarded by the city clerk to the Ontario Land Tribunal in the case of an appeal to the Tribunal under subsection 114 (15) or (15.1).

SCHEDULE 3 DEVELOPMENT CHARGES ACT, 1997

The Schedule amends subsections 2 (3.2) and (3.3) of the *Development Charges Act, 1997* by striking out “parcel of urban residential land” in paragraph 3 of each subsection and substituting “parcel of land”.

SCHEDULE 4 MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

Currently, subsection 12 (2) of the *Ministry of Municipal Affairs and Housing Act* authorizes the Minister of Municipal Affairs and Housing to appoint and fix the terms of reference for the Provincial Land and Development Facilitator. Subsection 12 (3) of the Act requires the Facilitator to perform specified functions at the direction of the Minister. Subsections 12 (2) and (3) of the Act are re-enacted to authorize the Minister to appoint the Facilitator and up to four Deputy Facilitators and fix their terms of reference and to require the Facilitator and Deputy Facilitators to perform specified functions at the direction of the Minister.

SCHEDULE 5 MUNICIPAL ACT, 2001

The Schedule amends section 99.1 of the *Municipal Act, 2001* by providing the Minister with authority to make regulations with respect to a variety of matters including governing the powers of local municipalities under section 99.1 and authorizing certain local municipalities to require certain owners of land to make payments and provide compensation. New subsection 99.1 (8) provides that in the event of a conflict, the provisions of the regulations made under section 99.1 prevail over the provisions of the Act or any other Act or regulation.

SCHEDULE 6 PLANNING ACT

The Schedule makes various amendments to the *Planning Act*, including the following:

1. The definition of “area of employment” in subsection 1 (1) is remade to provide that specified uses are not business and economic uses for the purposes of that definition. A transitional provision is also included.
2. Subsection 34 (10.12) currently provides for circumstances in which a municipality is required to refund fees for processing an application to amend its by-laws that is received on or after January 1, 2023. This subsection is amended to apply with respect to applications that are received by the municipality on or after July 1, 2023, and a new subsection 34 (10.13) provides for the cancellation of any refunds for applications received by the municipality before July 1, 2023. In addition, a new subsection 34 (10.14) provides that a municipality is not required to refund fees if the municipality is prescribed by regulation when it receives the application.
3. Amendments are made to section 38 of the Act to shorten the period of time within which the clerk of a municipality is required to give notice of a by-law made under subsection 38 (1) or (2) and to apply a single procedure for all persons or public bodies having received notice of the by-law to appeal to the Ontario Land Tribunal.
4. Currently, subsection 41 (1.2) provides that the construction, erection or placing of a building or structure for residential purposes on a parcel of land does not constitute “development” for the purposes of section 41 if the parcel of land will contain no more than 10 residential units. This subsection is amended to provide that such activities do in fact constitute “development” if the parcel of land includes land in a prescribed area.
5. Subsection 41 (11.1) currently provides for circumstances in which a municipality is required to refund fees for processing an application for the approval of plans and drawings that are submitted on or after January 1, 2023. This subsection is amended to apply with respect to plans and drawings that are received by the municipality on or after July 1, 2023, and a new subsection 41 (11.2) provides for the cancellation of any refunds for plans and drawings received by the municipality before July 1, 2023. In addition, a new subsection 41 (11.3) provides that a municipality is not required to refund fees if the municipality is prescribed by regulation when it receives the plans and drawings.
6. Subsection 41 (12.0.2) is amended to provide that any information or material that an applicant must provide to a municipality under subsections 41 (3.3) and (3.4) must also be forwarded by the clerk to the Ontario Land Tribunal in the case of an appeal to the Tribunal under subsection 41 (12) or (12.0.1).
7. A new subsection 47 (4.0.1) is added to provide that the Minister may, in an order made under clause 47 (1) (a), provide that policy statements, provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by the order may be established.
8. A new section 49.2 is added to give the Minister the power to make an order requiring an owner of land to enter into an agreement with the Minister or a municipality in matters where the Provincial Land and Development Facilitator or the Deputy Facilitator has been directed by the Minister to advise, make recommendations or perform any other functions with respect to the land.

SCHEDULE 7
RESIDENTIAL TENANCIES ACT, 2006

The Schedule makes various amendments to the *Residential Tenancies Act, 2006*, including the following amendments:

1. Part IV is amended to add section 36.1, which permits tenants to install and use a window or portable air conditioner in a rental unit for which the landlord does not supply air conditioning, subject to specified exceptions and conditions. In cases where the landlord is obligated under the tenancy agreement to supply electricity to the rental unit, the landlord may increase the rent charged to the tenant, subject to the tenancy agreement providing otherwise. Rules are set out requiring rent decreases if a tenant seasonally ceases to use an air conditioner, or removes it. Certain provisions of the section are made to apply to previously-installed window or portable air conditioners.
2. Subsection 50 (3) is re-enacted to provide that when a landlord gives notice of termination of a tenancy because the landlord requires possession of a rental unit in order to do repairs or renovations to it that are so extensive that they require a building permit and vacant possession, the notice must be accompanied by a report prepared by a person who has the prescribed qualifications, which states that the repairs or renovations are so extensive that they require the vacant possession and which meets any other prescribed requirements. Failure to meet the requirement renders the notice void. Subsection 73 (4) is enacted to require the Board to consider the report when determining whether to make an order terminating the tenancy, although the Board is not bound by the report.
3. Currently, under section 53, a tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations may have a right of first refusal to occupy the rental unit as a tenant when the repairs or renovations are completed. The section is amended to provide that, if a tenant gives notice that they wish to have a right of first refusal, the landlord must provide specified notices to the tenant respecting the unit’s readiness for occupancy. When the unit is ready for occupancy, the landlord must give the tenant at least 60 days to exercise the right of first refusal to occupy the unit. Section 57.1 is amended to provide that a failure to comply with the notice requirements is deemed to constitute a failure to have afforded a right of first refusal for the purposes of subsection 57.1 (1) (former tenant’s application, failure to afford tenant right of first refusal). Section 57.1 is also amended to change the time limit applicable to the making of an application under subsection 57.1 (1).

4. Currently, under clause 57 (1) (a), the Board may make various orders if the Board determines that, among other things, a landlord has given a notice of termination under section 48 in bad faith and no person referred to in clause 48 (1) (a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit. New subsection 57 (6.1) provides that if none of the specified persons occupied the rental unit within the prescribed period of time after the former tenant vacated the rental unit, it is presumed that the landlord gave the notice of termination in bad faith and that the rental unit was not occupied within a reasonable time.
5. Subsection 206 (1) is amended to require that the written agreement reached between the landlord and the tenant to resolve the subject-matter of an application to the Board be in the form approved by the Board.
6. Section 238 is amended to increase the maximum fines from \$50,000 to \$100,000 in the case of a person other than a corporation and from \$250,000 to \$500,000 in the case of a corporation.

An Act to amend various statutes with respect to housing and development**CONTENTS**

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His 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 *Helping Homebuyers, Protecting Tenants Act, 2023*.

**SCHEDULE 1
BUILDING CODE ACT, 1992**

1 Subsection 4 (4) of the *Building Code Act, 1992* is repealed and the following substituted:

Inspectors

(4) The Deputy Minister of Municipal Affairs and Housing shall appoint inspectors necessary for the enforcement of this Act in the areas in which Ontario has jurisdiction.

Commencement

2 This Schedule comes into force on the day the *Helping Homebuyers, Protecting Tenants Act, 2023* receives Royal Assent.

**SCHEDULE 2
CITY OF TORONTO ACT, 2006**

1 (1) Subsection 111 (1) of the *City of Toronto Act, 2006* is amended by striking out “The City” at the beginning and substituting “Subject to the regulations, if any, the City”.

(2) Subsection 111 (7) of the Act is repealed and the following substituted:

Regulations

- (7) The Minister of Municipal Affairs and Housing may make regulations,
 - (a) governing the powers of the City under this section, including regulations,
 - (i) imposing restrictions, limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties,
 - (ii) prescribing requirements to be contained in by-laws made under this section,
 - (iii) prescribing conditions that the City must include as a requirement for obtaining a permit, and
 - (iv) prescribing requirements that the City must impose on owners of land to which a by-law passed under this section applies;
 - (b) authorizing the City to require an owner of land to which a by-law passed under this section applies to make payments and to provide compensation;
 - (c) for the purposes of clause (b), prescribing the amounts to be paid, the compensation to be provided, the persons to whom payments and compensation shall be made and the circumstances in which payments and compensation shall be made, and otherwise governing the payments and compensation;
 - (d) prescribing steps the City must take or conditions that must be met before passing a by-law under this section and governing any transitional matters with respect to the implementation of such conditions;
 - (e) defining, for the purposes of this section and any regulations under this section, any word or expression not defined in subsection 3 (1) of this Act.

Conflict

(8) If there is a conflict between a regulation made under this section and a provision of this Act, other than this section, or of any other Act or regulation, the regulation made under this section prevails.

2 (1) Subsection 114 (1.2) of the Act is amended by striking out “residential units” at the end and substituting “residential units, unless the parcel of land includes any land in a prescribed area”.

(2) Subsection 114 (14.1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Refund

(14.1) With respect to plans and drawings referred to in subsection (5) that are received on or after July 1, 2023, the City shall, subject to a regulation made under subsection (14.3), refund any fees paid pursuant to section 69 of the *Planning Act* in respect of the plans and drawings in accordance with the following rules:

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

No refunds, plans and drawings received before July 1, 2023

(14.2) Any refund of fees required under subsection (14.1), as it read before the day subsection 2 (2) of Schedule 2 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force, with respect to plans and drawings received before July 1, 2023 shall be deemed never to have been required.

Exception

(14.3) The Minister of Municipal Affairs and Housing may, by regulation, provide that subsection (14.1) does not apply to plans and drawings received by the City on and after a specified date or during a specified period.

(4) Subsection 114 (15) of the Act is amended by striking out “submitted to the City” and substituting “received by the City”.

(5) Subsection 114 (15.2) of the Act is amended by adding the following paragraph:

3.1 Any information or material required under subsections (4.2) and (4.3).

3 Section 122.2 of the Act is repealed and the following substituted:

Regulations re s. 114

122.2 The Minister of Municipal Affairs and Housing may make regulations prescribing anything that is referred to in section 114 as being prescribed.

Commencement

4 This Schedule comes into force on the day the *Helping Homebuyers, Protecting Tenants Act, 2023* receives Royal Assent.

SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997

1 (1) Paragraph 3 of subsection 2 (3.2) of the *Development Charges Act, 1997* is amended by striking out “parcel of urban residential land” and substituting “parcel of land”.

(2) Paragraph 3 of subsection 2 (3.3) of the Act is amended by striking out “parcel of urban residential land” and substituting “parcel of land”.

Commencement

2 This Schedule comes into force on the day the *Helping Homebuyers, Protecting Tenants Act, 2023* receives Royal Assent.

SCHEDULE 4
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

1 Subsections 12 (2) and (3) of the *Ministry of Municipal Affairs and Housing Act* are repealed and the following substituted:

Same

(2) The Minister may appoint the Facilitator and up to four Deputy Facilitators and fix their terms of reference.

Functions

(3) The Facilitator and Deputy Facilitators shall, at the direction of the Minister,

- (a) advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests; and
- (b) perform such other functions as the Minister may specify.

Commencement

2 This Schedule comes into force on the day the *Helping Homebuyers, Protecting Tenants Act, 2023* receives Royal Assent.

**SCHEDULE 5
MUNICIPAL ACT, 2001**

1 (1) Subsection 99.1 (1) of the *Municipal Act, 2001* is amended by striking out “A local municipality” at the beginning and substituting “Subject to the regulations, if any, a local municipality”.

(2) Subsection 99.1 (7) of the Act is repealed and the following substituted:

Regulations

(7) The Minister may make regulations,

- (a) governing the powers of a local municipality under this section, including regulations,
 - (i) imposing restrictions, limits and conditions on the powers of local municipalities to prohibit and regulate the demolition and conversion of residential rental properties,
 - (ii) prescribing requirements to be contained in by-laws made under this section,
 - (iii) prescribing conditions that local municipalities must include as a requirement for obtaining a permit, and
 - (iv) prescribing requirements that the local municipality must impose on owners of land to which a by-law passed under this section applies;
- (b) authorizing local municipalities that pass a by-law under this section to require an owner of land to which a by-law passed under this section applies to make payments and to provide compensation;
- (c) for the purposes of clause (b), prescribing the amounts to be paid, the compensation to be provided, the persons to whom payments and compensation shall be made and the circumstances in which payments and compensation shall be made, and otherwise governing the payments and compensation;
- (d) prescribing steps local municipalities must take or conditions that must be met before passing a by-law under this section and governing any transitional matters with respect to the implementation of such conditions;
- (e) defining, for the purposes of this section and any regulations under this section, any word or expression not defined in subsection 1 (1) of this Act.

Conflict

(8) If there is a conflict between a regulation made under this section and a provision of this Act, other than this section, or of any other Act or regulation, the regulation made under this section prevails.

Commencement

2 This Schedule comes into force on the day the *Helping Homebuyers, Protecting Tenants Act, 2023* receives Royal Assent.

**SCHEDULE 6
PLANNING ACT**

1 (1) The definition of “area of employment” in subsection 1 (1) of the *Planning Act* is repealed and the following substituted:

“area of employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:
 - i. Manufacturing uses.
 - ii. Uses related to research and development in connection with manufacturing anything.
 - iii. Warehousing uses, including uses related to the movement of goods.
 - iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
 - v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
 - vi. Any other prescribed business and economic uses.
2. The uses are not any of the following uses:
 - i. Institutional uses.
 - ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv; (“zone d’emploi”)

~~(2) Section 1 of the Act is amended by adding the following subsection:~~

~~**Area of employment**~~

~~(1.1) An area of land designated in an official plan for clusters of business and economic uses is an “area of employment” for the purposes of this Act even if the area of land includes one or more parcels of land whose use is excluded from being a business and economic use under paragraph 2 of the definition of “area of employment” in subsection (1) provided that the following conditions are satisfied:~~

- ~~—1. The parcels of land in question are subject to official plan policies authorizing the continuation of the use.~~
- ~~—2. The use was lawfully established on the parcel of land before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force.~~

~~(2) Section 1 of the Act is amended by adding the following subsections:~~

~~**Area of employment**~~

~~(1.1) An area of land designated in an official plan for clusters of business and economic uses is an area of employment for the purposes of this Act even if the area of land includes one or more parcels of land that are subject to official plan policies authorizing the continuation of a use that is excluded from being a business and economic use under paragraph 2 of the definition of “area of employment” in subsection (1), provided that the use was lawfully established on the parcel of land before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force.~~

~~**Same**~~

~~(1.2) For greater certainty, the official plan policies referred to in subsection (1.1) shall not authorize a use that is excluded from being a business and economic use under paragraph 2 of the definition of “area of employment” in subsection (1) on any parcels of land in the area on which the use was not lawfully established before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force.~~

~~(3) Subsection 1 (2) of the Act is amended by striking out “38 (4.1)” and substituting “38 (4)”.~~

~~(4) Paragraph 1 of subsection 1 (4.1) of the Act is amended by striking out “Paragraph 1.1” and substituting “Paragraph 1”.~~

~~(5) Paragraph 2 of subsection 1 (4.1) of the Act is amended by striking out by “Paragraph 1.1” and substituting “Paragraph 1”.~~

~~(6) Paragraph 5 of subsection 1 (4.1) of the Act is amended by striking out “Paragraph 2.1” and substituting “Paragraph 2”.~~

~~(7) Paragraph 7 of subsection 1 (4.1) of the Act is amended by striking out “38 (4.1)” and substituting “38 (4)”.~~

~~(8) Paragraph 1 of subsection 1 (4.3) of the Act is amended by striking out “Paragraphs 1.1 and 4” and substituting “Paragraphs 1 and 4”.~~

(9) Paragraph 2 of subsection 1 (4.3) of the Act is amended by striking out “Paragraphs 1.1 and 3” and substituting “Paragraphs 1 and 3”.

(10) Paragraph 5 of subsection 1 (4.3) of the Act is amended by striking out “Paragraph 2.1” and substituting “Paragraph 2”.

(11) Paragraph 7 of subsection 1 (4.3) of the Act is amended by striking out “38 (4.1)” and substituting “38 (4)”.

(12) Subsection 1 (5) of the Act is repealed.

2 (1) Clause 3 (5) (a) of the Act is amended by adding “subject to a regulation made under subsection (6.1),” at the beginning.

(2) Clause 3 (6) (a) of the Act is amended by adding “subject to a regulation made under subsection (6.1),” at the beginning.

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

Minister’s regulations re transition

(6.1) The Minister may make regulations providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to facilitate the implementation of a policy statement issued under subsection (1), other than a policy statement deemed under subsection (8) to be a policy statement issued under subsection (1).

Same

(6.2) Without limiting the generality of subsection (6.1), a regulation under that subsection may,

- (a) provide for transitional matters respecting matters, applications and proceedings that were commenced before or after a policy statement comes into effect;
- (b) provide that the policy statement being implemented does not apply, in whole or in part, to specified matters, applications and proceedings or providing that a previous policy statement continues to apply, in whole or in part, to the specified matters, applications and proceedings;
- (c) deem a matter, application or proceeding to have been commenced on the date or in the circumstances described in the regulations.

3 Subsection 16 (3.1) of the Act is amended by adding “other than the primary residential unit” at the end.

4 (1) Clause 17 (24.1) (c) of the Act is amended by striking out “parcel of urban residential land” and substituting “parcel of land”.

(2) Clause 17 (36.1) (c) of the Act is amended by striking out “parcel of urban residential land” and substituting “parcel of land”.

5 Subclause 22 (7.2) (c) (iii) of the Act is amended by striking out “parcel of urban residential land” and substituting “parcel of land”.

6 (1) Subsection 34 (10.12) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Refund of fee

(10.12) With respect to an application received on or after July 1, 2023, with the exception of an application referred to in subsection (10.14), the municipality shall refund any fees paid pursuant to section 69 in respect of the application in accordance with the following rules:

.

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

No refunds, applications received before July 1, 2023

(10.13) Any refund of fees required under subsection (10.12), as it read before the day subsection 6 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force, with respect to applications received before July 1, 2023 shall be deemed never to have been required.

Exception

(10.14) Subsection (10.12) does not apply with respect to an application if the land to which the application relates is located in a municipality that, on the day on which the application is received by the municipality, is prescribed for the purposes of this subsection.

(3) Clause 34 (19.1) (c) of the Act is amended by striking out “parcel of urban residential land” and substituting “parcel of land”.

7 Subsection 35.1 (1.1) of the Act is amended by striking out “of this section” at the end and substituting “other than the primary residential unit”.

8 (1) Subsection 38 (3) of the Act is amended by striking out “thirty” and substituting “20”.

(2) Subsection 38 (4) of the Act is repealed and the following substituted:

Appeal to Tribunal re by-law passed under subs. (1) and (2)

(4) Any person or public body who was given notice of the passing of a by-law under subsection (3) may, within 50 days after the date of the passing of the by-law, appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

(3) Subsection 38 (4.1) of the Act is repealed and the following substituted:

Transition

(4.1) This section, as it read immediately before the day the *Helping Homebuyers, Protecting Tenants Act, 2023* received Royal Assent, continues to apply to a by-law under subsection (1) or (2) passed before that day.

(4) Subsection 38 (5) of the Act is amended by striking out “or (4.1)”.

9 (1) Subsection 41 (1.2) of the Act is amended by striking out “residential units” at the end and substituting “residential units, unless the parcel of land includes any land in a prescribed area”.

(2) Subsection 41 (11.1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Refund

(11.1) With respect to plans and drawings referred to in subsection (4) that are received on or after July 1, 2023, with the exception of plans and drawings referred to in subsection (11.3), the municipality shall refund any fees paid pursuant to section 69 in respect of the plans and drawings in accordance with the following rules:

.

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

No refunds, plans and drawings received before July 1, 2023

(11.2) Any refund of fees required under subsection (11.1), as it read before the day subsection 9 (2) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force, with respect to plans and drawings received before July 1, 2023 shall be deemed never to have been required.

Exception

(11.3) Subsection (11.1) does not apply with respect to plans and drawings submitted to a municipality that, on the day that the plans and drawings are received by the municipality, is prescribed for the purposes of this subsection.

(4) Subsection 41 (12) of the Act is amended by striking out “submitted to the municipality” and substituting “received by the municipality”.

(5) Subsection 41 (12.0.2) of the Act is amended by adding the following paragraph:

3.1 Any information or material required under subsections (3.3) and (3.4).

10 Clause 42 (1.3) (c) of the Act is amended by striking out “parcel of urban residential land” and substituting “parcel of land”.

11 Section 47 of the Act is amended by adding the following subsection:

Non-application of policy statements, etc.

(4.0.1) The Minister may, in an order made under clause (1) (a), provide that policy statements issued under subsection 3 (1), provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by the order may be established.

12 The Act is amended by adding the following section:

Minister’s order re agreements

49.2 (1) If the Minister has directed the Provincial Land and Development Facilitator or a Deputy Facilitator appointed under subsection 12 (2) of the *Ministry of Municipal Affairs and Housing Act* to advise, make recommendations or perform any other functions with respect to land, the Minister may, by order, require the owner of the land to enter into one or more agreements with the Minister or with a municipality addressing any matters that the Minister considers necessary for the appropriate development of the land.

Notice to municipality

(2) If the Minister requires the owner of the land to enter into an agreement with a municipality, the Minister shall inform the municipality in writing of the matters that the agreement must address.

Restrictions on use of land

- (3) Until the owner has entered into all agreements required by the order, no person shall, except as permitted by the order,
- (a) use the land other than for a purpose for which the land was lawfully used on the day the order was made;
 - (b) erect or locate any building or structure on the land, other than a building or structure for which a permit has been issued under section 8 of the *Building Code Act, 1992* on or before the day the order was made and has not been revoked under subsection 8 (10) of that Act;
 - (c) use any buildings or structures on the land not referred to in clause (b) other than for a purpose for which the building or structure was lawfully used on the day the order was made; or
 - (d) place or dump fill on the land, remove topsoil from the land, alter the grade of the land or destroy or injure trees on the land except if failing to do so would result in,
 - (i) danger to the health or safety of any person,
 - (ii) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it, or
 - (iii) injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

Effect of order

(4) An agreement required under subsection (1) may require the owner of the land to provide anything or pay for anything in excess of what the owner is required to provide or pay for under this Act, the *Development Charges Act, 1997* or any other Act.

Same

(5) An agreement required under subsection (1) may be registered against the land to which it applies and the Minister or the municipality, as the case may be, is entitled to enforce the provisions of that agreement against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any subsequent owners.

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

(6) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1).

Commencement

13 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Helping Homebuyers, Protecting Tenants Act, 2023* receives Royal Assent.

(2) Subsections 1 (1), (2) and (12) come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsections 1 (8) to (11) come into force on the later of the day the *Helping Homebuyers, Protecting Tenants Act, 2023* receives Royal Assent and the day subsection 1 (5) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force.

**SCHEDULE 7
RESIDENTIAL TENANCIES ACT, 2006**

1 Part IV of the *Residential Tenancies Act, 2006* is amended by adding the following section:

Air conditioning

36.1 (1) A tenant may install and use a window or portable air conditioner in a rental unit for which the landlord does not supply air conditioning, unless prohibited from doing so by the landlord under subsection (2), and subject to the conditions set out in subsection (3).

Exception

(2) The landlord may, in the prescribed circumstances, prohibit a tenant from installing an air conditioner.

Conditions

(3) The installation and use of a window or portable air conditioner under subsection (1) is subject to the following conditions:

1. Before installing the air conditioner, the tenant must notify the landlord in writing.
2. If subsection (4) may apply in the circumstances, the notice must include any information available to the tenant about the energy efficiency of the air conditioner, and information about the tenant's anticipated usage of the air conditioner.
3. The tenant shall ensure that the air conditioner, including its installation and operation, does not damage the rental unit or residential complex.
4. The air conditioner must be installed safely and securely.
5. The installation of the air conditioner is not prohibited by any applicable municipal property standards by-law or other applicable law, and the air conditioner is installed and maintained in accordance with any applicable laws.
6. Any other prescribed conditions.

Reasonable inspection

(3.1) For greater certainty, a reasonable inspection by a landlord for the purpose of determining compliance with paragraph 3, 4 or 5 of subsection (3) is a circumstance for which a landlord may enter a rental unit under paragraph 4 of subsection 27 (1) of the Act.

Rent increase

(4) If, on or after the day section 1 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, a tenant installs and uses a window or portable air conditioner in a rental unit to which the landlord is obligated under the tenancy agreement to supply electricity, the landlord may increase the rent charged to the tenant.

Exception

(5) Subsection (4) does not apply if the tenancy agreement expressly provides that the tenant may install a window or portable air conditioner without any increase of rent.

Maximum

(6) An increase under subsection (4) shall not exceed the actual cost to the landlord of the electricity supplied for the operation of the air conditioner or, where the actual cost cannot be established, a reasonable estimate based on the information provided by the tenant under paragraph 2 of subsection (3).

Rent decrease, removal

(7) If a tenant who is subject to a rent increase under subsection (4) removes the air conditioner, the landlord shall decrease the rent charged to the tenant by the amount of the increase.

Rent decrease, seasonal use

(8) If a tenant who is subject to a rent increase under subsection (4) seasonally ceases to use the air conditioner, the landlord shall decrease the rent charged to the tenant by the amount of the increase.

Same, resumption of use

(9) If the tenant seasonally resumes using the air conditioner, the landlord may increase the rent charged to the tenant, and subsections (6) to (8) apply with necessary modifications with respect to the rent increase.

Application

(10) Sections 110, 116, 119 and 120 and any order under paragraph 6 of subsection 30 (1) do not apply with respect to a rent increase under this section.

Application to existing air conditioners

(11) Subsection (3), other than paragraphs 1 and 2, applies with necessary modifications with respect to a window or portable air conditioner installed by a tenant in a rental unit before the day section 1 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, subject to subsection (12).

Non-application

(12) This section does not apply with respect to rental units in a mobile home park or land lease community.

2 Subsection 50 (3) of the Act is repealed and the following substituted:

Notice requirements, repairs or renovations

(3) A notice under clause (1) (c) shall,

- (a) inform the tenant that if the tenant wishes to exercise the right of first refusal under section 53 to occupy the premises after the repairs or renovations, the tenant must give the landlord notice of that fact in accordance with subsection 53 (2) before vacating the rental unit; and
- (b) in the case of a notice under clause (1) (c) given on or after the day section 2 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, be accompanied by a report prepared by a person who has the prescribed qualifications and that,
 - (i) states that the repairs or renovations are so extensive that they require vacant possession of the rental unit; and
 - (ii) meets any other prescribed requirements.

Same, report

(3.1) For greater certainty, a failure to meet the requirements of clause (3) (b) with respect to a notice renders the notice void.

3 Section 53 of the Act is amended by adding the following subsections:

Requirements for landlord to notify

(2.1) In the case of notice given by a tenant on or after the day section 3 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, the following requirements apply:

1. The landlord shall, without delay after receiving the tenant's notice, notify the tenant in writing of the estimated date by which the rental unit is expected to be ready for occupancy following the repairs or renovations.
2. The landlord shall, without delay after becoming aware of any change in a previously-estimated date by which the rental unit is expected to be ready for occupancy following the repairs or renovations, notify the tenant in writing of the new estimated date.
3. The landlord shall, without delay after the rental unit is ready for occupancy, notify the tenant in writing.

Time for tenant to reoccupy rental unit

(2.2) If a rental unit in respect of which the tenant has a right of first refusal becomes ready for occupancy on or after the day section 3 of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, the landlord shall give the tenant at least 60 days after the day the rental unit is ready for occupancy to exercise the right of first refusal to occupy the unit.

4 (1) Section 57 of the Act is amended by adding the following subsection:

Presumption, prescribed period of time

(6.1) For the purposes of an application under clause (1) (a), if no person referred to in clause 48 (1) (a), (b), (c) or (d) occupied the rental unit within the prescribed period of time after the former tenant vacated the rental unit, it is presumed, unless the contrary is proven on a balance of probabilities, that,

- (a) the landlord gave the notice of termination under section 48 in bad faith; and
- (b) the rental unit was not occupied within a reasonable time after the former tenant vacated the rental unit.

(2) Subsection 57 (7) of the Act is repealed and the following substituted:

Application of subs. (6.1)

(7) Subsection (6.1) applies with respect to an application under clause (1) (a) if the application is made on or after the day subsection 4 (1) of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force.

5 (1) Section 57.1 of the Act is amended by adding the following subsection:

Deemed failure

(1.1) A landlord who fails to comply with the requirements of subsection 53 (2.1) or (2.2) is deemed, for the purposes of subsection (1) only, to have failed to afford a former tenant a right of first refusal.

(2) Subsections 57.1 (2), (2.1), (2.2) and (3) of the Act are repealed and the following substituted:

Time limitation

(2) No application may be made under subsection (1) after the later of the following days:

1. The second anniversary of the day the former tenant vacated the rental unit.
2. The day that is six months after the day the repairs or renovations are completed.

Transition, ongoing applications

(3) Subsection (2), as it reads on the day subsection 5 (2) of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, applies with respect to applications made but not finally determined before that day.

Transition, dismissed applications

(4) A former tenant whose application was dismissed before the day subsection 5 (2) of Schedule 7 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force for a failure to comply with subsection (2) of this section may, subject to subsection (2) as it reads on that day, make a fresh application.

6 (1) Clause 72 (1) (a) of the Act is amended by striking out “on or after the day section 13 of the *Rental Fairness Act, 2017* comes into force”.

(2) Subsection 72 (1.1) of the Act is repealed.

(3) Subsections 72 (3) and (4) of the Act are amended by striking out “subsection (1), (1.1) or (2)” wherever it appears and substituting in each case “subsection (1) or (2)”.

7 Section 73 of the Act is amended by adding the following subsection:

Report re repairs, renovations

(4) In determining an application with respect to a notice of termination given under clause 50 (1) (c), the Board shall consider but is not bound by a report referred to in clause 50 (3) (b) stating that the repairs or renovations are so extensive that they require vacant possession of the rental unit.

8 Subsection 206 (1) of the Act is amended by adding the following clause:

- (a.1) the agreement is in the form approved by the Board;

9 (1) Subsection 238 (1) of the Act is amended by striking out “\$50,000” and substituting “\$100,000”.

(2) Subsection 238 (2) of the Act is amended by striking out “\$250,000” and substituting “\$500,000”.

10 Subsection 241 (1) of the Act is amended by adding the following paragraph:

- 12.1 for the purposes of section 36.1,
 - i. prescribing circumstances for the purposes of subsection 36.1 (2), and
 - ii. governing the installation, use and maintenance of window or portable air conditioners for the purposes of subsection section 36.1, including prescribing additional conditions for the purposes of subsection 36.1 (3);

11 (1) Subsection 241.1 (1) of the Act is amended by adding the following paragraph:

- 3.1 prescribing qualifications and requirements for the purposes of clause 50 (3) (b);

(2) Subsection 241.1 (1) of the Act is amended by adding the following paragraph:

- 3.2 prescribing a period of time for the purposes of subsection 57 (6.1), including prescribing different periods of time that apply in different circumstances;

Commencement

12 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.