City of Mississauga

Agenda

MISSISSAUGA

POST-MEETING

Special Council

Date: November 23, 2022

Time: 9:30 AM

Location: Council Chambers, Civic Centre, 2nd Floor
300 City Centre Drive, Mississauga, Ontario, L5B 3C1
And Online Video Conference

Members

Mayor Bonnie Crombie	
Councillor Stephen Dasko	Ward 1
Councillor Alvin Tedjo	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor John Kovac	Ward 4
Councillor Carolyn Parrish	Ward 5
Councillor Joe Horneck	Ward 6
Councillor Dipika Damerla	Ward 7
Councillor Matt Mahoney	Ward 8
Councillor Martin Reid	Ward 9
Councillor Sue McFadden	Ward 10
Councillor Brad Butt	Ward 11

Participate Virtually, Telephone OR In-Person

Advance registration is required to participate and/or make a comment in the meeting. Questions and/or Presentation Materials must be provided in an advance of the meeting. Comments submitted will be considered as public information and entered into public record.

To register, please email angie.melo@mississauga.ca and for Residents without access to the internet can register by calling Angie Melo, Legislative Coordinator at 905-615-3200 ext. 5423 no later than November 21, 2022 before 4:00 PM. Directions on how to participate will be provided.

Contact
Angie Melo, Legislative Coordinator, Legislative Services
905-615-3200 ext. 5423 | Email: angie.melo@mississauga.ca

Find it Online
https://www.mississauga.ca/council/council-activities/council-and-committee-videos/live-council-andcommittee-videos/
Meetings of Council streamed live and archived at Mississauga.ca/videos

1. CALL TO ORDER

2. INDIGENOUS LAND STATEMENT

We acknowledge the lands which constitute the present-day City of Mississauga as being part of the Treaty and Traditional Territory of the Mississaugas of the Credit First Nation, The Haudenosaunee Confederacy the Huron-Wendat and Wyandotte Nations. We recognize these peoples and their ancestors as peoples who inhabited these lands since time immemorial. The City of Mississauga is home to many global Indigenous Peoples.

As a municipality, the City of Mississauga is actively working towards reconciliation by confronting our past and our present, providing space for Indigenous peoples within their territory, to recognize and uphold their Treaty Rights and to support Indigenous Peoples. We formally recognize the Anishinaabe origins of our name and continue to make Mississauga a safe space for all Indigenous peoples.

3. APPROVAL OF AGENDA

4. DECLARATION OF CONFLICT OF INTEREST

5. MINUTES OF PREVIOUS COUNCIL MEETING - Nil

6. PRESENTATIONS - Nil

7. DEPUTATIONS

*7.1. Katherine Morton, Manager, Planning Strategies to provide an overview of Bill 23 "More Homes Built Faster Act" and implications for the City of Mississauga

Item 10.1.

*7.2. Nabeela Irfan, Member of Peel ACORN, with respect to concerns relating to Bill 23

Item 10.1.

8. PUBLIC QUESTION PERIOD - 15 Minute Limit

Public Comments: Advance registration is required to participate and/or to make comments in the public meeting. Any member of the public interested in speaking to an item listed on the agenda must register by calling 905-615-3200 ext. 5423 or by emailing angie.melo@mississauga.ca by Monday, November 21, 2022 at 4:00 PM

Pursuant to Section 58 of the Council Procedure By-law 0044-2022, as amended:

Council may grant permission to a member of the public to ask a question of Council, with the following provisions:

1. Questions may be submitted to the Clerk at least 24 hours prior to the meeting;
2. A person is limited to two (2) questions and must pertain specific item on the current agenda and the speaker will state which item the question is related to;
3. The total speaking time shall be five (5) minutes maximum, per speaker, unless extended by the Mayor or Chair; and
4. Any response not provided at the meeting will be provided in the format of a written response.

9. CONSENT AGENDA

10. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

10.1. Bill 23 “More Homes Built Faster Act” and Implications for City of Mississauga

11. PRESENTATION OF COMMITTEE REPORTS -Nil

12. UNFINISHED BUSINESS - Nil

13. PETITIONS -Nil

14. CORRESPONDENCE -Nil

15. NOTICE OF MOTION - Nil

16. MOTIONS

16.1. To close to the public a portion of the Council meeting to be held on November 23, 2022 to deal with various matters. (See Item 21 Closed Session)

17. INTRODUCTION AND CONSIDERATION OF BY-LAWS - Nil

18. MATTERS PERTAINING TO REGION OF PEEL COUNCIL

19. COUNCILLORS' ENQUIRIES

20. OTHER BUSINESS/ANNOUNCEMENTS

21. CLOSED SESSION

(Pursuant to Subsection 239(2) of the Municipal Act, 2001)

21.1. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board - “Starr v. City of Mississauga et. al., Application to Divisional Court”

22. CONFIRMATORY BILL

23. ADJOURNMENT

Bill 23

Special Council Meeting

City of Mississauga

November 23, 2022

MISSISSAUGA

Background

- On October 25, 2022, the Province introduced Bill 23 to the legislature with changes to 10 Acts
  - Many items were originally referenced in the Housing Task Force report
- The Province is also consulting on proposed changes to a range of provincial plans, policies and regulations (e.g. Growth Plan, PPS and Greenbelt Plan)
- Comments period for proposed changes close between November 24 and December 30 (e.g. Planning Act changes close Nov 24)
- Since writing the Corporate Report, the Province made several changes to the Bill at the Standing Committee on November 21, 2022.

Key Themes in Bill 23

- Provincial intent is to increase housing supply – 1.5M homes in 10 years

- Staff support the proposed changes that help create more housing diversity and non-profit affordable housing

- However, staff are generally concerned that proposed changes:
  - Involve blanket reductions to growth funding tools
  - May negatively affect the livability of developments and communities
  - Have few mechanisms to ensure savings will be passed onto homebuyers
  - May not lead to major upswing in development that is expected as changes do not recognize broader development constraints (e.g. labour and material shortages, rising interest rates and securing financing etc)

Potential Financial Impacts

- The Bill could cost the City up to $815 to $885M over the next ten years
  - DC reductions, changes to what is DC eligible and DC exemptions could lead to shortfalls of $325M
  - Parkland reductions could lead to shortfalls of $490 to $560M
- Region could lose $200M in DCs for affordable housing projects over the next ten years
- Discounts will impact City's ability to fund infrastructure, and loss would need to funded through service reduction and/or transferring loss onto property tax base – thereby affecting housing affordability
- Overarching request that municipalities be made whole for losses

Parkland

- The 70% reduction in parkland revenue is largely due to the proposed 10% cap, staff urge the Province to remove this going forward

- Proposed developers can choose where to locate parks
  - Developers may dedicate unusable slivers or hazard lands
  - Park dedications should be contiguous, accessible and connected to existing network

- Proposed developers should not receive 100% credit for POPS (Publically Accessible Private Open Space)
  - POPS should not be given equal value to unencumbered parkland
  - Leads to more obligations on condo boards affecting affordability (condo fees)

Infill and Intensification

- Proposed that three units be allowed on a lot as of right and parking rates are set at a maximum of one per dwelling
  - City was doing this work anyway

- Proposed that zoning at Transit Stations be updated in one year
  - Staff can work with timeline, although some inefficiencies and duplication created

- Proposed to limit City's ability to consider architectural, landscape and sustainable design details at site plan
  - Recent changes amendments to Bill appear to provide for some use of environmental standards

Affordable Housing

- Proposed that “affordable” units be defined based on average market rate (e.g. 80% resale/rental value), rather than % of income spent on housing
  - Exempting “affordable” units form development fees could incent smaller units

- Many changes proposed to IZ tool:
  - Proposed a 5% cap - City has cap rates ranging from 5% to 10%
  - Reducing cap to 5% limits City’s IZ units by 40%
  - DC, parkland and CBCs exemptions could fund higher set aside rates
  - A households would need to earn more than $95k to afford an Inclusionary Zoning (IZ) ownership unit

- Removing rental protection could eliminate affordable units and replace them with luxury units – City already has flexible policy

Heritage and Natural Environment

- Changes to heritage designation process could require Mississauga to review 1,000 properties and designate them or remove them from registrar

- Proposed limits on Conservation Authorities (CAs) to only comment on natural hazards to people and property (e.g. not Natural Heritage System (NHS) as a whole). City relies heavily of CAs NHS expertise

- Proposed changes to wetlands evaluation could lead to development on sensitive and/or flood prone lands. Proposed ecological off-setting could reduce NHS, and assets could be replaced outside of city

- Proposed removal of lands from the Greenbelt, presented as a trade but many lands added were already protected

Next Steps

- Seeking Council endorsement / feedback on comments contained in Corporate Report
  - Council endorsed feedback will be shared with Province via ERO postings

- Legislative process is moving quickly

- Staff will continue to report back to Council, as additional details are released and we are aware of further impacts

City of Mississauga
Corporate Report

MISSISSAUGA

Date: November 17, 2022 To: Mayor and Members of Council From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Originator's files: LA.07.BIL Meeting date: November 23, 2022

Subject

Bill 23 "More Homes Built Faster Act" and Implications for City of Mississauga

Recommendation

1. That Council endorse positions and recommendations contained and appended to the report titled *"Bill 23 'More Homes Built Faster' and Implications for City of Mississauga,"* and authorize staff to prepare additional detailed comments on Bill 23 and any associated regulations, as needed. In particular, the City be made whole for any revenue losses from changes to the imposition of development changes and parkland dedication.

2. That the Mayor or designate be authorized to make submissions to the Standing Committee with respect to issues raised in this report, or to otherwise provide written or verbal comments as part of the Ministry's public consultation process.

3. That the City Clerk forward this report to the Ministry of Municipal Affairs and Housing; Mississauga's Members' of Provincial Parliament, the Association for Municipalities Ontario, and the Region of Peel.

Executive Summary

- Recent amendments have been proposed to several pieces of legislation that form Bill 23 *"More Homes Built Faster Act, 2022"* (the Bill) that impact the imposition of development charges (DCs), parkland dedication, planning and appeals processes and the environment.

- Staff support the need to improve the diversity and affordability of housing. However, staff's assessment is that Bill 23 is overly focused on blanket fee reductions that would apply for market rate developments with no guarantee that savings will be passed on to renters and homebuyers.

- It is estimated that the Bill could cost the City up to $815 to $885M over the next ten years.[1] Without corresponding provincial grants, Mississauga would need to recover that revenue through the tax base or by reducing service levels.

- A key part of this shortfall is generated by DC reductions, changes to what is DC eligible and DC exemptions. Staff estimate that the shortfall could be up to $325M over a ten-year period[1].
    - The Province has proposed arbitrary retroactive phase-ins to all of the City's DCs (including non-residential DCs). The way the Province has structured these reductions are punitive, apply to each municipality differently and will be challenging to administer.
    - What is eligible for DC collection would also change with the removal of "affordable housing" and "studies," and the potential to limit the service for which land acquisitions can be recovered through development charges.
    - City staff support some of the proposed DC exemptions (e.g. non-profits and second units), but the other contemplated exemptions could incent small, private condominium units, at the expense of more affordable units.

- The financial impacts are even more staggering when examining the proposed changes to parkland dedication. Staff estimate the City could lose $490 to $560M in ten years, making up more than 70% of this revenue stream.
    - For a standard development in the City (e.g. 500 unit tower on an acre), the City could go from collecting $10M to $1.7M in cash-in-lieu. It's noted land prices in Mississauga are close to $20M per acre in many of its growth areas.
    - Moreover, the Bill would allow developers to choose where parkland is located on a site (e.g. they prefer to offer slivers of undevelopable land) and they would receive full parkland credits for Privately Owned Publicly Accessible Space (POPS). It is in condominium developers' financial interest to provide a privately owned park since it can allow for higher densities on the site (e.g. parking under the park). Condominium residents will be forced to maintain the asset indefinitely while the quality, access, and programing is typically inferior to a city-owned park.

- Some of the proposed changes could speed up the approvals process (e.g. gentle intensification and pre-zoning major transit station areas), and staff are supportive of these changes. However, others could undermine important planning considerations (e.g. not allowing architectural and landscape details to be considered at site plan could undermine quality of place. Furthermore, removing the City's ability to implement Green Development Standards could impact the creation of units that are more efficient and affordable to heat and operate).

[1] This assumes that the DC By-law would need to be updated upon its expiry in 2027 and that land is removed as a DC eligible cost for each City service, as part of that exercise.

- Given the provincial importance of creating more affordable housing, it is difficult to understand the policy rationale for reducing municipal tools to create new units.
    - According to the Region of Peel the proposed elimination of Housing from Regional DCs puts at risk over 930 affordable housing units in various stages of planning and development in Mississauga for low and moderate income households e.g. East Avenue, Brightwater – with a possible shortfall of $200M.
    - Proposed revisions to inclusionary zoning (IZ) affordability thresholds will result in virtually no inclusionary zoning ownership units being affordable for low and middle income households.
    - It is estimated that the 5% of development IZ cap will result in a minimum of 40% less affordable units than was anticipated with current IZ provisions.
    - Moreover, the Province is consulting on potentially removing or scaling back rental protection-laws.

- The potential impacts on the environment are also significant, with proposed changes to the Conservation Authorities and the boundaries of the Greenbelt. These natural features are needed to help us adapt to a changing climate. The possibility of building on flood and hazard lands is concerning given increased storm events and potential liabilities.

- Given the broad potential impacts on the natural environment, community infrastructure, parks, transit, affordable housing and the quality of our urban environments; it is suggested the Province take the time to consult with a broader range of stakeholders to help refine this Bill and achieve a more balanced and strategic plan to create more housing.

- A summary of City staff's top requests to the Province are listed below:
    1. **It is estimated that the Bill could cost the City up to $815 to $885M over the next ten years.[2] It is requested that the Province make the City whole (e.g. provide offsetting grants) to cover any loss in revenue resulting from the legislative changes to DCs and CIL.**
    2. Remove non-residential DC discounts and restore City's ability to set its own DC rates.
    3. Not remove or limit eligibility of "costs to acquire land" for DC collection.
    4. Restore "affordable housing" and ability to fund "studies" as eligible for DC collection.
    5. Remove "attainable" housing from the proposed exemptions to DCs, CBCs and Parkland.
    6. Develop mechanisms to ensure any publically funded discounts go directly to

[2] This assumes that the DC By-law would need to be updated upon its expiry in 2027 and that land is removed as a DC eligible cost for each City service, as part of that exercise.

homebuyer.

7. Maintain the income-based definition of affordable housing as per the Provincial Policy Statement (PPS). If not, it is requested that the Province adapt the CMHC average existing market rent by bedroom for rental units and a 70% rate of average new unit price with separate values for unit size/bedrooms for ownership units.
8. Restore parkland rates, or at least remove the land value caps placed on rates.
9. Roll back ability for developers to determine park locations, or at least ensure parkland dedications are contiguous, link into the existing parkland network and have public street frontage and visibility.
10. Remove 100% credit for POPS, or at least roll it back to some lesser amount to disincentivize developers providing a POPS over a public park.
11. Increase Inclusionary Zoning set-aside rate cap to 10%.
12. Extend the affordability for “ownership” units to 99 years; this will have no impact on developers but will allow for more sustainable affordable housing supply.
13. Consider some type of incentive program to help capitalize infill projects in established neighbourhoods (e.g. a loan program that could help homeowners fund renovations to their homes to add second or third units).
14. Update Ontario Building Code to ensure singles and towns are built in a way that would support retrofitting for second units.
15. Restore urban design and landscape details at site plan stage.
16. Restore ability to consider sustainable design (e.g. use of Green Development Standards) at the site plan stage.
    Maintain existing Ontario Land Tribunal (OLT) process where costs are rarely awarded.
17. Maintain the City’s ability to protect rental housing stock through its Rental Protection By-law.
18. Province could reconsider the benefits of the proposed heritage review process, as most likely it will slow down development.
19. Reconsider the benefits of limiting Conservation Authorities (CA) powers to comment on natural heritage, as the City will need to establish expertise and development process could be slowed down.
20. Maintain existing wetland protections, the benefits of developing on wetlands do not outweigh the potential environmental outcomes.
21. Not adopt a Provincial ecological off-setting policy. Technical ecological advice on offsetting should be provided in local context by the Conservation Authorities and the City, as appropriate.

Background

Bill 23 works to implement some actions contained in *Ontario's Housing Supply Action Plan,* with the goal of increasing housing supply in Ontario by building 1.5 million new homes by 2032.

On October 25, 2022, the Honourable Steve Clark, Minister of Municipal Affairs and Housing (the Minister) introduced the Bill to the legislature with sweeping changes to 10 Acts (including the *Planning Act, Municipal Act, Development Charges (DCs) Act, Ontario Heritage Act, Conservation Authorities Act, Ontario Land Tribunal (OLT) Act)* and the Ontario Building Code.

The Province has also proposed further consultation on a range of provincial plans, policies and regulations. This includes revoking the Parkway Belt West Plan, merging the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) with the PPS and changing the boundaries of the Greenbelt Plan. The Province has also committed to create working groups with municipalities to limit land speculation and examine rental protection by-laws.

Comment periods on the proposed changes (via 19 Environmental Registry of Ontario postings and 7 Ontario Regulatory Registry postings) close between November 24 and December 30, with the majority closing on November 24, 2022. City staff will continue to update and advise Council on the impacts of Bill 23 as it advances and when implementation details become available.

The purpose of this report is to: highlight to Council the major changes proposed in Bill 23; the potential impacts on the City; identify areas of support and areas that should be reconsidered by the Province and have Council endorse all comments contained and appended to this report. In anticipation of the Bill advancing, staff also seek authority to submit comments to the Province as needed, where timelines do not permit reporting to Council in advance (e.g. over the Christmas/New Year break).

Comments

The Province is setting a goal of Ontario building 1.5 million new homes by 2032. Of this total, Mississauga must *pledge* to build 120,000 homes in the next ten years (in other words 12,000 units a year). Staff question whether the development industry even has the capacity to construct that amount of units given persistent labour and material challenges.

In 2021, Mississauga issued building permits for 5,500 new units. So far, 2022 is a record year, but the City has still only issued building permits for 6,100 new units. In other words, if Mississauga is to meet this Provincial target it must double its current levels of development. Fortunately, the City has been planning for growth well beyond its Regional allocation of 100,000 units so no City planning policy changes are needed to reach the provincial pledge.[3] However, the Bill has the potential to significantly reduce the amount of money available to the City to provide the infrastructure required to create complete communities in these planned

[3] *Technical Memo: Mississauga's City Structure and Residential Growth Accommodation.* File: CD.02-MIS can be accessed here (see April 19, 2022, PDC Agenda, Item 5.2)

growth areas. Many of the measures appear designed to create short-term benefits for developers of market units while saddling municipalities and future unit owners with costs and reduced amenities for decades to come. While the Bill does have some positive provisions that are specifically intended to help build more affordable and purpose built rental housing, other provisions of the Bill would have the opposite effect by reducing the amount of this badly needed housing.

Staff have summarized key changes proposed into 7 themes:

- Mandatory and retroactive phase-in of DCs would lead to significant funding shortfalls;
- Delivery of the City's infrastructure program could be jeopardized by what is classified as "DC eligible" and fee exemptions;
- City's parkland revenue could be reduced by 70% and the quality of parkland could be diminished;
- Support proposals to streamline neighbourhood infill and intensification around transit station areas;
- Range of impacts stemming from major changes to planning and appeals processes, including planning powers removed from Region of Peel and uploaded to the Province;
- Elimination and reduction of municipal tools could further threaten affordable housing;
- Significant impacts on Ontario's heritage and natural environment and its ability to mitigate and adapt to a climate changing.

Please note that not all changes proposed are captured in the body of this Corporate Report. **Please see Appendix 1 for a detailed list of changes**, potential implications for the City and comments to be shared with the Province.

1) MANDATORY AND RETROACTIVE PHASE-IN OF DCs WOULD LEAD TO SIGNIFICANT FUNDING SHORTFALLS

City Council passed its current DC By-law on June 22, 2022. The proposed changes to the *DC Act* direct that for any DC By-law passed after June 1, 2022, a 20% reduction must be applied to the DC rates in Year 1 of the By-law, with the reduction decreasing by 5% in subsequent years.

General estimates of the potential DC revenue lost, focusing solely on this proposal alone, are included below:

- Year 1: By applying a 20% discount, City will collect $22.2 M less in DC revenues
- Total 4-Year DC revenue loss, estimated at $56.1 M.

As part of the 2022 DC By-law review, the City's DC rates increased by 12%. Therefore if this proposal is implemented and a 20% discount is applied, the City would be collecting less revenue than prior to its 2022 DC by-law passage.

The mandatory discounts are punitive, arbitrary and the logic is unclear, given they affect each municipality so differently. For example, there are several municipalities that updated their DC rates prior to June 1, 2022 that are not having to apply the discounts, and those municipalities that didn't update their by-law recently are also not having to apply the discounts. The mandatory discounts undermine Council's discretion to impose a discount or phase-in of the DC rates; many of such policies are developed with consultation with the development industry.

City staff request that the Province continue to allow municipal Council the sole discretion to set their own policies and DC rates and remove the mandatory retroactive phase-in. If not, staff recommend that the phase-in only apply to by-laws passed after Royal Assent of the Bill and/or only apply where the proposed DC rate increase is greater than 20%.

These discounts also apply to non-residential development. City staff question how housing affordability and stock is improved by collecting less DC revenue from commercial and industrial developers. It is suggested to the Province that discounts be limited to the residential sector.

- ***Request that Province remove non-residential DC discounts and restore City's ability to set its own DC rates. Otherwise, a municipality should be made whole for these DC discounts***

2) DELIVERY OF THE CITY'S INFRASTRUCTURE PROGRAM COULD BE JEOPARDIZED BY DC ELIGIBILITY AND FEE EXEMPTIONS

DC Eligibility

The proposed changes impact what is eligible for DC collection. It is proposed that studies and affordable housing can no longer be funded by DCs, and the ability to fund land acquisition for prescribed services will be limited by a future Regulation.

City staff's biggest concern is that a future regulation could limit land acquisition being an eligible cost recoverable through DCs for prescribed services. Land plays an integral part in the delivery of City services to its residents – whether it be the land for a library, community centre or arena, fire station, transit facility or land for the road network. Without land, or the funding to purchase land, the project itself would become unviable or unfunded. Without information about the scope of a future regulation, the financial impact is difficult to assess. However, if land were removed as an eligible cost for all services, the potential revenue loss would be approximately $34 Million on an annual basis, upon the passage of the next DC by-law. City staff would ask the Province not to remove or limit land as an eligible DC cost.

Another concerning change is the removal of a municipality's' ability to fund affordable housing through DCs. In the past this funding has supported Regional capital projects as well as partnerships with the private sector to increase affordable housing supply.

Likewise, staff have concerns about not allowing for DC funded studies. These studies include, but are not limited to, the City's Future Directions Plans, Transit Infrastructure Plans and Growth Management Plans. It is suggested that the services be reinstated as collectively these measures help to build affordable and complete communities.

- ***As a priority, request that Province not remove or limit eligibility of "costs to acquire land" for DC collection. Also request that Province restore "affordable housing" and ability to fund "studies" as eligible for DC collection***

DC, Parkland and CBC Exemptions

Affordable and Attainable Housing

The proposed changes exempt DCs, parkland dedication and Community Benefit Charge (CBCs) for "affordable" and "attainable" housing, Inclusionary Zoning (IZ) units, non-profit housing and second and third units.

The City already uses DCs as a tool to incentivize "missing middle" housing and exempts charges for second units, Accessory Dwelling Units and has approved DC grant based exemptions for non-profit affordable rental housing.

However, staff are concerned that broadly exempting all units that are 80% of market value could incentivize the creation of very small units (e.g. most bachelors and many one bedroom units in the city would likely meet this proposed definition) and not help achieve the types of "missing middle" housing that Ontarian households so desperately need.

At minimum, the "average" market price should be delineated for each unit size or bedroom count. Additionally, the Province should consider lowering the threshold to 70% to ensure exemptions are targeted to units affordable to low- and moderate- income households. For rental units, City staff suggest that a CMHC definition 100% AMR for rental units be adopted which is a common definition used for new rental unit incentives.

It is noted that City staff will be challenged to administer exemptions based on an 80% of the resale purchase price for ownership and 80% average market for rental for affordable units. DCs are often levied ahead of all units being sold and the price of units is in constant flux. It will be hard to determine which units may be eligible. It is also unclear how the 80% of average market rate will be determined and there could be opportunities for abuse.

The impact of exempting “attainable housing” from these growth charges is unknown. However, if the Province’s definition is so broad that it applies to any unit that is not owned by an investor it could be financially catastrophic for the City. It is suggested the Province remove “attainable” housing from exemptions as the Bill already has polices exempting non-profit and gentle infill units from DCs and other charges.

As mentioned above, it is considered that the Province should make municipalities whole for any discounts offered. It is suggested that the Province could use Federal Housing Accelerator funding to address some of this municipal shortfall and staff would welcome that approach.

Rental Housing

The proposed changes also result in the DC payable for a purpose built rental housing development being discounted based on the number of bedrooms in each units, the proposal as follows:

- Bachelor and 1 bedroom units – 15% reduction in DCs
- Two bedroom units – 20% reduction in DCs
- Three+ bedroom units – 25% reduction in DCs

The potential revenue loss stemming from this change alone would be roughly $8.5 Million over a ten-year period. Despite this shortfall staff are supportive of these changes as it could provide an incentive to build purpose built rental units, particularly larger units. Albeit the effectiveness of this measure is muted by DC discounts and exemptions being so widely applied across the board. Staff suggest senior grants such as the Federal Housing Accelerator be used to offset the lost revenue.

Passing on Discounts to Buyers

It is suggested that the Province carefully examine safeguards to ensure any publically funded discounts are passed onto new homeowners. As noted in the recent report[4] prepared by N. Barry Lyon Consultants, developers will price housing at the maximum level the market will support and increases/decreases in fees do not affect the sale price of units. Lost revenue leads to increased property taxes that reduce affordability overall.

City staff support requirement to enter into an agreement registered on title, to secure the exemptions, but would prefer to see an arrangement where the DCs are paid in full by the developer, then refunded to the purchaser, much like existing programs for first-time homebuyer tax rebates. This approach would help ensure that the cost savings are passed on to the homebuyer and would also expedite DC administration.

[4] *2019 Development Costs Review – The Effect of Development-Related Costs on Housing Affordability* can be accessed here (see May 1, 2019, General Committee Agenda, Item 8.2,)

- ***Request that Province:***
  - ***Remove "attainable" housing from the proposed exemptions***
  - ***Develop mechanisms to ensure that those people looking to buy a home to live in benefit from these municipally funded discounts. DCs could be paid in full by the developer and then refunded to eligible purchasers***
  - **Maintain the income-based definition of affordable housing as per the PPS. If not, it is requested that the Province adopt the 100% CMHC average market rent by bedroom type for rental units and a 70% rate of average resale price with separate values for unit size/bedrooms for ownership units**

3) CITY'S PARKLAND REVENUE COULD BE REDUCED BY 70% AND THE QUALITY OF PARKLAND COULD BE DIMINISHED

Reduced Parkland Rates

The proposed changes include significant reduction to the current parkland dedication and Cash-in-Lieu (CIL) rates.

Specifically, maximum alternative dedication rates are lowered to 1 hectare per 600 units, from 1 hectare per 300 units for land. And 1 hectare for 1000 units for CIL, down from 1 hectare per 500 units. For high-density development, it is proposed that parkland is capped at 10% of land for smaller sites (up to 5 hectares) and 15% of land for large sites (over 5 hectares). These rates will be kept lower by being frozen at the date a zoning by-law or site plan is filed.

Mississauga has built out almost all of its greenfields and its development is changing to be more intensive. As a result, the City collects much of its CIL from medium and high density developments and uses these funds to acquire parkland (e.g. rather than through conveyance, which is more common in a greenfield context). The City is at a point in its development where significant future parkland will need to be acquired. However, the CIL rates proposed by the Bill are so low they will not allow the City to remain competitive buyers of land.

The full costs associated with this change are difficult to quantify. However on a site by site basis it is significant. For a routine application in Mississauga e.g. a tower of approximately 500 units on a site that is 1 acre, it is expected that subject to Bill 23 the City would collect $1.74M in CIL. This compares to $10.7M in CIL under the City's existing By-law (adopted June 2022).

This proposed Bill 23 rate is also well below the City's former by-law, that is 15 years old and was already unable to keep pace with rising land costs in Mississauga. Under the City's former By-law, it could have collected $5.0M in CIL payments.

Case Study: Typical Development in Mississauga and CIL Rates

Development	Under Past by-law	Under New By-law	Under Proposed Bill 23
18 storey mixed use building containing 427 residential units (no parkland dedication)	427*$11,710/unit = **$5,000,200**	@ 25,112 Full August 2023 CIL Capped Rate 427*$25,112 = **$10,722,800**	**$1,734,300** CIL capped at 10% of land value.

A high-level estimate citywide suggested that under the recently approved by-law CIL revenues were anticipated to be in the order of $1.398B between 2022 and 2041, which was the amount of revenue needed to address parkland needs. With Bill 23, that is expected to be reduced to an approximate range of $284M - $419M falling significantly short of projected needs.

Overall, these impacts are substantial and it is requested that the Province restore former parkland rates. However, if the Province wishes to maintain these lower rates it is requested that the 10% cap on parkland be removed as an urgent priority.

- ***Request that Province restore parkland rates, or at least remove the land value caps placed on rates***

Land Owners to Determine Park Locations

A major concern for City staff is that the proposed changes allow developers to choose where to locate parkland. This will likely result in small sections of undevelopable land being dedicated. City staff strongly urge the Province to roll back this change, but at the very least add requirements that ensure parkland dedications are contiguous, link into the existing parkland network (where applicable) and have public street frontage and visibility.

The proposed change does allow the City to appeal a developer's parkland proposal to the OLT. However, if a developer is already going to the OLT over other issues related to their application, then any leverage the City may have had is lost. Under the proposed Bill, a municipality can also be required to take on parkland it does not want. Currently, the OLT rarely order a municipality take on parkland. It is suggested that this practice be maintained and a municipality should not be forced to manage undesirable lands.

- ***Request that Province roll back ability for land owners to determine park locations, or at least ensure dedications are contiguous, link into the existing parkland network and have public street frontage and visibility***

Privately Owned Publicly Accessible Spaces (POPS)

The proposed changes would allow POPS and encumbered parkland to receive the same credits as a publicly owned unencumbered park. This will make it difficult for the City to secure unencumbered parkland, particularly in its growth areas.

A POPS does not provide the same level of service as a public park. Hours of operation and maintenance of POPS are subject to an easement agreement with the owner, which may be limiting. POPS have limited programming ability and would rarely, if ever, include playground equipment and other needed park amenities. Also, because POPS are encumbered (e.g. have infrastructure underground) they will not support mature trees and are more routinely closed for maintenance.

Moreover, the creation of a POPS places a significant burden on new unit owners/condominium boards. Many new unit owners may not realize the full extent of the financial commitment they are making to manage a POPS. For large developments often more than one condominium board is responsible for managing a POPS, creating frictions and administrative challenges.

Overall, POPS arrangements generate one off value for developers. Both the City and the future residents will be forced to deal with challenges stemming from this arrangement indefinitely. City staff strongly urge the Province to remove this clause, or at least roll it back to some lesser amount to disincentivize a POPS arrangement over a public park.

- ***Request that Province remove 100% credit for POPS, or at least roll it back to a lesser amount to disincentivize developers providing a POPS over a public park***

4) SUPPORT PROPOSALS TO STREAMLINE NEIGHBOURHOOD INFILL AND INTENSIFICATION AROUND STATION AREAS

Neighbourhood Infill

The Province has proposed that three units be allowed on a lot as-of-right and parking rates are set at a maximum of one per dwellings. City staff are already working on permitting increased infill opportunities (e.g. up to 3 units) through the City's *"Increasing Housing Choices in Neighbourhoods"* study and parking rates for infill developments were reduced in line with these recommendations earlier this year. Moreover, Mississauga had already waived development charges for up to three units in its latest DC By-law.

City staff would suggest that the Province carefully consider the many barriers to residential infill in existing neighbourhoods. Specifically, construction costs for even modest residential infill units are expensive and mortgages are difficult to secure. From the City's work, it is estimated

that a one bedroom/ one storey garden suite is $250K, a two storey / two bedroom suite is $425K and a garage conversion to a one bedroom unit is in the order of $92K. A loan program, or way of making capital available to homeowners, could go a long way to more of these opportunities being realized.

The Province could also consider updating the Ontario Building Code (OBC) to require that all single and semi-detached units be constructed in a way that would allow for easy conversion into second suites.

- ***Province could consider some type of incentive program to help capitalize infill projects (e.g. grants or loans) in established neighbourhoods***
- ***Province could update OBC to ensure singles and towns are built in a way that would support retrofitting for second units***

Intensification around Stations

The Province has proposed "as-of-right" zoning in all MTSAs and is requiring zoning by-laws be updated within a year (reduced from three years). City staff will work to ensure these provincial deadlines are met, although would suggest to the Province that 18 months is a more realistic timeline. While updated zoning is important, staff do not expect that updating our zoning by-law will lead to a major increase in development. For twenty years, the City has pre-zoned its Downtown Core for unlimited heights and densities and while development remains steady, it is moderated by constraints around labour, materials, development phasing and other financial considerations.

Site Plan Exemptions and No Architectural and Landscape Details

The Province has proposed that residential development of up to 10 units be exempt from site plan control, except for land lease communities. Staff can work with the exemption however, this change could shift more of the review effort to the building permit stage. Staff are seeking clarification from the Province on whether or not city standards (e.g. storm water management, road requirements and design etc.) can be applied where a new development may be exempt.

Staff are extremely concerned by the removal of architectural and landscape details at site plan. Elimination of this takes away the City's ability to shape the public realm and would undermine the quality of places in our city. It is also proposed to remove consideration of sustainable designs. This will limit the ability for the City to implement the Green Development Standards that contribute to more efficient homes being built in Mississauga that will reduce utility bills and GHG emissions.

- ***Request that Province restore urban design, sustainable design and landscape details at site plan stage***

5) RANGE OF IMPACTS STEMMING FROM MAJOR CHANGES TO PLANNING AND APPEALS PROCESSES, INCLUDING MANY PLANNING POWERS BEING UPLOADED TO PROVINCE

Regional Planning Powers

The Province has proposed to take on many new planning powers, with regional municipalities proposed to be completely removed from the planning process. A key outcome of these changes and this centralization of powers is that the Province could soon be the City's approval authority. Meaning it would be the Province that would sign off on the City's Official Plan and associated amendments rather than the Region of Peel and that the Province could redline and change the plans as they saw fit without consultation.

It is hard to gauge the impact this will have on the process. However, if it does aim to speed things up, the Province will need to build up significant expertise in municipal land use planning otherwise it is likely a bottleneck will occur.

Given the Bill downloads many responsibilities onto the City of Mississauga from the Region of Peel (and later in the report the Conservation Authorities), there could be significant staffing impacts and the need for the City to establish new areas of expertise.

Limiting Third Party Appeals

The Province has proposed to limit third party appeals. City staff consider that limiting third party appeals for developers will significantly speed up the planning processes. Currently, the City's entire Official Plan (OP) can be appealed. In the past these broad OP appeals have taken near a decade to resolve. A similar appeals process can then unfold around site specific appeals. The collective outcome of this is a lack of certainty around the City's planning framework and increased speculation on land. However, this limit on appeals also extends to the community, who may wish to have the opportunity to participate more fully in the planning process.

Awarding Costs

Staff are however, concerned about the proposal for the OLT to more routinely award costs against a loosing party. When coupled Bill 109 that requires a municipality to provide a decision in a very short space of time (or otherwise have to refund fees), a municipality could get caught in a position where it has to refuse an application because some major issue has not been resolved on the site and could later be punished by having costs awarded against them. City staff consider that the OLT's current process where costs are only awarded where there is a genuine attempt to obstruct a matter should continue, and costs should be rarely awarded.

- ***Request that Province maintain existing OLT process where costs are rarely awarded***

Changes to Provincial Plans

The merging of the PPS and Growth Plan has also been proposed, yet limited details have been provided. The Growth Plan sets out the Greater Golden Horseshoe's urban structure (e.g. Urban Growth Centres served by transit etc.), and its growth forecasts are fundamental to good infrastructure planning. While no details are released, it is suggested that at the very least these aspects be maintained. Any changes to this document should occur in consultation with municipalities.

City staff are supportive of adding urban river valleys to the Greenbelt and already protect these lands. It is submitted that only lands be added to the Greenbelt and not subtracted.

- ***Request that Province:***
  - ***Consult municipalities as provincial plans are updated***
  - ***GGH urban structure of Urban Growth Centres and Major Transit Station Areas is maintained***
  - ***Growth forecasts are maintained for infrastructure planning***
  - ***Not change Greenbelt boundaries, aside from adding lands***

6) ELIMINATION AND REDUCTION OF MUNICIPAL TOOLS THAT FURTHER THREATEN AFFORDABLE HOUSING

Inclusionary Zoning (IZ)

Definition, Set-aside Rate Cap, and Affordability Term Cap

Currently housing affordability is defined in terms of annual income spent on housing costs e.g. no more than 30%. The Province is proposing a shift to a market-based definition of affordability that can be set at no lower than 80% of resale prices for IZ ownership units and no more than 80% of average market rent for IZ rental units. While it is unclear which data sources the Province will use to set these "average" rates, it appears that the only segment of the population that could afford an IZ ownership unit are those at the top end of the moderate-income band – that is, households earning $95,000 per year or more[5] - pricing out the vast majority of Mississauga's essential workforce.

The Province has also proposed an IZ set-aside rate cap of 5% of units / residential gross floor area. Mississauga's adopted IZ provisions require a rate ranging from 5% to 10% after an initial phase-in period. The rates are consistent with the results of the provincially mandated market feasibility analysis. City staff do not support the 5% maximum as it will result in a minimum of 40% less affordable units than anticipated by the City's current IZ provisions. City staff request

[5] Based on Toronto Region Real Estate Board (TRREB) data from Q3, 2022.

that the 5% cap be revised to 10% to help increase the supply of affordable units. In addition, with the DC, parkland, and CBC exemptions proposed for all IZ units, the feasibility of development is increased and therefore developments can absorb higher set-aside rates.

The Province is proposing a maximum affordability period of 25 years for IZ units. The City's current IZ provisions require that in condominium projects and IZ rental units are to remain affordable for a minimum of 25 years (plus a 5-year phase out) and IZ ownership units are to remain affordable for a minimum of 99 years. The City is exempting purpose-built rental projects from IZ. The rental affordability term was intentionally set shorter than the ownership affordability term to encourage / incentivize delivery of IZ rental units in condominium projects. Since the developer does not retain ownership of affordable ownership units, development feasibility is not impacted by the affordability term for IZ ownership units. Staff do not support the proposed maximum affordability period because it will cause ownership units to be lost from the IZ inventory sooner than necessary, and the proposed maximum term will have no impact on development feasibility / housing supply.

Overall, the collective impact of these proposed changes undermine the ability of this policy tool to work as intended and deliver affordable housing. The changes also reduce the efficiency of administering the IZ program. Staff urge the Province to reconsider the proposed changes to the IZ regulations, to ensure that IZ can have a meaningful impact in communities.

- ***Request that Province increase IZ set-aside rate cap to 10%***
- ***Request that Province extend the affordability for "ownership" units to 99 years; this will have no impact on developers but will allow for more sustainable affordable housing supply***
- ***Request Province maintain the income-based definition of affordable housing as per the Provincial Policy Statement***

Rental Protection By-law

Rental protection by-laws help to ensure that affordable rental supply continues to remain in areas designated for intensification and to mitigate unintended consequences of growth. Retaining affordable rental housing is critical to supporting our workforce needs and businesses. It is suggested to the Province that the power for municipalities to develop rental protection by-laws be maintained. Additional considerations could be made to tailor rental protection to local markets.

The City of Mississauga has taken a flexible approach to implementing this tool recognizing the need to enable property owners to upgrade and make more efficient use of existing rental properties. For example, the by-law requires that affordable rental units be replaced by same unit types by bedroom, rather than floor areas, at similar, not the same rents. A recent proposal was approved in Mississauga wherein the property owner was able to increase the number of rental units from 8 to 15 units. The approval process is short and typically delegated to staff.

- ***Request that Province maintain the City's ability to protect rental housing stock***

7) SIGNIFICANT IMPACTS ON ONTARIO'S HERITAGE, NATURAL ENVIRONMENT AND ABILITY TO MITIGATE AND ADAPT TO A CHANGING CLIMATE

Heritage

The proposed changes to the *Heritage Act* create a two-year limit to review all properties on the heritage register and designate properties. Only properties currently on heritage registers can be designated. All designated properties and heritage conservation districts are to meet two out of three criteria for designation and there is a new process for repealing designations. Some of these proposed processes are to be established in forthcoming regulations.

These proposed changes to the *Heritage Act* will create a large amount of work for the City's heritage community, including the Heritage Advisory Committee and Heritage Planning staff, with potentially little reward. Rather than the City carefully considering heritage attributes through a development application processes as they arise, the City will be required to go through a process of reviewing and potentially designating 1,000 listed properties (not designated properties) on the City's register.

These efforts will take time, have staffing implications, and potentially create a substantial number of appeals at the OLT. Staff are concerned they could hold up development rather than allow it to move forward more quickly.

- ***Province could reconsider the benefits of heritage review process, as most likely it will slow down development***

Conservation Authorities

Proposed changes to the *Conservation Authority Act* aim to streamline approvals by only permitting the Conservation Authorities (CAs) to focus on natural hazards impacts on people and their property, as opposed to protecting the Natural Heritage System as a whole.
This could allow new developments to be built on lands that should be or were once protected.

Additionally, it is proposed that municipalities would exercise sole approval when a development application is filed, which may include decision making over hazard lands. The City relies

heavily on the CAs for their technical review and analysis for both natural hazards as well as natural heritage. The City has excellent working relationships with Credit Valley Conservation (CVC), Toronto Region Conservation Authority and Conservation Halton. All have an excellent track record of delivering their expert technical advice in a timely manner.

Presently, the City does not have the expertise to take on these expanded responsibilities. The City will need to hire new staff in order to fill the current role of CAs and build up this knowledge base. Again, this will take time and will more likely slow down the process than speed it up.

Request that Province reconsider the benefits of limiting CA's powers to comment on natural heritage, as the City will be solely responsible to review such matters, and in the short term processes will be slowed down as new staff are hired and expertise is established

Natural Heritage System

The proposed changes to the *Conservation Authority Act* move Ontario from a holistic approach to protection of the environmental and social ecological values of a watershed to one focused on the protection of people and property against natural hazards. By framing the issue this way, Ontario could stand to loose the natural functions provided by its natural heritage system (e.g.: filtering air and water, mitigating flooding and erosion, storing carbon, providing habitat for fish and wildlife, and providing a wide range of recreation and tourism opportunities) in exchange for conventional infrastructure.

This change in approach creates a one-off financial benefit for developers. All of whom would have probably purchased newly approved land cheaply, because it would have likely been considered a flood plain with high erosion potential. Yet if this land is developed, these natural hazard burdens will be transferred to unit owners and municipalities.

Negative outcomes could be more pronounced if other measures proposed in this Bill result in the City's natural heritage system being reduced in size and as society at large works to adapt to a changing climate.

Wetlands

Proposed changes to the Ontario Wetland Evaluation System (OWES) alter the way that wetlands are identified and evaluated. The proposed changes would remove the concept of wetland complexes, which will make it more difficult for small wetlands (<2ha in size) to be included and evaluated under the system. Given that wetlands comprise only about 0.9% of the city's land base and many are small and exist in a mosaic of smaller habitats, the identification and protection of small wetlands is essential to maintaining biodiversity and ecosystem function at a local and landscape scale.

The proposed changes to the OWES will also allow for wetland boundaries to be re-defined *after* they have been evaluated and accepted; which could lead to a situation where unauthorized/unpermitted changes to wetlands have led to a reduction in their size or loss over time to facilitate more growth in areas that would have been otherwise protected.

Ecological Offsetting Policy

Furthermore, the Province is consulting on a newly proposed "Ecological Offsetting" policy. Staff are concerned such a policy could result in Mississauga's natural heritage features and functions, that would otherwise be protected in-situ, being proposed for removal and replaced elsewhere, including outside of the city, region and/or watershed.

Staff are concerned that this proposal could lead to a steady reduction in the amount of natural space covered by the City's Natural Heritage System, weakening the entire system, with no mechanism to require that suitable compensation be provided within the city and/or assurances that an equal asset is provided elsewhere.

- ***Request that Province maintain existing wetland protections, the benefits of developing on wetlands do not outweigh the potential environmental outcomes.***
- ***Not adopt a Provincial ecological off-setting policy. Technical ecological advice on offsetting should be provided in local context by the Conservation Authorities and the City, as appropriate.***

Financial Impact

The changes identified in the proposed Bill 23 will have significant financial impact for the City. The full cost and administrative burden cannot be determined without additional details that will be found in the regulations, when these are released. The following analysis is based on currently available details.

Impact on Development Charges

It is estimated that the Bill could cost the City up to $325M over a ten-year period. The potential ten-year DC revenue loss is shown as follows.

	2023 - 2032
Forecasted DC Revenue[1]	$1,135,000,000
Less: Lost DC Revenue[2]	**($325,000,000)**
Net Forecasted DC Revenue	$810,000,000

1. *Forecasted DC Revenue is based on the development forecast contained in the 2022 Development Charges Background Study.*

2. *Lost DC Revenue based on: Mandatory retroactive phase-in, removing land and studies as DC eligible cost, 15-year service level calculation, estimated DC discount on for-profit rental units, and the requirement to update the DC by-law upon its expiry in 2027.*

It should be noted that there will be future financial losses stemming from Bill 23 that cannot be quantified at the time of writing of this report. The City requires full details, including Regulations and Bulletins, to be released by the Province to completely understand the financial impact. Of particular concern is the DC exemption for "Attainable Housing" which is currently only defined as not affordable nor rental units.

Impact on Cash-in-Lieu of Parkland

Based on the proposals that are currently defined by the Province through Bill 23, the potential CIL Parkland revenue loss is shown as follows.

	2023 - 2032
Forecasted CIL Parkland Revenue[1]	$700,000,000
Less: Lost CIL Parkland Revenue[2]	**$490,000,000 to $560,000,000**
Net Forecasted CIL Parkland Revenue	$140,000,000 to $210,000,000

1. *Forecasted CIL Parkland Revenue is based on the 2022 Parkland Conveyance By-law Update Report.*
2. *Lost CIL Parkland Revenue is based on preliminary estimates prepared by Hemson Consulting Ltd. based on available data.*

Some changes to parkland dedication cannot be quantified in dollar values. For example, developers would be able to choose the location of their parkland dedication. This is of particular concern as the City may end up with remnant parcels of land or "slivers" of land that would be unsuitable for park amenities. As well, the City must accept encumbered and privately owned public space (POPS) as parkland dedication.

All of these proposed changes will create significant budget pressures. These discounts will either need to be made up by reducing service levels or increasing property taxes and charges. Transferring the burden from developers to new unit owners and taxpayers, all of which will undermine affordability in Mississauga on the whole.

Conclusion

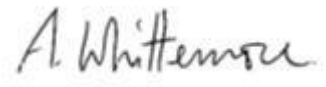
Mississauga has demonstrated a strong commitment to support provincial aims to create more housing, a greater mix of housing and efforts to make home ownership and renting more affordable. The City further supports the government's commitment to reduce red tape and make it easier to live and do business in Ontario. However, staff's assessment is that Bill 23 is overly focused on blanket fee reductions that would apply for market rate developments with no guarantee that savings will be passed on to renters and homebuyers.

A fundamental concern that staff have with the proposed Bill is that it fails to recognize the complexity of getting a development off the ground. Staff are supportive of provincial efforts to streamline processes and ensure zoning is up to date etc., but these measures address one part of the process. Developers are dealing with all manner of costs and constraints – including labour, construction costs, rising interest rates, financing, development phasing and so on. Without addressing these matters, it is unlikely that the Bill will result in the increased level of development that is being anticipated.

With so much on the line – the potential impacts on the natural environment, community infrastructure, parks, transit, affordable housing and the quality of our urban environments – the Province should slow down and reflect on the collective impact of these changes. Taking the time to consult with a broader range of stakeholders in meaningful ways could help achieve a more balanced and strategic plan for housing that meets the needs of Ontarians.

Attachments

Appendix 1: Detailed Comments to Province
Appendix 2: List of All ERO and Related Postings



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Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Katherine Morton, Manager, City Planning Strategies,
Planning Strategies and Data

Appendix 1 – Detailed Comments to Province

Table 1 – Changes to City of Toronto Act, 2006 and Municipal Act, 2001 - Rental Protection

Provincial Comments Period closes on November 24, 2022 (ORR: 22-MMAH017)

Proposed Changes	Potential City Impacts	Comments to the Province
Rental Replacement Minister given the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties.	• Could diminish ability to protect rental housing. The possible outcomes could be anything from reducing the conditions Mississauga can make on the Sec. 99 permit to eliminating Mississauga's ability to regulate rental demolition or conversions at all. • Mississauga currently uses a flexible approach to protect rental supply while still encourage reinvestment in existing rental stock. It does not impact the tenant provisions of the Residential Tenancies Act (RTA).	• Staff are seeking clarification on the extent of Minister's authority. • Staff would support approaches to rental protection that allow landowners to reinvest in the stock while protecting the existing (more affordable) supply. One example of flexibility is how Mississauga regulates the number of bedrooms but not unit sizes (GFAs). Financial offsets, provincial/federal tax credits and other innovative solutions should be explored. • Staff would welcome participation in any working groups before regulations are enacted.

Table 2 – Changes to Conservation Authorities Act, 1990

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6141) and December 30, 2022 (ERO: 019-2927)

Proposed Changes	Potential City Impacts	Comments to the Province
Cannot Comment on Applications Conservation Authorities cannot provide services related to reviewing and commenting on proposals and planning and	• Conservation Authorities act as technical advisors to the municipality on matters of natural heritage protection. Without their expertise, the municipality will have to grow this capacity on its team to address these matters. • Furthermore, an individual municipality lacks the expertise to inform development decisions that may have cross-jurisdictional concerns (e.g. risk of	• Staff suggest the Province reconsider the proposed changes to enable Conservation Authorities to continue providing their essential review services to municipalities. Municipalities currently lack expertise and it would take time to grow these services, potentially leading to approval delays.

Proposed Changes	Potential City Impacts	Comments to the Province
development related applications. Minister can direct Conservation Authorities not to change the fees it charges for a program or service for a specified period of time.	flooding and water quality decisions upstream impact other municipalities downstream). Conservation Authorities can address these concerns through a watershed-based approach, which is important for Mississauga's downstream and lake-fronting location.	• A holistic approach of protecting our natural heritage systems and the public from natural hazards is important for residents, businesses and municipalities to be able to withstand and adapt to more extreme weather events because of climate change.
Removing the Consideration of Control of Pollution and Conservation of Land Removing factors of pollution and conservation of land, and adding a new factor, namely, the control of unstable soil or bedrock when Conservation Authorities are making decisions.	• The removal of *pollution* and *conservation of land* from the oversight of the Conservation Authority would create a large gap in how matters are addressed through the planning process. It could lead to development that may pollute the natural heritage system (including aquatic habitat, watercourses and Lake Ontario), and allow for development inside natural features that would otherwise be protected from incompatible uses. These features form the backbone of Mississauga's natural heritage system (e.g. valleylands) and provide critical ecosystem functions.	• Staff recommend that the Province reconsider further scoping the oversight of the Conservation Authority to exclude pollution and conservation of land in order to retain the robust environmental protections that are required to ensure a healthy and resilient natural heritage system. • A holistic approach of protecting the natural heritage systems and the public from Natural Hazards is critical for residents, businesses and municipalities to be able to withstand and adapt to more extreme weather events due to climate change. • If existing controls are removed flood prone areas are subject to greater levels of development, then the Province could consider an environmental justice and equity lens. For example, homeowners may struggle to obtain appropriate home insurance for flooding or won't be able to afford the costs. Impacts could also be significant for renters.

Proposed Changes	Potential City Impacts	Comments to the Province
Obligations Regarding Land Disposition The disposition of certain land requires the Conservation Authority to provide a notice of the proposed disposition to the Minister (rather than obtaining the Minister's approval). Conservation Authorities to conduct public consultation before disposing of certain lands and the notice of public consultation must include description of the type of land, proposed date of disposition and proposed future use of the lands, if known. The Minister would be allowed to impose terms and conditions on an approval given with respect to a project that involved money granted by the Minister under section 39.	• It is unclear what criteria would be established in order to determine land disposition. Given the reduction in scope of the Conservation Authorities to matters other than flooding and erosion, other areas that are currently owned for conservation purposes that play important ecological roles (i.e. wetlands, significant natural areas, habitat of endangered and threatened species etc.) may be proposed for future housing.	• Conservation Authority lands that are critical to securing ecosystem services should be maintained for conservation. Staff recommend that the Province remove this proposed amendment and prioritize the long term impacts on the environment. • Should the amendment proceed, clear criteria should be developed that exclude lands that support conservation purposes from the disposition process.
Development for Which a Minister's Order is Issued Conservation Authorities required to issue a permission	• The oversight provided by the Conservation Authority permit process provides an important level of protection for critical ecosystem features such as wetlands and watercourses. Depending on the intent of the MZO or Planning Act approval, if	• Staff recommend that the Province reconsider the approach to development in this case to enable greater oversight in natural heritage protection.

Proposed Changes	Potential City Impacts	Comments to the Province
or permit where an order has been made under section 47 of the Planning Act (MZO) also apply to orders made under section 34.1 of the Planning Act (Minister's order at request of municipality).	environmental protection is not at the forefront it could result in the loss of portions of Mississauga's Natural Heritage and associated ecological functions.	

Table 3 – Changes to Development Charges Act, 1997

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6172)

Proposed Changes	Potential City Impacts	Comments to the Province
Mandatory and Retroactive Phase-in of DC Rates for any DC By-law Passed on or After June 1, 2022 Reduction in the maximum DC that could otherwise be charged for the first four years a DC by-law is in force. Any DC imposed during the first, second, third and fourth years that the DC by-law is in force could be no more than 80, 85, 90 and 95 per cent, respectively, of the maximum DC that could have otherwise been charged.	• This would have an immediate detrimental financial impact to the City. Focusing solely on this proposal alone, the revenue loss to the City would be over $56 million over a four-year period. • The lost DC revenue would impact the City in various ways; if the capital project were to go forward in the time frame as planned, there would be property tax increase implications. Should property tax rate increases not be viable, the timing of the delivery of service could be delayed. As a worst case scenario, the lack of DC funding could make a project completely unviable and the City may experience declines in its service levels. • This proposal impacts the City unfairly, given that the City's DC by-law was passed only 21 days after the retroactive date the Province has chosen. It is	• Generally speaking, City staff are supportive of proposals contained in Bill 23 that would affect meaningful change to the overall affordability and supply of housing. City staff are of the view that the retroactive and mandatory phase-in does not achieve the Province's stated goal. • City staff are unclear why the blanket reduction also applies to the non-residential sector. It is unclear how this would help support affordable housing. • **Request to the Province:** • Remove the application of the mandatory retroactive phase-in of DC rates to the non-residential DCs.

Proposed Changes	Potential City Impacts	Comments to the Province
Reductions are applicable to new DC by-laws imposed on or after June 1, 2022.	noted that municipalities that passed their DC by-law one day before the June 1, 2022 date are not impacted by this proposal. As such, the date seems fairly arbitrary.	• Continue to allow municipalities to set their own policies on phasing-in rate increases and not include any mandatory discounts in the DCA. • **Alternative Suggestions:** • Any mandatory phase-in provisions included in the DCA should only apply to DC by-laws passed after Royal Asset of the Bill. • A mandatory phase-in only applies if the proposed DC rate increase is greater than 20%. • The phase-in period be reduced from 4 years to 2 years.
Changes to Eligible DC Costs New regulation authority to prescribe services where land costs will not be an eligible capital costs. Studies would no longer be an eligible capital cost. Removal of Housing from the list of eligible DC services.	• The potential revenue loss stemming from removing land as an eligible cost would be approximately $34 million on an annual basis. • Without land, or the funding to purchase land, the project itself would become unviable or unfunded. • This is an area of significant concern for City staff. • The potential revenue loss stemming from removing studies as an eligible capital cost would be $800,000 on an annual basis. • The Region is the Housing Service Manager and therefore would be impacted if Housing was removed from the list of eligible DC services. The Region's 2020 DC study projected $200M over the next ten years for critical affordable housing initiatives such as the housing master plan. The change to the DC Act puts projects in Mississauga such as East Avenue, Brightwater, and others at risk.	• Land plays an integral part in the delivery of City services to its residents – whether it be the land for a library, community centre or arena, fire station, transit facility or land for the road network. • Again, City staff are concerned that the removal of land as an eligible capital cost is punitive and serves only to reduce the City's revenues. • **Request to the Province:** • Not remove or limit eligibility of "costs to acquire land" for DC collection. • Studies play an integral part on how the City plans for future infrastructure and service delivery to its future residents. Restore studies as an eligible capital cost • Restore Housing as eligible DC service
Discounts for Purpose Built Rental Units	• The potential revenue loss stemming from this change alone would be roughly $850,000 on an annual basis.	• Staff are supportive of these changes as it could provide an incentive to build purpose built rental units, particularly larger units.

Proposed Changes	Potential City Impacts	Comments to the Province
Discounts are as follows: -25% for 3+ bedrooms -20% for 2 bedrooms -15% for bachelor & 1 bedroom	• This proposed discount would be in addition to the statutory deferral of the DCs over a six-year period, stemming from the change to the DC Act that came into effect on January 1, 2020.	• It is suggested the province consider using grants such as the Housing Accelerator Fund to offset lost revenue.
Change to the Historic Service Level Calculation Historical service level for DC eligible capital costs (except transit) extended from 10 to 15 years.	• This particular proposal, again, seems arbitrary and affects each municipality differently • The preliminary high level sensitivity analysis performed by City staff shows an overall neutral effect on the DC rates, with the exception of Fire Services where the City has utilized non-DC funding sources to increase its service levels and this proposal would see a decrease to the Fire DC rates.	• Because this proposal seems fairly arbitrary and seemingly has the desired effect to lower DC rates and overall revenues to municipalities, it is an undesirable change. • However, given the gamut of proposed changes of Bill 23, City staff have an overall neutral position to this particular change.
Cap on the Interest Charged by Municipalities The proposed amendment would cap the interest to prime rate plus 1 percent on rental and prescribed institutional developments. This also applies to the rates frozen at the time of application.	• The City and Region currently have a Council approved policy which levies an interest rate of 5.5%. • Subsequently, Council approved a policy that set the interest rate at 0% for rental housing developments. • By prescribing the maximum interest rate to the prime lending rate would more closely align with borrowing rates should the City need to debt finance growth-related capital projects.	• City staff have a neutral position towards this particular change in the legislation.
Requirement to Spend or Allocate 60% of DC reserve funds Beginning in 2023, municipalities will be required to spend or allocate at least	• The City has plans to utilize the Roads DC reserve fund balance through the City's long-term financial planning and annual budgeting exercises. • Depending on how stringent the Province is on their definition of "allocate", this requirement may make it difficult to plan for larger capital projects,	• City staff have an overall neutral position towards this particular change in the legislation.

Proposed Changes	Potential City Impacts	Comments to the Province
60% of the monies in a reserve fund for priority services (water, waste waster, distribution and treatment of services, and roads).	and the ability to change the capital forecast annually.	
Expiration of DC By-law Changing the DC by-law expiration from 5 to 10 years. DCs can still be updated anytime before the 10 year period.	• This proposal seems fairly arbitrary and seemingly has the desired effect to stagnate the DC rates for a period of ten years.	• Given that it is not a mandated ten year shelf life of the DC by-law, City staff have an overall neutral position towards this particular change in the legislation.
Exemptions from DCs for: • > 1 unit or 1% of existing units in an existing purpose-built rental building • Residential intensification (additional dwelling unit and ancillary units)	• The potential financial impacts would be nominal, given the changes made to the Regulations in 2020 which exempt additional dwelling units that are within or ancillary to a primary unit.	• City staff are general supportive of financial relief to units supporting gentle densification.
Exemptions from DCs for: • Non-profit housing	• Many municipalities provide a grant-in-lieu of fees and charges to true non-profit housing providers. • The potential financial impact would be nominal.	• Staff support fee exemptions (DCs, CBC, Parkland Dedication) for non-profit housing developments.

Proposed Changes	Potential City Impacts	Comments to the Province

Full Exemptions from DCs, CBCs and Parkland Dedication
 	
Full exemptions from DC charges for affordable units; attainable units; and inclusionary zoning units. Affordable housing generally defined as being priced at no greater than 80% of the average resale price or average rent in the year a unit is sold or rented.
 	
Future regulations will give definition for "attainable housing units"
	• The City has already passed a by-law with respect to DC grants for Affordable Rental Housing, but it differs from the proposal in a few ways:
	  ○ The grant would only be available to non-profit rental housing units
	  ○ Only the City's portion of DCs would be eligible for a grant
	  ○ The value of the grant would be determined based on the proposed rents relative to AMR where rents up to 100% AMR would be eligible for up to a 100% grant and rents up to 125% AMR would be eligible for up to a 50% grant
	• The proposed changes are likely to support the creation of more housing units and increase supply, but is unlikely to have a true impact on creating (and preserving) **affordable** housing units.
		• More information is requested to understand how "average resale price" and "average market rent" be set. Will the Province be setting these rates on an annual basis? Will this be done on a municipality-by-municipality basis and by unit type?
		• Additional details regarding the information that will be included in the MMAH bulletin supporting determination of eligibility for exemptions is required to understand implementation and impacts.
		• Further clarification is required for the definition(s) of "attainable housing units" and/or "development designated through regulation" to understand the magnitude and scope of DC fee exemptions.
		• Staff support the requirement to enter into an agreement registered on title, to secure the exemptions. However, it's preferable to see an arrangement where the DCs are paid in full by the developer, then refunded to the purchaser, much like existing programs for first-time homebuyer tax rebates – this would help ensure that the cost savings are in fact passed on to the homebuyer.

Table 4 – Changes to Ontario Heritage Act

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6196)

Proposed Changes	Potential City Impacts	Comments to the Province
Listing of Properties on Municipal Heritage Register New requirements aimed to focus the use of the heritage register listing process with new threshold test (to meet certain prescribed criteria for cultural heritage value or interest) for listing a property.	• Increasing the threshold for designated properties from one to two criteria will have an impact on how Mississauga recognizes the heritage on equity-seeking groups. Many of the structures which play a foundational role in the community lack architectural value and are plain but have a significant importance and story behind them.	• Changing the threshold of designating properties from one to two criteria will limit the City's ability to recognize the heritage of equity seeking groups. • Many equity seeking communities solidified themselves in buildings and locations which hold significant associative value to the community, but little architectural or design value. As such, the heritage of these communities would be undervalued against the heritage of more established and better documented communities. • The Province could consider options and expanding the criteria to directly engage with equity-seeking communities and ensure that heritage is approached in an equitable manner.
Time Limits and De-listing of Properties Requirement to review the heritage register and make decisions whether listed properties will be designated, and if not, the properties will be removed from the register. If a municipality fails to take action in two yeas from the date the property is listed to initiate the designation	• Significant impact to the City's heritage resources by limiting the time a property can be listed on the register. Listing a property on the register gives Mississauga time to consider its heritage value and allow for other means of conserving and interpreting its heritage and history aside from protection through designation.	• This change will limit the City's ability to explore options of interpretation and commemoration outside of the standard designation process, making the heritage process less flexible and potentially cause more challenges to development.

Proposed Changes	Potential City Impacts	Comments to the Province
process, then it will be required to remove the property. If a property is removed from the register as a result of a municipality's non-action, they would be prohibited from listing that property again for a period of five years.		
Freeze on Designation Process The designation process would "freeze" once a prescribed event occurs (e.g. likely to include submission of some or most development applications) Municipalities would not be permitted to issue a notice of intention to designate a property unless the property is already on the register when the current 90 day requirement for applications is triggered.	• The City would not be able to add properties to the heritage register when 'prescribed event' occurs. This places the onus on the City to be pro-active in maintaining the heritage register and anticipating when a property may come up for development.	
Heritage Conservation Districts New proposed process to allow for heritage conservation district plans to be amended or repealed.	• Minimal impact to the City as this is already the process used when establishing and amending Heritage Conservation Districts.	

Proposed Changes	Potential City Impacts	Comments to the Province
Requirement for municipalities to first undertake a study of the area to ascertain the heritage it seeks to protect, establish the district via by-law, adopt a heritage conservation district plan, and the plan would have to explain how the cultural heritage value or interest of the district meets new prescribed criteria.		

Table 5 – Changes to the Ontario Land Tribunal (OLT) Act, 2021

Provincial Comment Period closes on November 25, 2022 (ORR: 22-MAG011)

Proposed Changes	Potential City Impacts	Comments to the Province
Dismissal of Appeals Proposed changes to expand OLT's authority to dismiss proceedings without a hearing on the basis of undue delay or the OLT is of the opinion that a party has failed to comply with an OLT order.	• Generally, improvements to the OLT are welcomed however, the proposed changes will impact public participation and reduce municipalities' ability to serve the public interest.	

Proposed Changes	Potential City Impacts	Comments to the Province
Cost Awards Proposed changes to increase powers for the OLT to order an unsuccessful party to pay a successful party's costs.	• There may be instances where the unsuccessful party is a municipality and will have to pay the awarded costs. This greatly burdens municipalities and existing taxpayers, as well as, widens the gap for financial implications and budgetary shortfalls.	• Staff recommend the OLT maintain an approach where cost awards are rare, and recommend the Province exempt municipalities from having to pay costs if they are the unsuccessful party.
Prioritizing Resolution of certain proceedings Proposed new powers for the Lieutenant Governor to make regulations setting standards with respect to timing of scheduling hearings and making decisions. The Minister can prescribe timelines that would apply specified steps taken by the OLT in specified classes of proceedings.	• Generally, improvements to the OLT are welcomed, however the proposed changes centralize powers that reduce public participation, transparency and accountability.	• Staff recommend having written criteria for prioritizing hearings and making decisions.

Table 6 – Changes to the Planning Act, 1990

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6163, ERO: 019-6172)

Proposed Changes	Potential City Impacts	Comments to the Province
Ministerial Amendment of Official Plan New powers for the Minister to make amendments to an official plan and the power to make amendments based on Minister's opinion that the plan is likely to adversely affect a matter of provincial interest.	• Minister will be the approval authority for Mississauga's OP but it is unclear how it will use this power e.g. (ad hoc in between MCR processes). • Staff are concerned with the uncertainty around timelines and approval of each individual third party initiated Official Plan Amendment (OPA) • This also erodes the public process and reduces opportunities for public input into the Official Plan when these amendments occur.	• Seeking clarification on how new powers will be used and whether the Province will be approval authority for all amendments (e.g. even in instances where there are no conformity issues with provincial legislation)
Third-Party Appeals Proposed changes will limit third party appeals and require that the prospective appellant be a specified person to quality for appeal rights (e.g. limited to public bodies). The proposed limit on third-party appeal rights will be applied retroactively to appeals that have not had a hearing scheduled before October 25, 2022. changes would apply to all Planning Act decisions.	• Limits the rights of general public and participation in the appeals process. • This means that city-initiated OPAs, would be approved by the province and cannot be appealed by the public, including landowners. See S. 17(24). • Based on the transition policies, the OLT appeals received for existing projects could be dismissed unless there are new regulations specifying classes of appeals that may be exempt.	• Staff consider that removing the ability for developers to appeal will significantly speed up and create greater certainty in the planning process. Developers still have an opportunity to apply for an Official Plan Amendment/ rezoning through site-specific development application. • This limit on appeals extends to the community, who may wish to have the opportunity to participate in the appeals process.

Proposed Changes	Potential City Impacts	Comments to the Province
Cap on Community Benefit Charges Contribution Introduction of a new cap on the total amount of a community benefit charge based on only the value of the land proposed for new development. Affordable housing units will be exempt and implemented by discounting the max CBC of 4% of land value by the floor area of the affordable units as a proportion of total building floor area.	• Impacts to revenue and in turn, reduced benefits. • Impacts to community infrastructure and long term planning and implementation of new community services/facilities	• The original 4% proposal by the Province did not provide for a meaningful revenue source to municipalities in the first place. This proposal continues to erode this funding source.
Site Plan Control Exemption Developments of up to 10 residential units will be exempt from site plan control and there are no transition provisions.	Cumulative impacts of site plan exemption to the City include removing the ability to: • Acquire land dedications (e.g. road widenings, sight triangles, greenbelt/hazard lands) and easements (e.g. stormwater/servicing easements • Control access (e.g. access to main corridors), site circulation/design for vehicles and people, • Local improvements (e.g. sidewalks, multi-use trails) and lack of ability to collect cash-in-lieu of sidewalks or have developer build missing portion of sidewalk • Evaluate site servicing/capacity • Stormwater management controls, and potential loss of the proposed measures all together	• Staff are seeking clarification on whether applicants still have to use/comply with City Standards. This is very important for a number of issues, but particularly for municipal servicing, stormwater management requirements/control measures, private road design/naming, etc.

Proposed Changes	Potential City Impacts	Comments to the Province
	• Utility coordination and streetlighting improvement/relocation • SP Agreement to deal with design of required municipal works and/or to include other required conditions or clauses • Identify existing and proposed encroachments on City owned lands/ROWs, and identify need for encroachment, license, consent to enter agreements, etc. • Not being able to identify existing easements or other site restrictions/constraints (these can impact setback distances to proposed buildings, proposed building footprint location can be impacted) • Fencing and acoustic requirements • Limiting the application of green development standards is likely to result in inefficient homes being built – leading to increases in greenhouse gas emissions and high utility costs for residents. • This exemption will impact the City's ability to manage smaller, sensitive infill redevelopment projects. It will result in the elimination of the Replacement Housing (Infill) Site Plan process in Wards 1, 2, 5 and 7. • This exemption would leave the City's Natural Heritage System vulnerable to removal and non-mitigated impacts. Loss of ability to provide technical advice on appropriate mitigation, restoration and compensation related to the Natural Heritage System (NHS).	• This exemption could reduce the size and quality of the City's natural heritage features which provide essential ecosystem services.

Proposed Changes	Potential City Impacts	Comments to the Province
New Exclusions from Site Plan Control Matters of exterior design, landscape architecture, streetscape and sustainable design will be removed from site plan control (however, exterior access to building with affordable housing will still be reviewed).	Exterior Design • Removes ability to ensure durable materials and sustainable features are used, which leads to lower quality built form and long term maintenance issues. Landscape Architecture / Sustainable Design • Removes ability to ensure compatibility with surrounding properties • Removes ability to ensure linkages to surrounding infrastructure such as pedestrian access to transit • Removes ability to incorporate sustainable design features such as low impact design, stormwater management, planting and appropriate green features and Green Development Standards • Removes ability to incorporate resolving stormwater impact adapting to climate change Streetscape • Removes municipal ability to obtain sidewalks, street trees and appropriate urban infrastructure required to create and sustain walkable, transit-oriented communities • Removes an opportunity to coordinate utilities with city engineering requirements which will have financial impacts on cities: capital projects may be required to address to complete the public realm resulting from increased development activity	• Staff recommend that that these matters should be retained in site plan control in order to achieve walkable, liveable and desirable communities. • Seeking clarification on whether these matters are removed from site plan control for commercial, industrial and institutional uses. • Limiting the application of Green Development Standards could result in inefficient homes being built – leading to increases in greenhouse gas emissions and higher utility costs for residents.
Removal of Upper Tier Responsibilities and Approval Proposed changes will remove all upper tier municipalities	• The Region's Official Plan will no longer exist. This will be a loss of regional planning expertise on cross-jurisdictional matters, such as, health of natural systems that Mississauga is part of.	• Seeking clarification on the extent of the Province's decision making (e.g. whether the Province will approve every individual amendment).

Proposed Changes	Potential City Impacts	Comments to the Province
from the review and approval process for lower tier official plans, amendments and plans of subdivision. The Minister will become the new approval authority for all lower tier official plans and amendments. The Minister's decisions cannot be appealed.	• Relevant parts of The Region's Official Plan will be deemed to be part of Mississauga's Official Plan. Staff and Council will have to make decisions regarding what parts of the Region's recently approved OP must be integrated directly into Mississauga's OP, what needs to be revised, how to eliminate redundancies and any conflicts and what parts to rescind. This will require significant time and resources. It is out of scope of the current Official Plan Review (OPR) process. • As approval authority for the City's new Official Plan, the Province will be able to directly modify Council-approved Official Plan policies. Additionally, the Minister will now be able to modify any Official Plan policy at any time when the Minister considers it to be likely to adversely affect a matter of provincial interest. This appears to be similar to MZOs, but for Official Plan policy instead of zoning by-laws. • Employment Conversion authority will be brought back to the City. • The Region's OP has extensive environmental policy and mapping which will become the City's responsibility to administer and update as it pertains to Mississauga. Consequently, additional staff expertise and resources may be required. • Some of Region's map schedules will have to be integrated into the City's new OP. • City will now be responsible to make decisions on Smart Centre requested Employment Land conversions and the Heartland land use study.	• Seeking clarification on the transition, process and timeline to integrate and repeal Regional OP policies into Mississauga's OP. • Clarification on conformity requirements, as there will not be an upper tier official plan (e.g. lower tier has one year to conform with upper tier plan). • Seeking clarification on matters pertaining to conflicts between the Region's OP and Mississauga's OP amidst the local OP and OPAs getting approved e.g. which policies will prevail. • If lower tier municipalities will be responsible for employment and population forecasting, while the Region will be the infrastructure provider, what will be the roles and relationship between the upper and lower tier municipalities?

Proposed Changes	Potential City Impacts	Comments to the Province
	• City will need to determine how much of the Official Plan Review (OPR) should progress in light of Bill 23 (including elimination of Regional planning authority), which could still change and has an undetermined in-force date. It is likely prudent to delay the OPR Policy Bundle 3 release to address the Bill 23 changes and pending changes to the Provincial Policy Statement and Growth Plan that the Province has indicated is coming. It appears that the 1 year time requirement for the City to update its Official Plan to conform to the Region's Official Plan no longer applies, as the Region's Official Plan will no longer exist but will be deemed to form part of Mississauga's Official Plan, where applicable.	
Increased Gentle Intensification Proposed as of right permissions will allow up to three residential units permitted on the lot of a detached house, semi-detached house and rowhouses, with no minimum unit size. New units will be exempt from DC, Community Benefit Charge and parkland requirements.	• The City's Official Plan (as well as Official Plan Review draft policies) and Zoning by-laws will have to be revised to address this. • This proposed change is in alignment with preliminary direction in Mississauga's *Increasing Housing Choices in Neighbouroods* Study (IHCN) and the Official Plan Review (OPR). • Currently, the City's Zoning By-law requires 1.25 spaces per unit in a duplex or triplex. This will need to be revised. As per design work from the consultants on the IHCN project, staff are considering a maximum of 0.66 spaces/unit in a triplex (this would permit a two-car driveway and triplex building that fits within the existing footprint of a single-detached house and driveway).	• Staff are seeking clarification on implementation, including the application of zoning standards (e.g. can zoning provisions have the effect of limiting the zones/sites where 3 units on a lot are feasible?) and parking requirements. • Seeking clarification on time requirements for implementation.

Proposed Changes	Potential City Impacts	Comments to the Province
	• As part of Mississauga's recently approved Parking Regulations Study, an extra parking space is not required for a second unit. • Consistent with this proposed change, the recently approved Parkland Conveyance By-law includes an exemption for up to two additional residential units (ARUs). The City's By-law provides a clear definition for ARUs. • There is no language on timing requirements. This would mean the current 3 year zoning conformity requirement would apply once the OP is revised to conform to these new requirements, but it is unclear.	
Appeals of Zoning By-laws for Protected MTSAs and Reduced Timeframe for Conformity Municipalities with official plan policies for Protected MTSAs have no more than one year to amend all the zoning-by laws to conform with provincial policies and plans. Zoning within Protected MTSAs can be appealed and amended if the updated zoning is passed more than one year after the official plan policies come into effect.	• Significant timing impact to Zoning Services work program, given requirement to amend zoning for PMTSAs within 1 year of OP policies being in place, instead of 3 years prior to Bill 23. • The proposed wording makes it unclear as to when the 1 year requirement begins (i.e. the in-effect date of the Region's new OP or the in-effect date of Bill 23). • Scope of required zoning changes is unclear, including how to incorporate minimum densities (i.e. whether use of minimum building floor space index will satisfy legislative requirements). • It appears that a member of the public cannot appeal the initial bylaw itself (only public bodies and utilities have this right), but an applicant (e.g. a developer) would have the ability to submit a zoning bylaw amendment application to amend the MTSA zoning bylaw once it is in place if the 1	• Seeking clarification on when the 1 year requirement begins. • It is likely that the City will have to update its ZBL and then re-update it after the new OP is approved. This diverts planning resources and creates inefficiencies in the process. • Pending significant changes to the Provincial Policy Statement and the Growth Plan that have been announced by the Province will add to process inefficiencies, as some of this zoning conformity work may have to be redone after release of these revised documents. • Consequently, it is recommended that a minimum of 18 months is given for zoning implementation.

Proposed Changes	Potential City Impacts	Comments to the Province
	year timeline is not achieved. The benefits of having Protected MTSAs, including having maximum building height certainty in most of our Strategic Growth Areas will be lost if the City is not able to achieve the 1 year timeline for zoning conformity. • The new Regional OP was approved by the Province on Nov 4, 2022 and includes MTSA policies. It is unclear how any conflicts between the two official plan documents will be dealt with.	
Changes to Parkland Dedication Requirements Proposed changes reduce the amount of parkland for a development where the maximum amount of land that can be conveyed or paid in lieu is capped at 10% of the land for sites under 5 ha and at 15% for sites greater than 5 ha. The maximum alternative dedicate rate will be reduced to 1 ha/600 units for parkland and 1 ha/1000 units for cash in lieu. Parkland rates will be frozen as of the date that a zoning-by law or site plan application is	• The proposed reductions in the amount of parkland/ CIL that can be required of new development significantly impacts the City's ability to achieve parkland goals set out in the Parks Plan. Parkland requirements included in the recently approved Parkland Conveyance By-law accounted for the amount of parkland needed to 2041 to support new growth and ensure the provision of complete communities. • The proposed new legislation would have the effect of reducing CIL revenues by approximately 70% - 80% thereby significantly impacting the City's ability to provide the amount of parkland needed in Mississauga neighbourhoods. The result would be less new parkland where it is needed and increased pressure on the existing parkland supply.	• The proposed changes could result in lower standards for parkland provision and less access to parkland. The proposed caps in Bill 23 would undermine the principle that growth pays for growth. Funding shortfalls will be transferred onto the tax base reducing overall affordability in the city. • The City is requesting that the Province restore the former rates, or that it remove the funding cap.

Proposed Changes	Potential City Impacts	Comments to the Province
filed. The freeze is effective for two years after approval. If two years have passed since the contribution amount was calculated, then the value will be calculated based on the rate on the day of the first building permit.		
Parkland Dedication Exceptions Proposed changes will exempt two additional residential units on a lot and non-profit housing from parkland dedication requirements.	• The recently approved Parkland Conveyance By-law includes an exemption for up to two additional residential units (ARUs). • The recently approved Parkland Conveyance By-law includes an exemption for any development or redevelopment undertaken by the Region of Peel, which could include some non-profit housing. The proposed new legislation proposes exemptions for affordable housing, IZ units, non-profit housing and attainable housing, which is beyond the by-law exemptions. The impact to the City is a decreased ability to provide parkland, as part of a complete community, to support these types of developments.	• Staff support fee exemptions (DCs, CBC, Parkland Dedication) for additional residential units as it encourages additional density in existing residential neighbourhoods to make better use of existing infrastructure and services.
Requirement for a Parks Plan The proposed change will require a municipality to prepare and make available a parks plan before passing of a parkland dedication by-law.	• The 2022 Parks Plan was approved by Council earlier this year. It is unclear if the proposed new legislation will require a new Parks Plan every time a Parkland Conveyance By-law is passed or an update to the existing Parks Plan.	• Seek clarification on the need for a new Parks Plan.

Proposed Changes	Potential City Impacts	Comments to the Province
Landowners can Select Portion of Lands for Parkland Developers can identify the land they intend to convey to the municipality for parkland. If agreement can't be reached the municipality or the land owner can appeal it to the OLT. If OLT determines the land meets certain criteria, the municipality may be required to credit it towards the parkland contribution. Furthermore, the new changes allow landowners to dedicate encumbered parkland (strata parks) and privately owned publicly accessible spaces (POPS) for eligible parkland credits.	• This proposed change that allows developers to identify the lands they intend to convey could result in dedication of small sections of undevelopable lands or parcels that are unsuitable for functional parkland. • The proposed change that requires full parkland credit for encumbered parkland (strata and POPS for example), will result in less unencumbered parkland in growth areas. Encumbered parkland does not provide the same level of park service as a publicly owned and operated park. POPS have limited park programming ability, are subject to maintenance and operational restrictions and will not support mature trees. The financial burden for maintenance and capital investments for POPS would be that of the private landowner. Credits for POPS are financially beneficial to the developer but could cause financial hardship for the future private landowner/s, particularly in the case of residential buildings that would be responsible for maintaining these spaces.	• Request that Province roll back ability for landowners to determine park locations, or at least ensure dedications are contiguous, link into the existing parkland network and have public street frontage and visibility. • Request that Province remove 100% credit for encumbered lands or POPS, or at least roll it back to some lesser amount to disincentivize developers providing encumbered parkland or POPS over a public park.
Requirement for Minimum Spending of Parkland Monies New requirement for municipalities to spend or allocate at least 60% of the monies in their parkland reserve account at the beginning of each year.	• The City already allocates CIL funds through the CIL Continuity 10 Year Plan forecast.	• Seeking more information from the Province regarding the meaning of "allocation" to determine if there are any impacts.

Proposed Changes	Potential City Impacts	Comments to the Province
Public Meeting for Subdivision Applications The proposed change will completely remove the public meeting from subdivision applications.	• This reduces the public's ability to participate in the subdivision process • Additionally, minor variances and consents are no longer appealable by residents, which is a significant change.	

Table 7 – Review of A Place to Grow (Growth Plan) and Provincial Policy Statement (PPS)

Provincial Comment Period closes on December 30, 2022 (ERO: 019-6177)

Proposed Changes	Potential City Impacts	Comments to the Province
Merging the Growth Plan and PPS Consultation process on merging the Growth Plan and the PPS.	• Few details have been provided to date on how the Growth Plan and PPS would change.	• Staff are requesting that the Province consult with municipalities on changes to these documents. • Staff suggest that Regional Urban Structure (e.g. UGCs and MTSAs) and growth forecasts to help plan for regional infrastructure be maintained.

Table 8 – Municipal Housing Targets to 2031

Proposed Changes	Potential City Impacts	Comments to the Province
New Housing Targets for Municipalities The Province has assigned Mississauga a new housing target of 120,000 units by 2031. Targets are based on current population and growth trends.	• In 2021, Mississauga issued building permits for 5,500 new units. So far, 2022 is a record year, but the City has still only issued building permits for 6,100 new units. • If Mississauga is to meet the Provincial housing target, it must double its current levels of development. The City has been planning for growth well beyond its Regional allocation of 100,000 units so no city planning policy changes are needed to reach the provincial pledge.	• Staff suggest these targets may be hard to reach given constrains on the development industry (e.g. market conditions, high interest rates and labour and construction costs that influence viability and timing of development projects).

Table 9 – Changes to Ontario Regulation 232/18 – Inclusionary Zoning

Provincial Comment Period closes on December 9, 2022 (ERO: 019-6173)

Proposed Changes	Potential City Impacts	Comments to the Province
New definition of "Affordable" for Inclusionary Zoning (IZ) Units Province is proposing that the lowest price/rent that a municipality can require a developer to sell / rent IZ units at is 80% of the average resale purchase price of ownership units or 80% of the average	• This change would require amendments to Mississauga's policies/IZ By-law and would raise questions about the fundamental utility of the IZ tool to increase housing supply that is affordable for Mississauga's moderate income households. The proposed definition for ownership IZ units would mean that IZ units are effectively unaffordable to the vast majority of Mississauga's moderate income households.	• Suggest the use PPS definition for housing affordability, which is based on annual income spent on housing costs. If it is decided to move to a market-based approach, affordable ownership units should be priced at 70% or less of resale price. • Requesting that the Province maintain the income-based definition of "affordable housing" for IZ units.

Proposed Changes	Potential City Impacts	Comments to the Province
market rent (AMR) for rental units.		• Requesting clarification on methodology (e.g. will it be a rate by unit type or one rate regardless of type? What is the source of the resale data?)
Caps on IZ Set-Aside Rate Proposed change will set an upper limit to the set-aside rate, which would be 5% of total number of units or 5% of total residential gross floor area.	• Impacts to the City's Official Plan and Zoning-bylaw set-aside rate provisions. • Mississauga's IZ policies require a rate ranging from 5% to 10% residential area, after an initial phase-in. • Recent Provincial legislation changes already limited the geographic scope of IZ to protected MTSAs, directly impacting IZ unit yield. • Raises question of administrative efficiency of IZ for both the City and Region, given the small IZ unit yield that may result.	• City staff do not support the 5% maximum as it will result in approximately 40% less affordable units than anticipated by the City's current IZ provisions. The proposed changes reduce the efficiency of administering the IZ program. • One-size-fits-all approach does not recognize that certain sub-markets in Ontario can absorb a higher rate, especially given significant public investment to transit and infrastructure. • The 5% maximum calls into question the necessity of current requirements to perform periodic IZ market analyses / policy updates. • Request that Province increase the set aside rate cap to 10% to help increase the supply of affordable units. • Request that Province consider cash-in-lieu for scenarios where the IZ unit yield is small in smaller projects, to reduce administrative burden to developers and municipalities.

Proposed Changes	Potential City Impacts	Comments to the Province
Cap on Affordability Term Proposed maximum affordability period of 25 years for IZ units.	• Impacts City's Official Plan and zoning provisions for IZ. • Raises question of merit of IZ program given short affordability term. • Mississauga's adopted policy and zoning provisions establish a 99-year affordability term for ownership units and a 25-year affordability term (plus 5-year phase-out) for rental units. The rental affordability term was intentionally set shorter than the ownership term to encourage delivery of rental units in condominium developments. The City exempts purpose-built rental projects from IZ.	• Staff do not support the proposed maximum affordability period because it will cause ownership units to be lost from the IZ inventory sooner than necessary, and the proposed maximum term will have no impact on development feasibility / housing supply. • Request that Province extend the affordability for "ownership" units to 99 years; this will have no impact on developers but will allow for more sustainable affordable housing supply.

Table 10 – Proposed Amendments to the Greenbelt Plan and Greenbelt Area Boundary Regulation

Provincial Comment Period closes on December 4, 2022 (ERO: 019-6216 and ERO: 019-6217)

Proposed Changes	Potential City Impacts	Comments to the Province
Changes to the Greenbelt Plan and Area Boundary	• Removing land from the Greenbelt could have environmental consequences both inside and outside of Mississauga. • Environment impacts could be compounded by a reduced role of Conservation Authorities.	• There are no guarantees that removing some lands from the Greenbelt while adding others will have equal environmental value and ecological function. • City staff are supportive of adding urban river valleys to the Greenbelt and already protect these lands. • It is submitted that only lands be added to the Greenbelt and staff are not supportive of removing lands.

Table 11 – Proposed Updates to the Ontario Wetlands Evolution System

Provincial Comment Period closes on November 24, 2022 (ERO: 019-6160)

Proposed Changes	Potential City Impacts	Comments to the Province
Removing the Concept of Wetland Complexes The proposed changes would remove the concept of wetland complexes and weaken the evaluation process. The changes will allow for wetland boundaries to be re-defined after they have been evaluated and accepted.	• It will be more difficult for smaller wetlands (<2 ha in size) to be included and evaluated under the system. • Given that wetlands comprise only about 0.9% of the city's land base and many are small and exist in a mosaic of smaller habitats, the identification and protection of small wetlands will be impacted - they are essential to maintaining biodiversity and ecosystem function at a local and landscape scale. • Given that boundary changes will be allowed after a wetland has been accepted, this could lead to a situation where unauthorized and unpermitted changes to wetlands lead to a reduction in their size or loss over time to facilitate growth in areas that would have been otherwise protected.	• The Province should maintain existing wetland protections. The benefits of developing on wetlands do not outweigh the potential environmental outcomes.

Appendix 2: List of All ERO and Related Postings

Postings to the Environmental Registry of Ontario (ERO)

	Name of Posting	Link and ERO #	Comment Deadline
	Information Bulletins		
1	Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023	019-6162	*n/a*
2	2031 Municipal Housing Targets	019-6171	*n/a*
	Legislation (Act)		
3	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 – the proposed More Homes Built Faster Act, 2022)	019-6163	November 24, 2022
4	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges	019-6172	November 24, 2022
5	Supporting Growth and Housing in York and Durham Regions Act, 2022	019-6192	November 24, 2022
6	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022	019-6196	November 24, 2022
	Regulation		
7	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario	019-2927	December 30, 2022
8	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0	019-6141	November 24, 2022
9	Proposed Amendment to O. Reg. 232/18: Inclusionary Zoning	019-6173	December 9, 2022
10	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units	019-6197	December 9, 2022
11	Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario's Building Code	019-6211	December 9, 2022
12	Proposed Amendments to the Greenbelt Area Boundary Regulation O. Reg. 59/05	019-6217	December 4, 2022
13	Proposed redesignation of land under the Oak Ridges Moraine Conservation Plan O. Reg. 140/02	019-6218	December 4, 2022
	Policy		

14	Proposed Updates to the Ontario Wetland Evaluation System	019-6160	November 24, 2022
15	Conserving Ontario's Natural Heritage	019-6161	December 30, 2022
16	Proposed Revocation of the Parkway Belt West Plan	019-6167	December 30, 2022
17	Proposed Revocation of the Central Pickering Development Plan	019-6174	November 24, 2022
18	Review of A Place to Grow and Provincial Policy Statement	019-6177	December 30, 2022
19	Proposed Amendments to the Greenbelt Plan	019-6216	December 4, 2022

Postings to Ontario's Regulatory Registry (ORR)

	Name of Posting	Link and Proposal #	Comment Deadline
	Proposal		
1	Seeking Input on Rent-to-Own Arrangements	22-MMAH018	December 9, 2022
	Act		
2	Seeking Feedback on Municipal Rental Replacement By-Laws	22-MMAH017	November 24, 2022
3	Proposed Amendments to the Ontario Land Tribunal Act, 2021	22-MAG011	November 25, 2022
4	Amendments to the New Home Construction Licensing Act, 2017 to Protect Purchasers of New Homes	22-MGCS021	November 24, 2022
5	Proposed legislative amendments to the Ontario Underground Infrastructure Notification System Act, 2012 under the More Homes Built Faster Act, 2022	22-MGCS022	November 25, 2022
	Regulation - Minister		
6	Proposed Building Code Changes to Support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023 (Phase 3 - Fall 2022 Consultation for the Next Edition of Ontario's Building Code)	22-MMAH016	December 9, 2022
7	General Proposed Changes for the Next Edition of Ontario's Building Code (Phase 2 – Fall 2022 Consultation)	22-MMAH019	December 9, 2022

Background and Other Provincial Updates

	Description	Link
1	Community Infrastructure and Housing Accelerator – Final Guideline	Guideline
2	More Homes Built Faster Act, 2022 - Backgrounder	Backgrounder
3	More Homes Built Faster Action Plan	Action Plan
4	Bill 23, More Homes Built Faster Act, 2022	Bill 23