

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
<p>Rental Replacement</p> <p>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.</p>	<ul style="list-style-type: none"> • 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). 	<ul style="list-style-type: none"> • 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
<p>Cannot Comment on Applications</p> <p>Conservation Authorities cannot provide services related to reviewing and commenting on proposals and planning and</p>	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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
<p>development related applications.</p> <p>Minister can direct Conservation Authorities not to change the fees it charges for a program or service for a specified period of time.</p>	<p>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.</p>	<ul style="list-style-type: none"> • 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.
<p>Removing the Consideration of Control of Pollution and Conservation of Land</p> <p>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.</p>	<ul style="list-style-type: none"> • The removal of <i>pollution and conservation of land</i> 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. 	<ul style="list-style-type: none"> • 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
<p>Obligations Regarding Land Disposition</p> <p>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).</p> <p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
<p>Development for Which a Minister’s Order is Issued</p> <p>Conservation Authorities required to issue a permission</p>	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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
<p>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).</p>	<p>environmental protection is not at the forefront it could result in the loss of portions of Mississauga's Natural Heritage and associated ecological functions.</p>	

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
<p>Mandatory and Retroactive Phase-in of DC Rates for any DC By-law Passed on or After June 1, 2022</p> <p>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.</p>	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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
<p>Reductions are applicable to new DC by-laws imposed on or after June 1, 2022.</p>	<p>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.</p>	<ul style="list-style-type: none"> • 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 Assent 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.
<p>Changes to Eligible DC Costs</p> <p>New regulation authority to prescribe services where land costs will not be an eligible capital costs.</p> <p>Studies would no longer be an eligible capital cost.</p> <p>Removal of Housing from the list of eligible DC services.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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
<p>Discounts for Purpose Built Rental Units</p>	<ul style="list-style-type: none"> • The potential revenue loss stemming from this change alone would be roughly \$850,000 on an annual basis. 	<ul style="list-style-type: none"> • 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
<p>Discounts are as follows: -25% for 3+ bedrooms -20% for 2 bedrooms -15% for bachelor & 1 bedroom</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> It is suggested the province consider using grants such as the Housing Accelerator Fund to offset lost revenue.
<p>Change to the Historic Service Level Calculation</p> <p>Historical service level for DC eligible capital costs (except transit) extended from 10 to 15 years.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
<p>Cap on the Interest Charged by Municipalities</p> <p>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.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> City staff have a neutral position towards this particular change in the legislation.
<p>Requirement to Spend or Allocate 60% of DC reserve funds</p> <p>Beginning in 2023, municipalities will be required to spend or allocate at least</p>	<ul style="list-style-type: none"> 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, 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> This proposal seems fairly arbitrary and seemingly has the desired effect to stagnate the DC rates for a period of ten years. 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> > 1 unit or 1% of existing units in an existing purpose-built rental building Residential intensification (additional dwelling unit and ancillary units) 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> City staff are general supportive of financial relief to units supporting gentle densification.
Exemptions from DCs for: <ul style="list-style-type: none"> Non-profit housing 	<ul style="list-style-type: none"> Many municipalities provide a grant-in-lieu of fees and charges to true non-profit housing providers. The potential financial impact would be nominal. 	<ul style="list-style-type: none"> Staff support fee exemptions (DCs, CBC, Parkland Dedication) for non-profit housing developments.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Full Exemptions from DCs, CBCs and Parkland Dedication</p> <p>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.</p> <p>Future regulations will give definition for “attainable housing units”</p>	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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. 	<ul style="list-style-type: none"> • 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
<p>Listing of Properties on Municipal Heritage Register</p> <p>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.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
<p>Time Limits and De-listing of Properties</p> <p>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.</p> <p>If a municipality fails to take action in two years from the date the property is listed to initiate the designation</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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
<p>process, then it will be required to remove the property.</p> <p>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.</p>		
<p>Freeze on Designation Process</p> <p>The designation process would "freeze" once a prescribed event occurs (e.g. likely to include submission of some or most development applications)</p> <p>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.</p>	<ul style="list-style-type: none"> 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 proactive in maintaining the heritage register and anticipating when a property may come up for development. 	
<p>Heritage Conservation Districts</p> <p>New proposed process to allow for heritage conservation district plans to be amended or repealed.</p>	<ul style="list-style-type: none"> 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
<p>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.</p>		

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
<p>Dismissal of Appeals</p> <p>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.</p>	<ul style="list-style-type: none"> • 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
<p>Cost Awards</p> <p>Proposed changes to increase powers for the OLT to order an unsuccessful party to pay a successful party's costs.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
<p>Prioritizing Resolution of certain proceedings</p> <p>Proposed new powers for the Lieutenant Governor to make regulations setting standards with respect to timing of scheduling hearings and making decisions.</p> <p>The Minister can prescribe timelines that would apply specified steps taken by the OLT in specified classes of proceedings.</p>	<ul style="list-style-type: none"> Generally, improvements to the OLT are welcomed, however the proposed changes centralize powers that reduce public participation, transparency and accountability. 	<ul style="list-style-type: none"> 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
<p>Ministerial Amendment of Official Plan</p> <p>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.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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)
<p>Third-Party Appeals</p> <p>Proposed changes will limit third party appeals and require that the prospective appellant be a specified person to qualify for appeal rights (e.g. limited to public bodies).</p> <p>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.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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
<p>Cap on Community Benefit Charges Contribution</p> <p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> • Impacts to revenue and in turn, reduced benefits. • Impacts to community infrastructure and long term planning and implementation of new community services/facilities 	<ul style="list-style-type: none"> • 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.
<p>Site Plan Control Exemption</p> <p>Developments of up to 10 residential units will be exempt from site plan control and there are no transition provisions.</p>	<p>Cumulative impacts of site plan exemption to the City include removing the ability to:</p> <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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). 	<ul style="list-style-type: none"> • 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
<p>New Exclusions from Site Plan Control</p> <p>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).</p>	<p>Exterior Design</p> <ul style="list-style-type: none"> Removes ability to ensure durable materials and sustainable features are used, which leads to lower quality built form and long term maintenance issues. <p>Landscape Architecture / Sustainable Design</p> <ul style="list-style-type: none"> 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 <p>Streetscape</p> <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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.
<p>Removal of Upper Tier Responsibilities and Approval</p> <p>Proposed changes will remove all upper tier municipalities</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Seeking clarification on the extent of the Province's decision making (e.g. whether the Province will approve every individual amendment).

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<p>from the review and approval process for lower tier official plans, amendments and plans of subdivision.</p> <p>The Minister will become the new approval authority for all lower tier official plans and amendments. The Minister’s decisions cannot be appealed.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> 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. 	
<p>Increased Gentle Intensification</p> <p>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.</p> <p>New units will be exempt from DC, Community Benefit Charge and parkland requirements.</p>	<ul style="list-style-type: none"> 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 <i>Increasing Housing Choices in Neighbourhoods Study</i> (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). 	<ul style="list-style-type: none"> 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
	<ul style="list-style-type: none"> • 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. 	
<p>Appeals of Zoning By-laws for Protected MTSA’s and Reduced Timeframe for Conformity</p> <p>Municipalities with official plan policies for Protected MTSA’s have no more than one year to amend all the zoning-by laws to conform with provincial policies and plans.</p> <p>Zoning within Protected MTSA’s can be appealed and amended if the updated zoning is passed more than one year after the official plan policies come into effect.</p>	<ul style="list-style-type: none"> • Significant timing impact to Zoning Services work program, given requirement to amend zoning for PMTSA’s 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 	<ul style="list-style-type: none"> • 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
	<p>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.</p> <ul style="list-style-type: none"> 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. 	
<p>Changes to Parkland Dedication Requirements</p> <p>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.</p> <p>The maximum alternative dedicate rate will be reduced to 1 ha/600 units for parkland and 1 ha/1000 units for cash in lieu.</p> <p>Parkland rates will be frozen as of the date that a zoning-by law or site plan application is</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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
<p>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.</p>		
<p>Parkland Dedication Exceptions</p> <p>Proposed changes will exempt two additional residential units on a lot and non-profit housing from parkland dedication requirements.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.
<p>Requirement for a Parks Plan</p> <p>The proposed change will require a municipality to prepare and make available a parks plan before passing of a parkland dedication by-law.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Seek clarification on the need for a new Parks Plan.

Proposed Changes	Potential City Impacts	Comments to the Province
<p>Landowners can Select Portion of Lands for Parkland</p> <p>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.</p> <p>Furthermore, the new changes allow landowners to dedicate encumbered parkland (strata parks) and privately owned publicly accessible spaces (POPS) for eligible parkland credits.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.
<p>Requirement for Minimum Spending of Parkland Monies</p> <p>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.</p>	<ul style="list-style-type: none"> • The City already allocates CIL funds through the CIL Continuity 10 Year Plan forecast. 	<ul style="list-style-type: none"> • 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
<p>Public Meeting for Subdivision Applications</p> <p>The proposed change will completely remove the public meeting from subdivision applications.</p>	<ul style="list-style-type: none"> • 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
<p>Merging the Growth Plan and PPS</p> <p>Consultation process on merging the Growth Plan and the PPS.</p>	<ul style="list-style-type: none"> • Few details have been provided to date on how the Growth Plan and PPS would change. 	<ul style="list-style-type: none"> • 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
<p>New Housing Targets for Municipalities</p> <p>The Province has assigned Mississauga a new housing target of 120,000 units by 2031. Targets are based on current population and growth trends.</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Staff suggest these targets may be hard to reach given constraints 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
<p>New definition of “Affordable” for Inclusionary Zoning (IZ) Units</p> <p>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</p>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.		<ul style="list-style-type: none"> 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?)
<p>Caps on IZ Set-Aside Rate</p> <p>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.</p>	<ul style="list-style-type: none"> Impacts to the City's Official Plan and Zoning-by-law 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. 	<ul style="list-style-type: none"> 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
<p>Cap on Affordability Term</p> <p>Proposed maximum affordability period of 25 years for IZ units.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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
<p>Changes to the Greenbelt Plan and Area Boundary</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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
<p>Removing the Concept of Wetland Complexes</p> <p>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.</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • The Province should maintain existing wetland protections. The benefits of developing on wetlands do not outweigh the potential environmental outcomes.