

BILL 23: THE MORE HOMES BUILT FASTER ACT, 2022, AND THE PROPOSED AMENDMENTS TO THE GREENBELT PLAN AND OAK RIDGES MORAINÉ CONSERVATION PLAN

Posted on November 16, 2022

Categories: [Insights](#), [Publications](#)

With the dust still settling on Bill 109, the [More Homes for Everyone Act](#), Ontario's provincial government introduced an omnibus piece of legislation aimed at supporting their latest [Housing Supply Action Plan](#). Bill 23, titled the [More Homes Built Faster Act, 2022](#) (the "Bill") is part of a long-term strategy to provide attainable housing options for families across Ontario, and is seen by many in the building industry as a generational shift in municipal land use planning law. Concurrently, the Province has announced proposed amendments to the [Greenbelt Plan](#) and the [Oak Ridges Moraine Conservation Plan](#).

Whereas the [More Homes for Everyone Act](#), which received [Royal Assent](#) on April 14, 2022, provided more of a roadmap to increasing housing supply, Bill 23 specifically addresses how the Province aims to achieve this goal. The Bill is focused on the provincial government's stated goal of having 1.5 million homes built over the next 10 years, and aims to do so by reducing bureaucratic costs and delays in construction, promoting housing construction near transit and building more attainable homes. The provincial government will also be assigning 29 of Ontario's largest municipalities housing targets in addition to their existing, longer-term targets. The Bill represents a significant shift in land use planning approvals that will impact various stakeholders with often opposing interests such as developers, property owners, municipalities, conservation authorities, and numerous other actors in between.

Status & Commenting Period:

Bill 23 passed through its First Reading on October 25, 2022, but it was subject to lengthy debate at the Second Reading, which resulted in the Bill being referred to the Standing Committee on Heritage, Infrastructure and Cultural Policy. The status of the Bill can be followed [here](#). Much of the debate at the Second Reading focused on rental housing availability and the lack of protections afforded by the Bill. The Hansard (Debates) Transcripts can be viewed [here](#).

Most of the changes proposed by the Bill are scheduled to come into force on the day Bill 23 receives Royal Assent, while certain changes will come into force on January 1, 2023. There is no specific comment period for

Bill 23; rather the comment periods on the proposed changes to each Act can be found on the Environmental Registry of Ontario notice page [here](#). The comment periods for the main legislative changes closes on **November 24, 2022**.

Note that the commenting period for the Greenbelt Plan and Oak Ridges Moraine Conservation Plan amendments ends on **December 4, 2022** (see commenting details [here](#) and [here](#)).

Summary of the Bill:

As described above, the Bill has only completed its First Reading, and therefore may still be subject to change as it works its way through the House. Nevertheless, due to the potential magnitude of the Bill's impacts, we are providing a high-level summary of some of the most significant proposed changes set out in this Bill, and generally, in land use planning law in Ontario.

The Bill seeks to amend a number of Acts, including:

- the [Planning Act](#),
- the [City of Toronto Act](#),
- the [Development Charges Act](#),
- the [Ontario Heritage Act](#),
- the [Conservation Authorities Act](#),
- the [Municipal Act](#),
- the [Ontario Land Tribunal Act](#),
- the [New Home Construction Licensing Act](#),
- and various regulations.

Changes to the *Planning Act* and *Development Charges Act*

- **Streamlining Development and Reducing Costs:** On most residential lots zoned for a single home, the Bill would allow up to three residential units (i.e. basement, second-story, garden or laneway units) to be created as-of-right without a zoning-by-law amendment. Development of the additional unit(s) would be exempt from parkland dedication fees and development charges, as well as a number of other municipal requirements such as parking requirements.
- **Increased Density near Transit Hubs:** The Bill also proposes to create as-of-right zoning in respect of height and density near major transit stations (defined in the [Growth Plan](#)). Municipalities would have one-year to update their zoning by-laws to specify minimum heights and densities following their Official Plan policies relating to protected major transit station areas coming into effect.
- **Removal of Third-Party Appeals:** *Planning Act* decisions would no longer be subject to an appeal by

anyone other than the applicant, municipality, the Minister or various public bodies and as a result, any third-party appeal without a hearing date as of October 25, 2022 will be dismissed. This provision will have retroactive effect.

- **Development Charges, Community Benefit Charges and Parkland Dedications:** A number of changes have been proposed to development charges, community benefit charges and parkland dedication. For example, inclusionary zoning units, “affordable housing”, and the new category of “attainable housing” (to be defined in future regulations) would all be exempt from development charges, community benefit charges and parkland dedications, and privately owned public spaces would be eligible for parkland credits.
- **Site Plan Control:** Developments of 10 or fewer residential units would no longer be subject to site plan control, and there would be limited ability to regulate architectural and aesthetic aspects of design.
- **Removal of Upper Tier Municipalities’ Planning Responsibilities:** A number of upper tier municipalities will no longer be involved in the *Planning Act* approval process for lower tier municipalities’ official plans, official plan amendments and plans of subdivision.

Changes to the *Municipal Act* and the *City of Toronto Act*

- **Rental Replacements:** The Minister will be given the power to make regulations regarding the replacement of rental housing when it is proposed to be demolished or converted in a new development. The rental replacement provisions have been among the more contentious provisions of the Bill, and they have been the subject of lengthy debate in the House already.

Changes to the *Conservation Authorities Act*

- **Reduced Role of Conservation Authorities:** All 36 Conservation Authorities would be subject to new limits on what they are permitted to comment on (primarily flooding and other natural hazards).

Changes to the *Ontario Heritage Act*

- **Reduced Ability of Municipalities to Designate a Property Under the *Ontario Heritage Act*:** Ontario had recently established a 90-day timeline for municipalities to issue a Notice of Intention to Designate (“**NOID**”) a property under Part IV of the *Ontario Heritage Act*. Bill 23 would go a step further and allow a municipality to issue a NOID only if a property is already listed on the register at the date of the prescribed event. The term “prescribed event” will be defined by regulation, though we assume it will mean development applications such as for official plan amendments, zoning amendments and minor variance applications.

Proposed Amendments to the Greenbelt Plan & the Oak Ridges Moraine Conservation Plan

- **Greenbelt Swaps:** As part of its plan to build 50,000 new homes, the Provincial Government has proposed to remove 7,400 acres from the Greenbelt Area and in its place, designate 7,400 acres of Urban River Valley areas to the Greenbelt in addition to 2,000 acres from the Paris Galt Moraine Lands, for a total addition of 9,400 acres. These swaps would require approvals to be obtained by the end of 2023, and construction to begin by no later than 2025. If these preconditions are not met, Ontario would begin the process of returning the properties to the Greenbelt. Ontario had [previously considered](#) adding Urban River Valley areas to the Greenbelt under the current government's commitment to grow the Greenbelt.
- **Redesignation of Lands Under the Oak Ridges Moraine Conservation Plan:** The Provincial Government has similarly proposed to redesignate lands in the [Oak Ridges Moraine Conservation Plan](#) Area that it views as suitable for residential development in the near term. The proposed regulation would apply to land located in the Township of King, and remove its designation as "Countryside" and instead redesignate it as "Settlement Area."

The [Proposed Amendments to the Greenbelt Plan](#) & the [Proposed Amendments to the Oak Ridges Moraine Conservation Plan](#) have been a highly controversial topic, and the comment period for both will remain open until December 4, 2022.

Conclusion

While Bill 23 is labelled as a significant piece of legislation aimed at addressing Ontario's housing crisis, it has been highly controversial due to the sweeping nature of the changes it will impose which will impact all types of development in the Province. Should the Bill be enacted as presently drafted, it will directly reduce the responsibilities of Conservation Authorities in the development approval process, it will remove third party appeals and in some instances remove public meetings, shortly followed by proposed changes to the Greenbelt. Although only a short period of time has been allowed for commenting on the Bill, there will be no shortage of public debate on whether this Bill will adequately address Ontario's housing crisis. To date, municipalities have raised the alarm bells regarding the reduction in the amount of development charges, parkland dedication and community benefit charges and what the impact will be on a municipalities' bottom line.

McMillan will continue to monitor and remain apprised of the status of Bill 23. If your lands or interests may be impacted, or you wish to advocate on certain policies to guide the future of Ontario's planning, development, and land use, please contact Mary Flynn-Guglietti, Annik Forristal, Kailey Sutton or Patrick Pinho, and our team would be pleased to discuss this important piece of legislation and its potential impacts with you.

by [Mary Flynn-Guglietti](#), [Annik Forristal](#), [Kailey Sutton](#), and [Patrick Pinho](#)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2022