

**ULI Toronto**  
***Bill 97, Helping Homebuyers, Protecting  
Tenants Act & PPS Update: Explainer Webinar***

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upon as legal advice.*

# **Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023***

## **Amendments to 7 Statutes**

- Building Code Act, 1992
- City of Toronto Act, 2006 (“COTA”)
- Development Charges Act, 1997
- Ministry of Municipal Affairs and Housing Act
- Municipal Act, 2001
- Planning Act
- Residential Tenancies Act, 2006

# Rental Replacement

- Amendments to COTA and Municipal Act to expand Minister's authority to make regulations governing municipal powers to prohibit and regulate the demolition and conversion of residential rental properties.
- Regulations could include:
  - Imposing restrictions and conditions on municipal powers
  - Municipalities' requirements prior to passing rental replacement by-laws and requirements to be included in by-laws
  - Conditions to be imposed as a requirement of a permit
  - Authorizing the City to require owners to make payments and provide compensation and specifying how much and to whom
- Regulations will prevail over provisions of COTA and any other Acts.

## Site Plan

- Adds Minister's ability to prescribe areas that site plan may still apply to, even if less than 10 units.
- Refund of site plan fees revised to commence after July 1, 2023.
- Any refunds owing under current Bill 23 legislation prior to July 1, 2023 will no longer apply.
- Adds Minister's ability to make regulations exempting certain municipalities from the fee refund policies.

## Planning Act Amendments

- Definition of area of employment amended to exclude office uses, institutional uses, and commercial uses, including retail unless associated with manufacturing, R&D for manufacturing or warehouse.
- Areas of employment that include lands with the now excluded office uses will continue to be defined as areas of employment if the use was lawfully established pre-Bill 97, and there are Official Plan policies authorizing the use to continue.
- Reinstates appeals of ICBLs
  - Shortened appeal deadline from 60 to 50 days.
  - Only for ICBLs passed after Bill 97 comes into effect.
- Expands Minister's powers on MZOs to exempt future licenses, permit, approvals from PPS and Official Plans

## Planning Act Amendments Cont.

- Ability to make regulations providing for transitional matters regarding the implementation of policy statements. Can include:
  - Transitioning of certain matters, applications, proceedings commenced before the new PPS
  - Exempting certain matters, applications, proceedings from application of PPS
  - Deeming matters to be commenced on certain dates.
- Regulation would prevail in the event of conflict with the requirement (s.3(5)) to be consistent with policy statements in force at the time of the decision.

## Other Amendments

- Cleans up provisions in Development Charges Act and Planning Act to provide for DC exemptions, restrictions on appeals and parkland exemptions for a second or third residential unit in an ancillary building to apply to all parcels of land and not just parcels of urban residential land.
- Expansion of the office of the Provincial Land and Development Facilitator with ability to appoint up to 4 deputy Facilitators.
- Minister can make orders requiring agreements to be entered into arising from facilitation and prohibiting uses until that's been done.

# Residential Tenancies Act Amendments

## Termination for Repairs or Renovations

- Notice of termination for the purpose of repairs will also be required to include a report from a qualified person that confirms that vacancy of the unit is required for the repairs.
- Regulations will establish who are qualified persons and any other requirements to be included in the report.
- Where the tenant gives notice of its desire for first right of refusal to return, landlord will be required to advise of the date for return and update the tenant if that date changes.
- Tenant must be given 60 days to exercise right of first refusal to occupy the unit once given notice that unit is ready
- Timelines for applications to LTB for failure to give notice of first right of refusal expanded to include later of 2 years after tenant vacated unit or 6 months after repairs finished.



## Residential Tenancies Act Amendments Cont.

- Adds rules regarding installation of air conditioning
- Doubles penalties for convictions under the Act to \$100,000 for individuals and \$250,000 for corporations

# Proposed Provincial Planning Statement

- Posted on the ERO April 6, 2023, comment period open until June 5, 2023
- Will combine and replace existing PPS and Growth Plan
- Will be a policy statement under s.3(1) and subject to the “consistent with” standard
- New identification of Large and Fast Growing Municipalities – 29 mostly GGH municipalities listed
- Natural heritage policies not yet released

## Planning for People and Homes

- Removes specific planning horizon from Growth Plan (2051) and replaces with requirement to plan for sufficient land for 25 year time horizon and the time of official plan updates
- Growth Plan Schedule 3 population and employment forecasts for upper-tier municipalities deleted – municipalities will carry out growth forecasting
- Includes specific recognition that population from MZOs is to be in addition to projected needs and growth from MZOs is to be incorporated into Official Plans and infrastructure plans at the next Official Plan update
- The current PPS requirements to maintain lands designated and available for residential growth for a minimum of 15 years and a 3 year supply of zoned, serviced land is maintained
- Concept of MCR deleted

## Settlement Areas

- Rules surrounding settlement area expansions significantly relaxed or removed entirely
  - No longer required to take place through MCRs
- Considerations for identification of new settlement areas or expansions include:
  - Sufficient existing or planned capacity
  - Lands are not specialty crop areas
  - Compliance with Minimum Distance Separation Formulae
  - Avoid or minimize and mitigate impacts on agricultural lands
  - Provides for phased progression of urban development
- No prescribed density targets for new settlement areas except in Large and Fast Growing Municipalities – minimum density target of 50 residents and jobs per gross ha

## Intensification and Strategic Growth Areas

- Intensification is continued to be promoted generally but no specific intensification targets set
- Concept of delineated built-up area removed
- Municipalities to identify minimum density targets for Strategic Growth Areas
- MTSA policies apply to Large and Fast Growing municipalities, optional for others
  - Growth Plan MTSA density targets maintained

## Employment Areas

- Definition of employment area amended consistent with changes in Bill 97 – exclusion of office and retail
- Concept of Provincially Significant Employment Zones removed
- Expanded flexibility for planning on lands for employment outside of employment areas, including residential development
- Employment conversions may be done at any time
  - Criteria for conversions from PPS maintained with some clarification added
- Compatibility policies modified to focus on minimizing and mitigating impacts to industry and removing requirement to demonstrate need and lack of alternative locations

**Thank you**

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