



# OHBA ACTIVITY Summary

Keeping Members Informed

## DATES TO NOTE

- January 26: OHBA Board of Directors

## January 2017

### **BILL 70, BUILDING ONTARIO UP FOR EVERYONE ACT (BUDGET MEASURES)**

Bill 70 included a number of key changes to Ontario's Land Transfer Tax including an increase from 2.0% to 2.5% on portion above \$2,000,000 for one or two single family residences as well as a doubling of the maximum LTT Rebate for first-time home buyers from \$2000 to \$4000. OHBA made a deputation to the Standing Committee on Finance and Economic Affairs on December 1st outlining support for the increased in the maximum rebate for the first-time home buyers, but also noting caution with respect to housing supply and taxation issues contributing to the increased cost of new housing.

Schedule 17 in Bill 70 makes significant changes to the *Ontario Colleges of Trades Apprenticeship Act*. The legislative changes were the result of over two years of consultation with stakeholders through the OCOT review led by Tony Dean and more recently former Minister, Chris Bentley. OHBA members were active participants in both consultations and were pleased by the outreach and dialogue from both reviews.

Schedule 17 is consistent with many of the Tony Dean recommendations for OCOT and this legislation marks the first set of major changes to OCOT since it was created in 2009. Changes include:

Allowing employers and workers to challenge OCOT enforcement decisions at the Ontario Labour Relations Board which will now have a greater focus on 'risk of harm' to the worker and public, in addition to the Scope of Practice.

Mandating OCOT creates an enforcement and compliance policy which emphasizes risk of harm.

Creating a more robust trade classification process by introducing content experts if a trade makes an application for compulsory certification  
A new journey-person-to-apprentice ratio review process which is anticipated to begin later next year.

OHBA along with the Ontario Skilled Trade Alliance supports the changes as it will create more oversight and transparency for OCOT.

### **INCLUSIONARY ZONING**

The provincial government passed legislation, *Promoting Affordable Housing Act, 2016* (Bill 7) on December 6th, that will allow municipalities to force the inclusion of government-required affordable housing units in new residential projects. The province has also posted a **proposed regulation** under the *Planning Act* that would set the framework for Inclusionary Zoning. In advance of the legislation being introduced, OHBA and BILD created a **Statement of Intent** on Affordable Housing & Inclusionary Zoning. The Statement of Intent outlines our principles for creating legislation to permit Inclusionary Zoning. OHBA, BILD and the Niagara Home Builders' Association all made deputations to the Standing Committee on Social Policy regarding inclusionary zoning and industry support for a partnership model to ensure a sharing of costs and ultimately an approach to ensure the successful delivery of affordable housing units. Key amendments made to the legislation prior to Royal Assent include allowing Section 37 to be used subject to the provisions in the regulation and adopting an OHBA recommendation to allow "off-site" affordable units.

OHBA also **submitted recommendations** to the Ministry of Housing in August regarding the regulatory consultation and both OHBA and BILD met directly with the Minister of Housing, Hon. Chris Ballard on December 12th to discuss the regulation that will be further consulted on in 2017.

### **ONTARIO MUNICIPAL BOARD**

The Ministry of Municipal Affairs and the Attorney General are reviewing the scope and effectiveness of the OMB and have been directed by the Premier to recommend reforms to improve the OMB's role within the broader land-use planning system and introduce legislation by Spring 2017. A consultation paper was released in October that sets out possible changes being considered to the OMB's role. Prior to the release of the consultation paper, OHBA submitted preliminary recommendations regarding the OMB Review on August 31st. The province held town hall consultations across Ontario that were well attended by local HBA members. OHBA and BILD have subsequently met directly with senior Ministry staff on both November 24<sup>th</sup> and December 15<sup>th</sup>. OHBA thanks BILD, the Greater Ottawa HBA, Simcoe County HBA & the Sudbury & District HBA for each putting in their own OMB submissions to the province.

On December 19<sup>th</sup>, OHBA provided the Ministry of Municipal Affairs and the Attorney General with a submission outlining OHBA's recommendations and response to the consultation document. OHBA's key recommendations:

1. A blanket prohibition against appeals of provincial decisions to approve OPs or OPAs is not appropriate from OHBA's perspective. Rather, a targeted approach may be preferable against appeals of provincial decisions on OP/ OPAs to implement provincial plans. OHBA recommends that should this approach be adopted, it should be limited to very explicit matters.
2. OHBA is supportive of limiting third party appeals against infill/intensification project(s) within 500m of a high order transit station that has received an approval for either a Zoning or OP amendment from a municipal council.
3. OHBA strongly supports maintaining existing appeal rights for Secondary Plans under the Planning Act.
4. OHBA is opposed to the blanket prohibition of appeals of ICBLs.
5. Prior to extending any additional responsibilities or powers to LABs, the province should wait until there is substantial operational experience and jurisprudence.
6. OHBA opposes limiting the OMB's authority to dealing with only those parts of an OP that were dealt with by Council.
7. OHBA opposes the proposal to require the OMB to send significant new material back to the municipal council for re-evaluation.
8. OHBA recommends that natural justice be adequately safeguarded by the continued ability to have a full "De Novo" hearing before the OMB because there are practical problems with applying a "reasonableness" standard to municipal/approval authority decisions.

9. OHBA has consistently supported that decisions on site-specific applications should be based on the planning legislation and policies applicable at the time a complete application was submitted.
10. The province must adequately fund an enhanced CLO to serve the public better. OHBA supports the CLO providing procedural assistance and general information regarding the Planning Act and other legislation the Board decides on to the public.
11. OHBA supports increasing the number of OMB adjudicators, increasing remuneration to attract higher quality candidates, and placing a greater emphasis on training to ensure that they possess the necessary skills to carry out their function in an effective and efficient manner.
12. OHBA suggests that a multi-member panel may be appropriate for long, complex hearings.
13. OHBA suggests that improvements are needed to provide a more accessible and transparent reporting system to enhance the public's understanding of the Board's activity and operations via annual public reporting to the Environment and Land Tribunals of Ontario.
14. OHBA suggests general timelines be established for providing decisions.
15. OHBA supports efforts to increase and enhance mediation services, but recognizes that the OMB needs to be given adequate resources to do so.
16. OHBA recommends an enhanced Board structure featuring a separate roster of Board members for adjudication and for mediation.
17. OHBA recommends that the province make mediation (of some form) mandatory before the hearing on the merits.

## **DRAFT SAFE HARBOUR POLICY**

Safe Harbour may be relevant to land owners who are interested in creating, or in limited circumstances enhancing, species at risk habitat on their property, but have concerns about how this could restrict future land use. Under the *Endangered Species Act*, safe harbour instruments are intended to alleviate some of these concerns, provided conditions are met. The province has proposed a draft Safe Harbour Policy that was posted on the [Environmental Registry \(#012-8234\)](#). OHBA is seeking comments on the draft policy as well as input on the effective development and implementation of a safe harbour program here in Ontario. Comments can be submitted until January 18, 2017. Please direct comments to OHBA Director of Policy, Mike Collins-Williams. ([mikecw@ohba.ca](mailto:mikecw@ohba.ca))

## **MUNICIPAL ACT**

The Ministry of Municipal Affairs launched a review in 2015 of four pieces of municipal legislation: The *Municipal Act*, the *City of Toronto Act*, the *Municipal Conflicts of Interest Act* and the *Municipal Elections Act*. This review process will integrate the reviews of the *Municipal Act*, *City of Toronto Act* and *Municipal Conflicts of Interest Act* to examine key, cross-cutting issues of interest to the government, municipalities and Ontarians. The Ministry consulted directly with OHBA and BILD at a joint Land Committee meeting in 2015 and the **OHBA submission** highlighted OHBA's concern that the municipal legislative review will become focused on how municipalities can generate additional revenue from our sector and ultimately our consumers by charging more new neighbour taxes (a municipal land transfer tax). On December 1, 2015, the Government of Ontario announced that it would not be extending Municipal Land Transfer Tax powers to municipalities. OHBA thanks our members and local associations for their strong advocacy on this issue as well as OREA for their advocacy efforts.

*Modernizing Ontario's Municipal Legislation Act*, Bill 68 was introduced in November 2016 and OHBA is specifically concerned with respect to proposed changes to the *Municipal Act* that would empower municipalities to address climate change through by-laws related to green construction, pass climate change by-laws and participate in long-term planning for energy use. OHBA intends to provide recommendations to the government articulating industry concerns to Standing Committee in 2017

## **CONDO ACT REGULATION UPDATE**

*Protecting Condominium Owners Act, 2015* passed late 2015. As part of that legislation the Ministry has been consulting on a regulation which would mandate all condominium property managers are licensed. With some exceptions, all registered condominiums will be required to have a licensed manager. The proposed regulatory changes have been posted for comment until February 6.

<http://www.ontariocanada.com/registry/view.do?postingId=23342&language=en> In 2017 the Ministry will work on the development of future phases of regulations related to the *Protecting Condominium Owners Act*. Please contact Stephen Hamilton ([shamilton@ohba.ca](mailto:shamilton@ohba.ca)) if you would like to make comments on the proposed regulations.

## **NEW NOISE REGULATION GUIDELINE**

Ontario has released a new guideline on the noise protection requirements that apply to all workplaces under Ontario Regulation 381/15 of the Occupational Health and Safety Act. Worker exposure to noise that is not properly controlled or eliminated may cause permanent hearing loss. Learn how to protect workers from this hazard. <https://www.labour.gov.on.ca/english/hs/pubs/noise/> <https://www.labour.gov.on.ca/english/hs/pubs/noise/>

## **NEW RULES-ONTARIO CORPORATIONS REQUIRED TO MAINTAIN A REGISTER OF REAL ESTATE INTEREST OWNED**

Corporations incorporated under the Ontario Business Corporations Act will be required to maintain a register of all real estate ownership interests that the corporation has. This register is to form part of the minute book of the corporation. The new rules come into effect on December 10, 2016.

In particular, a Corporation is required to keep a record that identifies the property, the date it was acquired, and the date it was disposed of (if applicable). In addition, the Corporation is required to keep with the register a copy of any deeds, transfers or similar documents that contain any of the following with respect to each property listed in the register:

1. The municipal address, if any.
2. The registry or land titles division and the property identifier number.
3. The legal description.
4. The assessment roll number, if any.

"Ownership interest" is not defined. Presumably, this may include both legal and beneficial interests as well.

These new requirements are of particular concern to corporations that acquire and hold extensive real estate interests. If a parcel of land is purchased, then subdivided or a condominium plan is registered, and the new parcels or units are sold, each transfer may need to be recorded and a copy kept. It is not known how long such records are required to be kept.

Existing corporations have until December 10, 2018 to comply.



Ontario Home Builders' Association

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