



OHBA ACTIVITY Summary

Keeping Members Informed

DATES TO NOTE

- **June 6:** Climate Change Council webinar - [register online](#)
- **June 13:** Housing Summit – OREA/FRPO/OHBA
- **June 16:** Awards of Distinction [entry window closes](#)
- **June 27:** Hamilton & Burlington Chambers of Commerce's [Bay Area Economic Summit](#)
For a promo code, contact smammel@hhhba.ca

June 2017

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**. The Ministry consulted directly with OHBA and BILD at a joint Land Committee meeting and OHBA produced a [2015 Pre-Budget OHBA submission](#) highlighting OHBA's concern that the municipal legislative review would become focused on how municipalities can generate additional revenue by charging more new neighbour taxes (a municipal land transfer tax). On December 1, 2015, the Government 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. Bill 68 **Modernizing Ontario's Municipal Legislation Act** was introduced in November 2016 and OHBA was 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 CEO Joe Vaccaro and Director of Policy Mike Collins-Williams made a presentation to the Standing Committee on Social Policy on April 4, 2017 highlighting industry concerns.

OMB OVERHAUL COMPROMISES SMART GROWTH

On May 16th, the Minister of Municipal Affairs and the Attorney General announced an overhaul to the province's land use planning appeals system. On May 31st, legislation was introduced to create the Local Planning Appeal Tribunal to replace the Ontario Municipal Board. The new tribunal is mandated to give greater weight to the decisions of local communities. This would be achieved by eliminating "de novo" hearings for the majority of planning appeals. The term "de novo" has been used to describe how the Ontario Municipal Board deals with appeals of municipal land use planning decisions, by considering the same issue that was before the municipality as though no previous decision had been made.

OHBA responded to the changes with two media releases on [May 16th](#) and [May 30th](#) where OHBA CEO Joe Vaccaro issued the following statements:

"If this new Tribunal puts local politics ahead of Smart Growth planning, it will only serve to empower NIMBY councils to make planning decisions to get re-elected. The role of the OMB has always been to take the politics out of local planning and ensure that decisions are made based on evidence, 'good planning,' and conformity to provincial policy." ([May 16th release - NIMBYs Are In Charge](#))

"Local political decisions will continue to block townhomes and other affordable, missing middle housing options from being built in existing communities. For more than 10 years, the provincial government has been demanding the increase of density and intensification in existing communities across Ontario. The Province will not have the ability to optimize housing opportunities. Considering the current high price of new housing, this decision will only create more politics around how and what housing options home builders can bring to market." ([May 30th release - OMB Overhaul Compromises Smart Growth](#))

Key proposals for the new law that would establish the Local Planning Appeal Tribunal include:

- The Planning Act would be amended to eliminate "de novo" hearings for the majority of land use planning appeals.
- For complex land use planning appeals, the tribunal would only be able to overturn a municipal decision if it does not follow provincial policies or municipal plans. This would depart from the current "standard of review" for land use planning appeals, where the Ontario Municipal Board is permitted to overturn a municipal decision whenever it finds that the municipality did not reach the "best" planning decision.
- In these cases, the tribunal would be required to return the matter to the municipality with written reasons when it overturns a decision, instead of replacing the municipality's decision with its own. The municipality would be provided with 90 days to make a new decision.
- The tribunal would retain the authority to make a final decision on these matters only when, on a second appeal, the municipality's subsequent decision still fails to follow provincial policies or municipal plans.
- Requiring the tribunal to conduct mandatory case management for the majority of cases in order to narrow the issues and encourage case settlement. The tribunal would also be provided with modern case management powers to ensure meaningful case conferences.
- Creating statutory rules regarding the conduct of hearings, including setting strict presumptive timelines for oral hearings and limiting evidence to written materials in the majority of cases.
- Providing the tribunal with modern hearing powers to promote active adjudication, provide for alternative hearing formats and permit assignment of multi-member panels.
- Giving elected officials greater control over local planning, resulting in fewer decisions being appealed, thereby making the decision-making process more efficient.

- The province proposes to create the Local Planning Appeal Support Centre, a new provincial agency mandated to provide free and independent advice and representation to Ontarians on land use planning appeals. The centre would deliver the following services:
 - Providing Ontarians with general information on land use planning.
 - Offering guidance to citizens on the tribunal appeal and hearing process.
 - Providing legal and planning advice at different stages of the tribunal process, including representation in certain cases at case conferences and hearings.
- The following matters would no longer be appealable under the proposed law:
 - Provincial approvals of official plans and official plan updates, including approvals of conformity exercises to provincial plans.
 - Minister's Zoning Orders.
- Local Appeal Bodies would also be given more authority. They would be able to hear appeals on site plans, in addition to their current scope of minor variances and consents.
- The legislation would also restrict applications to amend new secondary plans for two years, unless permitted by municipal council, and;
- Limit the ability to appeal an interim control by-law when first passed for a period of up to one year.
- The legislation would also protect municipal policies that support appropriate development around protected major transit station areas, such as GO Train stations and subway stops.

In the lead up to the announcement, OHBA provided two submissions to government – [a preliminary set of recommendations in August](#) and a detailed [submission outlining OHBA's recommendations in December](#), in response to the consultation document. OHBA greatly appreciates BILD, Greater Ottawa HBA, Simcoe County HBA and Sudbury & District HBA for putting in their own OMB submissions to the province.

PROVINCE RELEASES FINALIZED UPDATED LAND USE PLANS

On May 18th, OHBA CEO Joe Vaccaro and Director of Policy Mike Collins-Williams attended the announcement by the Minister of Municipal Affairs, Hon. Bill Mauro on the release of the [four updated land use plans](#) that will help grow the Greater Golden Horseshoe (GGH) over the next 25 years. The changes to the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan are the latest step in the government's reform of Ontario's land use planning system. The four plans of the Coordinated Review impact 11 of OHBA's local associations including: BILD, Niagara, Haldimand-Norfolk, Hamilton-Halton, Brantford, Waterloo-Region, Guelph & District, Dufferin County, Simcoe Country, Durham Region, and Peterborough & the Kawarthas.

Please [click here to view OHBA's media release](#) on the New Growth Plan.

OHBA, along with our impacted local associations have been very active in advocating to the province and our municipal partners at a local level that a "one size fits all" approach is inappropriate in planning for growth across such a diverse region. The provincial government has listened to some of the concerns raised by the industry and has provided for local flexibility through interim targets and allowing for municipalities to apply for alternative density and intensification targets. Furthermore, OHBA and our network of local associations were successful in our advocacy for the province to make adjustments to the density and intensification targets. Those targets will now be implemented through a phased approach.

Highlights of the final plans include:

- Increasing the intensification target and raising densities in Designated Greenfield Areas, while allowing for some flexibility in these targets to recognize unique circumstances in some communities.
 - As of 2031, the intensification target will be increased to 60% of residential development annually directed to delineated built-up areas.
 - At the next municipal comprehensive review, to be completed by 2022, municipalities will achieve an interim intensification target of 50%.
 - Alternative targets may be requested by municipal councils.
 - The Designated Greenfield Area density target of 80 residents and jobs combined per hectare will apply to new lands designated in the future (post 2031).
 - An interim Designated Greenfield Area density target of 60 residents and jobs combined per hectare will apply, beginning in 2022, to the current Designated Greenfield Area.
 - Current density targets as approved and in effect as of July 1, 2017 will apply until the next municipal comprehensive review.
 - Alternative targets may be requested by municipal councils.
 - New uses now excluded from the density calculation include cemeteries and employment areas.
- Requiring minimum density targets for major transit station areas along priority transit corridors and existing subways.
- New provisions requiring municipalities to consider the appropriate range of unit sizes in apartments, condominiums and townhouses to accommodate a diverse range of household sizes and incomes.
- Requiring all conversions from employment uses to non-employment uses to be approved by the province.
- Introducing a new "prime employment area" designation to protect areas for employment uses that are land extensive or have low employment densities, including manufacturing, warehousing and logistics.
- Major retail cannot be located in "prime employment areas" and will be directed to mixed-use areas.
- Developing an agricultural system across the entire GGH to support the viability of the agri-food sector and consistently protect farmlands.
- Establishing Greenbelt-level protections for natural heritage systems -- such as wetlands, woodlands and rivers -- beyond the Greenbelt, with the province taking the lead in mapping those areas. Municipalities would be required to plan for and protect these systems in their municipal official plans.
- Requiring municipalities to complete watershed planning before planning settlement area expansions, infrastructure or major developments that could affect those watersheds.
- Adding lands in 21 major urban river valleys and seven associated coastal wetlands to the Greenbelt.

- Adding five parcels of land identified by the City of Hamilton and the Region of Niagara, and the Town of Halton Hills to the Protected Countryside of the Greenbelt.
- The province will undertake a process, including public consultation, to expand the Greenbelt on the outer edge, in the near future.
- Requiring municipalities in the GGH to include climate change policies in their official plans.
- Requiring municipalities to develop SWM plans and conduct climate change vulnerability risk assessments when planning or replacing infrastructure.
- Encouraging municipalities to develop GHG inventories, emission reduction strategies, and related targets and performance measures.
- Providing clearer direction for municipalities to take an integrated approach to land use and infrastructure planning.
- Providing more specific direction to municipalities to better protect corridor lands reserved for future goods movement (rail or road) and other future infrastructure, such as hydro lines.
- The government has also made [minor Greenbelt boundary adjustments](#) to address mapping accuracy, align with municipal official plans and existing urban boundaries, and respond to landowner requests. The Niagara Escarpment Plan land use designation maps have also been updated to refine boundaries using the latest land data and improved Geographic Information Systems.

Next Steps

The Niagara Escarpment Plan will come into effect June 1, 2017. The Growth Plan for the Greater Golden Horseshoe (2017), the Greenbelt Plan (2017), the Greenbelt Boundary Regulation and the Oak Ridges Moraine Conservation Plan (2017) will come into effect on July 1, 2017. Once in effect, all decisions on new planning matters must conform to the four plans. Municipalities are expected to review and update their official plans. Upper- and single-tier municipalities' conformity work is to be completed by 2022.

OCOT RELEASES COMPLIANCE AND ENFORCEMENT POLICIES

The Ontario College of Trades (OCOT) has released its [compliance and enforcement policy](#). The government mandated that OCOT review these policies annually so that there is more transparency and consistency around OCOT enforcement. OHBA is working with the Ontario Skilled Trades Alliance and submitted a response to the review, advocating that non-union and union workplaces be treated the same and that past labour practices should factor into enforcement practices.

OHBA is generally supportive of the new policy but we believe more trade and sector-specific guidelines should be made available so workers and employers understand their responsibilities on site.

RENTAL FAIRNESS ACT PASSES UNANIMOUSLY

The government unanimously passed the [Rental Fairness Act, 2017](#) with all party support. The legislation is part of a package of initiatives outlined in [Ontario's Fair Housing Plan](#). The *Rental Fairness Act* makes significant changes to the Residential Tenancies Act, including the removal of the 1991 exemption that allowed owners to establish rents to market levels on units built after 1991. The Act now expands rent control to **all** private rental units, effective April 20, 2017. In addition, the legislation also removes the ability for owners to apply for 'Above Guideline Increases' (AGIs) for all utilities and tightens the rules surrounding capital expenditures that can apply for AGI.

OHBA has publicly spoke against rent controls, as this will dampen consumer confidence and potentially have negative impacts on future rental supply. The Federation of Rental Providers of Ontario (FRPO) also [argued strongly against the new requirements](#). [FRPO has produced a factsheet](#) that explains the changes.

CONSTRUCTION LIEN AMENDMENT ACT INTRODUCED

The government has tabled [Bill 142, Construction Lien Amendment Act](#), which if passed would make significant changes to the *Construction Lien Act*. Key measures in the legislation include:

- Creating new prompt payment rules that govern payment timelines for contracts;
- Extending the timelines to file liens and start court actions from 90 days to 150 days;
- Requiring holdback funds to be paid as soon as the deadline to file liens has passed;
- Creating a new adjudication process for parties to resolve disputes, in addition to the Lien rights that exist.

The changes proposed are based on [recommendations](#) made by legal experts Bruce Reynolds and Sharon Vogel.

OHBA will be engaging members as we begin a thorough review of the legislation, including organizing a response in preparation for the 2nd reading in the Fall Legislative Session.

For review, here are the links to the Attorney General's [policy background on the legislation](#) and [the government's news release](#).

CHANGING WORKPLACE REVIEW

The provincial government announced that it will be making significant changes to rules and regulations that govern workplaces. The changes were based on a series of recommendations by the Changing Workplace Review which recommended changes to the *Labour Relations Act* and the *Employment Standards Act*. However, the review did not make recommendations that impacted construction provisions of the Labour Relations Act. The changes include:

- Raising Ontario's general minimum wage to \$14 per hour on January 1, 2018, and then to \$15 on January 1, 2019, followed by annual increases at the rate of inflation.
- Mandating equal pay for part-time, temporary, casual and seasonal employees doing the same job as full-time employees; and equal pay for temporary help agency employees doing the same job as permanent employees at the agencies' client companies.
- Expanding personal emergency leave to include an across-the-board minimum of at least two paid days per year for all workers.
- Bringing Ontario's vacation time into line with the national average by ensuring at least three weeks' vacation after five years with a company.

- Making employee scheduling fairer, including requiring employees to be paid for three hours of work if their shift is cancelled within 48 hours of its scheduled start time.

[Click here](#) for additional details regarding the changes.

APPRENTICESHIP MODERNIZATION CONSULTATION LAUNCHED

The Minister of Advanced Education and Skills Development Deb Matthews has announced a consultation on modernizing the apprenticeship system. The consultation will take place over the summer. So far, the Ministry has identified two consultation dates where stakeholders can participate. There may be more regional consultation sessions depending on interest. At these sessions, the Ministry will identify and map the primary challenges faced by apprentices as they enter and move through their training pathway, learn about promising practices to address these challenges.

To register, please contact Stephen Hamilton shamilton@ohba.ca The Ministry is also suggesting participants bring an apprentice, if possible.

- Session 1: June 15, 2017 - 8:30 a.m. to 1:00 p.m. and
- Session 2: July 25, 2017 – 8:30 a.m. to 1:00 p.m.

Location: Beanfield Centre (formerly Allstream), 105 Princes' Boulevard, Toronto

