

RESOLUTION # 1 (External)



Submitted to: Ministry of Municipal Affairs
Attorney General

Submitted by: OHBA Land Development Committee

Date: September 25, 2017

Subject: Local Planning Appeals Tribunal / Ontario Municipal Board

Whereas: In 2016, the provincial government commenced a review of the scope and effectiveness of the Ontario Municipal Board (OMB). The OMB review commenced only months after a number of significant changes to the land use planning and appeals system have taken effect through the *Smart Growth for Our Communities Act*; and

Whereas: In May 2017 the province announced an overhaul to the province's land use planning appeals system and introduced Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* to create the Local Planning Appeal Tribunal (LPAT) to replace the OMB. The new tribunal is mandated to give greater weight to the decisions of local communities; and

Whereas: OHBA responded in a press release "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."; and

Whereas: OHBA continues to support the essential role of the OMB as an impartial, evidence-based, administrative tribunal that is responsible for handling appeals of land use planning disputes. In this administrative authority, the OMB has served to ensure that provincial land use policies and objectives are achieved, and that municipalities employ consistency in the application and implementation of the *Planning Act*, the *Development Charges Act*, the *Provincial Policy Statement* and other related land use legislation. OHBA does not believe that the stated goals of the provincial government for the proposed legislation will be achieved through Bill 139 and the LPAT, as currently proposed.; and

Whereas: The PPS and Growth Plan focus on optimizing Ontario's economic opportunities and existing infrastructure to create vibrant, livable communities. However, we continue to believe that this proposed OMB framework will challenge the ability to achieve optimization, and result in adverse effects on the economic stability of the development industry, as well as the local municipalities that the industry operates in. OHBA are very concerned that this proposed framework will empower local councils to override conformity with the PPS, Provincial Plans and enable decision-making that is not vested in the long-term public good, but rather re-election. This type of approach to land use planning in Ontario will result in even greater pressures on housing supply and prices; and

Whereas: The currently proposed provisions will negatively impact provincial policy and there are structural complications with the Bill that will fail to protect the provincial interest.

Therefore be it resolved that: the current legislative proposal does not support smart growth principles or encourage updating of municipal zoning bylaws. The province must ensure that municipal OPs and zoning bylaws be modernized to reflect and optimize provincial policy;

Therefore be it resolved that: Further consultation be required and significant legislative amendments be implemented before the enactment of Bill 139.

MOVED: Kevin Fergin

SECONDED: Bob Schickedanz

RESOLUTION # 2 (External)



Submitted to: Ministry of Housing
Submitted by: OHBA Land Development Committee
Date: September 25, 2017
Subject: Inclusionary Zoning

Whereas: The province passed the *Promoting Affordable Housing Act, 2016* (Bill 7) on December 6, 2016 that will allow municipalities to require the inclusion of affordable housing units in new residential projects. A regulation under the *Planning Act* will set the framework for Inclusionary Zoning; and

Whereas: In advance of the legislation being introduced, OHBA and BILD created a Statement of Intent on Affordable Housing & Inclusionary Zoning that outlines our principles for Inclusionary Zoning; and

Whereas: *The Economics of Inclusionary Development* (2016) by the Urban Land Institute and the Terwilliger Center for Housing found that almost all American cities offer various development incentives to offset the economic impacts the inclusionary policy has and that the inclusionary policies depend on market-rate development to be successful:

“In most cases, jurisdictions will need to provide development incentives to ensure the feasibility of development projects affected by an IZ policy. The principal incentives are direct subsidies, density bonuses, tax abatements, and reduced parking requirements. Individually and in combination these incentives can substantially enhance the feasibility of development projects affected by an IZ policy.”

Whereas: 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 unit.

Therefore be it resolved that: if the Province proceeds with a new regulation to outline the framework for municipal implementation of inclusionary zoning, it must be considered in the context of the entire legislative framework and it should be delivered with fiscal supports in a clear planning framework; and

Therefore be it further resolved that: if the Province proceeds with a new regulation to outline the framework for municipal implementation of inclusionary zoning, it should be designed based on a partnership model for inclusionary zoning in which the private sector takes responsibility for the design, construction, project financing of the community, administration, and delivery of affordable housing units, while the public sector takes responsibility for the costs of delivering the units via measures, incentives, offsets and supports; and

Therefore be it further resolved that: A regulation should establish a maximum for number of units-set-aside for the government required affordable housing as no more than 10 percent for high-rise based on the incremental density over 'as-of-right' zoning permissions, and no more than 5 percent for low-rise; and

Therefore be it further resolved that: A regulation should provide flexibility for municipalities to tailor the length of affordability periods to meet local needs to a maximum of 20 years and require that measures, incentives and supports be directly correlated to the affordability time period to ensure that the costs are appropriately shared between partners; and

Therefore be it further resolved that: A regulation should establish a minimum threshold of 100 units for multi-family developments and a density threshold of 25 units per acre for low-rise / grade related residential developments (approximate density for a townhome project); and

Therefore be it further resolved that: The regulation should establish a reasonable transition date for complete applications that does not jeopardize projects planned or under construction.

MOVED: Wayne Hissa

SECONDED: Steve Szasz

RESOLUTION # 3 (External)



Submitted to: Ministry of Advanced Education and Skills Development
Ontario College of Trades

Submitted by: OHBA Health and Safety Committee

Date: September 25, 2017

Subject: Increasing apprenticeship opportunities through Innovative Workplace Models

Whereas: Apprenticeship completion rates in Ontario are among the lowest in Canada; and

Whereas: Only 51 percent of registered apprentices in compulsory trades complete their apprenticeship and only 33 percent of registered apprentices in voluntary trades complete their apprenticeship; and

Whereas: Only one in 7 small businesses are employing an apprentice; and

Whereas: There is significant untapped potential for more apprenticeship opportunities through small and large businesses; and

Whereas: A shared apprenticeship model that would allow employer to pool their resources in order to leverage hire more apprentices; and

Whereas: Many small businesses do not hire apprentices because they are too small, too seasonal, unfamiliar with apprenticeship and/or concerned with administrative burden; and

Whereas: A shared apprenticeship model would allow these employers to hire apprentices in short or medium duration as the apprentice is not bound to the same employer for the entire duration of their apprenticeship. A central sponsor would also take many of the administrative burdens of apprenticeship sponsoring by coordinating and record keeping in a central location; and

Whereas: The current journeyman-to-apprentice ratio creates a significant barrier to hiring apprentices for medium sized companies that are already active participants in the apprenticeship system; and

Whereas: For many employers in a unionized environment this obstacle is overcome through its own union-based sponsor program. Current policies with MAESD and the Ontario College of Trades allow for the ratio to be applied to the sponsor, not each individual company. This would benefit significant numbers of firms and unlock many apprenticeship positions in many medium sized companies that are able to utilize the journeyman numbers from the pool of companies.

Therefore be it resolved that: OHBA in cooperation with other industry and trade associations seek to obtain employer sponsor status in order for more small businesses to be active in providing apprenticeable work; and

Therefore be it further resolved that: OHBA in cooperation with other industry and trade associations seek funding through the Ontario Centre for Workplace Innovation in order to finance the administrative and marketing costs of starting this initiative.

MOVED: Paul Jansen

SECONDED: Josh Kardish

RESOLUTION # 4 (External)



Submitted to: Attorney General
Ministry of Infrastructure
Association of Municipalities of Ontario (AMO)

Submitted by: OHBA Executive Committee

Date: September 25, 2017

Subject: Construction Lien Act

Whereas: The government introduced Bill 142, *Construction Lien Amendment Act, 2017* in May 2017 which if passed would create significant amendments to the *Construction Lien Act* and would overhaul the payment and contract processes in construction; and

Whereas: The changes follow recommendations from Bruce Reynolds and Sharon Vogel; and

Whereas: OHBA actively participated in the consultation providing context regarding the uniqueness of residential contracts and payment structure in both non-union and union environments; and

Whereas: The legislation will create a prompt payment provision regime that conflicts with established collective agreements and payment practices in the non-union sector; and

Whereas: The proposed system will create a significant administrative burden on developers, builders, and contractors; and

Whereas: The prompt payment provisions in Bill 142 effectively creates a “pay-when-paid” regime which is inconsistent with the current practice in the residential construction sector and which exposes industry players to excessive costs and abuse; and

Whereas: the adjudication process proposed will cause delay and expense for all those involved in a residential construction project and is open to abuse.

Whereas: An adjudication process does not lend itself well to the residential construction sector which is dominated by small, owner-managed businesses which cannot afford to engage legal counsel, investigate allegations of deficiencies, and take time away from work, all while coping with the usual intense pressure to complete ongoing work on time and run a business. Contractors and subcontractors will often feel the need to engage legal counsel to level the playing field when facing a more sophisticated owner or general contractor.

Therefore be it resolved that: That the timelines associated with the prompt payment provisions must be amended for residential building projects and additional clarity must be brought to the legislation as it is currently drafted; and

Therefore be it further resolved that: The Attorney General engage in sector specific consultations with the residential construction industry to address our concerns with the legislation.

MOVED: Kevin Brousseau SECONDED: Brandon Campbell

RESOLUTION # 5 (External)



Submitted to: Ministry of Finance, Ministry of Labour, Ministry of Environment and Climate Change
Premier's Office, PC Leader Patrick Brown, NDP Leader Andrea Horwath

Submitted by: OHBA Renovators' Council

Date: September 25, 2017

Subject: Energy Efficient Home Renovation Tax Credit

Whereas: Renovation sector accounts for some \$28.3 billion in annual investment in Ontario, supporting some 240,000 jobs. However it is estimated that 37% of total output of contractor renovations occur in the underground; and

Whereas: According to Statistics Canada, the residential construction sector comprises almost 30 per cent of Ontario's underground economy, or approximately \$4.5 billion in annual underground economic activity; and

Whereas: CRA Press release in 2011, stated that the Federal Government's one year Home Renovation Tax Credit: "pumped an additional \$4.3 billion in renovation investment into the economy, at a time when the recession would have reduced investment in the sector;" and

Whereas: The cash economy places risks on consumers, causes significant revenue leakages for the provincial and federal governments and places legitimate contractors at a competitive disadvantage; and

Whereas: A Home Renovation Tax Credit targeting energy efficiency would support "green jobs" and reduce revenue leakage into the underground economy by incenting the use of legitimate business; and

Whereas: An Energy Efficient Home Renovation Tax Credit addresses a number of issues:

-) Combating underground cash economy in reno sector (over \$7 billion annually);
-) Provides tax credit incentive for consumers to use legit business;
-) Reduces tax leakage to the underground economy through incentives;
-) Improving existing older homes' energy efficiency thus reducing hydro bills;
-) Addresses climate change by improving energy efficiency & reducing GHG emissions from Ontario's existing housing stock (4.8 million existing homes currently represents 10.9% of GHG emissions in Ontario);
-) Improves health & safety for construction works and reduced home owner liability risk by utilizing legitimate businesses with appropriate credentials, certifications and permits;

Whereas: An Energy Efficient Home Renovation Tax Credit supports a range of government objectives:

-) Reduces tax burden to consumers through direct rebate;
-) Addresses Climate Change & reduces GHG emissions from housing;
-) Combats underground economy to better level playing field between legitimate business and underground cash operators;

Therefore be it resolved that: the Provincial Government should design and introduce a consumer focused Home Renovation Tax Credit targeting energy efficient upgrades so that home owners can improve their homes and combat the underground economy while helping the environment, reducing their carbon footprint and reducing energy bills.

MOVED: Bob Schickedanz

SECONDED: Louie Zagordo

RESOLUTION # 6 (External)



Submitted to: Office of the Premier

Submitted by: OHBA Executive Committee

Date: September 25, 2017

Subject: Respect for Land Development, New Home Building and Professional Renovation Industry

Whereas: This provincial government has demonstrated a genuine lack of respect and appreciation for the new enormous economic impact and employment generation of the home building and renovation sector; and

Whereas: The Land Development, New Home Building and Professional Renovation Industry provides 95 % of all new residential units in Ontario, supporting 336,000 jobs, paying \$19.8 billion in wages and representing \$56 billion in annual investment value.

Whereas: In recent years, the provincial government has acted on numerous policy changes that negatively impact the new home and residential construction industry. These changes include: OMB reform, inclusionary zoning, increased density and intensification targets, condo act review, Development Charges Act amendments to increase charges, new species at risk in Ontario, new rent control, additional layers of Ontario Building Code requirements, additional rent controls and the reforms to the Construction Lien Act. Each of these changes represents a new layer of taxes, red tape, and fees that will negatively impact affordability of housing; and

Whereas: OHBA is proud of our non-partisan approach to engaging government and opposition MPPs; and

Whereas: For a government that prides itself on meaningful dialogue, conversation and engagement we believe the government's tone has become increasingly disparaging as the province is often portraying the new home and development industry in a negative light and home buyers or renters as their victim; and

Therefore Be It Resolved That: OHBA and our members continue our approach providing constructive, non-partisan information to all political parties; and

Be it further resolved that: OHBA encourage all of our members and local associations to continue the numerous charitable and philanthropic work in communities across Ontario.

MOVED: Kevin Owen SECONDED: Darren Steedman