



OHBA ACTIVITY Summary

Keeping Members Informed

DATES TO NOTE

- January 25 – OHBA Board of Directors Meeting

January 2018

BILL 139 (OMB REFORM) TRANSITION REGULATION

Bill 139 passed on December 12 with all party support, except for Trillium Party MPP Jack MacLaren as the lone opposing vote. All three party leaders Kathleen Wynne, Patrick Brown and Andrea Horwath voted in favour of the legislation. The legislation will overhaul the planning appeals system by creating the Local Planning Appeal Tribunal to replace the OMB. David Bronskill of Goodmans LLP has been retained by OHBA and BILD to provide legal advice throughout the Bill 139 process and has provided analysis specific to the proposed transition regulations:

- All appeals filed before Royal Assent are protected;
- If a member files a complete application before Royal Assent and appeals that application before proclamation, they are protected;
- If a member files a complete application after Royal Assent and appeals that application before proclamation, they are not protected;
- If a member appeals after proclamation they are not protected regardless.

For more information, please view the [news release and backgrounder from the province](#) and the [proposed transition regulation](#).

On December 7, the government posted proposed transition regulations that set out rules for planning matters in process at the time of proclamation (i.e. “transition”) as well as other matters that would be dealt with through regulations, such as timelines and tribunal practices and procedures. The Ministry release specifically states that: “Our intent is to provide a balance between applying the new rules as soon as possible and ensuring fairness for matters already in the current system.” Specific to transition policy, OHBA and BILD met with both MAG and MMA on November 21 and [also submitted recommendations](#) specific to transition to the province on October 30. It should be noted that many municipalities have recommended that transition should be retroactive to when Bill 139 was first tabled in May. OHBA continues to recommend members seek their own project specific legal advice with respect to transition and appeals. The commenting period for to the province regarding transition concludes on January 21 – OHBA is seeking feedback from members as we prepare a submission – please contact OHBA Director of Policy, [Mike Collins-Williams](#).

GROWING THE GREENBELT

On December 7, the province announced a consultation on a study area for potential Greenbelt expansion to protect water resources in the outer ring of the Greater Golden Horseshoe. The consultation comprises seven study areas deemed by the province to be most in need of protection, including moraines, cold water streams and wetlands. This announcement to expand the outer edges of the Greenbelt is a step towards fulfilling a Liberal election campaign promise made in 2014 and reiterated during the Coordinated Review consultations over the past two years.

As recommended in previous OHBA submissions, OHBA’s long-standing position is that the protection of environmental and hydrological features must be done on a science based criteria and supported by detailed mapping. The purpose of this consultation is to seek input on:

- The province’s approach to identifying moraines, coldwater streams and wetlands as important features for protection in the outer ring of the GGH
- The process for mapping a study area based on the locations of these features
- Other factors to be considered when mapping a proposed Greenbelt boundary

OHBA encourages members to read the [consultation document](#) and learn more about the seven water resource study areas proposed for protection. Also, visit the [Environmental Registry posting \(EBR 013-1661\)](#) to learn more about the potential Greenbelt expansion in the outer ring of the Greater Golden Horseshoe. The province intends to hold public open houses this winter (dates have not yet been scheduled).

The deadline for feedback is March 7, 2018. Please contact OHBA Director of Policy, [Mike Collins-Williams](#) to provide input.

INCLUSIONARY ZONING

The *Promoting Affordable Housing Act, 2016* (Bill 7) allows municipalities to require the inclusion of affordable housing units in new residential projects. [A regulation under the Planning Act that will set the framework for Inclusionary Zoning was posted December 18](#) for a 45-day consultation period to February 1, 2018. OHBA and BILD have met directly with the new Housing Minister twice this Fall to discuss inclusionary zoning and our support for a partnership model where offsets are provided by municipalities to contribute to the costs of the affordable units.

Industry advocacy regarding a partnership model has been successful and is reflected in the proposed regulation. However, [as expressed in a press release](#), OHBA remains concerned that the proposed partnership is not a 50/50 model, but rather it has been proposed that municipalities would be responsible to provide for 40% of the costs of the affordable units through offsets. OHBA further notes that industry concerns regarding a fair transition policy that would not disrupt applications in process (some municipalities proposed a retroactive transition to capture current projects) have been addressed by the province and that industry recommendations for 5 per cent of units being affordable (10 per cent within transit station areas) have also been proposed in the draft regulation. OHBA is seeking feedback from members as we prepare a submission – please contact OHBA Director of Policy, [Mike Collins-Williams](#) to provide input.

ELECTRIC VEHICLE CHARGING PROVISIONS AND REQUIREMENTS

On December 20, the Ministry of Municipal Affairs (MMA) released the amending regulation "[O Reg 563/17](#)" for Electric Vehicle Charging (EV), which is [available on e-Laws](#). These provisions came into force on January 1, 2018, which is at the same time as the other electric vehicle charging provisions that allow projects that are far along in the utility planning process to proceed without implementing the EV charging requirements (if the permit applicant has applied for a building permit before January 1, 2020).

The MMA will be providing additional guidance on alternative solutions, including appendix notes for EV requirements in the near future. MMA has provided the technical support documents for [Houses](#) and [Non-residential Buildings](#).

OHBA participated in ongoing EV consultations with MMA to help secure alternative solutions as provided in the examples in this [link](#). Please direct questions to OHBA's Senior Technical Advisor, [Shawn Good](#).

PROPOSED LAND NEEDS ASSESSMENT METHODOLOGY

On December 19, the Ministry of Municipal Affairs released the long awaited proposed Land Needs Assessment Methodology on the [Environmental Registry \(O13-2016\)](#) for a 71-day consultation period until February 28. Over the Summer and Fall, OHBA, BILD, the WRHBA and a small group of our expert members participated in confidential table sessions prior to the release of the 130 page discussion paper, "Proposed Methodology for Land Needs Assessment for the Greater Golden Horseshoe" which can be accessed [here](#). The association will continue to participate in this dialogue with the Ministry as they move forward towards finalizing this work.

To implement the Growth Plan, municipalities are required to use a common provincial methodology for calculating the amount of land that they will need for development to accommodate forecasted population and employment growth to 2041. This calculation is known as a land needs assessment. Using this methodology will help ensure that municipalities are using land efficiently and in accordance with provincial forecasts and targets. It is intended to provide a consistent and transparent approach to assessing land needs, and was developed by the province to respond to a recommendation from the Advisory Panel on the Coordinated Review, chaired by David Crombie. OHBA, BILD and our impacted local HBAs in the Growth Plan, also strongly advocated for a clear, consistent, and transparent land needs assessment methodology. To review a summary of what is proposed and the government announcement, click [here](#).

The Growth Plan and therefore the draft Land Needs Assessment 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.

LOWER WSIB PREMIUMS TAKE EFFECT

Starting January 1, 2018, the premium rate for home builders (RG 764) will decrease from \$7.83 for every \$100 of a workers income to \$7.24, a decrease of 7.5%. This rate decrease is equivalent to a savings of up to \$532 per worker based on the 2018 maximum earnings ceiling of \$90,300. Combined with the 2017 rate decrease, these changes will save professional renovators and home builders up to \$1,680 next year compared to rate levels in 2016. [Click here](#) for further details.

CHANGES TO LABOUR RELATIONS ACT AND EMPLOYMENT STANDARDS ACT NOW IN EFFECT

The government's legislation, *Bill 148 Fair Workplaces, Better Jobs Act, 2017* has introduced several significant changes to the *Labour Relations Act* and the *Employment Standards Act*. Along with an increase to the minimum wage, the legislation introduces changes that make it easier for workers to unionize as well as changes to scheduling provisions. OHBA has joined a coalition of employer associations through [keepontarioworking.ca](#) coalition led by the Ontario Chamber of Commerce. We are also working with employer construction associations to ensure that the legislation better reflects the unique differences in the construction sector.

For a legal analysis of how this impacts construction, visit Sherrard Kuzz LLP who has worked with OHBA on OCOT related submissions. [More information about Bill 148](#) can be found online.

MUNICIPAL ASSET MANAGEMENT PLANNING REGULATION

On December 13, the Province approved a new [municipal asset management planning regulation](#) (O. Reg. 588/2017) under the *Infrastructure for Jobs and Prosperity Act, 2015*. O. Reg. 588/2017 comes after more than a year and a half of consultations with municipalities and stakeholders, including OHBA. Requirements under O. Reg 588/2017 will be fully phased in by July 1, 2024. At this milestone, all municipalities will be required to have an approved asset management plan for all municipal infrastructure assets, including a discussion of proposed levels of service, what activities will be required to meet proposed levels of service, and a strategy to fund the activities.

In addition, on July 1, 2024, O. Reg. 388/2017 will come into force and the sections of O. Reg 82/98 that set out the content for asset management plans regarding transit services will be repealed. After this date, the asset management plan content requirements regarding transit services in support of development charge by-laws will be found in the new regulation. The requirements in O. Reg 82/98 will continue to apply until July 1, 2024 to municipalities that are preparing asset management plans to support a development charge by-law in respect of transit services.

OHBA wrote a [submission to the Minister of Infrastructure in August 2016](#) supporting stronger municipal asset management planning under the legislation. [OHBA responded to the Environmental Registry posting with a submission](#) in July 2017 that generally supports the implementation of the new framework. OHBA thanks member Lyn Townsend for her leadership on this file over the past three years.