

RESOLUTION # 1 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Attorney General

Submitted by: OHBA Land Development Committee

Date: September 24, 2018

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 had taken effect through the *Smart Growth for Our Communities Act* (Bill 73). This was the fourth review of the appeals system since the previous government took power in 2003; and

Whereas: In May 2017 the province announced a proposed 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 severely limits appeal rights and submission of planning evidence, has longer timelines with a back-and-forth between the tribunal and council, and is mandated to give greater weight to the political decisions of local municipal councils; 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 strongly supported 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 were 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 previous provincial government will be achieved through Bill 139 and the LPAT; and that the new appeals system will be longer, more expensive, more political, less certain and ultimately deliver less new housing supply to the people; and

Whereas: The PPS and Growth Plan focus on optimizing Ontario's economic opportunities and existing infrastructure to create vibrant, livable communities. However, the new OMB/LPAT framework challenges the ability to achieve optimization, and will result in adverse effects on the economic stability of the development industry, as well as the local municipalities that the industry operates in. OHBA is very concerned that the new framework simply empowers local councils to make politically motivated decisions that 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 changes to the land use planning appeals system were proclaimed in April 2018. New appeals are now being heard under the new system, while transitioned appeals continue to be heard under the previous system;

Therefore be it resolved that: the new provincial government repeal Bill 139 and bring back the OMB.

MOVED: John Meinen

SECONDED: Tony Alfieri

CARRIED

RESOLUTION # 2 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Submitted by: OHBA Land Development Committee
Date: September 24, 2018
Subject: Inclusionary Zoning

Whereas: The Provincial Government 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* would set the framework for Inclusionary Zoning; and

Whereas: The Province proposed a draft inclusionary zoning regulation in December 2017 that reflected a partnership between the private sector and public sector where the costs of constructing and providing affordable housing units were to be shared and the draft regulation set out maximum thresholds for the percentage of affordable units that a municipality could require in private residential developments; and

Whereas: Despite nearly three years of consultation with stakeholders including the development industry that supported a 'partnership model' to share costs, the province abandoned the partnership approach and passed a politically motivated inclusionary zoning regulation in April 2018 just weeks prior to the provincial election that did not reflect either the years of consultation or the draft regulation released for consultation the previous fall; and

Whereas: The regulation passed (Ontario Regulation 232-18) by the previous government provides municipalities with complete discretion on an inclusionary zoning framework in which all costs for building and providing affordable housing units are downloaded to the private sector and therefore paid through cross-subsidization between market and affordable units. This will escalate the costs of market units and will compromise the economic viability of some housing projects, thus reducing housing supply;

Therefore be it resolved that: the new provincial government immediately repeal the politically motivated Ontario Regulation 232-18 that was passed a couple weeks prior to the election.

MOVED: Pierre Dufresne

SECONDED: Garnet Northey

CARRIED

RESOLUTION # 3 (External)



Submitted to: Ministry of Municipal Affairs and Housing
AMO

Submitted by: OHBA Land Development Committee

Date: September 24, 2018

Subject: Growth Plan Intensification and Density Targets

Whereas: In 2015, the Minister of Municipal Affairs and Housing announced the launch of a Co-ordinated Review; and

Whereas: In May 2016, the Provincial Government announced proposed amendments to the four Plans that were part of the Co-ordinated Review that are meant to work together to manage growth, build complete-communities, curb sprawl and protect the natural environment; and

Whereas: In July 2017, the four plans (Greenbelt, Growth Plan, ORMCP, NEP) came into effect; and

Whereas: Two key amendments to the Growth Plan include updating the designated greenfield density targets from 50 persons and jobs per hectare to 80 persons and jobs per hectare as well as updating the intensification target from 40% to 60%. These two new targets represent a significant paradigm shift in planning policy and will significantly alter the way in which existing and new communities are planned for, built and evolve; and

Whereas: These two new targets will require significant investment to update and expand both provincial and municipal infrastructure and services including: parkland, new roads, widenings of existing roads, transit, community services and schools both within and beyond the built boundary; and

Whereas: While municipalities have been provided limited flexibility to apply for alternative targets, the new density and intensification targets are a “one size fits all” policy approach despite individual communities and municipalities having: differing neighbourhood characteristics, different amounts of Designated Greenfield Areas already consumed by built/approved development, differing access to public services, differing proximity (or complete lack of) higher-order public transit and community identities/characteristics.

Therefore be it resolved that: the Provincial Government amend the 2017 Growth Plan to return to the original growth plan density (minimum of 50 jobs and persons per hectare) and intensification (minimum of 40%) targets and apply them for the current 2041 Municipal Comprehensive Review conformity process; and

Therefore be it further resolved that: the Provincial Government commence consultations and forecasting research towards updating Schedule #3 of the Growth Plan with population and employment forecasts to 2051; and

Therefore be it further resolved that: Rather than applying a “one size fits all” set of targets while allowing alternative targets, the province should work with its municipal partners to update future intensification and density targets in an updated Schedule #3 for growth from 2041 to 2051 that are specific to each region to recognize local characteristics, infrastructure and market realities.

MOVED: Michael Pozzebon

SECONDED: Kevin Brosseau

CARRIED

RESOLUTION # 4 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Ministry of Natural Resources and Forestry
Ministry of Agriculture, Food and Rural Affairs

Submitted by: OHBA Land Development Committee

Date: September 24, 2018

Subject: Growth Plan for the Greater Golden Horseshoe
Agricultural System Mapping
Natural Heritage System Mapping

Whereas: In 2015, the Minister of Municipal Affairs and Housing announced the launch of a Co-ordinated Review; and

Whereas: As part of the consultation process for the four Plans that were part of the Co-ordinated Review, in December 2015, the Crombie Panel released “Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe”. Recommendation #28 included: “.....provide policy direction and guidance toward the consistent identification, mapping and protection of an integrated agricultural system across the GGH” and recommendation #41 included: “Improve mapping of natural heritage systems”.

Whereas: In July 2017, the four plans (Greenbelt, Growth Plan, ORMCP, NEP) came into effect; and

Whereas: In July 2017, the MNRF released a draft Agricultural System mapping & Implementation Procedures for consultation (EBR 013-0968). OHBA responded with a submission outlining a number of concerns in October 2017; and

Whereas: In July 2017, the OMAFRA released the Criteria, methods, and mapping of the proposed regional Natural Heritage System for the Growth Plan for the GGH – EBR 013-1014. OHBA responded with a submission outlining a number of concerns in October 2017; and

Whereas: In February 2018, the MNRF and OMAFRA released final mapping for both the Agricultural System and the Natural Heritage System; and

Whereas: OHBA and many of our partner municipalities continue to have concerns with respect to the accuracy of the mapping and the lack of ground-truthing at a scale that is appropriate for development review; and

Whereas: OHBA understands that at the time of implementation, municipalities will be able to refine to a limited degree provincial mapping through a municipal comprehensive review. However this leaves a great deal of uncertainty for all stakeholders. Accurate mapping of the NHS and Agricultural System is critical to ensuring not just its protection, but also the reasonable restriction only on those lands where the core features actually exist, and not where incorrect mapping has identified a feature or where features may exist, but the lines protecting the feature are not in the correct location or are “linkage” features that may have little to no actual NHS value.

Therefore be it resolved that: municipalities be provided greater local flexibility to exempt features that do not require protection. All of the provincial mapping should be evidence based utilizing science, local knowledge, mapping and resources to ensure its accuracy; and

Therefore be it further resolved that: the “linkage” features in the provincial NHS be removed and that the focus of the NHS mapping from a provincial perspective should remain on “core” NHS features.

MOVED: Michael Pozzebon

SECONDED: Garnett Northey

CARRIED

RESOLUTION # 5 (External)



Submitted to: Ministry of Training, Colleges and Universities
Ministry of Labour
Ontario College of Trades

Submitted by: OHBA Executive Committee

Date: September 24, 2018

Subject: Modernizing Ontario College of Trades – Creating Jobs and Reducing Red Tape
JOURNEYPerson TO APPRENTICE RATIOS

Whereas: Ontario has the highest journeyperson-to-apprentice ratios in Canada for residential construction which can be as high as six journeypersons to one apprentice; and

Whereas: The ratio limits opportunities in the skilled trades for young people trying to find an apprenticeship opportunity in the skilled trades and limits the supply of labour which delays building homes and infrastructure; and

Whereas: There is a growing skills gap in Ontario resulting in lost productivity; and

Whereas: Ontario ranks last in Canada in the number of licensed tradespeople per capita; and

Whereas: Numerous reports have stated that Ontario suffers from a skills gap due to outdated regulations and negative perception of careers in the trades; and

Whereas: The Ontario College of Trades (OCOT) failed to implement the Tony Dean Recommendations related to the ratio reviews and had to request to the previous Liberal government for a 1-year extension on the reviews; and

Whereas: This ratio review delay is further evidence of a governance failure at OCOT that demonstrates that OCOT can no longer be entrusted to implement policy decisions such as ratio reviews or compulsory certification reviews; and

Whereas: Scopes of Practice for construction trades are outdated and are not relevant for enforcement; and

Whereas: To promote skilled trades and apprenticeship in Ontario, the government should work with OHBA, industry partners, construction associations and education institutions to find solutions to increase interest in going into the trades as a career and streamline the certification process in the trades in order to create more skilled tradespeople.

Therefore Be It Resolved That: The Ministry of Training, Colleges and Universities immediately move Ontario to a 1-to-1 journeyperson to apprentice ratio for all construction trades.

MOVED: John Meinen

SECONDED: Tony Alfieri

CARRIED

RESOLUTION # 6 (External)



Submitted to: Ministry of Training, Colleges and Universities
Ministry of Labour
Ontario College of Trades

Submitted by: OHBA Executive Committee

Date: September 24, 2018

Subject: Modernizing Ontario College of Trades – Creating Jobs and Reducing Red Tape
ENFORCEMENT

Whereas: Since 1911 the Ministry of Labour has been entrusted with regulating the safety of workplaces in Ontario; and

Whereas: A Construction Health and Safety Branch for construction projects was established in 1979 in the Ministry of Labour because of the unique nature of construction work; and

Whereas: the Technical Standards and Safety Authority (TSSA), Electrical Safety Authority (ESA), Workplace Safety and Insurance Board (WSIB); Tarion; and Ontario's building officials are all tasked with providing public and worker safety in various sectors of construction and each have specific expertise in their respective fields; and

Whereas: The *Ontario College of trades and Apprenticeship Act, 2009* created a new enforcement unit with a vague and broad mandate to regulate the practice of the trades based on an outdated Scopes of Practice regime; and

Whereas: Scopes of Practice were never intended for enforcement purposes and often date back over 50 years; and

Whereas: OCOT enforcement has been involved in regulatory and dispute resolution matters better suited for other regulatory entities; and

Whereas: As the Tony Dean Report found: *"The College's current approach to enforcement applies to the "full scope of practice" for a compulsory trade, and it regards this as equivalent to "engaging in the practice" of a compulsory trade. This approach is inconsistent with and, in some cases, is disrupting previous agreements between workplace parties and past decisions of the Ontario Labour Relations Board (OLRB) in resolving jurisdictional disputes."*; and

Whereas: The Tony Dean Report cites numerous specific examples of disruptive overreach by OCOT enforcement; and

Whereas: OCOT still uses out-of-date scopes of practice for enforcement purposes and has not updated the scopes of practice since the Tony Dean Report; and

Whereas: To promote skilled trades and apprenticeship in Ontario, the government should work with OHBA, industry partners, construction associations and education institutions to find solutions to increase interest in going into the trades as a career and streamline the certification process in the trades in order to create more skilled tradespeople.

Therefore be it Resolved That: OCOT inspectorate should move back to the Ministry of Labour where there is expertise in risk of harm, a long history regulating construction, and stakeholder familiarity with the inspectorate.

MOVED: Doug Tarry

SECONDED: Rick Martins

CARRIED

RESOLUTION # 7 (External)



Submitted to: Ministry of Training, Colleges and Universities
Ministry of Labour
Ontario College of Trades

Submitted by: OHBA Executive Committee

Date: September 24, 2018

Subject: Modernizing Ontario College of Trades – Creating Jobs and Reducing Red Tape
SCOPES OF PRACTICE AND COMPULSORY CERTIFICATION

Whereas: The Ontario College of Trades (OCOT) was created with the purpose of empowering tradespeople and elevating the status of trades in Ontario; and

Whereas: Since it was created, OCOT has divided industry, organized labour and tradespeople creating more confrontation, bureaucracy and red tape in the skilled trades; and

Whereas: The impact of designating a new compulsory trade would have significant negative unforeseen impacts on labour supply, opportunities in the trades, collective agreements, and the underground economy; and

Whereas: The current certification review process gives too much power to unrepresentative trade boards that do not adequately represent rural, northern and non-union interests; and

Whereas: The compulsory certification review process is based on a definition of trades that date back to 1950s training documents that are now outdated.

Whereas: To promote skilled trades and apprenticeship in Ontario, the government should work with OHBA, industry partners, construction associations and education institutions to find solutions to increase interest in going into the trades as a career and streamline the certification process in the trades in order to create more skilled tradespeople

Therefore be it resolved that: OCOT and the Government of Ontario suspend all trade certification reviews and any operational work to advance certification reviews including all trades “in the queue” until OCOT updates the Scopes of Practice to modern standards.

MOVED: Tony Alfieri

SECONDED: Peter Brewda

CARRIED

RESOLUTION # 8 (External)



Submitted to: Ministry of Training, Colleges and Universities
Ministry of Labour
Ontario College of Trades

Submitted by: OHBA Executive Committee

Date: September 24, 2018

Subject: Modernizing Ontario College of Trades – Creating Jobs and Reducing Red Tape
ELIMINATING THE APPRENTICE TRADES TAX

Whereas: The Ontario College of Trades (OCOT) was created with the purpose of empowering tradespeople and elevating the status of trades in Ontario; and

Whereas: Since it was created, OCOT has divided industry, tradespeople, and organized labour creating more confrontation, animosity, bureaucracy and red tape in the skilled trades; and

Whereas: The value proposition of the Ontario College of Trades is unclear and as the Tony Dean Report recognized: “Even self-identified supporters of the College [...] struggle to explain to their peers what tangible positive difference the College is making.”; and

Whereas: OCOT continues to show significant budgetary surpluses of more than 20 percent of the operating budget; and

Whereas: The OCOT 2017 Financial Statement show a one-year surplus of \$5.5 million and cash assets totaling more than \$13 million; and

Whereas: The current financial status of OCOT demonstrates that it is overcharging tradespeople without a clear value proposition to tradespeople; and

Whereas: Any taxes and fees that tradespeople are obligated to pay are a barrier to entering the trades.

Whereas: To promote skilled trades and apprenticeship in Ontario, the government should work with OHBA, industry partners, construction associations and education institutions to find solutions to increase interest in going into the trades as a career and streamline the certification process in the trades in order to create more skilled tradespeople

Therefore be it resolved that: OCOT eliminate fees for apprentices and cut fees for journeypersons.

MOVED: Paul Jansen

SECONDED: Louie Zagordo

CARRIED

RESOLUTION # 9 (External)



Submitted to: Ministry of the Environment, Conservation and Parks
Ministry of Municipal Affairs and Housing

Submitted by: OHBA Land Development Committee

Date: September 24, 2018

Subject: Conservation Authorities

Whereas: The Provincial Government initiated a review of the *Conservation Authorities Act* in 2015, to identify opportunities to improve the existing legislative, regulatory and policy framework that currently governs Conservation Authorities and the programs and services they deliver on behalf of the province, municipalities, and others; and

Whereas: Schedule 4 of Bill 139 (*Building Better Communities and Conserving Wetlands Act, 2017*) was passed in December 2017 and made amendments to the *Conservation Authorities Act*. Regulations to implement various aspects of the legislation have not yet been passed; and

Whereas: While CAs have an important role in watershed management, OHBA has become increasingly concerned that a number of CAs have extended their reach beyond a core mandate related to natural hazards (PPS section 3.1) and watershed management and often operate outside their jurisdiction, which is adversely impacting a number of broader provincial goals and objectives.

Whereas: the lack of prescribed timelines and multiple layered approvals contributes to escalating costs and uncertainty. CAs provide varying comments through multiple stages the process (input at subwatershed study level, secondary plan, block plan, zoning, MESP, draft plan, FSR, detailed design, permitting);

Whereas: Conservation Authorities often establish and adopt policies, standards or guidelines beyond the scope of their legislative authority and lack accountability mechanisms in terms of policy development and the fees collected for services; and

Therefore be it resolved that: that Conservation Authorities be mandated to efficiently deliver on their core responsibilities, providing for consistency in programs and services and implement provincial policy objectives related principally to natural hazards and watershed management. CA roles and responsibilities should not extend beyond the scope of the *Conservation Authorities Act* and Ontario Regulation 97/04, unless an additional role is clearly defined in a publicly posted MOU; and

Therefore be it further resolved that: the Province increase clarity and consistency by outlining the scope of provincially mandated roles and responsibilities in regulation, which will serve to embed provincial expectations for the delivery of these programs and services. Furthermore, the Province should clearly define the CA core mandate to be prioritized around the achievement of the Natural Hazard policies of the PPS and watershed management. The Province should also ensure clarity on areas outside the scope of CA Authority (i.e. approvals for SWM); and

Therefore be it further resolved that: the Province enhance accountability and transparency through the implementation of an independent third party appeals process for Conservation Authority permitting functions, fees and timelines; and

Therefore be it further resolved that: the Province enhance accountability and transparency by mandating Conservation Authorities to establish fair and reasonable rules with respect to development application review timelines, fees for permits and that an independent third party appeals process be established for fees, schedules and timelines and permit decisions. These fees should be linked to the anticipated costs to the CA in terms of processing each type of application provided for in the tariff.

MOVED: Matt Johnston

SECONDED: Garnett Northey

CARRIED

RESOLUTION # 10 (External)



Submitted to: Minister of Municipal Affairs and Housing
Ontario Building Officials Association

Submitted by: OHBA Technical Committee

Date: September 24, 2018

Subject: Ontario Build Code – Housing Affordability

Whereas: Ontario has enjoyed over 10 years of economic prosperity resulting in a strong housing market, however rapidly escalating housing prices mean that the dream of home ownership is slipping out of reach for many Ontarians; and

Whereas: a strong housing market in the past was better positioned to absorb variations in regulations, policy directives and Building Code changes, however changes to the building code have real costs which are passed onto new home buyers and to renters; and

Whereas: the previous Provincial Government and many special interest groups regarded the Building Code as the vehicle to implement social policies; and

Whereas: these social policies are underwritten by the Objective statements in the Building Code; and

Whereas: significant technology advancements and changes to the Building Code are placing considerable pressure on building officials and the capacity of our labour supply to be properly trained to keep up with code amendments; and

Whereas: housing affordability strategies and Building Code social policy objectives often have conflicting economic consequences resulting in excessive financial burden and social responsibility being placed unnecessarily on new home purchasers; and

Whereas: the 5 million houses in the existing housing stock in Ontario are a significantly larger burden in terms of addressing provincial policy and social policy objectives of greater resource conservation, increased fire safety, and improved accessibility, yet the Building Code has no jurisdiction over the existing housing stock; and

Whereas: the cumulative economic impact of Building Code changes reflecting multiple provincial policy and social policy objectives, coupled with price increases in labour, materials, land, municipal development charges, taxes, fees and levies has resulted in tens of thousands of dollars of increased costs, significantly raising the cost of housing as well as artificially elevating the entire housing market for both new and resale homes;

Therefore be it resolved that: the Ontario Building Code be amended to include *AFFORDABILITY* as an over-arching Objective statement and that all currently considered and future Building Code change proposals be evaluated on an affordability basis and evaluated as an entire package as to their effect on the consumer and the building industry.

Therefore be it further resolved that: the provincial government put a “hold” on recent changes to the Ontario Building Code including, but not limited to: 200 AMP panel requirements, drain water heat recovery, larger stair tread requirements, Part 11 inspection requirements and blower door testing requirements for further technical consultation and examination on affordability impacts, labour impacts and technical impacts.

MOVED: Tony Alfieri

SECONDED: Rick Martins

CARRIED

RESOLUTION # 11 (External)



Submitted to: Minister of Municipal Affairs and Housing
Ontario Building Officials Association

Submitted by: OHBA Technical Committee

Date: September 24, 2018

Subject: Ontario Build Code – “Code is King”

Whereas: In 1941, the federal government of Canada published the first National Building Code; and

Whereas: In 1975 the Province introduced the first Ontario Building Code (OBC), which set out the technical requirements for the construction and demolition of buildings. In order to create uniform building regulations throughout the Province, it was mandatory that every jurisdiction employ building officials to administer the OBC. The primary purpose of the Ontario Building Code is to promote public safety through the application of appropriate uniform building standards; and

Whereas: While the application of minimum uniform building standards throughout Ontario is a guiding primary purpose of the building code, many innovators and leaders in the industry go beyond these standards. Furthermore, the industry through organizations such as EnerQuality have created and adopted voluntary leadership building standards such as LEED, EnergyStar for New Homes etc; and

Whereas: Again, while the application of minimum uniform building standards throughout Ontario is a guiding primary purpose of the building code, some of Ontario’s 444 individual municipalities have taken it upon themselves to try to implement their own building standards through various processes such as site plan approvals; and

Whereas: The adoption of differing building standards across the spectrum of municipalities throughout Ontario erodes the purpose of the Ontario Building Code, adds significantly to the regulatory burden within the building sector and challenges regulatory oversight as well as builders, manufacturers and suppliers operating in multiple jurisdictions;

Therefore be it resolved that: the OBC is the Ontario building code standard and that municipalities can not create local building standard by-laws or planning by-laws that apply building code standards to development applications.

Therefore be it further resolved that: the OHBA seek legislative clarification from the Government of Ontario, through the Minister of Municipal Affairs and Housing to prevent the ability of municipalities to require for “Better Than Code” from builders and developers, including but not limited to Planning Act application, building permits, site plan agreements, subdivision agreements, lot grading and other legal documentation.

MOVED: Jonathan Schickedanz

SECONDED: Louie Zagordo

CARRIED

RESOLUTION # 12 (External)



Submitted to: Ministry of Finance
Submitted by: OHBA Executive Committee
Date: September 24, 2018
Subject: Updating HST New Housing Threshold

Whereas: Ontario's HST came into effect on July 1, 2010 resulting in a significant "net new" tax increase on new housing compared to the previous PST regime. At the time, a fixed rebate of 6 percentage points of the 8% provincial portion of the tax was provided for new homes up to a threshold value of \$400,000 (up to \$24k per home).; and

Whereas: The intent of the rebate was for the change from the PST to the HST to be "tax neutral" for new homes under the threshold value of \$400,000; and

Whereas: This threshold has remained at \$400,000 for the last seven years despite significant increases in housing prices; and

Whereas: a large number of households living in homes valued above \$400,000 are middle income families. The HST significantly pushes up housing costs and increases the financial burden on younger millennials purchasing their first home or condominium and on middle income and middle-class families; and

Whereas: As a result of the implementation of the HST, the tax burden on homeowners was \$3.4 billion more from 2010-2016 than it would have been under the old tax regime (Altus Group Report: "Ontario's HST New Housing Rebate: A Review and Analysis of the Rebate Threshold" November 2017); and

Whereas: The new housing rebate threshold value (currently \$400k) should be reviewed by the new government to ensure that it remains equitable in light of normal inflationary changes in housing prices. Without reviewing the threshold value, an increasing share of new home buyers will receive a smaller portion of the rebate relative to the new housing tax – this is essentially a tax increase by stealth; and

Whereas: should the Ontario government not regularly update the HST rebate threshold, Ontario consumers and tax payers will suffer eroding affordability conditions as new home prices inevitably rise over the long-term; and

Whereas: an adjustment of the HST Threshold to \$550,000, will save consumers an additional \$9,000 on a new home, while supporting jobs and growth in the housing sector.

Therefore be it resolved that: the Ministry of Finance conduct a review of the HST Threshold and update the threshold to \$550,000 and index the threshold to the MPAC indexing on an annual basis.

MOVED: John Meinen

SECONDED: Rick Martins

CARRIED

RESOLUTION # 13 (External)



Submitted to: Attorney General of Ontario
Association of Municipalities of Ontario

Submitted by: OHBA Executive Committee

Date: September 24, 2018

Subject: Amending the Construction Act For Small Business

Whereas: Administrative burdens, red tape and legal costs are increasing on small business making it more expensive to do business in Ontario; and

Whereas: Bill 142, *Construction Lien Amendment Act, 2017* establishes a prompt payment and adjudication process in addition to the lien processes that already exist in Ontario; and

Whereas: no other jurisdiction in the world has both a lien and prompt payment adjudication scheme; and

Whereas: the two parallel adjudication processes create confusion, redundancies and increase legal costs on business; and

Whereas: the 14-day payment schedule provided by the legislation is unreasonably short, especially in the residential building where many contractors and subcontractors are small family-run owner-operated businesses with limited ability to jump immediately into dispute resolution proceedings; and

Whereas: the prompt payment adjudication process risks creating delay and expense for those involved and is open to abuse by companies that trigger multiple claims simultaneously through different adjudicative processes; and

Whereas: the main beneficiaries of the updated Construction Lien Act are lawyers, not construction businesses; and

Whereas: In many jurisdictions in the United States where there is 'prompt payment' it only applies to public sector projects and/or large contracts; and

Whereas: the previous government made amendments in Committee that had the effect of eliminating prompt payment provisions in alternative financing and procurement (AFP) projects as the contractor would have to get the permission of the AFP owner before they can invoice and start the prompt payment process.

Therefore be it resolved that: The government amend the prompt payment adjudication process so that it may only be used in contracts that are higher than \$20 million; and

Therefore be it further resolved that: residential construction be provided the same amendments that were provided for AFP projects in order to provide fairness for all construction projects.

MOVED: Peter Saturno

SECONDED: Louie Zagordo

CARRIED

RESOLUTION # 14 (External)



Submitted to: Ministry of the Environment, Conservation and Parks
Submitted by: OHBA Land Development Committee
Date: September 24, 2018
Subject: Modernization of Approvals:
Environmental Assessments & Environmental Compliance Approvals

Whereas: the Ministry of the Environment, Conservation and Parks has legislative and regulatory authority over a variety of environmental approvals impacting new housing, land development and critical infrastructure including:

-) Environmental Compliance Approvals (ECAs): This approval covers emissions and discharges related to air, noise, waste or sewage including storm water management facilities;
-) The Environmental Assessment process ensures that governments and public bodies consider potential environmental effects before an infrastructure project begins – these can include municipal infrastructure, transit and transportation projects;
-) Municipalities in Ontario have the benefit of using the Municipal Engineers Association's Class EA (MCEA) process for certain municipal road, water and wastewater projects.

Whereas: the Ministry of the Environment, Conservation and Parks has undertaken a Modernization of Approvals approach to streamlining a number of different approvals processes in recent years; and

Whereas: The Development Approvals Roundtable Action Plan (Fall 2017) committed the Ministry to address concerns on delays in the Municipal Class Environmental Assessment (EA) process related to Part II Order Requests; and

Whereas: the Ministry continues to review ECAs for SWM ponds when the local municipality, Conservation Authority and in some cases MNRF already review and have various approval authorities over the same design. This is a duplicative exercise that often adds 6-8 months to complete with no added value; and

Therefore be it resolved that: the Ministry of Environment, Conservation and Parks undertake a comprehensive review of all Environmental Assessment processes and ECAs to streamline, reduce red tape and eliminate duplication; and

Therefore be it further resolved that: The Ministry review requests made and streamline the Part II Order process and municipal class EA schedules (risk based approach for requirements); and

Therefore be it further resolved that: The Ministry add more environmental compliance processes to the Environmental Activity and Sector Registry (EASR) (e.g. permits by rule); and

Therefore be it further resolved that: the Ministry reduce review time for the Transfer of Review Process, as well as expand the number of municipalities that are participating and updating the program, subject to municipal consent; and

Therefore be it further resolved that: the Ministry Explore whether the government review team process could be expanded to support applicants for Class EAs used in individual EAs such as municipal, transit and waterpower; and

Therefore be it further resolved that: The Ministry reduce ECA review timelines and develop service standards. In particular, the Ministry should eliminate the duplicative Ministry review process for stormwater management works.

MOVED: Michael Pozzebon

SECONDED: Pierre Dufresne

CARRIED

RESOLUTION # 15 (External)



Submitted to: Office of the Premier of Ontario
Ministry of Municipal Affairs and Housing
Ministry of Economic Development, Job Creation and Trade

Submitted by: OHBA Executive Committee

Date: September 24, 2018

Subject: The Paper Burden: Improving Customer Service, Transparency & Accountability

Whereas: the provincial One Window Planning Service is the process whereby the Ministry of Municipal Affairs provides municipalities, planning boards, developers and the public with one-stop access for provincial planning services.

Whereas: There are many different legislative, regulatory and policy-based approvals and compliance processes under numerous different provincial Ministries, Conservation Authorities and municipalities across Ontario; and

Whereas: Ontario businesses need relief. Red tape and the paper burden have significant time, staff resource and financial compliance costs for businesses including those in the land development, home building and renovation sectors. This burden impacts both small and large businesses; and

Whereas: The Government of Ontario has stated its committed to creating and protecting jobs by sending the message to business investors everywhere that Ontario is open for business; and

Whereas: Despite some types of applications having timelines, many applications get lost in the paper shuffle and sit on desks with little to no action occurring for long periods of time; and

Whereas: the Ontario government should improve customer service for all businesses and all types of applications by enhancing accountability for whom within government is directly responsible at any given time for an application and transparency as to exactly “where in the system” any individual application is at any given point in time;

Therefore Be It Resolved That: the Ontario Government enhance customer service by electronically tagging all applications through all aspects of the approvals system, so that the applicant can access the exact location and status of any individual application provided by the One Window Planning Service provided by the Ministry of Municipal Affairs and Housing.

MOVED: Matt Johnson

SECONDED: Rick Martins

CARRIED

RESOLUTION # 16 (External)



Submitted to: Ministry of Government and Consumer Services
Tarion Warranty Corporation

Submitted by: OHBA Executive Committee

Date: September 24, 2018

Subject: Ontario New Home Warranty – Competitive Model

Whereas: The Tarion Warranty Corporation (formerly HUDAC Warranty Corporation) was established in 1976 to protect the rights of new home buyers and regulate new home builders; and

Whereas: Ontario Home Builders' Association established in 1962 provides residential builders a voice to the provincial government, to facilitate changes within the industry and to provide housing affordability and choice to Ontarians; and

Whereas: The Tarion Warranty Corporation acts as the sole warranty administrator for new homes, and while the warranty itself is provided by the builder/vendor and not Tarion, Tarion administers the warranty program and enforces the warranty. The *Ontario New Home Warranties Plan Act* outlines the warranty protection that new home and condominium builders must provide by law to their customers; and

Whereas: in 2015 the province initiated an independent review of the *Ontario New Home Warranties Plan Act* and the Tarion Warranty Corporation. The province appointed the Honourable J. Douglas Cunningham Q.C. to conduct the review. The Justice delivered his final report with recommendations to the government in 2016; and

Whereas: Justice Cunningham's Report proposed a new competitive model, which would provide builders (and indirectly homeowners), with a choice of warranty providers. Instead of Tarion being the only administrator of new home warranties, such services would be open to multiple providers, as various agencies and insurance companies have expressed an interest in offering these types of services, and have the necessary expertise to do so, as they do in other provinces. Under this new model, Tarion would continue to operate, under a new name and as a not-for-profit corporation, retaining responsibility for all existing homes currently enrolled with Tarion; and

Whereas: the *Strengthening Protection for Ontario Consumers Act, 2017* (Bill 166), received royal assent on December 14, 2017. Of significant note is that the *Ontario New Home Warranties Plan Act* (the "ONHWPA") will be repealed at a date to be determined by proclamation and replaced with the *New Home Construction Licensing Act, 2017* (the "Licensing Act"), and *Protection for Owners and Purchasers of New Homes Act, 2017* (the "Protection Act"). As a result of legislation, the role of Tarion will be split into two parts. The Licensing Act will be responsible for designating a not-for-profit corporation to oversee the regulation of new home builders and vendors. The Protection Act will allow the government to designate a not-for-profit corporation to be the warranty authority; and

Whereas: the Legislation did not include provisions acting upon Justice Cunningham's recommendation to open the warranty provider function to competition in Ontario;

Therefore be it resolved that: that the OHBA retain a third party consultant to complete a research paper (the "Report") outlining the following:

1. An assessment of the advantages and disadvantages of the competitive warranty models versus the single provider model;
2. A recommendation as to which model would better service all stakeholders;
3. The research paper will provide design recommendations of the recommended warranty model and regulatory structure to support the ONHWP;
4. The Report shall be completed prior to the November Board Meeting for Review by the OHBA Executive.



Therefore be it further resolved that: the OHBA – as the voice of the regulated industry – engage Tarion through a joint board committee to discuss necessary immediate service improvements to the regulated industry.

Therefore be it further resolved that: the OHBA will continue to support a mandatory legislative new home warranty program in Ontario that provides accountability and transparency to all stakeholders – consumers, builders, government.

MOVED: Tony Alfieri

SECONDED: Rick Martins

CARRIED