



# Ontario Home Builders' Association

BILD  
Bluewater  
Brantford  
Chatham-Kent  
Cornwall  
Greater Dufferin  
Durham Region  
Grey-Bruce  
Guelph & District  
Haldimand-Norfolk  
Haliburton County  
Hamilton-Halton  
Kingston-Frontenac  
Lanark-Leeds  
London  
Niagara  
North Bay & District  
Greater Ottawa  
Oxford County  
Peterborough &  
The Kawarthas  
Quinte  
Sarnia-Lambton  
Simcoe County  
St. Thomas-Elgin  
Stratford & Area  
Sudbury & District  
Thunder Bay  
Waterloo Region  
Windsor Essex

## Resolutions Update 2018 – 2019



## 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

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*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**

## ACTION #1



- J OHBA maintained a strong position throughout 2018 and 2019 with the provincial government that the LPAT system was not working as intended by the previous government and that the province should repeal Bill 139 and bring back the OMB;
- J OHBA made a submission to the Housing Supply Action Plan consultation in January 2019 articulating and maintaining this position;
- J The Housing Supply Action Plan and Bill 108 (*More Homes, More Choice Act, 2019*) were tabled in May 2019 with amendments to the appeals system that reflect the OHBA position and the OHBA resolution.
- J Bill 108, *The More Homes, More Choice Act, 2019* was passed and received Royal Assent on June 6, 2019. The OHBA supported legislation reflects the OHBA resolution.
- J The Ministry of Municipal Affairs and Housing is currently consulting on transition regulations for which OHBA will prepare a submission.

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# ACTION

## RESOLUTION # 2 (External)



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

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*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**

## ACTION #2



- ) OHBA continues to oppose the politically motivated inclusionary zoning regulation that was passed in April 2018 just weeks prior to the provincial election. In the years since the regulation was passed a number of municipalities have commenced consultations with respect to local inclusionary zoning by-laws;
- ) OHBA continues to support a “partnership model” for inclusionary zoning and this position was reflected in the OHBA Housing Supply Action Plan submission in January 2019;
- ) The *More Homes, More Choice Act, 2019* (Bill 108) that was passed and received Royal Assent on June 6, 2019 partially reflects the OHBA position for a partnership model. The legislation places a number of restrictions on the use of inclusionary zoning to a Community Planning Permit System (Development Permit System) within Major Transit Station Areas;
- ) While OHBA supports these legislative amendments for the use of inclusionary zoning, there are still very real costs associated with the provision of below-market affordable housing units from the private sector. It will be critical for municipalities implementing inclusionary zoning within a Community Planning Permit System to provide appropriate offsets to ensure a true public-private partnership in the cost of delivering below market affordable housing units.

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# ACTION



### RESOLUTION # 3 (External)

Submitted to: Ministry of Municipal Affairs and Housing  
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Submitted by: OHBA Land Development Committee

Date: September 24, 2018

Subject: Growth Plan Intensification and Density Targets

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*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**

## ACTION #3



- ) The provincial government set up a number of implementation stakeholder working groups that OHBA participated on in the fall of 2018;
- ) OHBA made a submission to the Ministry of Municipal Affairs and Housing specific to Growth Plan density and intensification targets in November 2018;
- ) OHBA participated in additional stakeholder consultations in the winter 2019;
- ) The provincial government released a proposed Amendment to the Growth Plan in January 2019 and OHBA responded with a press release that the industry welcomed the growth plan amendments that would support more housing supply and more housing choice across the Greater Golden Horseshoe;
- ) OHBA provided the Ministry of Municipal Affairs and Housing with a submission on the Growth Plan Amendments in February 2019;
- ) The provincial government released a final Growth Plan (“A Place to Grow”) in May 2019. The final growth plan generally reflects the OHBA resolution to not take a one size fits all approach in terms of density and intensification targets;
- ) OHBA will continue to advocate for the provincial government to commence a review of the Schedule #3 forecasts for the 2041 – 2051 period.

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# ACTION

## 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

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*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**



## ACTION #4



- ) The provincial government set up a number of implementation stakeholder working groups that OHBA participated on in the fall of 2018;
- ) OHBA made a submission to the Ministry of Municipal Affairs and Housing specific to the Agricultural and the Natural Heritage System Mapping in November 2018;
- ) OHBA participated in additional stakeholder consultations in the winter 2019;
- ) The provincial government released a proposed Amendment to the Growth Plan in January 2019 and OHBA responded with a press release that the industry welcomed the growth plan amendments that would support more housing supply and more housing choice across the Greater Golden Horseshoe;
- ) OHBA provided the Ministry of Municipal Affairs and Housing with a submission on the Growth Plan Amendments in February 2019;
- ) The provincial government released a final Growth Plan (“A Place to Grow”) in May 2019. The final growth plan generally reflects the OHBA position 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;
- ) The final Growth Plan does not reflect the OHBA position 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. However, there is a greater degree of local flexibility with respect to the implementation of these features.

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# ACTION

## 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

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*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**

## ACTION #5



- J Schedule 3 of Bill 47, *Making Ontario Open for Business Act, 2018* was tabled in October 23, 2018 and received Royal Assent less than a month later on November 21<sup>st</sup>;
- J The Bill sets all journey-person-to-apprentice ratios in all construction trades at one-to-one. The new ratios went into effect immediately upon Royal Assent;
- J Members of the OHBA Executive and Board of Directors were pleased to be invited to Queen's Park for the introduction of the legislation;
- J OHBA posted a video on YouTube with members explaining what a 1-to-1 ratio will mean for them and their company;
- J Many OHBA members have already since the legislation received Royal Assent hired new apprentices and many local HBAs have hosted events encouraging careers in construction highlighting new opportunities that the modernized ratios provide.
- J The legislation reflects the OHBA resolution.

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# ACTION

## 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

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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**

## ACTION #6



- ) Bill 47, *Making Ontario Open for Business Act, 2018* was tabled in October 23, 2018 and received Royal Assent less than a month later on November 21<sup>st</sup>;
- ) Schedule 3 of the Act winds down the Ontario College of Trades;
- ) While OCOT inspectors still have a mandate to enforce Scopes of Practice, OHBA has noticed a sharp decline in reports of OCOT enforcement on member job sites;
- ) The government has begun consultations on a replacement model for the regulation of the trades. In this next phase, the government has stated that it will move towards a risk-based approach for enforcement. This is in contrast to OCOT's mandate which regulated every aspect of a compulsory trade, regardless of the level of safety or occupational health risk.

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# ACTION

## 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

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*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**

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## ACTION #7



- J Bill 47, *Making Ontario Open for Business Act, 2018* was tabled in October 23, 2018 and received Royal Assent less than a month later on November 21<sup>st</sup>;
- J Schedule 3 of the Act winds down the Ontario College of Trades and implements a moratorium on trade classifications and reclassifications;
- J As noted in the government's announcement documents, "trade classification and re-classification in Ontario is currently overly burdensome and can affect decisions to hire new staff, as well as companies' ability to compete in the global marketplace. The moratorium would mitigate the risks of increasing regulatory burden and costs for businesses;"
- J The legislation reflects the OHBA resolution.

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# ACTION

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## 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

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*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**

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## ACTION #8

- ) OCOT cut fees for journeypersons and eliminating fees for apprentices at the request of the provincial government;
- ) College of Trades annual membership fees have been reduced or eliminated to be:
  - o \$0 for Apprentice class members
  - o \$0 for Journeyperson Candidate class members
  - o \$0 for Tradesperson class members
  - o \$60 for the Journeypersons class
- ) The new rates apply as of **July 5th 2019**;
- ) The new rates reflect the OHBA resolution.

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# ACTION

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## 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

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*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**

## ACTION #9



- J OHBA made a submission responding to the Climate Changes Action Plan in the fall of 2018 articulating OHBA positions on Conservation Authorities;
- J OHBA made a submission responding to the Made in Ontario Environment Plan in January 2019 articulating OHBA positions on Conservation Authorities;
- J OHBA hosted a consultation with MECP and MNRF as part of the Land Development Committee on Conservation Authorities in the spring of 2019;
- J OHBA responded to Environmental Registry Postings on Conservation Authorities (ERO-013-5018 and 013-4992) on May 10, 2019;
- J Bill 108 (*More Homes, More Choice Act, 2019*) was tabled on May 2, 2019 and received Royal Assent on June 6, 2019 and contains a schedule amending the *Conservation Authorities Act*. Future regulatory consultations will implement various components of the Legislation;
- J Key components of the OHBA resolution (with the exception of appeals to the OMB/LPAT) were adopted by the provincial government into the Legislation while other aspects will be advocated for by OHBA in the more detailed regulatory consultations anticipated later this year.

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# ACTION

## 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

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*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**

## ACTION #10



- J Bill 108 (*More Homes, More Choice Act, 2019*) was tabled on May 2, 2019 along with the Housing Supply Action Plan;
- J As part of the Housing Supply Action Plan the provincial government put a “hold” on recent changes to the Ontario Building Code including the 200 AMP panel requirements;
- J OHBA will continue with our advocacy position 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.

# ACTION

## 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”

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*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**

## ACTION #11



- ) OHBA will continue our advocacy position that the province must take action 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.

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# ACTION

## RESOLUTION # 12 (External)



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

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*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**



## ACTION #12



- ) To date, the Ministry of Finance has made no amendments to the HST New Housing Rebate threshold;
- ) OHBA will continue our advocacy position 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.

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# ACTION

## 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

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*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**

## ACTION #13



- J OHBA met with Attorney General Caroline Mulroney as well as staff in the Fall and Spring to voice our concerns with implementation.
- J Groups including the Association of Municipalities of Ontario have publicly called on changes to the Construction Act that would delay implementation,
- J The Authorized Nominating Authority is the body that will select, train, and coordinate adjudicators. The Authority has yet to be named.
- J The October 1, 2019 implementation date remains the same.
- J OHBA is setting up webinars in July and August so members are educated on the changes.
- J OHBA has requested a meeting with the new Attorney General, Hon. Doug Downey to discuss our concerns with the Act.

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# ACTION



## 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

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*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**

## ACTION #14



- J OHBA made a submission responding to the Climate Changes Action Plan in the fall of 2018 articulating OHBA positions on EAs and ECAs;
- J OHBA made a submission responding to the Made in Ontario Environment Plan in January 2019 articulating OHBA positions on EAs and ECAs;
- J OHBA has met directly with the Minister and the Parliamentary Assistant (multiple meetings) for MECP specifically on these issues;
- J The MECP released a discussion papers on modernizing the EA process in April 2019;
- J OHBA responded and made a submission (ERO 013-5101) in May 2019 with industry recommendations;
- J The provincial government tabled the *More Homes, More Choice Act, 2019* (bill 108) in May 2019 and the legislation received Royal Assent on June 6, 2019. Schedule 6 of the Legislation makes a number of immediate amendments to the *Environmental Assessment Act*;
- J OHBA will continue our advocacy with the MECP for amendments to the ECA process and further streamlining opportunities within the EA process.

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# ACTION



## 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

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*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**

## ACTION #15



- ) OHBA continues to be engaged with the provincial government with respect to improving customer service through “electronic tagging and tracking” of applications.

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# ACTION



## 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

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*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**

## **ACTION #16**

- ) OHBA retained a third party consultant that prepared a report and presented his findings on a number of different new home warranty models;
- ) OHBA has remained engaged with Tarion throughout the transition period;
- ) OHBA has been engaged with the Minister of Government and Consumer Services regarding design recommendations of the recommended warranty model and regulatory structure to support the ONH
- ) On June 20, 2018 Honourable Lisa Thompson became the Minister of Government and Consumer Services, taking over from Bill Walker.

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# **ACTION**