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JANUARY 2020



OHBA ACTIVITY Summary

Keeping Members Informed

Important Dates to Note

- Thursday, January 30th - OHBA Board of Directors

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Act

On December 5th, [the Ministry of Government and Consumer Services Lisa Thompson announced proposed legislation](#) through the Rebuilding Consumer Confidence Act, which would overhaul the Ontario new home warranty and protection program, reform Tarion, and formalize the creation of the regulator, Home Construction Regulatory Authority (HCRA).

These are significant changes to the new home warranty program, confirming the 2017 decision by the government to split the role of warranty provider and regulator. These changes build on Justice Cunningham's report of the Ontario New Home Warranties Plan Act and the Tarion Warranty Corporation and respond to the Auditor General's special report on Tarion.

Such changes include Builder licensing under HCRA, maintaining the surety model through Tarion, and restructuring the Tarion board for one-third representation from builders, government appointments, and members at large. There will be an interim board overseen by the Ministry of Government and Consumer Services, who will be set in place at the Tarion AGM scheduled slightly earlier than usual in March 2020. The government expects that the new Tarion board will come into effect Fall 2020.

Moving forward, OHBA will continue to provide updates to the membership about the new home warranty program changes, HCRA Builder registration updates and other pertinent details.

OHBA understands the decision of the government and will continue to advocate for improvements to Ontario's new home warranty system that builds consumer confidence in the new home buying process.

Building Code 2020: What You Need to Know

There are over 140 OBC changes to the 2012 Building Code released in 2019. The majority of amendments come into effect on January 1, 2020.

[The Ministry has also provided additional information session summaries on these amendments.](#)

[OHBA "Top 5 Lists" for Part 3 and Part 9](#)

Excess Soils Regulation & Amendments to Record of Site Condition (Brownfields) Regulation

On December 4th, OHBA attended an announcement by the Minister of the Environment, Conservation and Parks, Honourable Jeff Yurek releasing a final excess soils regulation under the Environmental Protection Act as well as an amendment to the Record of Site Condition (brownfields) regulation 153/04. The MECP has finalized a package of regulatory amendments generally supported by OHBA that will make it safer and easier for more excess soil to be reused locally by clarifying rules for managing and transporting excess soil. Full details on the announcement can be found [HERE](#).

The MECP released a proposed Made-in-Ontario Environment Plan earlier this year which OHBA responded to with the [OHBA Made-in-Ontario Environment Plan Submission](#) in January 2019. The OHBA submission articulated our support for the MECP setting clear rules to allow the industry to reduce construction costs, limit soil being sent to landfill and lower GHG emissions from trucking by supporting beneficial reuses of safe soils. OHBA made an [Excess Soils Submission](#) generally supporting a proposed environmental registry posting (ERO-013-5000) on June 17, 2019.

The amendments posted on the Environmental Registry (ERO 013-5000) include:

- A new On-Site and Excess Soil Management Regulation
- Complementary and burden reduction amendments to O. Reg. 153/04 (Records of Site Condition)
- Complementary amendments to Regulation 347 (General: Waste Management)
- Complementary amendments to O. Reg. 351/12 (Registrations under Part II.2 of the Act -

- A document adopted by reference in the On-Site and Excess Soil Management Regulation titled "Rules for Soil Management and Excess Soil Quality Standards"
- Beneficial Reuse Assessment Tool and Related Guide

The regulatory changes will do the following:

1. Reuse of Soil - The On-Site and Excess Soil Management Reg will clarify requirements for the reuse and management of excess soil, including risk-based standards for safe reuse. The Reg also clarifies when the waste designation applies to the movement and disposal of excess soil and replaces or simplifies waste-related approvals with regulatory rules for low-risk soil management activities. These provisions will come into effect on July 1, 2020.

2. Excess Soil Planning Actions - Subject to exceptions, project leaders of certain projects generating or receiving excess soil will be required, starting January 1, 2022, to conduct excess soil management actions before any excess soil leaves the project area, including in some cases characterizing the soil to determine the concentrations of contaminants in the soil. It would also include identifying appropriate reuse sites and tracking excess soil movements. Key information would be required to be registered on a public registry.

3. Landfilling of Excess Soil - The On-site and Excess Soil Management Regulation will restrict the deposit of clean soil at landfill sites unless the soil is needed for cover or functions beneficial to the functioning of the landfill. This requirement will come into effect on January 1, 2025.

4. Brownfields Redevelopment - The amendments to O. Reg. 153/04 include reduced requirements associated with filing a RSC. This includes a reduced need to fully delineate contaminants for properties going through the Risk Assessment process, flexibility on meeting standards in specific circumstances, and removing the requirement for a RSC for specific low-risk redevelopment situations. These changes came into effect immediately.

OHBA would like to in particular highlight three key recommendations we have advocated for:

- The proposal has doubled the minimum from 1,000 m³ to 2,000 m³ of excess soil leaving the project area to support the housing and renovation-related opportunities created by smaller projects and infill projects.

• OHBA passed a resolution at our 2014 AMM, that the MECP provide an exemption to the Environmental Protection Act and Ontario Regulation 153/04 for requiring a Record of Site

Condition (RSC) for temporary roads. This regulatory posting removes the requirement for a RSC for specific low-risk redevelopment situations, including converting temporary roads in construction areas to residential.

• Enabling additional professional discretion while maintaining appropriate levels of protection where salt in the soil is in an area where salt will continue to be applied for road safety.

OHBA thanks the many volunteer members that have been involved in the excess soil consultations over the last five or so year. In particular, OHBA would like to thank DRHBA & BILD member Jeff Goldman who has been the OHBA representative on a number of MECP Excess Soils committees over the past three years.

New WSIB Rates in Place January 1st, 2020: Are You Ready?

The new WSIB rate framework model takes effect on January 1st, 2020. It will overhaul how most employer premiums are calculated and businesses are classified.

Under the new model, an employer's premiums will be based on:

1. The average rate for each industry class, based on risk profile and degree of responsibility to maintain the insurance fund, and
2. How an employer's individual claims history over a six-year period compares to other employers in the same class.

To prepare for implementation of the new model, the WSIB has issued letters to most employers identifying the employer's new class, 2020 premium rate and projected target premium

Bill 108 – Community Benefits Charges

On August 6th, OHBA made a submission responding to the proposed Community Benefits Charges, the first set of proposed framework-related Regulations, which led to a second consultation. Community Benefits Charges are designed to increase the certainty of

- Density bonusing under section 37 of the Planning Act;
- Parkland dedication under sections 42 and 51.1 of the Planning Act;
- Development charges for discounted (“soft”) services under the Development Charges Act.

Throughout the Fall, OHBA participated in a number of meetings with the Ministry specific to the design and architecture of the proposed Community Benefits Charges Model. In October during these consultations, [OHBA submitted a letter to the Ministry](#) articulating a number of concerns and recommendations to improve the Community Benefits Charges framework, in order to achieve four key objectives:

- Provide greater certainty and predictability to enhance project viability for new housing supply;
- Provide greater cost certainty for the developer through earlier timing to establish CBC;
- Provide greater certainty and protection to consumers by reducing cost escalation risks;
- Provide greater certainty to municipalities through an earlier appraisal to establish CBC.

OHBA has continued to meet with Ministry officials throughout November and December and is working with local HBAs and members representing the industry to provide additional input at multiple technical working group meetings held by the Ministry and their consultant. The regulation with the proposed architecture and framework of the CBC model is anticipated to be posted very soon.

Growth Plan – Land Needs Assessment

The Growth Plan requires that municipalities use a common provincial methodology for calculating the amount of land that they will need for future development. This calculation is known as a Land Needs Assessment. This methodology for Land Needs Assessment (LNA) is part of a broader growth management framework that looks at the local needs for long-term housing and employment-related uses. A standard methodology for LNA was released in May 2018. However, the recent policy changes have resulted in a need to review the methodology to ensure it reflects the priorities of the current provincial

During October, the Ministry of Municipal Affairs and Housing held technical workshops to develop solutions and to move forward quickly given the methodology is a key component of municipal comprehensive review exercises. With respect to improving the LNA Methodology, [OHBA submitted recommendations on October 22nd](#). OHBA participated in an additional consultation in December. The LNA methodology is anticipated to be finalized early in the new year.

Provincial Policy Statement Review

As part of the More Homes, More Choice: Ontario's Housing Supply Action Plan, the Ministry of Municipal Affairs and Housing is consulting on proposed changes to the Provincial Policy Statement (PPS). The PPS is an important part of Ontario's land use planning system, setting out the provincial land use policy direction. On several occasions, OHBA met directly with the Ministry on this matter. Thank you to local HBAs and members who participated in the consultation and provided advice to OHBA.

On October 21st, [OHBA made a submission with recommendations to streamline the PPS](#), reduce red tape and clarify a number of ambiguous definitions to the Ministry of Municipal Affairs and Housing.

Comment on Proposals Under the Condominium Act

The Ministry of Government and Consumer Services is seeking public input on regulatory proposals under the Condominium Act, 1998, that would expand the scope of disputes that can be heard by the Condominium Authority Tribunal. The ministry is proposing to have these regulatory proposals (O. Reg 48/01, and O. Reg 179/17) and related Condo Act amendments come into force on July 1, 2020. [Follow this link to submit feedback](#) on the Ontario Regulatory Registry by Jan. 31, 2020.

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