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May 2020



OHBA ACTIVITY Summary

Keeping Members Informed

Important Dates

- [RBC Market Update - Wednesday, May 6th, 2020 - 10:00 AM ET](#)

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New Construction Activities as of May 4th, 2020

OHBA and our 29 local Home Builders' Associations welcome the announcement by Premier Ford and fellow Ministers that the Ontario government is allowing certain businesses to **reopen beginning May 4th, provided that they comply with strict public health and safety measures.** Members are encouraged to review the updated ["essential workplaces list"](#) from the province.

As per the May 1st announcement and [press release](#):

"By following the proper health and safety guidelines these businesses will be permitted to begin operations on Monday, May 4th at 12:01 a.m.:

- *Garden centres and nurseries with curbside pick-up and delivery only;*
- *Lawn care and landscaping;*
- *Additional essential construction projects that include:*
 - *shipping and logistics;*
 - *broadband, telecommunications, and digital infrastructure;*
 - *any other project that supports the improved delivery of goods and services;*
 - *municipal projects;*
 - *colleges and universities;*
 - *child care centres;*
 - *schools; and*
 - *site preparation, excavation, and services for institutional, commercial, industrial and residential development;*

It can not be stressed enough that this is NOT business as usual. The reactivation of these construction activities comes with the provisions that all sites must meet or exceed the Ministry of Labour's [health, safety and sanitation guidelines](#) for construction during COVID-19. It is also imperative that members consult the [MOL technical guidance documents](#) for sector-specific guidelines on proper procedures for the construction sector to improve health, safety and sanitation.

Please review and assess any reactivation of construction as a result of the May 1st announcement by the province, and immediately enhance the health, safety, and sanitation-related to job site and construction activity. OHBA has some [health and safety documents](#) you can review as you prepare for reactivation.

Minister of Labour, Monte McNaughton [has added almost 60 more health and safety inspectors](#) to support and enforce health and safety on job sites across Ontario. Those sites that are not in compliance will be shutdown.

We all want safe sites. We need to keep each other safe. We are all in this together.

OHBA Members Update on COVID-19

On March 11, 2020, the World Health Organization declared the COVID-19 virus a worldwide pandemic. Governments in Canada and its provinces, and across the world are declaring States of Emergency and implementing dramatic health and safety measures and significant public policy changes daily.

The Ontario Home Builders' Association has prepared a "[Members Update on COVID-19 Document](#)" designed to cover a broad range of issues that OHBA members may have questions about as they and their businesses navigate a rapidly changing public policy environment through this health crisis. Ontario was the second province to declare a "State of Emergency" and has been releasing a steady stream of emergency orders under that declaration to restrict or close most non-essential facilities, businesses and economic activities. **This is NOT a business as usual situation – the health and safety of our members and their employees is our number one priority.**

Please note this document was prepared for April 30th, 2020, and this "State of Emergency" is rapidly evolving, thus the information in this document is accurate as of the date of publication but may change on a daily basis going forward. OHBA encourages members to carefully review this document and the links in the document to government resources.

RBC Market Update

On Wednesday, May 6th, OHBA in partnership with RBC would like to review the economic impact of COVID-19 to builders, consumers and the construction business as a whole. Also to

review how RBC is assisting in alleviating the stress and pressure in these changing times.

Agenda as follows:

- Joe Vaccaro - OHBA - **Welcome Introduction to Members**
- Robert Hogue - RBC Senior Economist - **Market Update**
- Stella Partipilo - RBC Regional Vice President Mortgage Specialist, Ontario North East
- **RBC Update**
- Angella Tsangarakis - **Q&A with all the Panelist**
- Joe Vaccaro - OHBA - **Closing remarks**

Save the Date!

Wednesday, May 6, 2020, 10:00 am, ET (Toronto, GMT-04:00)

Webex Event Number: 472 089 527

Webex Event Password: RBC2020

Audio Dial-In: 1 877-310-7479

Please [click here](#) for the link to the event website for attendees.

Framework for Reopening Ontario

On Monday, April 27th, Premier Ford, along with members of Cabinet released the [framework for reopening Ontario](#). The Premier and Ministers were explicitly clear, this is not a calendar, it's a roadmap, and as such it has no firm dates or timelines. The government is planning a stage-by-stage approach to reopening the economy to ensure there are appropriate measures in place so workplaces can open safely. Public health officials will carefully monitor each stage for two to four weeks, as they assess the evolution of the COVID-19 outbreak to determine if it is necessary to change course to maintain public health.

The government's approach is driven by public health and the decisions are being made based on the safety and wellbeing of workers, customers, employers and the general public. Page 11 is specifically important for our sector as it outlines health, safety and sanitation as the key factor in reopening/lifting limitations on our industry. Please review this section as workplace health, safety and sanitation is the key factor being considered by government

Ontario Jobs and Recovery Committee

Since the beginning of the COVID-19 "State of Emergency" in Ontario, OHBA members have been stepping up to help flatten the curve and do our industry's part to defeat the virus.

Whether it is donating masks and other PPE to frontline healthcare workers, or leading the way in enhanced health, safety and sanitation on job sites, our members have championed the #OntarioSpirit and now there is another way our members can support the fight against COVID-19.

On April 9th, the Ontario government launched the new [Ontario Jobs and Recovery Committee](#) which will focus on getting businesses up and running and people back to work after the COVID-19 pandemic is over. This Cabinet Committee is composed of 12 Ministers headed by Finance Minister Rod Phillips. The Committee will be consulting with a wide range of stakeholders on the economic impact of COVID-19 and develop an action plan to move forward, including business associations, chambers of commerce, municipal leaders, corporate leaders, small business owners, and entrepreneurs. This is the prime opportunity for stakeholder engagement and that is why OHBA is making this call to members.

Key Ministers on this Committee who directly impact our sector include:

- Rod Phillips, Chair, Minister of Finance
- Vic Fedeli, Minister of Economic Development, Job Creation and Trade
- Peter Bethlenfalvy, President of the Treasury Board
- Laurie Scott, Minister of Infrastructure
- Monte McNaughton, Minister of Labour, Training and Skills Development
- Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction

OHBA is calling on members to feed their ideas and perspectives into their local HBAs so that we can provide the best possible policy options to the government on restarting our sector. The contributions you can make today will help build and stimulate economic growth and job creation in the weeks and months ahead. We appreciate the time and work that members contribute and look forward to hearing your first-hand perspectives on how our industry can build jobs, prosperity and of course homes, for awaiting families and communities across Ontario.

On April 14th the provincial government passed [Bill 189, Coronavirus \(COVID-19\) Support and Protection Act, 2020](#). OHBA notes that these are temporary measures to resolve an issue with expiring DCs and to provide clarity and guidance to ensure that municipalities that choose to do so, can continue to process, hold virtual public meetings and ultimately approve planning applications; while also suspending Planning Act timelines. The Ministry has made it clear in the Environmental Registry posting, that municipalities may hold virtual public meetings and should they wish to make decisions on applications during this time, that the provincial government has provided municipalities with all the necessary tools to move forward on planning matters.

Legislative & Regulatory Highlights:

- **Planning Act** - Amending the *Planning Act* will provide municipalities the time they need to focus on local public health priorities by making it possible to suspend certain planning decision timelines during a declared state of emergency. These changes will temporarily pause the need for municipalities and planning boards to make planning decisions within specified timelines without the risk of appeal. If municipalities choose to process planning applications, they may still do so by holding virtual/electronic public meetings and making decisions on planning matters during the COVID-19 outbreak.
- **Education Act** - Amending the *Education Act* will allow school boards with an expiring education development charge (EDC) by-law to use their existing by-law for an additional six months after the end of the COVID-19 outbreak, so they can continue to charge the EDC on new construction. This change ensures school boards can retain a vital source of revenue that helps support new school projects. This amendment aligns with the Ministry of Municipal Affairs and Housing's approach to development charges that are expiring during the COVID-19 outbreak.
- **Development Charges Act** - Amending the *Development Charges Act* will ensure municipalities can continue to count on a vital source of revenue that helps pay for local growth-related infrastructures, such as roads, water and sewers as well as fire and police services. This change allows municipalities with an expiring development charge by-law to use their existing by-law during the current emergency and for six

- **Planning Act Regulation** - On April 15th, the government passed [Ontario Regulation 149/20](#) which clarifies that O. Reg. 73/20 under EMCPA does not apply to land use planning timelines. As such, the regulation provides for those notices of municipal decisions and related appeal periods that may have been interrupted by the issuance of O. Reg. 73/20 to be restarted so that those decisions may be finalized. Ontario Regulation 149/20 under the Planning Act identifies those specified planning timelines that are effectively suspended in order to support municipal emergency response activities. OHBA advises members to consult their legal counsel regarding how this may or may not affect your specific applications or appeals. The Ministry of Municipal Affairs and Housing has released plain language guidance materials on Ontario Regulation 149/20: <https://ero.ontario.ca/notice/019-1653>

Tarion Update on COVID-19

It is not "business as usual" at the Tarion Warranty Corporation. Tarion has [released advisories on the provincial COVID-19 Emergency Order](#) and is taking various precautionary measures and adjusting their operations to support builders, homeowners, and the greater community. Tarion has posted important info related to warranty services and unavoidable delay process as a result of COVID-19, OHBA recommends members to review documents and determine the appropriate process to notify home purchasers.

As of March 26th, builder repair periods have been suspended. This does not apply to emergencies or health and safety issues. When it comes to after-sales service in a home, Tarion does expect any homeowner to open their homes to trades or suppliers if they do not wish to do so. Similarly, builders and their trades and suppliers who do not wish to enter a home are not expected to do so. This does not qualify as denied access during the "State of Emergency".

Tarion has done a good job at providing information on how the unavoidable delay provision works for individual homes. OHBA recommends that members continue to provide the first notice and continue to be in contact with the client, but not provide the second notice until the "State of Emergency" is over.

Members, please [click here](#) for more information on COVID-19 Federal Support Programs including wage subsidies, Canadian Emergency Response Benefit (CERB), new income tax deadlines, Business Credit Availability Program (BCAP) and more.

OHBA and BILD COVID-19 Webinars: Permitting and Inspections, LPAT and Planning Act

On April 28th OHBA and BILD hosted two info sessions for their members surrounding the impact of COVID-19 on the industry. Andy Jones started the session on behalf of OBOA and discussed the permitting and inspection work being completed under the emergency business list. David Bronskill (Goodman LLP) gave a brief talk on new regulations impacting the Planning Act, followed by Chris Barnett (Osler, Hoskin & Harcourt LLP) who discussed updates relating to the Land Planning Appeal Tribunal under the COVID-19 "State of Emergency".

As we were at maximum capacity for both of these sessions, the following links will allow members to access the presenter's slide decks.

- [Andy Jones - OBOA Presentation – Permitting and Inspections](#)
- [David Bronskill - Goodmans LLP Presentation – Planning Act Amendments & Regulation](#)
- [Chris Barnett – Osler, Hoskin & Harbourt LLP Presentation - LPAT](#)

Provincial Policy Statement

As part of the More Homes, More Choice: Ontario's *Housing Supply Action Plan*, the Ministry of Municipal Affairs and Housing released amendments to the Provincial Policy Statement (PPS) at the end of February. The OHBA press release [available here](#) articulated OHBA

support for the new PPS that removes barriers to providing housing in Ontario. The new Provincial Policy Statement was issued under section 3 of the Planning Act and came into effect on May 1, 2020. It replaces the Provincial Policy Statement issued April 30, 2014.

The PPS is an important part of Ontario's land use planning system, setting out the provincial land use policy direction. 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. OHBA notes that many of our recommendations supporting increased housing supply have been adopted in the new PPS.

A number of key highlights & amendments to the PPS include:

- Increasing long-term planning horizon from 20 to 25 years;
- Policy direction on housing land supply amended from 10 to 15 years (MMAH consulted on 12 years and listened to OHBA recommendations to go beyond 12 years);
- Continue the current minimum requirement for serviced residential land (3 years) and add a new policy to allow a higher minimum requirement (5 years) for upper- and single-tier municipalities;
- Update provincial guidance to support land budgeting;
- There are a number of policies which increase flexibility for local decision making by changing requirements from a "shall" (requirement) to a "should" (promoted);
- Minor settlement area boundary expansions will be permitted outside of a comprehensive review;
- Prioritizing intensification and transit-supportive development in proximity to transit;
- The old requirement for planning authorities to consider implications of development on waste generation, management and diversion has been removed;
- New policy to promote reuse of excess soil;
- Updated definitions of "cultural heritage landscape" to provide greater clarity;

More information is available at the [Ministry Press Release](#).

A link to the new PPS which is now in effect: [click here](#).

As part of the *More Homes, More Choice: Ontario's Housing Supply Action Plan*, Minister of Municipal Affairs and Housing, Steve Clark released the [proposed regulatory matters pertaining to Community Benefits Authority under the Planning Act, the Development Charges Act and the Building Code Act](#) on February 27th with a commenting period until April 20th. The OHBA submission is available on the OHBA website [here](#).

OHBA would like to thank the many local Home Builders' Associations and member companies that have heeded OHBA President Bob Schickedanz's "call to action" as **we have received over 65 different submissions** that have been sent to the Ministry of Municipal Affairs and Housing from members and local HBAs. These submissions are extremely helpful in our advocacy efforts as they run financial analysis on the potential impacts of the CBC on actual projects in jurisdictions right across Ontario if municipalities were to implement the full 15% cap.

To summarize, while the OHBA submission contains very specific and detailed recommendations – OHBA's top five issues recommend for the Ministry address to ensure a fair, balanced, accountable and transparent approach for the new Community Benefits Charges authority in support of housing supply and job creation are as follows:

- The CBC framework should NOT apply to low-rise and missing middle housing below a density threshold of 100 units per net hectare, with development at lower densities subject to parkland dedication at the 5% rate;
- The CBC should be limited to high-rise / high-density, defined as projects that have a density threshold equal and greater than 100 units per net hectare and be utilized for community benefits (including parkland) up to a maximum of 10% of land value;
- The appraisal/land valuation date for a CBC be moved earlier in the planning process;
- The regulation must include a robust and fair ineligible services list;
- Service standards must be applied for municipal implementation of CBC by-laws.

OHBA will continue to work with our members and local associations as we continue advocacy efforts with the provincial government. While the official submission is into the Ministry, there is still much work to be done and we thank our members for being engaged in the process.

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