



**Ontario**  
Home Builders'  
Association

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20 Upjohn Rd., Suite 101 (416) 443-1545  
North York, Ontario Toll Free 1-800-387-0109  
M3B 2V9 Fax: (416) 443-9982  
<http://www.ohba.ca> [info@ohba.ca](mailto:info@ohba.ca)

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Provided to: [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

**RE: Planning Act Changes Bill 109, *More Homes for Everyone Act, 2022* (ERO # 019-5284)**

The Ontario Home Builders' Association (OHBA) represents over 4,000 members organized into a network of twenty-seven local associations including builders, professional renovators, suppliers, trade contractors and many others within the residential construction sector. Increasing the supply and choice of new homes is central to our association's purpose and the values of our membership.

The OHBA appreciates the opportunity to provide feedback on the initiative taken by the province through *Bill 109 More Homes for Everyone Act, 2022*. OHBA's response pertains to the posting on the *Environmental Registry of Ontario (ERO) #019-5284*. The OHBA is the voice of the residential construction industry in Ontario.

Research funded by OHBA, and our locally based member associations strongly identifies that our current challenges in housing attainability are a result of an underbuilding of homes in recent decades.<sup>1, 2, 3, 4</sup> Our association encourages continued efforts to enhance the private sector's ability to deliver more homes of all types and tenures for Ontarians. We believe is the key to unlocking the door to both home ownership and improved housing affordability.

Decisions made today have cumulative long-term effects on the supply and cost to deliver new homes. Within the Greater Toronto and Hamilton Area (GTHA), history shows that it takes approximately 10 years from idea to the procurement of land and the completion of new housing developments, where a builder is able to hand over keys to Ontario families. Given this challenge, it is important to note that the full effects of Bill 109 will not be felt immediately but over time. Accelerating the ability of our members to deliver new housing supply will begin to address current housing attainable challenges.

OHBA therefore welcomes continued action from the provincial government and the Ministry of Municipal Affairs and Housing through yearly Housing Supply Action Plans. Furthermore, *Bill 109* among other things includes important changes to reduce red tape, streamline development approval processes, and accelerate the delivery of new housing stock. Ultimately, this provides predictable and

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<sup>1</sup> "Ontarians on the Move - Local Intelligence Report - Hamilton." Smart Prosperity Institute, June 2021.  
<https://institute.smartprosperity.ca/publication/ontarians-on-the-move>.

<sup>2</sup> "Baby Needs a New Home." Smart Prosperity Institute, October 2021.  
<https://institute.smartprosperity.ca/publications/growing-number-households>.

<sup>3</sup> "Forecast for Failure." Smart Prosperity Institute, January 2022.  
<https://institute.smartprosperity.ca/sites/default/files/BILD%20Report%20-%20FINAL.pdf>

<sup>4</sup> "The Growth of London Outside London." Smart Prosperity Institute, March 2022.  
<https://institute.smartprosperity.ca/publications/growth-of-london>.



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measurable changes to reduce burdensome regulation and make it easier to build more homes for the benefit Ontarians.

### **Site Plan Control**

The OHBA is pleased with *Bill 109* which would amend the *Planning Act* and *City of Toronto Act* to streamline site plan requirements and approval processes. By requiring the delegation of site plan control decisions from municipal councils to staff, this enables municipal councils to focus on 'big picture' decision-making, while leaving technical review aspects of site plan approvals to qualified Professional Planners, Engineers, and Architects. As site plan control is not considered a public process, municipal staff are well positioned and have the expertise required to evaluate and approve site plans. We note that the Ontario Professional Planners Institute conducted a municipal survey to better understand on the ground experiences with respect to delegated authority and found that approximately two-thirds of surveyed heads of municipal planning departments had already undertaken this practice.<sup>5</sup> OHBA believes delegation of this authority province-wide to municipal staff should assist in expediting site plan approval decisions resulting in significant service level improvements.

Furthermore, OHBA strongly welcomes applying complete application requirements to the site plan control process, which will provide certainty and guidance for our members if the application has not been deemed complete within 30 days of acceptance by the municipality. OHBA supports the proposed measures which will incentivize municipalities to make more timely decisions by requiring a gradual return of site plan control fees where sufficient time has passed since a municipality has received the complete application and fee. This measure will introduce a layer of urgency to the system that is much needed to help expedite the decision-making process. In the long-term, the OHBA recommends that the *Ministry of Municipal Affairs and Housing* conduct a full and detailed review of all aspects of site plan control set out in Section 41 of the *Planning Act*. The OHBA believes there are further opportunities for streamlining and that some aesthetic and exterior design elements considered through the site plan control process should not be a component of the land use approvals process.

### **Plans of Subdivision**

Home builders commonly build in a number of municipalities where the requirements for plans of subdivision vary significantly. Without standard requirements, considerably more time, effort, and costs are involved in moving subdivision plans to the draft approval stage. Streamlining subdivision approval processes by standardizing what is required as a condition of approval will help prevent 'scope creep'.

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<sup>5</sup> "Built on Trust: New Delegation Authority Seeks to Reduce Development Approval Timelines, While Maintaining Good Planning Outcomes." Ontario Professional Planners Institute, March 2022.  
<https://ontarioplanners.ca/blog/planning-exchange/march-2022/built-on-trust-new-delegation-authority-seeks-to-reduce-development-approval-timelines,-while-maint>



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The OHBA strongly supports this long called for change to standardize processes and reduce unnecessary hurdles in the subdivision approval process. Furthermore, by enabling municipalities to reinstate draft plans of subdivision which have lapsed within a 5-year period without a new application will save both builders and municipalities time and accelerate the delivery of new housing supply.

### **Zoning By-law Amendments**

Similar to the site plan control incentives, the changes in *Bill 109* to return zoning by-law application fees if service delivery fails to meet *Planning Act* expectations will encourage municipalities to render decisions within the prescribed timelines. The OHBA recognizes that our municipal partners have articulated concerns with this proposal, however OHBA strongly believes that the status quo is not a reasonable or viable alternative. Planning application fees are intended to be a cost recovery fee for service. Such a service should occur in a timely manner as set out in the *Planning Act*.

The OHBA has also heard that some municipal councils indicate they will deny applications rather than risk a non-decision with a fee return – this is an abdication of responsibility and underlies one of the reasons a housing crisis exists. The fee return policy must be implemented alongside additional resources to the *Ontario Land Tribunal (OLT)* to ensure access to fair, planning-based and timely decision-making. This will assist in providing industry with more confidence that municipal due diligence regarding zoning by-law amendments is undertaken and will ideally provide consistency and clarity in terms of service delivery.

### **Community Infrastructure and Housing Accelerator**

The OHBA supports the provincial action in *Bill 109* to overcome some of the barriers and development delays that typically occur in the planning process. The newly proposed *Community Infrastructure and Housing Accelerator (CIHA)* ensures that the province has an instrument to curb lengthy delays to municipally identified priority projects. The OHBA feels that this new tool will enable the construction of all types of market and affordable housing, while ensuring there is strong municipal and public involvement, consultation, and buy-in. Moreover, the OHBA continues to support the long-term protection of environmentally sensitive lands in the existing Greenbelt and values the province's direction that the new *CIHA* tool will not be utilized within the Greenbelt.

This new tool strikes the correct balance between ensuring local voices are heard and involved in its use while enabling local, regional, and provincial priority projects, including housing, to move ahead without unnecessary delay. The OHBA is supportive of the additional transparency and public accountability that this new tool provides for priority projects which merit an accelerated planning process.



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## **Ontario Building Code**

The changes to the *Ontario Building Code (OBC)* allow for flexible and reasonable changes to the *OBC* that help enable “missing middle” housing and accelerate the delivery of housing supply overall. The OHBA has called for these progressive *OBC* amendments for many years.

The OHBA supports extending the code compliance through the *Canadian Standards Association (CSA)* standard certification process – currently applicable to factory-built houses – to allow conformity assessment for larger factory-constructed buildings (Part 3) and other occupancies in Part 9 to the same standard. Expanding the code application of the *CSA* standard to pertain to larger modular multi-residential homes and other buildings will reduce red tape for constructors, eliminate complex code barriers, and ensure consistency in code application. By providing a reliable and consistent standard, adoption of this change will enable our industry to accelerate the delivery of modular housing structures, increase supply and provide housing solutions to families with greater certainty on costs and delivery timelines.

The OHBA has long supported phased occupancy as a measure that will help deliver keys to home buyers faster. With the average time to go from ‘dirt to door’ in the GTA being in excess of a decade in many cases, measures that aim to reduce the time it takes to move Ontarians into their new homes are much needed. As the Ministry has noted, occupancy of new super-tall buildings poses a significant challenge with an extended period of construction. This ultimately drives prices up for future buyers and increases the costs of condominium fees. At a time when affordability challenges are front and centre for Ontarians buying a home, any measure that the province implements to safely accelerate the supply and delivery of new housing is helpful and beneficial to those seeking a place to call home.

The OHBA strongly supports enabling new options for mid-rise homes through the use of mass timber construction and a single stairwell means of egress for low-rise infill projects (with the secondary means of egress for fire safety being via a balcony). These standards have been used for many years in leading European jurisdictions and contribute to the built form of great European cities. The government’s initiative here will enable new infill opportunities within existing communities.

## **Development Related Charges**

The OHBA understands the purpose of development charges is to offset capital costs for expanded municipal services. However, there is a strong need for greater accountability in terms of how these charges are collected and utilized.

By publicly sharing the amount of development charge revenue contained in municipal reserves, the OHBA believes that there will be greater accountability and transparency. New home purchasers fund needed infrastructure for the communities they live in. It is important for our municipal partners to report publicly showing how consumer contributions through Development Charges, Parkland Dedications, and any Community Benefits support the achievement of complete communities. It is also



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key to ensuring that municipal development related charge reserves are being used efficiently and in a timely manner.

The OHBA strongly supports greater accountability and transparency regarding development related charges. Ontarians and home builders should be informed as to how development related charges are utilized and whether they are used efficiently and/or within their scope. Ultimately, increases in development related charges are passed on to new home buyers. Thus, it is vital that municipalities be aware of how these downstream costs negatively impact newcomers to their community.

The OHBA supports the concept of growth paying for growth, however There is concern regarding the considerable increases in costs in recent years being passed on to new home buyers. This has occurred in part through cross-subsidization and some municipal councils attempting to utilize development related fees to subsidize capital costs that should be borne by the municipal tax base.

#### **Use of Pay-on-Demand Surety Bonds for Development Agreements**

The OHBA has long supported, as a high priority item, the adoption of pay-on-demand surety bonds as an acceptable alternative to secure the financial obligations of development agreements. This is an eminently reasonable approach and one that is in line with a number of jurisdictions both within and outside of Ontario which have taken this course of action to encourage and accelerate new housing investments in their communities. Such a measure will enable greater liquidity within the home building sector to reinvest more quickly in additional new housing supply.

#### **Properly Resourcing the Ontario Land Tribunal**

Our province is facing the housing crisis like no other. In fact, Ontario has fewer homes per capita than any other province in Canada. Individuals and families are struggling to find attainable housing that meets their needs and is within their budgets. Despite this, thousands of potential housing units remain unnecessarily detained at the *Ontario Land Tribunal (OLT)*. This represents thousands of individuals and families whose future homes are stalled in bureaucratic limbo.

Clearing the backlog of cases and improving the Tribunal process, is not just an institutional imperative, but an economic and social responsibility. OHBA supports strengthening the *OLT* and dedicating additional resources to get the job done in a more timely and efficient manner.

Our industry recognizes the need to update approval systems to produce quicker results and planning decisions that are fundamentally in the public interest of increased availability and attainability of a broad spectrum of housing options. Enhancements to further resource and staff the *OLT* are much needed to better serve all parties to the Tribunal and provide more certainty for new home buyers. The OHBA strongly supports the measures to increase the staffing resources and ensure access to justice and faster case resolution.



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### **Development Approval Systems Data Standard**

There are tremendous challenges with municipal approval processes. Both the recruitment and retention of municipal planning staff across the province present challenges and have direct negative impacts on development applications. OHBA members often note,

- Disproportionate work loads among municipal staff are common,
- Often the process is stagnated by staff reassignments or leaving a role, and
- Expectations for 'standard of service' being vastly different than the prescribed and required timelines in the *Planning Act*.

The OHBA supports the establishment of a data standard that is consistent across the province and emphasises that industry involvement in its creation is absolutely critical. OHBA members work through the development approval process every single day and have the knowledge and expertise to identify challenges and opportunities for improvement. All stakeholders benefit from better data and the OHBA strongly encourages consistent metrics across Ontario.

### **Utilization of Provincially Owned Lands**

OHBA supports the better and more efficient utilization of provincially owned lands in order to enable the use of these provincial land assets to support core housing objectives. Given the significant land holdings of the province, there are a number of unique and innovative housing solutions that could be undertaken to provide housing options in communities big and small across Ontario. The OHBA encourages the province to look beyond just surplus lands and consider underutilized land assets owned by various agencies, boards, and commissions for housing purposes.

### **Proposed Changes to New Home Warranty and Regulatory Environment.**

The OHBA believes it is imperative that consumers be informed and empowered with information to prudently make, what is often, the most significant financial decision of their lives, buying a home. The OHBA supports the inclusion of additional key information through a mandatory Condominium Information Sheet, to buyers of pre-construction condominium units as part of a purchase agreement.

The *Home Construction Regulatory Authority (HCRA)* should have the resources and scope to appropriately investigate perceived breaches of the code of ethics. However, it is important to note that there is an economic and regulatory approval reality of home construction whereby changes in the labour and supply chains do create unfortunate and uncommon situations in which cancellations may occur. These contributing factors most often exist outside of the control of any individual builder. As such, the proposed two-year licence suspension on builders is a significant and unfair overreach that ultimately negatively impacts new homebuyers who would see the construction of their new home imminently stalled. Furthermore, it would reduce competition in the marketplace and make it more difficult to bring new housing supply and choice to awaiting families. The OHBA has reiterated on numerous occasions that all home builders in Ontario must be held to high standards of ethical conduct



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and behaviour. These high standards are necessary to support consumer confidence and are critical to ensure that our industry can continue to deliver the sustainable and much needed housing supply and choice that Ontario families are counting on.

### **Final Thoughts**

The housing crisis we face cannot be solved overnight, but it is crucial that the provincial government proceed immediately with a steady stream of bold impactful reforms. *Bill 109* is an important first step towards increasing housing choice and supply across Ontario. It has taken years to arrive at this current state and presumably will take many more to resolve it. Regardless, the time to act is now.

Whether it is the millennial first time home buyer, working adult, young family or retiree, Ontarians need more attainable housing. Without the right mix of home ownership, including rental options, Ontario risks economic damage as opportunities, investments and businesses will leave in search of jurisdictions that provide more housing choice and supply.

Simply stated, dramatically increasing housing supply and variety is critical to ensuring Ontario can remain as the economic engine of Canada. The OHBA will continue to champion initiatives that improve housing choice and supply so that more Ontarians can realize the great Canadian dream of home ownership.

The OHBA appreciates the opportunity to provide its commentary in response to the *ERO # 019-5284* posting regarding the planning framework addressed and detailed in *Bill 109, More Homes for Everyone Act, 2022* which recently received Royal Assent.