



Ontario
Home Builders'
Association

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

November 25, 2022

Ministry of the Attorney General
Corporate Policy Unit
720 Bay Street, 3rd Floor
Toronto, ON M7A 2S9

RE: 22-MAG011 - Proposed Amendments to the Ontario Land Tribunal Act, 2021

The Ontario Home Builders' Association (OHBA)

The Ontario Home Builders' Association (OHBA) is the voice of the residential construction industry in Ontario. OHBA represents over 4,000 members including builders, developers, professional renovators, trade contractors and many others within the residential construction sector.

The OHBA is coordinating our public policy response with regards to Bill 23, the *More Homes Built Faster Act, 2022* with input from members across Ontario. OHBA is proudly affiliated with the Building Industry and Land Development Association (BILD), the West End Home Builders' Association (WEHBA) and the Greater Ottawa Home Builders' Association (GOHBA).

Background

As recognized by the province, the Ontario Land Tribunal (OLT) plays a crucial role in Ontario's land use planning system. The Tribunal's effectiveness and efficiency in dispute resolution has a direct impact on housing creation and permissions, much needed to help address the housing supply crisis. Proper resourcing and staffing are critical to the Tribunal's success.

Feedback

OHBA sees the proposed amendments to the OLT as generally positive and have potential for meaningful improvements to the current process at the Tribunal. However, there are areas where OHBA recommends that further detail or clarification be provided, which are identified in the sentiments below. We acknowledge the provincial government's dedication and commitment to making direct steps towards addressing the housing crisis. By bringing forward the proposed amendments to the OLT, including the refinements where needed, we believe that these amendments will allow for better clarity for all stakeholders, as well as improved timelines and decision-making effectiveness at the Tribunal.

a) Clarify the OLT's powers to dismiss appeals due to unreasonable delay by parties. Prior to dismissal, parties would be given notice of the OLT's intent to dismiss and an opportunity to respond in accordance with the OLT's Rules of Practice and Procedure.



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OHBA is supportive of this proposed amendment as we believe that it will be conducive to ensuring that Tribunal proceedings move forward more expeditiously.

In addition to this amendment, OHBA understands that the province has also committed to investing \$2.5 million into resources at the Tribunal to support faster dispute resolution, such as increasing the number of adjudicators. OHBA would like to emphasize the significance of this investment. Solely relying on these proposed legislative amendments would only address a piece of the current issue. In order to effectively address the goal of streamlining timelines, fulsome support at the Tribunal is needed.

b) Clarify the OLT's powers to order an unsuccessful party to pay a successful party's costs. This proposed amendment is intended to encourage parties to reach an agreement without going through the Tribunal. If the OLT decides to award costs, costs would be ordered in accordance with its Rules of Practice and Procedure, which could address when costs for a successful party may be awarded.

We understand that the purpose of this amendment is to encourage parties to reach an agreement without going to the Tribunal. As well, the OLT has adjudicative discretion to exercise this power. OHBA would recommend further clarity be provided regarding when this power is intended to be applied to ensure that participation at the Tribunal remains fair and equitable for all parties. Given that it is currently not clear what impact this proposed amendment would have, further information is needed prior to moving forward.

c) Enable priority criteria to be established in regulation to help ensure that OLT cases that create the most housing, for example, will be resolved as quickly as possible. A new Lieutenant Governor in Council (LGIC) regulation under the OLT Act would be developed after consultations with affected ministries and posting on the Regulatory Registry.

OHBA supports this proposed amendment as it will place a much-needed emphasis on the creation of new housing and contribute to addressing the housing crisis.

d) Enable service standards (i.e., timelines) for specific case resolution activities at the OLT to be set in regulation. A new Minister's regulation under the OLT Act would be developed after consultation with the public and stakeholders via a posting on the Regulatory Registry.

For similar reasons as the above, OHBA is supportive of this proposed amendment. Service standards such as timelines will allow for clearer expectations from a process standpoint, while also ensuring that the appeals process does not create unnecessary details to creating new housing for Ontarians.

We thank the Ministry for the opportunity to comment on these proposals. We also recognize that there is still more work to do and OHBA as a critical housing stakeholder in the housing sector may provide



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further comments at a later date. We look forward to continuing engaging with the Ministry in order to ensure these proposals are aligned with the goals of improving housing attainability.

We look forward to continuing engaging with the Ministry in order to ensure these proposals are aligned with the goals of improving housing attainability. OHBA again expresses our appreciation for the provincial government's commitment to making improvements to the Tribunal at this critical time and in the context of the current housing crisis. With the recommended refinements in mind, OHBA looks forward to the positive changes that are being proposed to this important mechanism in Ontario's land use planning system.