

## DRAFT RESOLUTION # 1 (External)



Submitted to: Ministry of Natural Resources and Forestry  
Ministry of Municipal Affairs and Housing

Submitted by: OHBA Land Development Committee

Date: September 28, 2015

Subject: Conservation Authorities Act Review

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*Whereas:* The Provincial Government has initiated a review of the *Conservation Authorities Act*. The Provincial Government has posted a discussion paper on the environmental registry (012-4509) for 91 days, until October 19, 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:* Section 20(1) of the Conservation Authorities Act sets the mandate of Conservation Authorities (CAs), specifically to: establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals; and

*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

*Whereas:* OHBA, BILD and HHHBA engaged collaboratively with Conservation Ontario, a number of CAs, AMO and the City of Toronto through the Conservation Authorities Liaison Committee to develop policies and procedures for Conservation Authority plan review and permitting activities, monitor permit processing timelines and provide advice to the Ministry of Natural Resources and Forestry as well as the Ministry of Municipal Affairs and Housing on a range of issues.

*Therefore be it resolved that:* Conservation Authorities be mandated to follow the intent of Official Plans across Ontario and provincial policy and that a provincial oversight mechanism monitor and review all Conservation Authorities policies, guidelines and standards for consistency with provincial policies and initiatives; and

*Therefore be it further resolved that:* Accountability and transparency mechanisms be enhanced for Conservation Authority fees schedules and that they be appealable to the OMB; and

*Therefore be it further resolved that:* Conservation Authorities be mandated to establish fair and reasonable rules with respect to development application review fees for permits and that the appeal mechanism be the Ontario Municipal Board to enhance accountability for fees. 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; and

*Therefore be it further resolved that:* Enhanced accountability mechanisms be established so that Conservation Authorities Act permits on planning matters be made appealable to the Ontario Municipal Board and technical matters under Section 28 of the Conservation Authorities Act for issues such as, but not limited to, building permits, setbacks and fill permits remain with the Ontario Mining and Lands Commissioner.

CARRIED

## DRAFT RESOLUTION # 2 (External)



Submitted to: Ministry of Municipal Affairs and Housing

Submitted by: OHBA Land Development Committee

Date: September 28, 2015

Subject: Municipal Land Transfer Tax

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*Whereas:* The Ministry of Municipal Affairs and Housing is reviewing three key elements of Ontario's Municipal Legislative Framework: the Municipal Act, the City of Toronto Act and the Municipal Conflict of Interest Act (Environment Registry 012-4277). Through this review the province wants to ensure local governments remain strong and fiscally sustainable; and

*Whereas:* The City of Toronto Act, 2006 was proclaimed on January 1, 2007 and gave broad permissive authority to raise new taxes except in areas specifically prohibited, such as an income tax, wealth tax, gas tax or a general sales tax. The City of Toronto subsequently implemented a municipal Land Transfer Tax on January 1, 2008 that essentially doubled the existing provincial Land Transfer Tax; and

*Whereas:* In 2013, the Toronto Land Transfer Tax brought in \$357 million in revenue. During the first six months of 2015 (January-June) the average MLS transaction in Toronto was \$673,661 resulting on average a \$19,146 Land Transfer Tax with \$9,198 being attributed to the City of Toronto municipal Land Transfer Tax. This is a significant tax burden that targets a very small percentage of residents; and

*Whereas:* OHBA supports the steps taken by the provincial government in the Provincial Municipal Fiscal and Service Delivery Review over the past decade to relieve finance pressure on municipalities by phasing in a social services upload. OHBA notes that the province is providing municipalities with ongoing support of approximately \$3.5 billion in 2014, which is an increase of 200 per cent from the level provided in 2003; and

*Whereas:* OHBA supports gas tax contributions towards municipal infrastructure from the province (two cents) and from the federal government (five cents) which have significantly relieved fiscal pressure on municipal capital budgets; and

*Whereas:* The significant social services uploads, as well as the provincial and federal gas tax contributions, have positively altered the municipal financial landscape to ensure municipalities have much improved fiscal support from senior levels of government. OHBA is concerned that, despite significantly greater fiscal support and fiscal capacity, municipalities continue to increase taxes on new neighbours and continue to advocate for additional taxation powers (rather than increase broad-based & equitable property taxes on ratepayers).

*Therefore be it resolved that:* The Provincial Government NOT grant municipalities broad permissive authority to raise new taxes (specifically a municipal Land Transfer Tax) during the review of the Municipal Act; and

*Therefore be it further resolved that:* OHBA continues to advocate for fairness and transparency for new neighbours and the legislative review of the Municipal Act cannot result in a further piling on of taxes on the backs of future home purchasers and employers .

CARRIED

## DRAFT RESOLUTION # 3 (External)



Submitted to: Ministry of Municipal Affairs and Housing

Submitted by: OHBA Land Development Committee

Date: September 28, 2015

Subject: Inclusionary Zoning

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*Whereas:* Inclusionary Zoning refers to municipal policies that require the provision of subsidized housing as part of residential developments. Private sector obligations towards subsidized affordable housing required by such policies can take the form of land, housing units and/or cash-in-lieu depending on the design of the policy; and

*Whereas:* Some groups advocate for Inclusionary Zoning as a means to create “free affordable housing out of thin air”. However, these units are anything but free. The additional cost requirements would, in turn, be passed onto the rest of the purchasers or tenants in the residential development through higher rents or purchase prices – thus, in effect, becoming less affordable; and

*Whereas:* Inclusionary Zoning policies could encourage municipalities to intentionally ‘under-zone’ lands to create restrictions on densities that can only be unlocked in exchange for housing units, land or cash-in-lieu. Such a density bonusing tool would work at cross purposes with OHBA recommendations through the Co-ordinated Review consultation (EBR 012-3256) and the *Smart Growth For Our Communities Act* consultation (EBR 012-3651) to modernize zoning standards to encourage complete communities and to support appropriate intensification; and

*Whereas:* Inclusionary Zoning policies would have to include the creation of a bureaucracy to decide who gets to purchase the ‘affordable home’ and to determine what percentage of the increased value of a home the buyer would receive if they decided to move, and once again, decide who gets to buy the affordable resale unit; and

*Whereas:* Some American jurisdictions, such as NYC, have inclusionary zoning policies – however these geographically focused areas were not created in isolation, but have been packaged with significant upzoning as well as a variety of tax credits to ensure economic viability; and

*Whereas:* OHBA notes that someone always pays, and this planning tool is essentially a hidden tax on new housing.

*Therefore be it resolved that:* The province maintain prohibitions against municipalities from implementing Inclusionary Zoning policies; and

*Therefore be it further resolved that:* The province implement the recommendations of the OHBA 2015 Long-Term Affordable Housing Strategy Submission:

1. Create a long-term portable housing allowance program to provide immediate assistance to low income households;
2. Amend the *Planning Act* to permit ‘as-of-right’ secondary suites across Ontario;
3. Stop the regressive taxation of tenants by equalizing residential and multi-residential property tax rates across Ontario;
4. Reduce unnecessary government-imposed cost and regulatory barriers to the supply of new housing which constrain housing opportunities for lower income households;
5. Address homelessness by focusing on special needs housing and services for the hard-to-house and integrating enhanced support services within housing projects;
6. Leverage existing assets, unlock land and make strategic investments to fix Ontario’s existing social housing stock as well as build new affordable housing in livable, walkable, location-efficient communities;
7. Better link transit and transportation investments with land-use planning including pre-zoning along transit corridors;
8. Streamline planning process for affordable housing projects;
9. Implement a Transportation Planning Policy Statement (TPPS) that would support affordable housing and apply to higher-order transit corridors across Ontario;
10. Support Tower Renewal;
11. Do not amend *Planning Act* to permit for inclusionary zoning.

CARRIED

## DRAFT RESOLUTION # 4 (External)



Submitted to: Premier of Ontario, Hon Kathleen Wynne  
Ministry of Finance  
Ontario Chamber of Commerce

Submitted by: OHBA Builders' Council

Date: September 27, 2015

Subject: Ontario Retirement Pension Plan

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Whereas: An Ontario Retirement Pension Plan (ORPP) was a main component of the Government's 2014 election platform; and

Whereas: The government of Ontario has stated that the current Canada Pension Plans' average yearly benefit of \$6,900 and maximum yearly benefit of \$12,800 is not enough for people to retire; and

whereas: The government of Ontario cites studies that find that personal savings rates have declined substantially over the past 30 years from 22.7 per cent in 1982 to 3.2 per cent today; and

Whereas: The government of Ontario has adopted legislation which would introduce an Ontario Retirement Pension Plan (ORPP); and

Whereas: As currently proposed, the plan would become mandatory in 2017 for large employers with over 500 employees and 2019 for employers with less than 50 employees. The contribution amounts would be capped at 1.9 per cent (3.8 per cent combined) on an employee's annual earnings up to \$90,000; and

*Whereas:* Small businesses in Ontario have been increasingly burdened by additional red tape, fees, costs over the past several years that have added new costs through increases in New Neighbour Taxes, the costliest workplace safety insurance regime in Canada, a new mandatory WSIB insurance system on small construction firms, new fees and bureaucracy through the Ontario College of Trades and new regulations from a variety of Ministries including Ministry of Environment and Ministry of Labour; and

*Whereas:* Each new regulation and tax is an added cost and may also result in new administrative costs as small employers are forced to comply with added red tape from all three levels of government; and

*Whereas:* The cumulative impact is significant. Unfortunately, the proposed ORPP appears to be another significant cost through duplicative administration with other existing pension plans; and

*Whereas:* The ORPP affects companies across all sectors in Ontario.

*Therefore Be It Resolved That:* OHBA works alongside the Ontario Chamber of Commerce, and other employer-based associations, to advocate for alternative options to promote retirement savings rather than a mandatory and redundant retirement savings plans that might conflict with pooled retirement pension plans.

CARRIED

## DRAFT RESOLUTION # 5 (External)



Submitted to: Ministry of the Environment and Climate Change  
Ministry of Energy  
Ministry of Municipal Affairs and Housing

Submitted by: OHBA Technical Committee

Date: September 27, 2015

Subject: Mandatory Home Energy Rating and Disclosure on Resale

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Whereas: OHBA has consistently stated our position in favour of *the Green Energy and Green Economy Act, 2009* legislative intent to have mandatory energy labelling of existing homes at the time-of-listing (Sec 3. Mandatory Home Efficiency Disclosure); and

Whereas: While mandatory energy labelling was included in the legislation, labelling needs to be implemented through cabinet regulations; and

Whereas: There would be many benefits to mandatory energy rating and disclosure upon the re-sale of an existing home:

- Consumer disclosure;
- Professional advice regarding potential energy-efficient upgrades;
- Market transformation as buyers make informed choices based on energy performance of housing, while sellers would invest in energy-efficient upgrades prior to listing the home on the market;
- Home values would better reflect energy performance;
- Transparency and accountability;
- Reducing energy bills;
- Improves energy efficiency of existing housing stock;
- Demonstrated superior efficiency of new housing by differentiating high-performance new housing built to current code or higher standards (ENERGY STAR, R-2000, LEED) versus older, less efficient housing.

Whereas: Specific to the new home industry, under the Ontario Building Code (OBC) effective January 1, 2012, low-rise residential buildings are designed to meet the performance level that is equal to an EnerGuide rating of 80 or more. Based on this OBC requirement and the process MMAH has created to confirm that new homes are inspected a minimum of ten times before occupancy (OBC 1.3.5.1.) by municipal building officials, the idea of mandatory labelling of new homes is **redundant** for the new home consumer; and

Whereas: New home consumers who purchase an ENERGY STAR qualified home, or other energy-efficiency labelled homes will receive a label as part of their agreement of purchase and sale. Based on this administrative process, mandatory labelling of new homes is redundant; and

Whereas: New homes are already bound by requirements in the OBC for minimum insulation levels and resource conservation, so new home buyers can be assured they are purchasing a new home built to the energy-efficiency benchmark. But, there are over 4.8 million homes in the province's existing housing stock that would ultimately benefit from an energy audit and encourage energy-efficient home improvements.

*Therefore Be It Resolved That:* The provincial government enact Section 3 of the *Green Energy and Green Economy Act, 2009* to enable mandatory home energy audits prior to the sale of an existing home (re-sale).

CARRIED

## RESOLUTION # 6 (External)



Submitted to: Ministry of the Environment and Climate Change  
Ministry of Municipal Affairs and Housing  
Association of Municipalities Ontario  
Conservation Ontario

Submitted by: Waterloo Region Home Builders' Association

Date: September 28, 2015

Subject: Transfer of Review for Stormwater Management Facilities Approval

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*Whereas:* The Ministry of the Environment and Climate Change review and approve Stormwater Management Facilities in Ontario *after* consultation and approvals have been co-ordinated with expertise at the respective Municipalities and Conservation Authorities; and

*Whereas:* The Ministry of the Environment and Climate Change has finite resources, and are often unable to address the volume of applications for Stormwater Management approvals in a timely fashion, undermining economic prosperity of the Province and the delivery of urban redevelopment to meet the needs of Ontarians ; and

*Whereas:* The Ministry of the Environment and Climate Change could be allocating their resources and expertise to address only the most complex applications or other significant priorities such as Brownfield Redevelopment; and

*Whereas:* The Ministry of the Environment and Climate Change review and approval can take significant amount of time, may duplicate the reviews undertaken by the Municipality and Conservation Authority and these inefficiencies can undermine economic prosperity of the Province and the delivery of urban redevelopment to meet the needs of Ontarians ; and

*Whereas:* "Sewage works", as defined within the Ontario Water Resources Act (Section 1.(1)), means "any works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the Building Code Act, 1992 applies"; and

*Whereas:* The Ministry of the Environment and Climate Change has, through Transfer of Review agreements, delegated responsibility to many Municipalities for the review and approval of sewage collection and transport system such as municipal storm and sanitary sewer systems; and

*Whereas:* Some Municipalities and/or Conservation Authorities may have the technical expertise and necessary resources to act in a delegated review role with regard to sewage treatment and disposal components and, in all likelihood, better understand local conditions;

*Therefore be it resolved that:* The Ministry of the Environment and Climate Change initiate the process to provide for the Transfer of Review for Stormwater Management approvals related to treatment and disposal to those Municipalities and/or Conservation Authorities expressing an interest in such and where they can demonstrate the necessary resources and expertise.

CARRIED