

RESOLUTION # 1 (External)



Submitted to: Ministry of Municipal Affairs / Attorney General
Submitted by: OHBA Land Development Committee
Date: September 19, 2016
Subject: Ontario Municipal Board

Whereas: The provincial government has commenced a review of the scope and effectiveness of the Ontario Municipal Board (OMB), which is an important part of the province's land-use planning system; and

Whereas: the OMB review comes only months after a number of significant changes to the land-use planning and appeals system have taken effect through the *Smart Growth for Our Communities Act*, and the government is proposing additional significant changes to land-use planning through the *Co-ordinated Review*; and

Whereas: OHBA strongly supports the role of the OMB as an impartial, evidence-based, administrative tribunal that is responsible for handling appeals of land-use planning disputes. In this administrative authority, the OMB serves to ensure that provincial land-use policies and objectives are achieved and that municipalities employ consistency in the application and implementation of the *Planning Act*, the *Development Charges Act*, the *Provincial Policy Statement* and other related land-use legislation; and

Whereas: The decisions made by the OMB are based on planning evidence, provided by expert witnesses under oath, which ensures that long-term public policy objectives, rather than short-term local political calculations, are upheld. Without an independent tribunal that specializes in planning law, such as the OMB, it would be more difficult to achieve Provincial and Municipal policy goals; and

Whereas: the OMB supports the public good because its decisions can be important counterbalance to the local political pressures of municipal councils. The local interest is not always the public interest. The OMB provides a forum where the principles of fairness, quality, consistency, administrative justice and transparency, are fundamental and where the application is judged in conformity with public policy; and

Therefore be it resolved that: OHBA recognizes that the province wants more planning decisions resolved at the municipal level. Therefore, ensuring the municipal public policy and regulation are in conformity with the provincial policy is paramount. Modernizing municipal zoning to be in conformity with provincial policy would allow the planning process to be significantly more efficient, predictable and result in fewer appeals. The province should take a more proactive role to ensure municipal zoning is updated; and

Therefore be it further resolved that: OHBA supports having professional planners work as case management workers to pre-screen appeal applications. A mandatory review through a case management worker would assist to quickly determine if there are appropriate planning grounds to proceed with mediation, hearing or dismissal. Furthermore, as part of any mediation process, the board should have the authority to assign recognized ratepayer associations/groups with a resource with professional planning experience and perhaps more preferably a Registered Professional Planner with mediation training and certification. This would encourage greater public participation as groups would have equitable access to trained professionals whose role and purpose is to understand and resolve conflict. Such resources should be funded by the Board; and

Therefore be it further resolved that: the province should implement a pre-hearing requirement of mandatory mediation for applications in order to provide a forum of principled dispute resolution and aid in the facilitation of decision making at a pre-hearing level, thereby reducing the number of full hearings or the scope of hearings before the Board.

MOVED: Michael Pozzebon

SECONDED: Matt Pryce

RESOLUTION # 2 (External)



Submitted to: Ministry of Municipal Affairs
AMO

Submitted by: OHBA Land Development Committee

Date: September 19, 2016

Subject: Growth Plan Intensification and Density Targets

Whereas: In 2015, the Minister of Municipal Affairs and Housing announced the launch of a Co-ordinated Review; and

Whereas: In May 2016, the Provincial government announced proposed amendments to the four Plans that were part of the Co-ordinated Review that are meant to work together to manage growth, build complete-communities, curb sprawl and protect the natural environment; and

Whereas: Two key proposed amendments include updating the designated greenfield density targets from 50 persons and jobs per hectare to 80 persons and jobs per hectare as well as updating the intensification target from 40 per cent to 60 per cent. These two new targets represent a significant paradigm shift in planning policy and will significantly alter the way in which existing and new communities are planned for, built and evolve; and

Whereas: These two new targets will require significant investment to update and expand both provincial and municipal infrastructure and services including: parkland, new roads, widenings of existing roads, transit, community services and schools both within and beyond the built boundary; and

Whereas: The province is not proposing amendments to adjust the build boundary (established in 2008 based on the built-up area as of June 16, 2006). Therefore with a proposed policy framework in which the 80 persons and jobs per hectare is averaged across the entire Designated Greenfield Area, the effect is that the remaining Designated Greenfield Area that is not built or has received planning approvals or existing applications within the planning review process must now be planned for at an even higher density than the proposed 80 as an over-compensation to generate the overall average of 80 across the entire Designated Greenfield Area as required by the proposed plan; and

Whereas: The proposed density and intensification targets are a “one size fits all” policy approach despite individual communities and municipalities having: differing neighbourhood characteristics, different amounts of Designated Greenfield Areas already consumed by built/approved development, differing access to public services, differing proximity (or complete lack of) higher-order public transit and community identities/characteristics.

Therefore be it resolved that: the Provincial Government has the responsibility to confirm information with municipalities with respect to committed Designated Greenfield Areas. In order to make informed and evidence-based public policy decisions, the Provincial Government must provide real-time mapping of confirmed committed Designated Greenfield Areas to adequately understand what densities will be required on the remaining Designated Greenfield Areas within each municipality to achieve the average 80 persons and jobs per hectare density target; and

Therefore be it further resolved that: the Provincial Government should generate a list of outstanding approvals and Official Plans currently pending decisions at the OMB to determine an appropriate transition policy; and

Therefore be it further resolved that: the province not apply a “one size fits all” approach and that intensification targets be implemented specific to each region to meet the local characteristics and market realities; and

Therefore be it further resolved that: that should the Provincial Government implements the 60 per cent intensification target, that municipalities be required to immediately commence municipal comprehensive reviews of their Official Plans and their entire zoning by-law concurrently to provide for the policy framework necessary and to significantly up-zone as-of-right densities to provide for the 60 per cent target to be achieved.

MOVED: Bob Schickedanz

SECONDED: Chuck McShane

RESOLUTION # 3 (External)



Submitted to: Ministry of Housing
Submitted by: OHBA Land Development Committee
Date: September 19, 2016
Subject: Inclusionary Zoning

Whereas: Inclusionary Zoning refers to municipal policies that require the provision of subsidized housing as part of new 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 municipal policy; and

Whereas: The Development Industry understands the need to address declining housing affordability across the province. The health, prosperity and quality of life in our cities, and the continued strength of the real estate market depend on access to quality housing for households at all income levels; and

Whereas: Some American jurisdictions, such as NYC, have Inclusionary Zoning policies – however they were not created in isolation of other supportive measures and have been packaged with significant upzoning as well as a variety of tax credits to ensure economic viability; and

Whereas: In May the provincial government tabled legislation, *Promoting Affordable Housing Act, 2016* (Bill 204), that will allow municipalities to require the inclusion of affordable housing units within new residential projects. The province subsequently posted a proposed regulation under the *Planning Act* that would set the framework for Inclusionary Zoning as well as a consultation discussion guide.

Therefore be it resolved that: if the Province proceeds with enabling the tool of Inclusionary Zoning, it must be considered in the context of the entire legislative framework and it should be delivered with fiscal supports in a clear planning framework; and

Therefore be it further resolved that: OHBA supports a partnership model for Inclusionary Zoning in which the private sector takes responsibility for the design, construction, project financing of the community, administration, and delivery of affordable housing units, while the public sector takes responsibility for the costs of delivering the units via measures, incentives, offsets and supports as well as the long-term management, operations and administration of the units; and

Therefore be it further resolved that: The regulation should establish a maximum for number of units-set-aside for the government required affordable housing as: up to 10 percent for high-rise based on the incremental density over 'as-of-right' zoning permissions, and up to five per cent for low-rise based on the incremental density over 'as-of-right' zoning permissions; and

Therefore be it further resolved that: The regulation should provide flexibility for municipalities to tailor the length of affordability periods to meet local needs to a maximum of 20 years. However, the regulation should require that measures, incentives and supports be directly correlated to the affordability time period to ensure that the cost of delivering government required affordability is appropriately shared between partners; and

Therefore be it further resolved that: Any forthcoming regulation should establish a minimum threshold of 100 units for multi-family developments and a density threshold of 25 units per acre for low-rise / grade related residential developments; and

Therefore be it further resolved that: The regulation should establish an effective transition date for complete applications filed after January 1, 2018. For municipal inclusionary Zoning By-Laws established after this date, a transition period would apply for complete application, whereby these applications would be grandfathered, as of the effective date of the municipal by-law.

MOVED: Rick Martins

SECONDED: Kevin Fergin

RESOLUTION # 4 (External)



Submitted to: Ministry of Labour
Chief Prevention Officer

Submitted by: OHBA Health and Safety Committee

Date: September 19, 2016

Subject: Mandatory Safety Awareness Training

Whereas: The Ministry of Labour is proposing 6.5 hour mandatory construction hazard awareness training for all construction workers in Ontario.

Whereas: OHBA has submitted a response to the consultation which is supportive of increased health and safety awareness in order for continuing improvements to workplace safety.

Whereas: The OHBA submission proposes the Ministry adopt increased online training so that workers in remote areas of the province and younger workers looking for a summer job in construction can be compliant with the regulation when they first show up for work.

Whereas: OHBA proposes the Ministry assume responsibility for establishing a database of all workers that have completed the training in addition to issuing cards that employers, MOL enforcement and home owners can view so they know the worker has completed the awareness training.

Whereas: if the Ministry moves forward with this policy as written it would require a significant dedication of resources for all workers and employers to comply with the law.

Whereas: Some estimates have over 800,000 workers requiring to do this training.

Whereas: OHBA is well positioned to address Ministry of Labour identified training gaps that exist province-wide through our network of 30 local associations.

Therefore Be It Resolved That: OHBA develops a training program targeted towards residential construction and consistent with the Ministry's program standard so that local home building associations can facilitate training opportunities in their area as a member service.

MOVED: Rick Martins

SECONDED: Louis Zargardo

RESOLUTION # 5 (External)



Submitted to: Ministry of Finance, Ministry of Labour, Canada Revenue Agency
Submitted by: OHBA Renovators' Council
Date: September 19, 2016
Subject: Underground Economy in the Residential Construction Sector

Whereas: The residential renovation sector accounts for approximately \$70 billion in investment activity across Canada and \$27.1 billion to the Ontario economy on an annual basis; and

Whereas: According to Statistics Canada, the residential construction sector comprises almost 30 per cent of Ontario's underground economy, or approximately \$4.5 billion in annual underground economic activity; and

Whereas: The Home Renovation Tax Credit (HRTC) generated an additional \$4.3 billion in renovation investment into the economy with an average tax savings was over \$700 per claimant; and

Whereas: The cash economy places risks on consumers, causes significant revenue leakages for the provincial and federal governments and places legitimate contractors at a competitive disadvantage; and

Whereas: In 2016, the former Parliamentary Assistant Laura Albanese consulted with key stakeholders, including the Ontario Home Builders' Association, to better understand the scope of the underground economy within the sector. In February 2016, an interim report, *Addressing Ontario's Underground Economy in the Residential Construction Sector: Interim Report for the Minister of Finance On Behalf of Parliamentary Assistant Laura Albanese, MPP* was released that summarized what was heard during the consultations and provided interim recommendations.

Therefore be it resolved that: To ensure a level playing field, the federal government and provincial governments should implement a home renovation tax rebate to the consumer in order to ensure the tax is revenue neutral as well as provide an incentive for consumers to demand receipts from legitimate renovators and submit them to the CRA; and

Therefore be it further resolved that: All firms and individuals in the construction industry should be required to register for a Business Number to ensure that businesses pay their fair share of taxes, CPP and WSIB premium, even if they fall below the below the \$30,000 threshold for mandatory HST registration; and

Therefore be it further resolved that: The Ontario government embark on a public awareness campaign targeted towards consumers that explains the risks and potential liabilities associated with participating in the underground economy; and

Therefore be it further resolved that: Consumers should be required to inform their home insurance provider during major renovations, to insure they understand their home "work place requirements" and to protect their renovations from future issues; and

Therefore be it further resolved that: Individuals need to be granted an exemption under the *New Home Warranty Plan Act* and *Ontario Building Code Act* to build their own home, and if they sell before the two-year occupancy date, they must provide a private warranty to the new home owners; and

Therefore be it further resolved that: Government departments and levels of Government, such as the Canada Revenue Agency, local building departments, the Workplace Safety and Insurance Board, the Ministry of Finance and the Ministry of Labour enhance information sharing to tackle underground economic activity in the residential sector.

MOVED: Matt Pryce

SECONDED: Jamie Adam

RESOLUTION # 6 (Internal)



Submitted to: OHBA Board of Directors
Submitted by: OHBA Sales and Marketing Committee
Date: September 19, 2016
Subject: OHBA Awards of Distinction Submission Requirements

Whereas: Anyone in the Province of Ontario who plans to build and/or sell a new home or condo must be registered with Tarion and enroll the home(s) and condo(s) as per the requirements of the *Ontario New Home Warranties Plan Act*; and,

Whereas: The deemed statutory warranties created by the Act apply for the most part to all purchases of new homes whether or not the vendor is registered or the home is enrolled. There is no statutory definition of “new home”. Rather, the protections of the Act are available only if the applicable definitions of “home”, “builder”, “vendor” and “owner” apply to the dwelling:

- A “home” is a self-contained one-family dwelling that is not built for occupancy for temporary periods or seasonal purposes. A “home” can be either a freehold home (including a contract home) or a condominium unit, including the common elements. It will include such homes whether it is a principal residence or a second recreational home, as long as it is constructed to year-round occupancy requirements under Part 9 of the Ontario Building Code:

- A “builder” is a person who undertakes the performance of all the work and supply of all the materials necessary to construct a completed home whether for the purpose of sale by the person or under a contract with a vendor or owner;
- A “vendor” is a person who sells on his/her own behalf a home not previously occupied to an owner;
- An “owner” is a person who first acquires a home from its vendor for occupancy;
- Tying the definitions together one could very generally describe a “new home” as a self-contained, residential dwelling unit built to permanent occupancy standards by a builder who has agreed to complete all material aspects of the dwelling and that was not previously occupied prior to the initial sale (e.g., not a conversion, not a renovation, not previously occupied by the vendor); and,

Whereas: OHBA is working with the Tarion Warranty Corporation, the Ontario Building Officials Association (OBOA), the Ministry of Municipal Affairs and Housing and the Ministry of Government and Consumer Services to advance public policy solutions to reduce illegal building activity; and,

Whereas: Tarion, in partnership with the OHBA and the OBOA, launched an Illegal Building Prevention Strategy to protect new home buyers from the dangers of illegal building in six municipalities in Ontario: Barrie, Sarnia, Middlesex Centre, Belleville, Sudbury and Niagara Falls.

Therefore be it resolved that: OHBA Awards of Distinction builder and/or developer submitters in any category, with the exception of the renovation categories be registered with the Tarion Warranty Corporation in order to enter a submission.

MOVED: Chuck McShane

SECONDED: Garnet Northey