



November 10, 2022

Standing Committee on Committee on Heritage, Infrastructure and Cultural Policy
Ontario Legislative Assembly

RE Bill 23: More Homes, Built Faster Act

Dear Members of the Standing Committee,

We are writing to you with our submission in response to Bill 23, the More Homes Built Faster Act, which was introduced on Tuesday, October 25th, 2022.

We agree that there is a housing supply and affordability issue in Ontario and support the broad goal that new housing should be built and be available across a spectrum of incomes and needs. However our dreams are not focussed on detached single-family homes with 'white picket fences,' but include a diverse range of dwelling types for both renters and owners, and all income levels. The focus of all orders of government should be on liveable communities where all residents can thrive and grow.

We have identified ten substantive and specific issues with Bill 23.

1. Flawed Foundation Means Flawed Plan

We believe that the foundation of Bill 23 is flawed and if approved it will result in significant adverse impacts on our communities without any guarantees that the needed housing will be built.

The report focuses solely on supply (i.e., construction of new houses), not demand. For example, the federal and provincial governments could reduce the demand for housing in the overheated GTA by influencing the location of jobs. And conspicuously, the Bill avoids dealing with affordability, again focusing only on production of new housing. The report assumes that affordability is simply a function of supply, i.e. the idea that more supply will bring down the prices, which is unproven. The experience is that public sector financial and regulatory intervention (ie. subsidy, inclusive zoning) is required in order to achieve affordable housing.

Bill 23 also fails to consider the rapidly changing nature of the housing market. The legislation has been introduced at a time when the market, which for years was boiling based on the low costs of capital. is suddenly in a very different situation. The market frenzy has largely dissipated as speculative investors causing inflated prices have left the market.

The Province continues to reference the Housing Affordability Task Force (HATF) report as its inspiration for measures incorporated in Bill 23, whereas the HATF report has been dismissed by critics as a shopping list for the building industry, lacking any evidentiary foundation.

Bill 23 fails to recognize the unique needs of its largest municipalities and the changes they are already undertaking to address local needs and opportunities. A simple “one size fits all” legislative approach across the province is inadequate and unnecessary.

The City of Toronto, the largest housing shortage and affordability issues in Canada on the other hand is addressing the problem of housing and urban planning seriously with professional staff and rigorous analysis. The City of Toronto is undertaking the Expanded Housing Opportunities in Neighbourhoods (EHON) initiative, with extensive consultation.

2. Infrastructure - If growth will not pay for growth, existing taxpayers will have to!

Roads, transit, sewers, fire stations, and libraries in new neighbourhoods are funded through development charges. These charges are paid by developers on all new homes and businesses built in the community. The new provincial legislation adds more restrictions on how much the City can charge developers for infrastructure, and cities will fall further behind on installing the infrastructure required to support new growth. Property taxes will have to be increased (and justifiably) the provincial government will be blamed.

3. Parks and Greenspace

The Province proposes to cut in half the amount of parkland that developers are required to allocate to support new developments. Growth in our major cities is increasingly concentrated in vertical condo projects with inadequate outdoor amenity space. The need for parks and greenspace is greater than ever. Yet the province is imposing strict limits on funds the city can accumulate year-over-year for larger projects, which will make it very difficult to set aside money for needed amenities like recreation centres or district parks. In addition the determination of the parkland dedication location needs to remain with the municipality, not passed to the landowner, to ensure a comprehensive municipal parkland strategy.

4. Climate Change.

With the proposed legislation, the province is now stripping away our ability to enforce the innovative environmental standards which were designed to reduce greenhouse gas emissions from new builds.

5. Conservation

The state of Florida has recently learned that building subdivisions on wetlands is generally a bad idea! Changes to how wetlands are evaluated and protected will leave many of our favourite greenspaces at risk. The province is also limiting the role of conservation authorities in its specialized and needed role in watershed management and land use planning.

6. Architecture & Site Plan

Currently, city planners can review the exterior design of a building through the Site Plan Process. The Province is removing that ability. Across Toronto, this review process has been helpful to refine and improve the design and servicing of new buildings and to reflect the planning context and history of the street, to create inviting neighbourhoods.

7. Cultural Heritage Protection

The Province is making major changes to the heritage register, a “watch list” of buildings that have heritage value. All listed properties on the municipal heritage registry (that are not officially designated) will no longer have listed status (i.e., protection from demolition for 60 days) after two years, unless they are designated within that period. Right now, municipalities have 60 days to prevent the demolition of buildings with potential heritage value. Under the new provincial rules, there will be only 30 days to protect the building, which is too short for City Council action – and some buildings may even be exempt from heritage designation the moment a development application is submitted. This is turning back the page on nearly 50 years of cultural heritage protection in Ontario.

8. Affordable Housing

The proposed legislation was drafted based on the HATF report that failed to make any recommendations directed towards increasing affordable housing. The Province is limiting municipalities’ ability to require developers to build a minimum number of affordable apartments or condos near transit stations (known as inclusionary zoning). The proposed legislation would also curtail municipal tools to fund new affordable housing projects with revenue from development charges, which would reduce the amount of money municipalities can invest in new purpose-built affordable housing. To develop the truly affordable housing that is greatly needed, it is essential that the Province provide adequate subsidies.

9. Tenant Protection

Although the details aren’t yet clear, Bill 23 seeks to limit the municipality’s ability to create rental replacement by-laws to prevent “renovictions”. That’s when tenants in existing affordable apartments are evicted, buildings are renovated, and then rented again to a new tenant at a higher rental rate, or demolished for development of larger condo buildings. The City of Toronto is a leader in establishing such by-laws which have been extremely successful in allowing tenants to continue to live in affordable accommodations.

10. Public Engagement and Appeals

The review period for development applications is so shortened that time for public consultation will be restricted. The Bill proposes to eliminate third party appeals to the Ontario Land Tribunal (and perhaps the Toronto Local Appeal Body), meaning that residents and community associations will no longer be able to appeal development decisions. In addition the Bill proposes that the OLT have the power to order costs against the party who loses at a hearing, which would inflict substantial costs on parties (evidently intended to chill their participation), and is fundamentally wrong. These measures are vindictive, and represent an unacceptable diminution of citizens’ rights.

In Summary

The proposed legislation lacks the kind of background information and public engagement process that would permit a thorough analysis of the data, and discussion of its merits. The proposed legislation is focussed on land acquisition and intensification without consideration of infrastructure, schools, parklands and green spaces. Notably, the Province understood the importance of consulting representatives from the development industry but did not extend the same courtesy to their most important partners needed to guide its implementation.

Beyond these substantive concerns, the timing of this legislation could not be worse - Bill 23 was introduced the day after the municipal elections and may be passed into law by the time the new councils are able to conduct business. Councils are in the best position to recommend useful and practical measures to ensure that the much-needed new housing would actually get built, and in ways that strengthen our communities. The timing chosen by the government prevents the receipt of sound advice that City Councils across the Province would have been pleased to provide.

Incredibly the Standing Committee of the Legislature is not holding any public meetings outside of the GTA; the deadline to provide feedback to the government is extremely limited - less than a month after this legislation was first introduced.

We respectfully request that the Bill be withdrawn to allow for a proper consultation and analysis that addresses the ten important items that are highlighted above. We need to find the balance between affordability, liveability, and sustainability to meet our housing needs. And it needs to be undertaken with full regard for democratic best practices, and the human rights of all citizens.

Yours truly,

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Hon. Neil Lumsden, MPP
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Stephanie Bowman, MPP
Robin Martin, MPP
Dr. Adil Shamji, MPP
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The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal..