

APPENDIX A - OVERVIEW OF BILL 109

Amendments to Planning Act		
Revision	Level of Concern	Staff Rationale
Requiring municipalities to partially refund site plan application fees to applicants who do not receive a decision within the 60-day timeframe and on a graduated basis thereafter for applications made on or after January 1, 2023	High	Planning Staff strongly disagree with refund of fees. This appears to be a penalty to municipalities for not issuing an approval within a prescribed time period. There are too many factors that impact time frames and much of the timeframe is not under the control of the municipality.
Require municipalities to partially refund application fees to applicants who do not receive a decision on their zoning by-law amendment applications within 90 days (or 120 days if submitted concurrently with an official plan amendment application) and on a graduated basis thereafter for applications made on or after January 1, 2023,	High	Planning Staff strongly disagree with refund of fees. This appears to be a penalty to municipalities for not issuing an approval within a prescribed time period. There are too many factors that impact time frames and much of the timeframe is not under the control of the municipality.
Establishing regulation-making authority to prescribe complete application requirements for site plan applications	Medium	Staff expect that there will be direction on what are reasonable conditions. Expect less flexibility and control over local interests.
Establishing regulation-making authority to prescribe what cannot be required as a condition of subdivision approval	Medium	Staff expect that there will be direction on what are reasonable conditions. Expect less flexibility and control over local interests.
Establish a new Community Infrastructure and Housing Accelerator (CIHA) tool for municipal requests to expedite zoning outside of the Greenbelt area. The Minister shall also issue guidelines governing the scope of how this authority may be used, and the guidelines would need to be in place before an order could be made.	To be determined	This may replace the controversial use of Minister's Zoning Order. Community infrastructure that is subject to Planning Act approval including: lands, buildings, and structures that support the quality of life for people and communities by providing public services for matters such as health, long-term care, education, recreation, socio-cultural activities, and security and safety • any type of housing, including community housing, affordable housing and market-based housing • buildings that would facilitate employment and economic development, and • mixed-use developments.

<p>Requiring decisions on site plan applications to be delegated to staff for applications made on or after July 1, 2022</p>	<p>Low concern</p>	<p>Planning Staff agree with this amendment and is likely a key recommendation to consider as part of the Town of Cobourg delegation project.</p>
<p>Extending site plan application review from 30 to 60 days</p>	<p>Low concern</p>	<p>The Planning Act establishes an appeal right for the applicant if there is no decision on a Site Plan Application after 30 days. Staff are of the opinion that most site plan applications take a number of months, and sometimes years. There are several contributing factors. Increasing this time frame is not expected to impact the number of appeals (appealing a site plan application is not common) nor is this extension expected to speed up the process.</p>
<p>Establishing a one-time discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years, subject to consumer protection provisions.</p>	<p>Low concern</p>	<p>There are no applications to benefit from this change at this time.</p>
<p>Establishing regulation-making authority to require public reporting on development applications / approvals.</p>	<p>Low concern</p>	<p>Planning Staff are in support of improved public reporting on development applications and approvals.</p>
<p>Providing the Minister with new discretionary authorities when making decisions to:</p> <ul style="list-style-type: none"> ○ “Stop the clock” if more time is needed to decide on all official plan matters that are subject to Minister’s approval (with transition for matters that are currently before the Minister), ○ Refer all or part(s) of an official plan matter to the Ontario Land Tribunal for a recommendation, and ○ Forward all of an official plan matter to the Ontario Land Tribunal to make a decision 	<p>Low concern</p>	<p>Staff do not see a significant concern or impact with these proposed changes.</p>
<p>Providing the Minister of Municipal Affairs and Housing with regulation-making authority to authorize landowners and applicants to stipulate the type of surety bonds and</p>	<p>Low concern from Planning Perspective but Legal and Finance to Review</p>	<p>Developers continue to raise a concern about the amount of money tied up in municipal securities. The increased use of surety bonds to secure development-related</p>

other prescribed instruments to be used to secure obligations in connection with land use planning approvals.		obligations in connection with land use planning matters could free up resources which developers could use to invest in more housing projects.
Requiring municipalities with a community benefits charge (CBC) by-law to undertake and complete a review, including consulting publicly, on their by-law at least once every five years after the by-law is passed, and every five years thereafter.	Not applicable.	The Town of Cobourg has not enacted a community benefits charge.
Providing increased certainty of parkland requirements for Transit-Oriented Communities (TOCs)	Not applicable	No comment - no priority transit project designated by the Province in the Town of Cobourg

Amendments to the Development Charges Act, 1997

Revision	Level of Concern	Staff Rationale
The proposal, if passed, would improve transparency of reporting on development charges. The proposed amendments would specify that treasurers' statements are to be made available to the public on a municipality's website, or in the municipality's office if no such website is available, and in any manner as may be prescribed in the future.	Low concern	Finance Staff have no objection.

Amendments to New Home Warranties Act

Revision	Level of Concern	Staff Rationale
Revisions to New Home Warranties Plan Act	Low concern	These amendments relate to consumer protection and regulations for builders to follow. Little to no municipal impact.

Amendments to New Home Construction Licensing Act

Revision	Level of Concern	Staff Rationale
New Home Construction Licensing Act	Low concern	These amendments relate to consumer protection and regulations for builders to follow. Little to no municipal impact.

Amendments to City of Toronto Act

Revision	Level of Concern	Staff Rationale
Revisions to City of Toronto Act	Not Applicable	No Comments