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April 11, 2022

Laurie Scott, MPP
Chair
Standing Committee on the Legislative Assembly
Queen's Park

Re: Mississauga's Response to Bill 109 – *More Homes for Everyone Act, 2022*

Dear Chair Scott and Members of the Committee;

I write to you on behalf of the City of Mississauga to provide our comments in response to Bill 109 – *More Homes for Everyone Act, 2022*. As the government has indicated that the Housing Affordability Task Force (HATF) recommendations will act as the “roadmap” for housing policy and legislation for the next four years, I am also providing our response to the HATF recommendations in this report.

Overall, the City supports the government's guiding objective to build more housing. We have a housing crisis in Ontario, which is playing out in Mississauga:

- The average cost of a detached home is now \$1.92M;
- The average cost for a condo is \$736,000; and
- The average rental cost for a 2 bedroom condo is \$2,561 per month (secondary market.)

Young people and families, seniors, and newcomers, among many others, are being priced out of the market, and forced to either travel great distances to qualify for a home in their price range, or significantly over-extend themselves financially. Some have given

up on the idea of home ownership entirely. It is a recipe for disaster. This crisis is directly affecting the economic competitiveness of our cities and our province. We must take action, but we must take the right action.

The province has made their solution clear: increasing the supply of housing will solve the crisis. Indeed, increasing supply is critically important, but it is not the only action we must take. It also does not necessarily translate to affordability. We must also look at what is driving demand, the speculators, real estate industry, the actions of developers, and the influence of private finance. Too much of the focus has been placed on municipal councils and planning departments; as if shortening the planning process will naturally produce more housing and end the crisis. While aspects of municipal planning must be addressed, it is not the root cause of the problem. Cities make for an easy target, as do local communities, but the issues related to housing supply and affordability are far more broad and complex.

Mississauga, along with every other municipality in Ontario stands ready to do our part, but we are often caught in the middle. Over the last seven years (2015-2022) municipalities have had to contend with ten new pieces of planning legislation. This ever-changing legislation creates an unstable environment with unclear targets and processes. This lack of clarity causes delays. We need all three levels of government working together, along with housing stakeholders, developers, and financiers to create a stable and productive environment if we have a chance of ending this crisis.

The following is Mississauga's response to Bill 109, as well as the HATF report recommendations. In addition, this submission provides a series of recommended actions that the province could pursue that would have an impact on developing more housing supply and making housing more affordable.

BILL 109 – MORE HOMES FOR EVERYONE ACT

As more particularly described in the City's technical submission (Attachment 1) on the Bill, Mississauga's concerns with this legislation include the following:

1. Too much focus on municipalities as the panacea for resolving the housing crisis;
2. Legislation will not automatically increase supply and increasing housing supply does not equal increased housing affordability;
3. The proposed changes will result in more red tape and administrative responsibilities for municipalities, and a greater burden placed on existing property taxpayers;
4. We will lose the ability to build complete, healthy communities, including providing adequate parkland and green space;
5. Growth will not pay for growth and the burden for new infrastructure to support new residents will fall on existing taxpayers; and
6. Greater risk and liability for municipalities.

Focus on Municipalities

The province hosted its first meeting with municipalities on the housing crisis in mid-January. The province's Housing Affordability Task Force was struck in December 2021 and produced its report in February 2022. The Task Force contained no municipal representation. Instead, it was comprised almost entirely of development, finance, and real estate industry representatives. This is not a balanced approach to addressing the housing crisis.

There is little reference in the HATF Report, Bill 109, or the accompanying materials from the Ministry to the role and responsibilities of the development industry or provincial government to help increase supply and housing affordability. There is no accounting for the role developers or provincial ministries play in development applications not meeting legislated timelines. There is work municipalities can do to improve and streamline processes, but the current frame is that municipalities bear all the blame for the housing crisis. This is simply not true. If this narrative persists, it will make it difficult for any meaningful conversations on housing policy to proceed.

Municipal fees and charges, including development charges and cash in lieu of parkland comprise only a small percentage of the overall cost of building a housing unit. Hard costs for materials and skilled labour make up approximately 75% of the costs per unit. The fixation on municipal fees and process, to the exclusion of the real cost drivers, is as perplexing as it is misleading.

Housing Supply ≠ Housing Affordability

In Mississauga alone, there are over **20,000** units that have been zoned for development, but have not yet been built. In cities across Ontario, the Ontario Big City Mayors calculate that there are **250,000** such units. Municipalities are working to approve new units, but the development industry is not always building them.

In Mississauga, along with the **20,000 approved units**, we have also pre-zoned another **40,000 units** in our downtown core where we have allowed unlimited heights and density. With the addition of roughly **11,000 units** at the Brightwater and Lakeview Village developments in the near future, that number will increase to over **50,000 pre-zoned units**.

In total, there are approximately **70,000 units** that could be built today or in the very near future. Mississauga is doing its part. We are using all of the tools at our disposal to deliberately create the conditions for more supply to be built, but it has not yet been built. We do not have an answer as to why this is the case, but it is a question that needs to be asked and answered by the development community.

The reality is that despite our best efforts to increase supply, there is no mechanism for municipalities to ensure housing is affordable. As referenced above, housing units are selling at an all time high in Mississauga, well beyond the reach of most people in our City. Cities have few tools to ensure affordability for buyers. Only the province and development industry can do this.

Mississauga has removed heights and density restrictions in our downtown core, but this has not made housing more affordable. In fact, smaller units, selling for more money continue to be built.

Simply building more supply does not necessarily increase housing affordability.

Increased Red Tape

The legislation, as it is currently written in relation to the *Planning Act* amendments, could have the opposite effect in terms of speeding up development approval processes. While Bill 109 seeks to reduce development application timelines, and in some cases, provides refunds to developers, it may actually slow down the development process in the following ways:

- Need for more upfront consultation with various provincial ministries, conservation authorities, utility and other approval bodies;
- To ensure a “complete application” as defined by the province, municipalities will likely do more due diligence at the outset to avoid penalties later in the process;
- More applications will be referred to the Ontario Land Tribunal (OLT), which will lengthen approval times; and
- Due to administrative burdens, more Holding (H) provisions may be placed on lands.

These are just a few of the issues we foresee with the legislation as it is currently written. There is also a good chance the legislation will increase costs for municipalities for lawyer and planner fees at the OLT, and more staff and administrative costs to track applications to ensure compliance. These costs would ultimately have to be borne by taxpayers.

In Mississauga, we have done a LEAN review of our planning process and have instituted an online submission service called ePlans. Throughout the pandemic our planning office did not close, but continued to process applications. In the last decade, less than one per cent of site plan applications have been appealed to the OLT. Mississauga’s planning approval process is working. The proposed changes to the site plan application process will result in significantly more appeals and delay more development projects as technical details will need to be sorted out at OLT by the lawyers.

We continue to meet our building permit timeline targets **95% of the time** and we issue conditional building permits where warranted, to shorten timelines to build. As well, Mississauga has implemented a “Minor Development Zoning By-Law Application,” which will save developers at least three months of application time and lower fees for smaller scale developments. As a result of all these actions, in 2021, Mississauga issued building permits valued at over **\$2.1B in value**. In fact, we currently have the highest number of units under construction that we have had in 30 years.

As a City, we are doing our part to bring supply to the market.

After reading Bill 109 and the Ministry's background materials, we are concerned that there is no mention of the role developers play in the application process – the delays caused when their consultants fail to respond to comments in a timely manner, or provide incomplete, or substandard studies for important items like traffic, servicing, and environmental remediation. There is also no mention in the legislation of the delays caused by response times from provincial ministries like the Ministries of Transportation, Environment, and Natural Resources. These actors play an important role in the development process, but are outside the jurisdiction of municipalities.

Growth Is Not Paying for Growth

Cities have long faced the challenge of paying for new growth. Through a mixture of Development Charges, Cash in Lieu of Parkland, and other growth-related charges, cities have been able to recoup from developers a portion of the cost of building new infrastructure like libraries, roads, bridges, parks, and much more. **We fundamentally believe that new growth should pay for itself and existing property taxpayers should not foot the bill.**

Under Bill 109, we are concerned that the principle of growth paying for growth will be further eroded. The capping of Cash in Lieu in “transit oriented communities” is troubling, and could result in decreased parkland and greenspace in our most densely populated communities – the very places where it is needed most and where we are already struggling to secure more greenspace and amenities. This will place undue pressure on municipal budgets and existing property taxpayers will have to make up the difference, making it even more difficult to build great communities and cities.

Cities like Mississauga have planned for the majority of their infill growth to be located where public transit investments have been made. Without detailed regulations and the time to review the impact on our future provision of parkland, we have taken a high-level review of the legislation. As we currently understand it, the legislation will result in an estimated **\$600 million reduction** in the amount of Cash-in Lieu paid by developers in the next 20 years to meet the required growth-related parkland. This would equate to an annual \$30 million pressure on the municipal portion of the tax rate or a **5% annual tax increase for Mississauga property taxpayers.**

We must ask ourselves, what kind of communities do we want to build in Ontario? A community is more than buildings and infrastructure. A complete community includes passive and active parkland, recreational and cultural amenities, trees, urban squares and a great public realm that integrates with new developments. Why should future residents not expect the same? Bill 109 penalizes communities like Mississauga who are already advancing significant infill development.

The cash-in-lieu cap is arbitrary and should be removed from this legislation.

Increased Risk to Municipalities

There are two areas of concern for the City where we believe we may be put at greater risk.

1. **Encumbered Lands** - As currently proposed, the Minister of Infrastructure can make Orders to require the City to take on encumbered park land (i.e. stratified park land on top of parking garages and other infrastructure, or subject to easements and other restrictions) without any equivalent provisions permitting the City to enter into agreements and register them on title. This limits our ability to manage liability and risk with owners of land/infrastructure underneath these encumbered lands. We do not accept lands that are encumbered for this very reason; and
2. **Surety Bonds** - The legislation proposes prescribing surety bonds and other instruments as acceptable means of securing development-related obligations, and allowing developers to stipulate to the City what type of security they will provide in any scenario. Bonds, unlike letters of credit, are akin to insurance policies and do not give us the liquidity we need to access securities quickly and carry out works. There is no guarantee we will ever recover this money, further putting the City at risk.

We ask that these two issues be addressed as they will have significant negative impacts on the finances and liabilities of municipalities.

RECOMMENDATIONS FROM THE HOUSING AFFORDABILITY TASK FORCE

The City of Mississauga has undertaken a full review of the HATF report and its recommendations. We have prepared a report and a report card detailing the areas where we support the recommendations and areas where we oppose (Attachment 2). As noted by the Ministry, the HATF report recommendations will form the “roadmap” for housing policy and legislation for the next four years, so a discussion of the potential impact of these recommendations is important when considering Bill 109. We understand that Bill 109 is the first phase of more to come.

Mississauga’s main concerns with the HATF report recommendations are as follows:

Limited Public Consultation on Future Developments

As the recommendations are currently written, developers can build as of right 4 storey, four unit buildings in existing low density neighbourhoods, and 6 to 11 storey buildings as of right on any transit route. In both cases, there is no right of appeal and because they are as of right, there will be little public consultation. More clarity on these recommendations is needed, but at present, they are concerning.

Mississauga supports and is working to implement gentle density and infill development in our existing neighbourhoods, sometimes referred to as the “yellow belt.” However, public consultation is still important – **a one-size-fits-all approach to planning across the province will not work.** There are nuances in each neighbourhood that need to be considered, as well as servicing and infrastructure requirements. There is not excess

capacity built into water and waste water systems, for instance, to accommodate significant growth in existing residential neighbourhoods.

Public consultation and engagement is not a problem that needs to be fixed, but an important part of building complete communities. It is important that we listen to the residents and communities in which we are building new housing before it is built.

Lower Design Standards Erase Heritage

As the recommendations are currently written, heritage designations and any attempt to preserve the past will become a thing of the past. In an effort to build more supply, many of the existing heritage requirements will be lessened or eliminated, allowing development to proceed without protecting heritage. There are ways to respect the heritage of a property and a community, as well as build new housing. It requires consultation and collaboration between municipalities, communities, and developers. In Mississauga, we have many examples where this is happening.

Again, a one-size-fits-all approach will not work province wide. Heritage planning and urban design adds value to developments and to the local community.

Right to Appeal to the OLT

The HATF recommendations will eliminate the ability of residents to appeal to the OLT. This is problematic and will provide a considerable advantage to the land developer. Residents, municipalities, and developers should all have equal access to appeal to the OLT. As well, the OLT should eliminate de novo hearings and create a more equal playing field for all.

MISSISSAUGA'S RECOMMENDATIONS AND NEXT STEPS

As a City, Mississauga has taken a number of actions through our 2017 Affordable Housing Strategy: "Making Room for the Middle" to increase the supply of affordable housing. These include:

- Housing First Strategy where surplus lands may be offered first to affordable housing providers
- Securing affordable units in new developments
- Simplifying the process for second units
- Instituting a Demolition Control By-law
- Implementing a Rental Replacement By-law
- Passing a Condominium Conversion Control By-law
- Establishing the Affordable Housing Reserve Fund
- Recommending reduced parking requirements where transit is accessible, and for affordable housing
- Investigating the opportunity to increase housing options such as garden suites, garage conversions or secondary suites through gentle intensification

These actions are important, but alone they will not address the housing crisis. All three levels of government, the private sector, and housing advocates must work together to address this crisis. Mississauga's housing strategy made a number of recommendations that if implemented by the province, would not only meaningfully increase the supply of housing, but also help with housing affordability. These include:

Affordability

- Introduce funding for affordable housing developers
- Permit inclusionary zoning or cash-in-lieu everywhere the market can support
- Make revenue tools available to municipalities to raise funds for affordable housing; offer direct funding

Supply

- Discourage investor-owned residential real estate through capital gains tax and other mechanisms
- Provide support for first-time homebuyers, such as assistance with closing costs
- Provide direct funding; reinstate the Provincial Brownfield Remediation Fund and create a Complete Communities Fund
- Give municipalities the power to zone for residential rental buildings
- Offer incentives to promote new purpose-built rental housing

Making Better Use of Provincial Lands

- Require a minimum number of affordable units when selling surplus land to developers
- Offer surplus land to non-profit housing providers for a below market price
- Explore co-development of provincially-owned lands with affordable housing uses

Providing Incentives

- Provide direct incentives for rental housing producers
- HST rebates and other incentive tax-related policies
- Use additional housing-related tax revenue to fund housing incentive programs

These recommendations and others must be considered if we are going to address the housing crisis.

CONCLUSION

The City of Mississauga welcomes the government's commitment to build more housing and tackle the issue of housing affordability. Bill 109 is an important first step, but there are many more actions that need to be taken, especially by the province and developers, to meet this crisis. Municipalities play a significant role, but we are not the source of the problem, and continuing to only look at the municipal development process will not solve the crisis. The province must look at the actions it can take, as well as place more emphasis on the development community to address this crisis.

The City of Mississauga encourages the province to bring together all three levels of government, developers, housing advocates, and the private sector financiers, to have meaningful conversations about the housing crisis. The province has the power to do this and we ask that they exercise this power.

Mississauga Council and staff are available to answer any questions the Committee may have about our submission. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Bonnie Crombie". The signature is written in a cursive, flowing style.

Bonnie Crombie
Mayor

Attachment 1: City of Mississauga Technical Submission: Bill 109

Attachment 2: City of Mississauga Report in Response to the Housing Affordability Taskforce

CC., Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Nina Tangri, Associate Minister of Small Business and Red Tape Reduction
Hon. Kaleed Rasheed, Associate Minister of Digital Government
France Gelinis, MPP
Rima Berns McGown, MPP
Goldie Ghamari, MPP
Mike Harris, MPP
Faisal Hassan, MPP
Jim McDonnell, MPP
Sam Oosterhoff, MPP
Vijay Thanigasalam, MPP
Sheref Sabawy, MPP
Natalia Kusendova, MPP
Deepak Anand, MPP
Rudy Cuzzetto, MPP

City of Mississauga – Detailed Comments

Bill 109 – Schedule 5, Planning Act

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
1 (amends s.17)	(40.1)-(40.1.3) Where Minister is approval authority of OP or OPA, Minister can suspend decision-making time, preventing appeals for failure to make a decision. (55)-(64) Minister to refer OPs to the OLT for a recommendation or a decision. OLT can hold a hearing, with notice to municipality and any persons or public bodies who made submissions prior to adoption by Council.	- The Minister is generally not the approval authority for the City's documents; however, implementation of key City policies relies on the Minister's approval of Region of Peel policies. - The Minister could suspend the 120-day timeline and prevent the Region from being able to file appeals for non-decision. This could delay <u>indefinitely</u> key policies and tools, including the MTSA and Inclusionary Zoning requirements from taking effect. - The provisions providing Ministerial referral to the OLT for a recommendation or a decision are vague and open-ended, with no timelines for such a decision or recommendation to be made. - Overall, the proposed changes to section 17 independently and cumulatively delay official plan policy approvals (indefinitely), and add time and costs to the taxpayer and the development community through participation in additional Tribunal proceedings. - The proposed statutory changes will heavily tilt planning policy development away from a collaborative, consensus-based model to an adjudicative process before the Tribunal. Bending land use policy development into a litigation-based resolution context will frustrate and undermine the fundamental nature and purpose of community planning, and potentially render it captive to special interests who will have the resources to participate before the Tribunal while excluding the general public. Rather than enhancing dialogue, it will lead to greater tension, mistrust and antagonism.	17 (40.1)-(40.1.3): Ministerial authority to suspend decision-making timelines has the potential to prevent key policy initiatives from coming into effect <u>indefinitely</u>, such as those required to give effect to key planning tools like Inclusionary Zoning (IZ). Delaying IZ would delay delivery of affordable housing in Mississauga. - These provisions should be removed. - If not removed, they should be modified to provide a maximum period of time the Minister can suspend the timelines before they are deemed to resume. - If not removed, there should be a deeming clause added that any existing municipal official plan shall be deemed to conform to/be consistent with Provincial plans and policies for the entire duration of a Ministerial suspension. 17 (55)-(64): Referral to tribunal for recommendation or decision abdicates the Minister's responsibility as an approval authority and could undermine the prohibition against whole-OP appeals and others, such as MTSA's and Inclusionary Zoning. These additional Tribunal processes will add cost and expense to the policy-approval process. - These provisions should be removed.

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
			- If not removed, they should be modified to provide for streamlined hearing processes and timeframes for Tribunal decisions and recommendations to the Minister. - If not removed, in the further alternative, there should be criteria set out in the legislation which scope and limit the circumstances when the Minister may refer official plans to the Tribunal, including a requirement that the Minister provide public reasons for making the referral.
2 (amends s.19.1)	Section 19.1 amended by striking out “34 to 39” and substituting “34, 35 to 39.”	No impact. This is a technical change. Excludes new 34.1 from applying in respect of land within the planning area consisting of territory without municipal organization.	n/a
3 (repeals/ replaces s.21(3))	Adds a provision to section 17 (36.5)	Subsection 17(36.5) provides that there is no appeal of a decision by the Minister. Proposed 21(3) exempts amendments which have been referred to the Tribunal under proposed 17(55) from appeal to the OLT.	n/a
4 (amends s.34)	(10.12) New subsection provides rules for refunding application fees when statutory decision-making timelines for Rezoning applications are not met by Council.	<i>Application review is a complex, collaborative process that relies on responsiveness of many stakeholders.</i> - Many of the timing aspects of application review are outside of the City’s control, including timing for comments/conditions from other provincial ministries or agencies, conservation authorities and utilities as well as applicant responsiveness. - Statutory requirements for rezonings are extensive and can involve up to 20 departments, utilities, external and provincial agencies. A thorough review allows the City to properly discharge its public interest mandate, ensures appropriateness of use, compatibility	34 (10.12): Forcing municipalities to refund fees will slow down the approval process, limit public participation, and burden existing taxpayers with costs, increase costs to the development community, and increase appeals to OLT. The proposed provision is an overly blunt tool that does not account for the realities of the municipal decision making process, including lame duck periods during election years and other breaks in Council decision-making. As drafted, the Bill unfairly

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
		with surrounding properties and the health and safety of its future residents or employees. Collaboration with applicants is <i>essential</i> but it requires time; efficiency relies on the responsiveness of all participants. • Most urban development applications today in larger municipalities generate complex technical issues requiring coordination with various agencies and utilities; an artificially rushed approach fails to recognize today's lived experience; a blunt legislated approach without addressing these systemic issues that in most instances fall outside a municipality's control (e.g. conservation authority, hydro, telephone/internet wiring, higher order transit infrastructure, gas supply etc.) will not facilitate appropriate resolutions on the ground • The proposed provision provides a dis-incentive for applicants to resubmit revised plans and address outstanding issues and requirements in a timely manner, and incentivizes municipalities to refuse applications that could otherwise be approved with adequate time and continued collaboration. • <u>No scenario results in reduced timelines for final approval of Zoning By-law amendments.</u> The Bill will result in more rushed approvals (which can lead to more minor variances, etc. during site plan), refusals by the City, approvals with extensive "H"-conditions (providing no time-saved on final approval), and/or more appeals to the OLT. Curtailing Public Participation • Mississauga goes beyond Planning Act notice and consultation requirements and has a two-report system to ensure feedback is solicited and incorporated into the decision-making process. That process will have to be significantly modified in order to meet the previously reduced timelines, and now refund penalties.	penalizes municipalities during periods of time where Zoning By-laws genuinely <i>cannot</i> be passed. • The proposed amendments should be removed. • If not removed and the refund penalty system is maintained, the Bill should be modified to: • Restore previously legislated decision-making timelines on zoning by-law amendments of 150 days; • Provide applicants and the municipality with the ability to agree to suspend the running of timelines, to avoid automatic and arbitrary refund penalties, where parties are working collaboratively and want to avoid refusals and appeals; • Impose timelines on commenting agencies, including provincial ministries, agencies, and utilities, <u>and applicants</u>, and allow the timelines to be suspended where turnaround-times to the municipality are not met; • Provide for suspensions of time during election periods and other times where Council cannot make a decision and pass a zoning by-law.

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		- Reduced public participation will limit the ability to reconcile and resolve planning and local issues and work towards solutions, which may lead to an increased number of third party appeals. Additional Costs to the Taxpayer and Applicants - The City facilitates a thorough pre-application and complete application process. In an attempt to manage timelines, the City will need to identify even more stringent requirements to deem applications complete and could result in many applications being deemed incomplete especially considering the complexity of review and materials required under the regulations. This front ending will result in a less efficient review. - The Act requires application fees to reflect anticipated costs to the City of delivering services; fees do not generate revenue. - The proposed refund penalty system may result in the need for staff costs to be paid from tax-payer funded capital or, over time, reduce staffing due to inadequate funding. Lack of staff resources will delay application processing. Funding planning application review from the tax base is contrary to the principle that development/growth should pay for itself. In some cases, the City may need to hire additional staff in an effort to avoid refund penalties, which costs will be reflected in higher application fees. - Additionally, the potential for more appeals to OLT means staff effort will be spent dealing with appeals, which costs are funded from tax, instead of devoting time to processing new applications. Implementation Costs - Mississauga has implemented LEAN and invested in a digital, streamlined and comprehensive rezoning review process. ePlans was the first end to end service for online application submission, review and approval and is highly customized and integrated with City systems.	

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		Significant modifications to our electronic processing systems necessitated by changes to existing review processes to avoid refund penalties could come at a significant cost, again, to the taxpayer, with a potential cost in the hundreds of thousands of dollars for software change orders.	
5 (adds s. 34.1)	New section added to allow the council of a municipality to pass a resolution requesting the Minister to make a zoning order for certain types of development.	The Ministerial Guidelines under 34.1(25) provides the eligibility for this expedited, provincial approval process. The Guidelines are the subject of a separate ERO posting for which comments will be submitted separately.	n/a
6 (amends s. 37)	New subsections added to require regular reviews of community benefits charge by-laws.	There is no impact to the City as it relates to this requirement. The City has existing plans to review the Community Benefits By-Law every five years in line with the DC Background Study and by-law review.	n/a
7(1) (repeals/ replaces s. 41 (3.1)-(3.9))	Pre-consultation with municipalities prior to submitting plans and drawings for Site Plan approval, and complete application requirements & timelines.	Mississauga already pre-screens applications but the proposed legislation will require the city to create an additional bureaucratic step in order to formally deem site plan applications complete.	- The proposed amendments to s.41 should be removed; however, if the refund penalty system remains then complete application provisions are required. - See comments below re: transition and commencement. Municipalities need additional time to update processes to implement complete application requirements.

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7(2), (3), (4) (amends s.41(4)), adds (4.0.1)), amends s.41(6))	New subsection provides for appointment of an authorized person under subsection (4).	Mississauga has had delegated authority for site plan approval for many years, which integrates with ePlans for efficient site plan approval process.	n/a
7(5) Adds s.41(11.1)	New subsection sets out rules for when municipalities must refund fees paid under section 69 with respect to plans and drawings.	<i>Site Plan Process is not broken. Don't fix it</i> - Site Plan appeals are extremely rare for Mississauga notwithstanding decision making timelines are exceeded; we rarely refuse and are generally not appealed for non-decision - There is an efficient process in place whereby rezoning, site plan applications and building permit applications can often be processed concurrently, and there is little lag time between site plan approval and building permit issuance <i>Application review is a complex, collaborative process that relies on responsiveness of many stakeholders.</i> - Application review is a complex, collaborative process involving up to 20 departments, external and provincial agencies, across many disciplines. - Site Plans are reviewed for zoning, building code, fire safety, engineering, utilities, environmental and urban design. - Timing aspects of application review are largely outside of the City's control (i.e. comments/conditions from ministries, agencies,	Refund penalties will not expedite approvals. Site Plan process is already efficient. S.41(11.1) will result in new bureaucratic processes, a requirement to implement inefficient review and approval processes, and lead to more appeals to OLT for refusal and/or non-decision. Additionally, the automatic nature of the refund penalties as drafted unfairly penalize municipalities where additional time is needed by the applicant to remedy issues (i.e. minor variances). - The proposed amendments to s.41 should be removed - If they are not removed, then they should be modified to: - Increase decision-making timelines beyond 60-days; - Allow the municipality to suspend the timeline pending completion of related approval processes (i.e. minor variances);

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
		authorities and utilities as well as applicant responsiveness). Collaboration with applicants is essential but it requires time. No Increase to Final Approval Timelines - Mississauga has implemented Lean, and invested in a digital, streamlined and comprehensive site plan review process, leading to final approval. - Refund penalties would require the City to move to an approval with conditions model. This process is redundant and iterative in comparison to Mississauga's streamlined process, which leads to full site plan approval. An approval with conditions model creates more uncertainty for developers. Blunt Tool, Not Responsive to Site Plan realities - Review of site plan applications can reveal the need for other approvals, such as minor variances. The decision-making timelines and refund penalty triggers would not accommodate this and would unfairly penalize the City. Additional Costs to the Taxpayer and Applicants - The proposed refund penalty system may result in the need for staff costs to be paid from tax-payer funded capital or, over time, reduce staffing due to inadequate funding. Lack of staff resources will delay application processing. Funding planning application review from the tax base is contrary to the principle that development/growth should pay for itself. In some cases, the City may need to hire additional staff in an effort to avoid refund penalties, which costs will be reflected in higher application fees. - Additionally, the potential for more appeals to OLT means staff effort will be spent dealing with appeals, which costs are funded from tax, instead of devoting time to processing new applications. - The proposed statutory changes will heavily tilt any dispute resolution process away from a collaborative, discussion-based model to an adjudicative process before the Tribunal. Turning	- Provide applicants and the municipality with the ability to agree to suspend the running of timelines, to avoid automatic and arbitrary refund penalties, where parties are working collaboratively and want to avoid refusals and appeals; - Impose timelines on commenting agencies, including provincial ministries, agencies, and utilities, <u>and applicants</u>, and allow the timelines to be suspended where turnaround-times to the municipality are not met.

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
		planning into a litigation-based resolution context will frustrate and undermine the fundamental nature and purpose of community planning. Rather than enhancing dialogue, it will lead to a harsh, process-driven approach which will not have the capacity to manage applications in a context-sensitive manner. Implementation Costs - Mississauga has implemented LEAN and invested in a digital, streamlined and comprehensive rezoning review process. ePlans was the first end to end service for online application submission, review and approval and is highly customized and integrated with City systems. - Significant modifications to our electronic processing systems necessitated by changes to existing review processes to avoid refund penalties could come at a significant cost, again, to the taxpayer, in the order of hundreds of thousands of dollars for software change orders.	
7(6) Amends 41(12)	Increases decision-making timeline from 30 to 60 days	The City would have 60-days to make a decision, prior to the applicant benefitting from a right to appeal for non-decision.	If the refund penalty system is maintained, additional decision-making time is needed and/or ability to pause/suspend timelines in accordance with the comments above
7(7) Repeals/ replaces 41(13)	Site plan control by-law can exempt any class(es) of development from requiring approval of plans or drawings	- Mississauga's Site Plan Control By-law already exempts various classes of development from site plan (ex. Detached and Semi-detached Dwellings in the greater part of the City). Other projects are exempt from site plan approval, such as small residential additions and façade improvements. - Notably, Mississauga uses a fast track site plan approval process (SPAX) that reviews and approves small scale projects, typically in less than a week for a much reduced application fee.	n/a

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
7(8)-(9) Add (15.1) and (15.2)	Transition – proposed changes do not apply to applications made prior to Bill coming into force and before July 1, 2022	- Applications in progress <i>before</i> Bill 109 receives Royal Assent are processed in accordance with s.41 as it read before the Bill 109 changes - Applications received <i>after</i> Bill 109 receives Royal Assent and before July 1, 2022 are processed in accordance with s.41, as amended by the sections that came into force on Royal Assent [namely, complete application 7(1), 60-day decision timeline 7(6), and transition, above 7(8)]	The City requires more time to modify site plan submission requirements and establish a more intense application review process. Insufficient time risks a higher percentage of applications being deemed incomplete and the potential for more appeals to OLT for their determination. The proposed changes under 7(1) regarding complete application should be made effective at a later date.
8 (amends s.42)	(3.2)-(3.4) Amendments to alternative requirement on TOC lands	- The social and health benefits of a strong park system are well documented.¹ Parks promote physical activity, support psychological and social development, improve the environment and reduce crime. Parks also play a role in climate change mitigation, contribute to biodiversity, and provide tree cover. - In addition, the Provincial Policy Statement (2020) provides municipalities direction with respect to public spaces, recreation, trails and open space that support healthy and active communities. This includes planning and providing for a full range and equitable distribution of publicly accessible built natural settings for recreation, including facilities, parklands, public spaces and open space. Parkland use during the COVID-19 pandemic highlighted the importance of these public spaces. - Residents have been clear that access to parks and greenspace is one of the things they enjoy most about living in Mississauga. - Bill 109 has the potential to drastically reduce the requirement for developers to dedicate parkland and/or provide a cash-in-lieu (CIL) of parkland payment in designated Transit Oriented Communities (TOCs).	The Planning Act allows municipalities to require parks to ensure new development does not overburden the existing parks system on the principle that growth should pay for growth. More housing places more pressure on the park system. However, with the proposed limitations on the alternative requirement, it is estimated that <u>new growth will fall short of being able to deliver over 20 ha or nearly two-thirds of the demand it creates</u>. This means that either the burden is placed on the existing tax base or the City would have to face a significant reduction to its parkland provision standards. The Province is encouraged to acknowledge that in addition to providing dwelling units, development should also pay its fair share by providing the associated parkland as the Planning Act has always intended. The proposed caps in Bill 109 undermines this fundamental principle.

¹ <https://resources.parkpeople.ca/en/resource/954/why-city-parks-matter>

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
		- While it is not clear which areas of Mississauga will be designated as TOCs, the definition is broad and could include any higher density, mixed-use development lands that are connected, next to or within a short walk of transit stations and stops. This is where the majority of new growth and residential development subject to the alternative requirement will be occurring, significantly limiting parkland where it is needed most. - The Parks Plan (2022) identifies the need for an additional 76.6 ha of new parkland by 2041 directly linked to the demand created by future growth. In particular, 32.8 ha of new parks are needed in the City's Urban Growth Centre and Major Nodes, where the majority of development is being directed in line with Provincial policy. This need reflects Mississauga's evolving understanding of providing parkland in intensifying communities and represents a notable reduction from the City's previous parkland provision standards.	The experience during the recent two years of dealing with the pandemic has highlighted the importance of supporting communities in their mental as well as physical health. For municipalities to develop adequate parkland capacity is an important public health and public policy tool. - The proposed additions of (3.2)-(3.4) should be removed - If they are not removed, then they should be modified to provide higher limitations to the parkland requirement caps. - Alternatively, the City is asking the Province to either provide additional funding for parks to ensure quality communities and public spaces are not compromised.
	(4.27)-(4.29) New provisions providing Minister authority to identify and require conveyance of encumbered lands in TOC's to municipality as partial satisfaction of parkland conveyance requirements.	- Bill 109 proposes that a Minister's order may identify encumbered lands in TOC's and require municipalities accept their conveyance and assign them parkland credit. - Stratified parks pose a number of concerns to the City, including liability risks and financial obligations related to maintenance and capital upkeep. The City of Mississauga has reviewed these risks, and is not supportive of accepting stratified parkland for the purposes of a parkland credit - In all cases where land is encumbered by below grade infrastructure, mature urban tree canopy cannot be achieved. - Dedications of encumbered land could also include encumbrances by easements other restrictions. Easements and restrictions could prevent the City from developing useful parkland required to meet	- The proposed additions (4.27)-(4.29) should be removed. The municipality should not be forced to accept any lands that it does not wish to own. This is too granular and local an issue which exceeds the Province's knowledge-based capacity to successfully implement - If they are not removed, then they should be modified to: - Assign only partial credits to encumbered lands, to reflect the depressed value of stratified and/or otherwise encumbered lands;

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
		the City's Parks Plan need by limiting or preventing the provision of much needed park amenities and urban tree canopy.	• Add authority to enter into agreements as a condition for any such conveyance occurring, to be registered on title and bind future owners, dealing with apportionment of liability, insurance, future maintenance and repair obligations, etc. (particularly in the case of below-grade infrastructure); • Provide municipality with appeal or protest right resulting from a Minister's order.
9 (adds s.51 (25.1) and repeals/ replaces 51(33))	(25.1) New rules added regarding approval authority imposing conditions respecting any prescribed matters.	• Proposed s.51(25.1) provides that approval authorities may not impose conditions on draft plans of subdivision respecting any prescribed matters.	n/a. The scope and impacts of the regulation is unknown at this time.
	(33) New rules added regarding extensions of Subdivision approvals by approval authorities.	• The City of Mississauga already issues extensions to plan of subdivision approvals. It is unclear how proposed (33.1)-(33.3) will benefit developers within the City.	n/a
10 (amends s. 51.1)	Amendments provide for encumbered land within TOCs to be conveyed and counted toward parkland dedication requirements.	• Same comments as regarding proposed additions to s.41(4.27)-(4.29)	• Same comments as regarding proposed additions to s.41(4.27)-(4.29)

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
11 (adds s. 64)	New section adds reporting requirements for municipalities on planning matters.	Reporting requirements to the Minister, on request, or as prescribed by the regulations.	- City is generally supportive of increasing transparency. - Proposed provision is vague; unclear what types of information could be requested or prescribed.
12 (amends s. 70.1(1))	New section grants the Minister authority to make regulations.	26. creates authority to prescribe conditions for purposes of 51(25.1). 30.0.1 creates authority to prescribing planning matters that municipalities must report on, to whom, how frequently and their form pursuant to proposed s.64.	n/a at this time. Draft regulations have not been released; impacts and position are unknown.
13 (adds s. 70.3.1)	New section grants the Minister authority to make regulations respecting surety bonds and other instruments in connection to approvals for land use planning.	- Surety bonds represent a significant financial risk to the City. Bonds do not provide instant liquidity when a claim is made. - Demands for payment are typically scrutinized by the insurer, and require extensive documentation to be supplied by the municipality. - The insurer stands in the shoes of a judge determining the merits of the demand for payment, thereby creating uncertainty whether the demand will be honoured, and in fact can refuse a demand, stalling completion of a project, forcing litigation and leaving the municipality with no accessible financial resources to resolve project deficiencies. - Such an approach will also be highly damaging to the public interest, for an incomplete project (where the development may have gone bankrupt) can end up being tied up for years in litigation between the municipality and the surety insurer if the insurer refuses a demand on the bond; this can lead to safety issues as well as concerns over blight within communities, where half-started construction work is left on the ground in a condition of disarray and chaos. The municipality will be financially unable to	Municipalities should have control over its policy decisions including what types of securities it is prepared to collect from developers to mitigate financial risk to municipalities. - The City requests that this regulation-making authority be removed from the proposed Bill. - If the provision is not removed, the City requests that it be modified to: - Permit municipalities to <u>consider</u> accepting prescribed surety bonds or other instruments to be used to secure an obligation imposed by the municipality

Section of Bill	Description	Impact/Comment	City of Mississauga Position/Request
		step in to shore up or otherwise manage the work while the ongoing dispute with the insurer drags through the courts • In some cases, the scope of the work covered under a bond may not be the same scope of obligations contained in the subdivision agreement that is secured through a letter of credit. If the municipality indicates a developer is in “default” under a surety bond, the bond may not cover the same scope of deficiencies as is currently the case under a letter of credit. • A letter of credit provides the best mechanism to ensure that the municipality will receive its money if a builder defaults in performing its obligations, and is the best means to protect the public purse. • Letters of credit have been required for years by municipalities and have not been an impediment to development approvals. • Allowing developers to <u>stipulate</u> the type of security it will provide to a municipality imposes an unreasonable financial risk and prevents prudent management of the public purse.	
14 (Commencement)	Describes coming into force of various provisions of Schedule 5	Schedule comes into force upon Royal Assent. <u>Refund Penalties</u>: Subsection 4(2) and 7(5) come into force on the later of January 1, 2023 and the day the <i>Act</i> receives Royal Assent. <u>Site Plan delegation, site plan control by-law exemptions, and transition</u>: Subsections 7(2), (3), (7), and (9) come into force on the later of July 1, 2022 and the day the <i>Act</i> receives Royal Assent. <u>Regulation-making authority re: securities</u>: Section 13 comes into force on a day to be named by proclamation of the Lieutenant Governor.	The City requires more time to modify site plan submission requirements and establish a more intense application review process. Insufficient time risks a higher percentage of applications being deemed incomplete and the potential for more appeals to OLT for their determination. • The proposed changes under 7(1) regarding complete application should be made effective at a later date.

City of Mississauga

Corporate Report



Date: February 24, 2022 To: Mayor and Members of Council	Originator's files:
From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Meeting date: March 2, 2022

Subject

Report of the Ontario Housing Affordability Task Force and Implications for Mississauga

Recommendation

1. That the report titled "Report of the Ontario Housing Affordability Task Force and Implications for Mississauga" from the Commissioner of Planning and Building, dated February 24, 2022, be received for information.
2. That Council endorse positions contained in this report.
3. That the City Clerk forwards this report to the Ministry of Municipal Affairs and Housing; Mississauga's Members of Provincial Parliament, the Association for Municipalities Ontario, and the Region of Peel.

Executive Summary

- On February 8, 2022, the Minister of Municipal Affairs and Housing received a report from Ontario's Housing Affordability Task Force that included 55 recommendations aimed at supporting housing affordability.
- This Corporate Report provides Council with an overview of the Task Force's recommendations; the potential impacts on the City; and, seeks authority to submit comments to the Minister for further consideration.
- The Task Force considers that a lack of housing supply is at the root of Ontario's affordability crisis with all recommendations aimed at bringing 1.5 million houses to market in the next 10 years. The proposed changes touch on many aspects of the planning system, its financing and public participation.
- Overall, Mississauga has demonstrated a strong commitment to affordable housing. However, staff are concerned that many of the Task Force's recommendations may diminish the planning process and quality of life in the city, but fail to deliver affordable housing.

Council	2022/03/02	2
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Background

On December 6, 2021, Steve Clark, Minister of Municipal Affairs and Housing (the Minister) established Ontario's Housing Affordability Task Force (the Task Force). Their mandate is to address housing affordability by increasing the supply of market housing, reducing red tape, accelerating timelines, supporting economic recovery and job creation.

The Task Force is chaired by Jake Lawrence, Chief Executive Officer and Group Head at Scotiabank, with the following eight (8) members:

- Lalit Aggarwal, President at Manor Park Management
- David Amborski, Professor at Ryerson University's School of Urban and Regional Planning
- Julie Di Lorenzo, President at Diamante Urban Corporation
- Andrew Garrett, Senior Principal at Investment Management Corporation of Ontario
- Tim Hudak, Chief Executive Officer of Ontario Real Estate Association
- Justin Marchand, Chief Executive Officer of Ontario Aboriginal Housing Services
- Ene Underwood, Chief Executive Officer of Habitat for Humanity Greater Toronto Area (GTA)
- David Wilkes, President and Chief Executive Officer of the Building Industry and Land Development Association (BILD)

Mississauga's staff and elected officials were invited to meetings by the Task Force, as follows:

- On January 17, 2022, the City's Planning & Building senior leadership provided input on the barriers to development, role of government in overcoming housing barriers while balancing other priorities, and supporting innovative change.
- On January 19, 2022, Premier Doug Ford and the Minister met with big city mayors and regional chairs to discuss the housing crisis at the Provincial-Municipal Housing Summit.

On February 8, 2022, the Task Force delivered its report to the Minister, which includes 55 recommendations. The report is included as Appendix 1. The Minister has not yet indicated which of these recommendations will be supported, nor has a timeline been provided. However, the spirit of the proposed recommendations signal sweeping changes with potential impacts to the City from a financial, community building, public engagement and growth management perspective.

The purpose of this report is to: provide Council with an overview of the Task Force's recommendations; the potential impacts on the City; identify high level areas of support for the recommendations and areas that could be reconsidered; and, seek authority to submit these comments to the Minister for further consideration.

Comments

Overview of Task Force Recommendations

The Task Force considers that a lack of housing supply is at the root of Ontario's affordability crisis with all recommendations aimed at bringing 1.5 million houses to market in the next 10 years. The Task Force is proposing sweeping changes that touch many aspects of the planning system, public participation and growth related charges. The Task Force places a significant portion of responsibility for this housing crisis on slow approvals, outdated zoning, high fees, frivolous appeals and community opposition. The following is a summary of the Task Force themes as presented in their report.

- Theme 1: Make the creation of housing a greater planning priority, require greater density and broadly expand development rights.
- Theme 2: Reduce, shorten and streamline planning application processes and implement province wide zoning and urban design standards.
- Theme 3: Depoliticize the planning process by eliminating restrictive zoning and removing neighbourhood character considerations.
- Theme 4: Fix the Ontario Land Tribunal (OLT) and prevent abuse of the appeals system.
- Theme 5: Support municipalities that commit to transforming the system.

The Task Force's recommendations and the staff response is listed in Appendix 2 for Council's consideration.

Staff Responses and Implications to Mississauga

The City has demonstrated a strong commitment to support provincial aims to create more housing, a greater mix of housing and efforts to make home ownership and renting more affordable. The City further supports the government's commitment to reduce red tape and make it easier to live and do business in Ontario.

Staff have concerns, however, that some of the Task Force's recommendations may remove some decision making powers from Council, reduce community engagement, lower design standards and could undermine the creation of complete communities. Moreover, certain changes could reduce revenues generated by development related charges which could be a risk to infrastructure and parkland provision.

More specifically, most of the Task Force's 55 recommendations, staff either support or are neutral about. Certainly the City has already enacted or is working on implementing many of these actions. However, there are almost 20 actions that staff believe will not contribute to improved housing affordability, but could adversely impact quality of life in the city. Please see Appendix 2 for more detailed information.

Council	2022/03/02	4
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Staff have undertaken a review of the Task Force report and considered the potential implications to Mississauga.

1) Unlimited development rights may not lead to increased housing, or more affordable housing

Many of the Task Force's recommendations are based on a premise that broadly increasing development rights to permit increased heights and densities will lead to more housing being built, which will translate to the creation of more affordable housing. This premise is questionable, and staff have found that developers phase growth in order to manage any downward pressure on unit prices.

City staff note the following for consideration:

- Mississauga staff question the premise that development permissions translate to the development of more housing units.
- The City's Planning and Building Department has approved zoning for 20,000 units, but developers have not yet applied for building permits for these units.¹
- Moreover in 2001, Mississauga pioneered "unlimited height and density" permissions in its Downtown Core. These innovative permissions streamline and bring certainty to the development process, allowing a developer to lift a holding provision and move straight to site plan approvals in this area.
- Mississauga staff estimate that the Downtown Core could readily accommodate a further 50,000 units under this regime. Given there are approximately 10,000 units currently in the development pipeline, lands in the Downtown Core are pre-zoned to accommodate a further 40,000 units (e.g. in addition to the 20,000 units identified).
- Therefore, Mississauga has pre-zoned for at least 60,000 units, but these increased or even unlimited development rights have not resulted in major increases in housing supply or addressed the City's affordability issues.
- There are many reasons why developers may not have built these projects. To name a few, there may be adjacent development completions, challenges securing construction contracts, financial capacity, inflationary pressures leading to increased material and labour costs, or a desire to enshrine development rights for the long term. Affordability is

¹ Notably, over half of these units received zoning approval more than two years ago. In these cases, developers have had ample time to receive site plan approvals and move to the building permit stage.

also influenced by macro trends, such as low interest rates, the banking system, high levels of housing demand, immigration, etc.

Overall, there are a broad range of issues that impact housing affordability that have not been explored by the Task Force. Certainly in Mississauga's case, development rights (or even unlimited development rights) have not led to significant increases in housing supply or affordability. Any broad changes to development rights on the basis of these recommendations should be carefully considered, as once these development rights are enshrined they will be very difficult to take away.

Suggested City Position	Support	Neutral	Oppose	Mixed Response
Please refer to Task Force Rec # – See Appendix 2	N/A	Rec #38	N/A	Rec # 1-2

2) Municipal planning processes help to address local issues and community safety

The Task Force has several recommendations that seek to reduce decision making timelines, eliminate the need for site plan approvals (in some cases), reduce public meetings and limit appeal rights. All of these recommendations are intended to speed up the planning process.

City staff note the following for consideration:

- *Timelines:* Planning staff and agencies are already challenged by existing timelines. In particular, the Province's own commenting agencies often do not meet the existing deadlines. Any additional shortening of these timelines will further reduce opportunities for municipalities to meaningfully refine applications, and likely further add to OLT caseloads. Notably, Bill 108 almost halved development timelines and in the intervening period there has been no noticeable improvement in affordability.
- *Community Meetings:* Community meetings provide important forums for public input and resolving issues. If these issues are not dealt with at local meetings (or allowed to be dealt with at local meetings), all these matters will then go to Council and will significantly slow down the number of applications that can be heard at each Council meeting, which will in turn slow down the approval processes.
- *Site Plan Processes:* The site plan process also helps to resolve many issues (e.g. resolving issues around fire safety, servicing, etc.). By eliminating site plan processes, these matters will be transferred to the building permit stage. This will slow down the building permit process and put additional pressure on building permit reviewers and inspectors, where planners are trained and experienced at resolving these matters.

- *Incomplete Applications:* Many of the delays are caused by the applicants themselves. Either because a complete application has not been provided or the applicant has not resubmitted information that has been requested. The City's Planning staff provide a lot of support to help educate inexperienced applicants on the planning process. However, applicants could significantly speed up the process by engaging their own experts to help support them through the process, or by promptly responding to requests for further information. To improve quality and ensure completeness of applications, it would be beneficial to require a Registered Professional Planner (RPP) to sign-off on planning reports prior to submission.
- *Community Engagement:* Along with reduced public participation in the planning process, the recommendations also aim to reduce public participation in the appeals process and suggest increasing third party appeal costs, which would make it prohibitively expensive for general members of the public to participate. Staff consider that this overall aim to reduce public participation could prevent the building of trust, transparency and meaningful engagement with residents through the planning process. Community input invariably leads to more context sensitive development proposals and better community outcomes.
- *Premature Appeals:* Again, many reasons for delays at the OLT are a result of applicants not resolving crucial matters. For example, applications are often slowed down at OLT as developers have not resolved key requirements (e.g. servicing) before submitting appeals. It is further noted, that all appeals slow down the planning process as each appeal requires municipalities to dedicate staff and resources that could otherwise be spent expediting applications.

Overall, many of the planning processes that the Task Force claims take up time can in fact be working together to proactively resolve issues with an applicant and potentially save time in the entire process. Again, it is noted that development approvals are only one factor in affordability. Since the mid-1990s Mississauga has allowed unlimited height and density within the Downtown Core. Notwithstanding that services are available and a large percentage of the land is vacant, two decades later the area is still not built out.

Suggested City Position	Support	Neutral	Oppose	Mixed Response
Please refer to Task Force Rec #s – See Appendix 2	Rec # 14, 20, 26	Rec # 27a, 27c, 31	Rec # 8, 9, 13, 18, 19, 27b, 28, 29	Rec # 3b, 15

3) The City is working to reimagine its neighbourhoods

Many of the Task Force's recommendations are focused on increasing development permissions in so called "stable neighbourhoods". Mississauga has been working to realize

Council	2022/03/02	7
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opportunities to reimagine areas in the city that are predominantly comprised of single detached dwellings. The City is supportive of second suites and is in the process of creating more permissive land use planning policies to support growth and change, as well as, reducing parking requirements.

City staff note the following for consideration:

- *Official Plan Review:* The City is reviewing its Official Plan to update policies that support gentle density and infill development, all with input from the community.
- *Increasing Housing Choices in Neighbourhoods:* This Study is examining and testing different housing formats, such as garden suites or garage conversions, as well as, considering a range and mix of housing types and different living arrangements. These efforts will support up to three dwellings on a lot in many of the City's neighbourhoods.
- *Major Transit Station Area Planning:* Staff are actively planning for provincial targets in over 60 MTSA's with over 2,000 hectares of new areas being delineated for intensification as part of this process.
- *Parking Regulations Study:* This Study is reviewing parking standards and reducing them to better align the City's parking rates with current transportation trends, intensification and provide support for affordable housing.

Overall, the Task Force's recommendations are broad "one size fits all" suggestions that propose heights and densities beyond what would be appropriate in many of Mississauga's neighbourhoods, especially those with small lots, narrow roads and unique circumstances. The City is already on the path to reimagine and expand permissions in its neighbourhoods, all while working closely with local communities.

Suggested City Position	Support	Neutral	Oppose	Mixed Response
Please refer to Task Force Rec #s – See Appendix 2	Rec # 5, 6, 7, 20	Rec # 10, 11	Rec # 12a, 12b	Rec # 3a, 15

4) Well designed and complete communities will be crucial for a strong Mississauga

Several of the Task Force's recommendations are intended to streamline and standardize zoning regulations and urban design standards, as well as, eliminate neighbourhood character considerations. There are also recommendations that allow for the conversion or change of use in employment areas or on commercial properties to support high density residential development. Some recommendations also undermine the benefits of planning to support local heritage values.

City staff note the following for consideration:

- *Urban Design:* Urban design helps to support unique, livable and high quality communities. Province-wide guidelines have the potential to greatly hinder creative and innovative urban designs that could maximize and boost the visual appeal of a local neighbourhood. Province-wide guidelines may result in a simple, standardized look that do not allow neighbourhoods to reach their full potential.
- *Supporting Businesses and Commercial Opportunities:* Redeveloping any or all underutilized commercial and industrial properties may be to the detriment of vibrant, local and independently owned businesses and complete communities. Generally, these underutilized commercial and industrial properties are older with affordable rents. This change could increase land values and displace local businesses or cause them to close permanently. Many of these businesses serve existing communities and without some protections, it is very unlikely these businesses would be replaced as part of a redevelopment as it is more profitable for developers to build condominiums.
- *Employment Area Conversions:* Mississauga has provided land and is planning to support more than double the residential growth forecasted by the Province out to 2051, the conversion of further employment areas is not warranted at this time. Moreover, ad hoc employment conversions could impact the viability of employment areas over the long term. This could be problematic in Mississauga as the city contains many Provincially Significant Employment Areas including the Airport Corporate Centre and Airport Operating Area. Notably in 2021, Mississauga was a net importer of about 46,000 employment opportunities and has become one of the most significant growth centres within the Greater Toronto Area.
- *Heritage Protections:* Similarly, when it comes to heritage planning and conservation, the Task Force is dismissive of its value and insinuates that municipalities are adopting underhanded practices. In general, the Task Force's recommendations seem to show a lack of understanding of the process and the protections afforded by Ontario's heritage framework. Moreover, Mississauga uses these tools appropriately to protect and enhance local heritage attributes. There are several examples of property owners in Mississauga's Heritage Districts transforming their properties to include multiple rental units.

Overall, many of these recommendations could undermine the creation of complete communities and could drive up land values to the detriment of local businesses. Single use residential neighbourhoods (without access to shops and services) are ultimately more expensive places to live where residents are forced to drive longer distances to access essentials, all of which can undermine affordability and quality of life.

Council	2022/03/02	9
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Suggested City Position	Support	Neutral	Oppose	Mixed Response
Please refer to Task Force Rec #s – See Appendix 2	Rec # 40	Rec # 17	Rec # 12c, 12d, 16	Rec # 4

5) Mississauga is doing its part to streamline approvals and support development

Several of the Task Force's recommendations seek to modernize the planning process and make greater use of technology and data. Mississauga is working hard to drive towards these types of continuous improvements.

City staff note the following for consideration:

- In 2016, Mississauga implemented ePlans as a web-based solution for applicants to submit applications online through electronic plan submission, review and approval.
- These efforts have streamlined processes with developers and commenting agencies and have worked to expedite approvals, reduce duplication and eliminate the need for paper submissions. In regards to Site Plan applications alone, Mississauga has seen a 24% decrease in total review time and number of review cycles, as well as, a 57% decrease in average processing time for 5 years after implementation. The Province-wide modernization of approvals process with this type of technology would be beneficial to municipalities and applicants.
- In the next month, staff will be recommending that Council implement a streamlined rezoning application process for small developments and delegate the approval authority for Holding Provision Removal applications in accordance with the provisions of Bill 13, *Supporting People and Business Act* - Expanded Delegated Authorities.

Overall, City staff applaud the Province's recent amendments to the *Planning Act* and promoting the sorts of technological upgrades that help modernize planning processes. Certainly in Mississauga's case these efforts have helped to speed up planning processes.

Suggested City Position	Support	Neutral	Oppose	Mixed Response
Please refer to Task Force Rec #s – See Appendix 2	Rec # 20, 22, 24, 45-47, 50, 53, 54	Rec# 43, 51, 52, 55	Rec# 25, 49	Rec # 21, 23

6) Development related charges are helping to pay for growth and to build our city

The Task Force includes many recommendations that aim to reduce development costs, municipal fees and charges. Municipalities have limited revenue sources, which are mainly property taxes and development charges.

City staff note the following for consideration:

- Mississauga relies on municipal taxes, fees and development charges to annually plan and budget for community services and much needed infrastructure that residents use daily. If growth related charges are reduced, the City will need to make a decision on whether to increase property taxes or reduce the levels of service provided.
- The City does not apply development charges for second units and is currently examining financial and non-financial strategies to reduce costs for affordable rental developments including but not limited to development charge grants, discounted planning fees and reduced parking requirements. The City continues to support waiving fees in tailored ways that have demonstrated reduced costs to provide affordable rental housing.
- City staff also highlight that even if development fees are reduced, the Task Force's recommendations do not offer any safe guards that developers would pass savings onto purchasers. A report prepared by N. Barry Lyon Consultants² stated that developers will price housing at the maximum level the market will support. Any increases/decreases in fees do not affect the sale price of units (the scope of the report was on owned homes and not rental units).
- Waiving development charges will also not work to ensure that housing mix, and "missing middle" housing would be built. Moreover, the waiving of fees does not support affordable housing. Developers tend to build higher end condominiums as they are more profitable and there are no recommendations that address providing more modest housing options.

Suggested City Position	Support	Neutral	Oppose	Mixed Response
Please refer to Task Force Rec #s – See Appendix 2	Rec # 37, 41, 42, 48	Rec# 36, 39	Rec# 32-35, 44	N/A

² N. Barry Lyon Consultants Limited, General Committee Presentation on 2019 Development Costs Review - The Effect of Development-Related Costs on Housing Affordability, (May 1, 2019) – accessed here: https://www7.mississauga.ca/documents/committees/general/2019/2019_05_01_GC_Agenda.pdf

Council	2022/03/02	11
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7) Other tools that could empower municipalities and support affordable housing

There are several tools or process changes that the Minister could consider implementing in order to empower municipalities and support affordable housing.

City staff note the following for consideration:

- Develop a mechanism to discourage invest-owner residential real estate and leverage the potential of provincially and federally owned land for affordable housing.
- Apply HST rebates for affordable housing, make revenue tools available to municipalities to raise funds for affordable housing and offer direct funding to municipalities to support middle-income workforce housing.
- Require a Registered Professional Planner (RPP) to sign-off on planning reports prior to submission to speed up applications by improving their quality and completeness.
- Provide municipalities with the power to zone for residential rental tenure so that new multi-residential developments, particularly on large sites or at key strategic locations (transit stations), must include both rental and ownership housing.
- Expand the City's ability to obtain off-site works (such as streetscape and road improvements) from removal of Holding Provision applications, as well as Rezoning and Site Plan applications, which would reduce overall processing time and eliminate the need for additional applications.
- Extend the two year prohibition of new Official Plan Amendment requests from property owners/developers to five years.
- Implement the ability to use zoning expiration regulations (use-it or lose it zoning) to realize the approved-but-not-built backlog units and to more efficiently allocate servicing capacity.
- Allow Conditional Zoning to be used to mandate rental units or to provide an incentive for developers to build more quickly, rather than going through a time consuming Official Plan Amendment. This effort would help get housing supply on stream more quickly, whether affordable or not.
- Allow for cash-in-lieu of Inclusionary Zoning, which would help municipalities lower the administration costs of doing Inclusionary Zoning for smaller redevelopment projects.

Financial Impact

There is no financial impact.

However, if the Province decides to implement any or all 55 of the Task Force's recommendations there could be financial implications. Staff will continue to advise Council on the impacts of any changes stemming from these recommendations, as implementation details become available.

Conclusion

Mississauga has demonstrated a strong commitment to support provincial aims to create more housing, a greater mix of housing and efforts to make home ownership and renting more affordable. The City further supports the government's commitment to reduce red tape and make it easier to live and do business in Ontario.

However, Mississauga staff question the fundamental premise of the Task Force's Report. In that - by broadly expanding development rights, the market will be flooded in units and the price of housing will come down. In Mississauga's experience, having pioneered unlimited development rights, this has not been the case. Developers will phase development in order to reduce downward pressures on unit price.

More specifically, staff are also concerned that many of the Task Force's recommendations may reduce municipal autonomy, community engagement, design standards, quality of life and livability. Moreover, some of the Task Force's recommendations could reduce revenues generated by development related charges, which could be a risk to infrastructure and parkland provision.

Overall, the Task Force has provided no evidence for why many of its recommendations would succeed. In Mississauga's experience these recommendations won't contribute to improved housing affordability. It is questionable why so much would be risked and so much given away for so little reward.

Attachments

Appendix 1: Ontario's Housing Affordability Task Force Report

Appendix 2: Housing Affordability Task Force Recommendations, Mississauga's Position in Principle and Staff Comments



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Anna Melikian, Planner, and Katherine Morton, MCIP, RPP, Manager,
City Planning Strategies

#	Recommendation	Mississauga's Position in Principle	Staff Comments
1	Set a goal of building 1.5 million new homes in ten years.	Support/Neutral	The City has zoning in place for 60,000 dwelling units, with planning underway for another 100,000 dwelling units. Although we have seen recent increases, the actual construction of new units has not been keeping pace with development approvals. The City already encourages intensification and growth in built up areas. This goal will support increasing housing options and supply through increased density in the City. This recommendation only addresses housing supply, not the price point of housing.
2	Amend the Planning Act, Provincial Policy Statement, and Growth Plans to set “growth in the full spectrum of housing supply” and “intensification within existing built-up areas” of municipalities as the most important residential housing priorities in the mandate and purpose.	Support/Neutral	Aligns with Official Plan Review, Housing Strategy, Major Transit Station Areas and the City's Increasing Housing Choices in Neighbourhoods Study. The City has existing policies to direct growth to strategic areas and intensify existing built-up areas. The Provincial Policy Statement (PPS) provides provincial policy direction on key land use planning issues that affect communities. In this regard, it requires that municipalities balance competing uses for land. Recent amendments to the PPS and other planning legislation already encourage an increase in the mix and supply of housing and direct growth to built up-areas. To give greater weight to housing supply objectives than say for example, the protection of the environment or ensuring public safety would undermine good planning for current and future generations.
3a	Limit exclusionary zoning in municipalities through binding provincial action: a) Allow “as of right” residential housing up to four units and up to four storeys on a single residential lot.	Support/Oppose	Gentle intensification aligns with Official Plan Review and Increasing Housing Choices in Neighbourhoods. However, there is an underlying assumption that as of right permissions will create affordable housing yet it is not made clear how the new housing units will be made affordable. The impact of this could lead to increased development speculation, causing the price of low density properties to increase even more and ultimately negatively impacting affordability. Broad sweeping changes should be avoided as local planning context is important to manage change. As example, in many neighbourhoods without transit, parking requirements will make it challenging to achieve 4 dwellings per lot. Generally, municipalities should be permitted to determine associated performance zone regulations for intensification (i.e. height of storeys, setbacks, parking requirements, # of units).
3b	b) Modernize the Building Code and other policies to remove any barriers to affordable construction and to ensure meaningful implementation (e.g., allow single-staircase construction for up to four storeys, allow single egress, etc.).	Oppose/Support	Agree. The Ontario Building Code (OBC) needs to be updated to reflect recent building trends, particularly those applying to stacked townhouses. In fact, Mississauga has been facilitating improvements through alternative solutions such as: enhanced, interconnected, early warning systems; standpipe systems; roof top areas of refuge; and sprinklered buildings However, a blanket change without regard to safety as suggested is worrisome. Single egress stairwells is a safety concern for building occupants. The OBC also needs consistent requirements for second units regardless of structure age. Second units in buildings existing before 1996 are not required to meet current safety requirements. Safety requirements should be the same, regardless of structure age.
4	Permit “as of right” conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use.	Support/Oppose	Moderate intensification of greyfield sites is proposed through the current Official Plan Review. However, consideration has to be given to the role of these commercial centres in the community – as they serve as important contributors to complete communities. Permitting a complete conversion of commercial sites to residential without regard to complete mixed communities will negate the concept of the 15 minute City and the notion of building complete communities, as directed by the Growth Plan. Without controls to permit measured changes, this could facilitate incompatibilities between commercial and residential uses (noise/odour).
5	Permit “as of right” secondary suites, garden suites, and laneway houses province-wide.	Support	Secondary suites are already permitted in Mississauga. Mississauga's Increasing Housing Choices in Neighbourhoods is already examining how to permit garden suites, laneway houses, multiplexes as-of-right (up to 3 units/lot) as currently mandated by the Province.
6	Permit “as of right” multi-tenant housing (renting rooms within a dwelling) province-wide.	Support	Mississauga supports home share and other methods of renting out rooms within a dwelling as affordable housing options for students and the workforce. Licensing and inspections of dwellings must still occur to ensure life safety of occupants.
7	Encourage and incentivize municipalities to increase density in areas with excess school capacity to benefit families with children.	Support	The Province should require and/or incentivize school boards to develop more urban school models in intensification areas. The current funding model encourages school boards to dispose of schools with low enrollment in mature neighbourhoods and secure similar school facilities through new development. Presupposes adequacy of other municipal infrastructure and community services to accommodate additional density.
8	Allow “as of right” zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years if municipal zoning remains	Oppose	Mississauga's experience with unlimited height and density in our Downtown Core has not resulted in affordable housing but has enabled us to meet Provincial Growth targets. Presupposes adequacy of other municipal infrastructure and community services to accommodate additional density.

	insufficient to meet provincial density targets.		May cause heightened land speculation and increased land values within Major Transit Station Area's (MTSAs) and may also result in inappropriate transitions to surrounding lower density development.
9	Allow “as of right” zoning of six to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).	Oppose	Broad sweeping changes like this would be very problematic. A bus route in Mississauga is simply not sufficient justification to greatly vary the permitted density and built form. This would significantly jeopardize the capacity of our Neighbourhood Collector streets and lead to significant conflict between pedestrian and vehicles. There is no regard for the cumulative impacts of such a change nor for compatibility with existing neighbourhood context. Removing minimum parking requirements increases municipal maintenance and enforcement costs that may not be fully recoverable. Some minimum parking must be required, such as minimum accessible parking. Mississauga is already proposing reduced parking standards based on level of transit service and precinct. This recommendation may be suited for streets with rapid and higher order transit that require significant public sector investment, but even that would require detailed study to support.
10	Designate or rezone as mixed commercial and residential use all land along transit corridors and redesignate all Residential Apartment to mixed commercial and residential zoning in Toronto.	Neutral	Could be done in some proposed Major Transit Station Areas (MTSAs) but may take some time to implement effectively. Mississauga apartment zones already permit commercial facilities. Most transit corridors within the City permit a mix of commercial and residential uses. Allowing mixed use zones with unlimited height and density (Downtown Core) has not significantly increased the amount of affordable housing. More pre-zoned lands may increase land values, speculation and unreasonable requests for densities higher than can be adequately serviced by the municipality without significant costs. This may result in delays to application processing and will ultimately impact the supply and cost of housing to consumers.
11	Support responsible housing growth on undeveloped land, including outside existing municipal boundaries, by building necessary infrastructure to support higher density housing and complete communities and applying the recommendations of this report to all undeveloped land.	Neutral	Not applicable, as Mississauga is mostly built out. The City already has comprehensive planning and responsible housing growth in place for areas such as the Ninth Line lands.
12a	Create a more permissive land use, planning, and approvals system: Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood	Oppose	Heritage protection is very important to all communities and its value should not be less of a priority. In Mississauga, heritage character is embeded in OP policy which allows for a more flexible development process. Additionally, Mississauga's Official Plan Review Bundle 1 policies have started to remove references to “preserving” and “maintaining” neighbourhood character and are now more focused on “context” instead.
12b	Exempt from site plan approval and public consultation all projects of 10 units or less that conform to the Official Plan and require only minor variances	Oppose	This change would eliminate replacement and small infill developments from site plan approval. While we concur that Mississauga's low density designation needs to become less restrictive, the potential impacts of 10 unit or less development proposals should be considered further. Due to their very nature, intensification projects require scrutiny to ensure compatibility with adjoining lands. The role of site plan approval is to manage how infill occurs. The Committee of Adjustment process relies on site plan approval to address community issues, compatibility, and ensure what was presented is built.
12c	Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes; restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the Planning Act and reduce or eliminate minimum parking requirements;	Oppose	Introducing Province wide zoning standards is inconsistent with local planning and doesn't take into local context and character. Standardizing specific design requirements (such as Sun/Shadow Studies) has some merit as it will provide some certainty for submission and review requirements to applicants, staff and residents.
12d	d) Remove any floorplate restrictions to allow larger, more efficient high-density towers.	Oppose	This would impact tower separation and sunlight to the public realm. There is no guarantee bigger floor plates make more affordable units. However, larger floor plates do make larger unit layouts thereby increasing the ability to provide 2 and 3 bedrooms units.

13	Limit municipalities from requesting or hosting additional public meetings beyond those that are required under the Planning Act.	Oppose	This would significantly impact the public involvement in the planning process, which typically encourages better development. Community meetings ultimately save time by flushing out community issues and allow for improvements to development proposals. Community meetings saves time at statutory meetings by allowing community input at smaller format, development specific, ward meetings.
14	Require that public consultations provide digital participation options.	Support	Mississauga has implemented digital participation options through the pandemic and will continue to do so. Blended in person/virtual meetings maximize public participation.
15	Require mandatory delegation of site plan approvals and minor variances to staff or pre-approved qualified third-party technical consultants through a simplified review and approval process, without the ability to withdraw Council's delegation.	Oppose/Neutral	Mississauga has already delegated authority for site plan approval. Since site plan approval was delegated to staff, Council has not rescinded its delegated authority. However, the proposed delegated authority for minor variances is not supported. The proposed delegated authority would not have any significant impact on delivering more affordable housing. The COA process provides autonomy from elected officials and planning staff.
16	Prevent abuse of the heritage preservation and designation process by: a) Prohibiting the use of bulk listing on municipal heritage registers b) Prohibiting reactive heritage designations after a Planning Act development application has been filed	Oppose	Mississauga's heritage planning committee does not abuse its authority. In fact, the unique character offered in Mississauga's Heritage Districts and Cultural Heritage Landscapes provide opportunities for affordable housing in desirable areas. Several property owners in our Heritage Conservation Districts (HCD) are transforming properties to include multiple rental units. The City is undertaking a Cultural Heritage Landscape (CHL) Inventory Review focused on conserving the character of neighbourhoods as they evolve and increase in density. This new strategy allows for a more flexible development process. Heritage is bringing a very permissive approach to approvals and seeks to balance the desire to provided affordable housing while conserving heritage. Elimination of character policies would eliminate HCDs and CHLs and remove the desirability and attraction of these neighbourhoods for residents.
17	Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.	Neutral	Heritage property value has been a key focus of Heritage Planning as the City works through its affordable housing strategies. Studies have proven that heritage properties increase in value over time after designation. The City further supports heritage property owners through a Heritage Property Grants program, which continues a record of success year after year. Heritage property value does not impede affordable housing. Heritage properties can be integrated into modern developments to add space for affordable housing and provide continuity in a community. Several heritage buildings have been successfully modified into multiple unit dwellings and serve as incubators for affordable housing.
18	Restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews.	Oppose	This will most likely delay implementation of affordable housing. City's priorities would remain the same but restoring the right of developers to appeal Official Plan and Municipal Comprehensive Review (MCR) processes will lead to lengthy appeal periods and delay implementing updated policies and zoning. Lengthy appeals take time and resources away from other City planning priorities and processing development applications. This recommendation will have negative impacts and contradicts the Task Force's narrative to make processes quicker. Developers will have the right to appeal City policies which are largely intended to implement provincial legislation and mandates. If developers continue to assume they can secure additional density and/or units after a MCR, they will factor this potential value into their pro-forma analysis after overpaying for land.
19	Legislate timelines at each stage of the provincial and municipal review process, including site plan, minor variance, and provincial reviews, and deem an application approved if the legislated response time is exceeded.	Oppose	Mississauga's statistics typically show that applications spend longer with applicants than they do with City for review. Do not support automatic approval of applications as many are incomplete, incorrect or contain conflicting information. Support legislative timelines for provincial review process.
20	Fund the creation of "approvals facilitators" with the authority to quickly resolve conflicts among municipal and/or provincial authorities and ensure timelines are met	Support	Provincial facilitators for provincial ministries/agencies could be helpful to resolve issues/conflicts.
21	Require a pre-consultation with all relevant parties at which the municipality sets out a binding list that defines what constitutes a complete application; confirms the number of consultations established in the previous recommendations; and	Support/ Oppose	This is supported, and already operationalized, from a development planning perspective. Developers are required to attend DARC (Development Application Review Committee) meeting, where relevant Departments and outside agencies provide complete application requirements (plans, studies, etc.) Additionally, stamped engineering drawings and sometimes letter of reliance are accepted. However, while binding prescriptive requirements to define what constitutes a complete application would mitigate applicant uncertainty, establish uniformity for building permit submission requirements, in the absence of legislated amendments to 'joint and several' liability and 'duty of care' requirements for municipalities, the receipt of certification from a regulated professional, would not protect municipalities from being exposed to liability.

	clarifies that if a member of a regulated profession such as a professional engineer has stamped an application, the municipality has no liability and no additional stamp is needed.		Even with an Engineer's stamp absolving the Municipality of responsibility, a review of the application is still required to issue a permit.
22	Simplify planning legislation and policy documents	Support	Planning Act legislation could be clearer. Suggest that Province create an advisory group of municipal/consulting planners/lawyers to review and recommend changes.
23	Create a common, province-wide definition of plan of subdivision and standard set of conditions which clarify which may be included; require the use of standard province-wide legal agreements and, where feasible, plans of subdivision.	Support/Neutral	Most municipalities have a standard set of subdivision conditions and agreements. Limited benefit from standardizing these province wide. Many conditions of draft plan approval are specific to the development. It would take a long time to coordinate requirements among all municipalities (similar to trying to standardize zoning across the province).
24	Allow wood construction of up to 12 storeys.	Support	Mississauga supports what the Ontario Building Code (OBC) allows. This will be in the National Building Code in the updates this year and most likely in the next version of the OBC.
25	Require municipalities to provide the option of pay on demand surety bonds and letters of credit.	Oppose	Currently, the Ontario Building Code Act's conditional building permit provision allows applicants to provide security for the removal of commenced building and restoration of site and does not restrict the Chief Building Officer from accepting 'Pay On Demand Bond' instead of 'Letter of Credit'. Mississauga staff have previously investigated the merits of accepting surety bonds in place of a traditional letters of credit that are required under the City's subdivision site servicing agreements. Research, along with Legal and Banking Industry advice, concluded that surety bonds represent a financial risk to the City. A letter of credit provides the best mechanism to ensure that the municipality will receive its money if a builder defaults in performing its obligations.
26	Require appellants to promptly seek permission ("leave to appeal") of the Tribunal and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted	Support	Could possibly reduce or expedite Ontario Land Tribunal (OLT) appeals involving affordable housing leading to earlier development. The legislation will need to clarify the precise standard of review to be used by the OLT in determining (up front) if an appeal has merit.
27a	Prevent abuse of process: a) Remove right of appeal for projects with at least 30% affordable housing in which units are guaranteed affordable for at least 40 years.	Neutral	Developers may initially propose 30% affordable housing only to revise the proposal later on, simply to remove the right of appeal. Mississauga would be supportive of limiting appeal rights where there's a guarantee of housing units below average market rate.
27b	Require a \$10,000 filing fee for third-party appeals.	Oppose	For landowners seeking to launch a third party appeal, this would create a significant financial obstacle with a \$10,000 filing fee.
27c	Provide discretion to adjudicators to award full costs to the successful party in any appeal brought by a third party or by a municipality where its council has overridden a recommended staff approval.	Neutral	Mississauga has no comments.
28	Encourage greater use of oral decisions issued the day of the hearing, with written reasons to follow, and allow those decisions to become binding the day that they are issued.	Oppose	The planning appeal process would be less transparent and accountable as few individuals would be made aware of oral decisions. Oral decisions typically do not contain well thought out reasons; even fewer individuals would be aware/informed of the outcome if other recommendations in the Report are taken into consideration to limit third party appeals/public participation in appeal process. Could accelerate timing and decrease delay. In lieu of oral decisions, the better approach is to reform the manner in which Ontario Land Tribunal (OLT) functions (including addressing its resource needs) so that the responsibility will be with OLT to issue written decisions promptly, within a defined period of time.
29	Where it is found that a municipality has refused an application simply to avoid a deemed approval for lack of decision, allow the Tribunal to award	Oppose	Will create unreasonable and unrealistic pressures to process planning applications, compelling decision-making to occur prematurely. The award of punitive damages may negatively impact the City's financial and resource capacity limits, which could lead to an increase in planning fees to address the attendant consequences; an increase in fees would negatively impact the financial viability of affordable housing projects.

	punitive damages.		This will carry a significant impact as the proposal is not simply that costs be awarded against a municipality, but that the Ontario Land Tribunal (OLT) order payment of punitive damages. Punitive damages could be hefty and significantly exceed a costs award. Further, it appears that the recommendation contemplates OLT could order both costs against a municipality as well as payment of punitive damages.
30	Provide funding to increase staffing (adjudicators and case managers), provide market-competitive salaries, outsource more matters to mediators, and set shorter time targets	Support/Neutral	Funding to increase Ontario Land Tribunal (OLT) staffing for quicker outcomes via hearing or mediation will allow disputes to be resolved more quickly, and reduce/mitigate delay and uncertainty with respect to City-led initiatives. To the extent that City policy initiatives and/or development applications that provide affordable housing are appealed, more funding could lead to faster approvals/ resolution of appeals to allow those initiatives or projects to move forward. Timeliness and efficiency of the adjudicative system would benefit all stakeholders. In addition, attracting Members with strong credentials, both technical and mediation, would provide greater comfort in terms of the quality of the process and its outcomes.
31	In clearing the existing backlog, encourage the Tribunal to prioritize projects close to the finish line that will support housing growth and intensification, as well as regional water or utility infrastructure decisions that will unlock significant housing capacity.	Neutral	If any of Mississauga's appeals qualify as being part of the Tribunal's existing backlog, then their prioritization could provide certainty and clarity about Mississauga's Affordable Housing vision for these areas; however, no development applications have been filed for these sites. Priority should be given to municipal initiated amendments that are appealed in addition to development applications. It is unclear how the Tribunal would be equipped to decide which applications should be "fast-tracked" over others. Most applications "support housing growth and intensification". There may be some procedural unfairness to some applicants and/or municipalities whose projects or initiatives are stalled.
32	Waive development charges and parkland cash-in-lieu and charge only modest connection fees for all infill residential projects up to 10 units or for any development where no new material infrastructure will be required.	Oppose	Waiving Cash-in-lieu (CIL) on all small projects would reduce overall CIL collections, reduce the reserve fund balance over time and therefore limit the City's ability to deliver parkland through direct acquisition. For example, In a development of exclusive detached homes, waiving CIL for 10 of those homes will not make them affordable. Waiving CIL for any development where no new material infrastructure will be required is problematic in that CIL is currently collected and spent on a City wide basis. Even if there is no immediate parkland need in the area of the new development, the increased population resulting from that development would benefit from parkland provided elsewhere in the City for purposes of destination parks and facilities, environmental factors and city wide trail system connections. The park system as a whole and not just the local park infrastructure benefits all new residents.
33	Waive development charges on all forms of affordable housing guaranteed to be affordable for 40 years	Oppose	Waiving Development Charges (DCs) would either impact the City's capital program or create additional pressure on the tax base. Costs need to be recovered from somewhere.
34	Prohibit interest rates on development charges higher than a municipality's borrowing rate	Oppose	City's view is that deferral agreements are not "borrowing" they are advancing the point in time for which the charge applies, having a higher rate attributes to "inflation" costs to recover the lost revenue (right now the City allocates \$1.4M annually through tax to recover the deferred interest). The legislation currently allows for a municipality to charge "interest" with no specified cap.
35	Regarding cash in lieu of parkland, s.37, Community Benefit Charges, and development charges: a) Provincial review of reserve levels, collections and drawdowns annually to ensure funds are being used in a timely fashion and for the intended purpose, and, where review points to a significant concern, do not allow further collection until the situation has been corrected. b) Except where allocated towards municipality-wide infrastructure projects, require municipalities to spend funds in the neighbourhoods where they were collected. However, where there's a significant community need in a priority area of the City, allow for specific ward-to-ward allocation of unspent and unallocated reserves.	Oppose	An annual review of Cash In Lieu (CIL) reserve funds does not make sense given that land acquisition for parkland purposes is largely based on opportunity and/or negotiations with the applicable land owner. Lands that are suitable for park purposes in the area of need are not always available. Negotiations and successful acquisitions can sometimes take years. Furthermore, lands that are in our highest area of need are often high value requiring collecting and saving CIL over a period of time prior to having sufficient funds to purchase. Area specific collection and spending limits our ability to purchase lands in areas of greatest need. Mississauga could support annual reporting of reserve fund spending provided that reporting also include the ability to earmark funds for future anticipated purchases.

36	Recommend that the federal government and provincial governments update HST rebate to reflect current home prices and begin indexing the thresholds to housing prices, and that the federal government match the provincial 75% rebate and remove any clawback.	Neutral	Mississauga has no comment.
37	Align property taxes for purpose-built rental with those of condos and low-rise homes	Support	Mississauga has the same tax rate for both Residential and New Multi-Residential categories (includes new rental). Support this recommendation to encourage construction of new rental units.
38	Amend the Planning Act and Perpetuities Act to extend the maximum period for land leases and restrictive covenants on land to 40 or more years	Neutral	The Planning Act prohibits leases in Ontario from having a term longer than 21 years (including potential extensions/renewals) unless such a lease falls within one of the specifically-stated exemptions. If a lease has a term (including extensions/renewals) of 21 years or more and does not fall within any of the stated exceptions in Section 50 of the Planning Act, the lease may be in contravention of Section 50 and could potentially be void unless consent is obtained pursuant to Section 53. Extending the maximum period for land leases may facilitate some forms of affordable housing development (e.g. Community Land Trusts). Could allow for the extension of restrictive covenants requiring affordable housing beyond the current limit to 40 or more years.
39	Eliminate or reduce tax disincentives to housing growth.	Neutral	More information is required to fully address this recommendation. All tax could be considered a tax "disincentives" so what does this actually include?
40	Call on the Federal Government to implement an Urban, Rural and Northern Indigenous Housing Strategy	Support	Mississauga supports this recommendation.
41	Funding for pilot projects that create innovative pathways to homeownership, for Black, Indigenous, and marginalized people and first-generation homeowners.	Support	This is a Regional responsibility. The Region of Peel is providing a one-time grant of \$2.5 million to BlackNorth to support affordable housing for Black Peel residents. Through this grant, 50 eligible Peel households are expected to secure assistance under the BlackNorth Home Ownership Bridge Program. The Province should provide funding for other affordable housing pilot projects for marginalized households in order to support marginalized households and new comers.
42	Provide provincial and federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects	Support	The need for loan guarantees has been consistently identified as an issue for purpose-built rental and non-profit housing development.
43	Enable municipalities, subject to adverse external economic events, to withdraw infrastructure allocations from any permitted projects where construction has not been initiated within three years of build permits being issued.	Neutral	This is partially a Regional responsibility. This recommendation does not align with the City's financial planning practices. Projects are initiated when enough funds have been collected to attribute to a project, which could take years. As well, in many cases, multiple developments/projects are reliant on the infrastructure being built. Penalizing one development may ultimately have consequences for other development projects. The municipality does not typically provide services to a new community until the development happens (e.g. fire stations, community centres, libraries). A 10-year planning horizon for municipal infrastructure is necessary.
44	Work with municipalities to develop and implement a municipal services corporation utility model for water and wastewater under which the municipal corporation would borrow and amortize costs among customers instead of using development charges	Oppose	This approach is contrary to "growth pays for growth" concept. In this situation, the costs of growth would be distributed to all users, not just the new users. Existing residents have all ready paid for their infrastructure. Water and waste water are Regional services.
45	Improve funding for colleges, trade schools, and apprenticeships; encourage and incentivize municipalities, unions and employers to provide more on-the-job training	Support	City of Mississauga's Economic Development Office (EDO) works with different institutions that provide skilled trades training locally i.e. Sheridan College, Centennial College (where EDO sits on a Program Advisory Committee for a manufacturing program) and promotes their programs and graduates to local employers. More skilled workers brought into Mississauga, especially if they are electricians, plumbers, millwrights would provide much needed support to

			construction projects that are already facing a shortage of workers and delays in completion. Increasing the talent pool of skilled trades people will, in theory, help to ensure that projects are completed in a timelier manner.
46	Undertake multi-stakeholder education program to promote skilled trades.	Support	City of Mississauga's Economic Development Office (EDO) is promoting advanced manufacturing and the skilled trades to under-represented groups in the trades, including the Women in Mississauga Manufacturing Initiative. As part of this initiative, EDO is also providing strategic direction to employers in their recruitment of women for skilled trades roles.
47	Recommend that the federal and provincial government prioritize skilled trades and adjust the immigration points system to strongly favour needed trades and expedite immigration status for these workers, and encourage the federal government to increase from 9,000 to 20,000 the number of immigrants admitted through Ontario's program.	Support	The Mississauga Economic Development Office (EDO) acts as a referral partner for the Federal Government's Global Skills Strategy Program. This would include National Occupational Classification (NOC) B Technical jobs and skilled trades. EDO has also connected Federal Government immigration representatives with our Mississauga manufacturers looking to hire skilled trades people from outside Canada.
48	The Ontario government should establish a large "Ontario Housing Delivery Fund" and encourage the federal government to match funding. This fund should reward: a) Annual housing growth that meets or exceeds provincial targets b) Reductions in total approval times for new housing c) The speedy removal of exclusionary zoning practices	Support	Support in principle but more information is required to make an informed decision. The City welcomes a subsidy from the Province to facilitate more affordable housing.
49	Reductions in funding to municipalities that fail to meet provincial housing growth and approval timeline targets.	Oppose	Housing is market driven, it would not be realistic to penalize a municipality when the decision to build rest with a private developer. As indicated previously, the City has 20,000 approved but unbuilt dwelling units and cannot control when those units will be constructed.
50	Fund the adoption of consistent municipal e-permitting systems and encourage the federal government to match funding. Fund the development of common data architecture standards across municipalities and provincial agencies and require municipalities to provide their zoning bylaws with open data standards. Set an implementation goal of 2025 and make funding conditional on established targets.	Support	Mississauga already utilizes an e-permitting system. Mississauga's ePlans is an end to end online/digital application submission, review and approval system that has been in place since 2016. A Provincially funded e-permitting system would ensure consistency amongst municipalities and provincial government agencies, and would provide smaller municipalities that don't have the capacity to make to make such change an equal opportunity to modernize. The City would like to ensure that any standard system could still be adapted to City processes to ensure maximum efficiency for application processing. Mississauga currently makes data public via Open Data. Common data would further encourage consistency.
51	Require municipalities and the provincial government to use the Ministry of Finance population projections as the basis for housing need analysis and related land use requirements.	Neutral	Relying solely on Ministry of Finance (MOF) population projections will likely have higher estimates, which are not informed by Growth Plan policies (e.g. do not consider achieving density targets). The impact would be loss of municipal autonomy over decision making. However, it would provide more standardized data and reporting. Clarity required on whether the Task Force has considered implications of relying only on provincial population projections. The Task Force should consider using population projections that are informed by Growth Plan policies.
52	Resume reporting on housing data and require consistent municipal reporting, enforcing compliance as a requirement for accessing programs under the Ontario Housing Delivery	Neutral	Mississauga currently reports to the Province (MMHA) through data on building permits and other approvals, as well as, Financial Information Return data, which is the main data collection tool used by the Ministry of Municipal Affairs and Housing to collect financial and statistical information on municipalities.

	Fund		
53	Report each year at the municipal and provincial level on any gap between demand and supply by housing type and location, and make underlying data freely available to the public.	Support	This is currently being conducted by the Region of Peel through its role as Housing Service Manager and upper municipal tier. Any reporting on the gap between supply and demand should include income information and ability to pay for market units by municipality and by dwelling type.
54	Empower the Deputy Minister of Municipal Affairs and Housing to lead an all-of-government committee, including key provincial ministries and agencies, that meets weekly to ensure our remaining recommendations and any other productive ideas are implemented.	Support	Mississauga supports the creation of an all government committee to focus on delivering affordable housing.
55	Commit to evaluate these recommendations for the next three years with public reporting on progress.	Neutral	Mississauga does not agree with several of the recommendations, and does not see value in reviewing and monitoring these. However, a coordinated review and monitoring of housing data is important.
Appendix A - Affordable Housing	Call upon the federal government to provide equitable affordable housing funding to Ontario. Develop and legislate a clear, province-wide definition of “affordable housing” to create certainty and predictability. Create an Affordable Housing Trust from a portion of Land Transfer Tax Revenue (i.e., the windfall resulting from property price appreciation) to be used in partnership with developers, non-profits, and municipalities in the creation of more affordable housing units. This Trust should create incentives for projects serving and brought forward by Black- and Indigenous-led developers and marginalized groups. Amend legislation to: • Allow cash-in-lieu payments for Inclusive Zoning units at the discretion of the municipality. - Require that municipalities utilize density bonusing or other incentives in all Inclusionary Zoning and Affordable Housing policies that apply to market housing. • Permit municipalities that have not passed Inclusionary Zoning policies to offer incentives and bonuses for affordable housing units. • Encourage government to closely monitor the effectiveness of	Support	Most of the proposed recommendations in this section align with Mississauga’s Housing Strategy and work currently underway to implement Inclusionary Zoning (IZ). As the report notes, all sectors are required to contribute to the provision of housing supply including affordable housing. IZ is being developed according to Provincially mandated regulations which take into consideration market impact. The City will phase in IZ to allow the market to adjust to this new cost. Consideration for off-sets could be made for development which goes beyond the minimum requirements in terms of number of units or affordability depth and duration. The City has advocated for the ability to secure Cash-in-lieu of Affordable Housing units where IZ results in few units. IZ is only one tool that municipalities can use to secure affordable housing where new transit infrastructure investment has occurred. The City is considering other strategies e.g. tax-funded grants and new revenue sources (e.g. vacancy tax to reduce costs for affordable housing producers). The Province may wish to provide developers who contribute IZ units with tax credits.

	Inclusionary Zoning policy in creating new affordable housing and to explore alternative funding methods that are predictable, consistent and transparent as a more viable alternative option to Inclusionary Zoning policies in the provision of affordable housing. • Rebate MPAC market rate property tax assessment on below-market affordable homes. • Encourage government to closely monitor the effectiveness of Inclusionary Zoning policy in creating new affordable housing and to explore alternative funding methods that are predictable, consistent and transparent as a more viable alternative option to Inclusionary Zoning policies in the provision of affordable housing.		
Appendix C - Government Surplus Land	Review surplus lands and accelerate the sale and development through RFP of surplus government land and surrounding land by provincially pre-zoning for density, affordable housing, and mixed or residential use. All future government land sales, whether commercial or residential, should have an affordable housing component of at least 20%. Purposefully upzone underdeveloped or underutilized Crown property (e.g., LCBO). Sell Crown land and reoccupy as a tenant in a higher density building or relocate services outside of major population centres where land is considerably less expensive. The policy priority of adding to the housing supply, including affordable units, should be reflected in the way surplus land is offered for sale, allowing bidders to structure their proposals accordingly.	Support	The scarcity of land at a reasonable cost is one of the key barriers to Affordable Housing. Government land is publicly-owned land and its disposal should achieve key societal objectives in addition to generating revenue. There is potential to make a significant contribution to affordable housing as new residential development takes place. A significant component of affordable housing (min 20%) is supported particularly where a Ministerial Zoning Order or pre-zoning has been applied. These proactive measures reduce risk and cost for developers which can make affordable housing more achievable. The Province through its various agencies (e.g. Infrastructure Ontario, Metrolinx) should implement this rule for the disposal of crown land with a minimum size.