

**Legislative
Assembly
of Ontario**



**Assemblée
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BILL 109, *MORE HOMES FOR EVERYONE ACT, 2022* *

Prepared for:

Standing Committee on the Legislative Assembly

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INTRODUCTION

This document summarizes the comments and recommendations presented to the Standing Committee on the Legislative Assembly during its public hearings on Bill 109, the *More Homes for Everyone Act, 2022*, held on April 11, 2022. It also summarizes written submissions received by the Committee Clerk by 7 p.m. that day.

The summary is divided into sections with recommendations and comments reflecting the five schedules of the bill, and a final section that contains more general comments and recommendations. Clarifying remarks made by the Minister of Municipal Affairs and Housing during his presentation to the Committee are included at the beginning of the summary.

Please note that the summary is intended as a working document to aid Members in their deliberations. It is not a complete historical record of all the evidence received by the Committee, or a comprehensive review of the arguments made by witnesses. Comments have been abbreviated and arguments summarized. Submissions expressing substantially the same point have been grouped together.

For a full account of the evidence presented to the Committee, reference should be made to Hansard and the briefs themselves.

Witnesses are identified by abbreviations or their last names, which are listed in alphabetical order at the end of the summary.

MINISTER'S STATEMENT

The Minister of Municipal Affairs and Housing commented that Ontario is facing a housing crisis, with demand for housing outpacing supply. He noted, in particular, that delayed planning approvals add additional costs for prospective homeowners. He explained that a new section in the *Planning Act* (34.1) would create a "Community Infrastructure and Housing Accelerator," which would codify the process by which a municipality may request the Minister to make a zoning order. The Accelerator is intended to address growing concerns of supply in the province by speeding up approvals. The Minister remarked that Bill 109 makes targeted policy changes to make the housing market fair and to build homes faster.

SCHEDULE 1 (*CITY OF TORONTO ACT, 2006*)

Refusal and timing (Sched. 1, s. 1(1); COTA, new s. 114(4.4))

Do not allow the Ontario Land Tribunal to adjudicate disputes about the completeness of an application. Instead, clearly define "completeness" and expectations for relevant planning studies, and allow sufficient time-frames for the public to thoroughly review the application.

(FoSTRA)

Authorized person (Sched. 1, s. 1(3); COTA, s. 114(5.1))

We support the delegation of site plan approval to municipal staff.

(BILD, FRPO, OAA,
OHBA, OPPI, WRHBA)

Do not remove elected officials from having a role in site plan approvals (SPAs) on behalf of residents. While most SPAs proceed with no need for council involvement, the possibility for their involvement should not be denied.

(FUN)

Refund (Sched. 1, s. 1(4); COTA, s. 114(14.1))

We support requiring the City of Toronto to refund site plan application fees if prescribed timelines are not met.

(BILD, OHBA, PPI, RP, WRHBA)

Do not require the City to refund site plan application fees if timelines are not met.

(CERA, FoSTRA, FUN, HSRO, Toronto)

If the refund provisions are retained, apply them as well to applicants to ensure that delays are not used to purposely send an application to the Ontario Land Tribunal.

(FoSTRA)

Appeal to Tribunal re approval of plans or drawings (Sched. 1, s. 1(5); COTA, s. 114(15))

We are concerned that 60 days for approval is too short for the review of complex developments, and will not be beneficial from a planning perspective or for the community. It will also significantly increase the already stretched workload of municipal planning departments.

(FoSTRA)

Commencement (Sched. 1, s. 3)

We are concerned that the proposed commencement does not allow enough time to implement the new complete application process, given that it will require an official plan amendment and may be subject to appeals.

(Toronto)

SCHEDULE 2 (*DEVELOPMENT CHARGES ACT, 1997*)**Statement available to public (Sched. 2, s. 1; DCA, s. 43(2.1))**

We support requirements for municipalities to make the statement on development charges available to the public, which would improve accountability and transparency.

(BHBA, OHBA, RP, WEHBA, WRHBA)

Do not require statutory reporting on a project-by-project basis.

(Peel)

General Recommendations, Schedule 2

Add the following to Section 1 of the DCA:

“residential premises” shall include either rental, ownership or cooperative housing.

(TH)

Repeal Section 26.1(2), paragraph 3 of the DCA and replace with

3. Non-profit housing development which can be rental, ownership or cooperative housing.

(TH)

Repeal Section 26.1(7) of the DCA and replace with

A municipality may charge interest on the instalments required by subsection (3) (a) from the date the development charge would have been payable in accordance with section 26 to the date the instalment is paid, at a rate not exceeding the prescribed maximum interest rate.

(TH)

Repeal section 32(1) of the DCA and replace with

If a development charge or any part of it remains unpaid after it is payable, the amount unpaid including any interest payable in respect of it in accordance with this Act shall be added to the tax roll and shall be collected in the same manner as taxes or the development charge that is payable may be secured by way of a mortgage.

(TH)

SCHEDULE 3 (*NEW HOME CONSTRUCTION LICENSING ACT, 2017*)

Registrar's powers (Sched. 3, s. 2; NHCLA, s. 56.1)

Apply an objective standard for the handling of complaints about licensees rather than allow the registrar to use wide discretion with the inclusion of the phrase: "If the registrar is of the opinion."

(Captijn)

SCHEDULE 5 (*PLANNING ACT*)

Notice to suspend time period (Sched. 5, s. 1; PA, new s. 17(40.1))

Do not allow the Minister to suspend the time period for approving official plans and official plan amendments, as it could result in increased timing for a decision and cause more confusion and delay.

(Hamilton, HSRO,
Mississauga, Toronto)

If retained, provide a maximum period of time the Minister can suspend the timelines before they are deemed to resume. Add a clause 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.

(Mississauga)

Do not allow the Minister to suspend the time period for official plan approvals.

(Ford)

Clarify whether this suspension of time period applies to applicant-initiated and site-specific official plan amendments requested by the approval authority, or if it is applicable to official plan conformity amendments put forward by municipalities.

(Peel)

Same, retroactive deemed notice (Sched. 5, s. 1; PA, new s. 17(40.1.3))

Do not allow the Minister to retroactively apply the time suspension provisions to official plan approvals already in process.

(Ford, Toronto)

We support the Minister's authority to retroactively suspend the timeframe for approving official plans, which would provide an opportunity to address concerns and affordability challenges.

(BILD)

Referral to Tribunal for recommendation (Sched. 5, s. 1; PA, new s. 17(55))

Do not allow the Minister to refer official plan approvals to the Ontario Land Tribunal for a recommendation. It could delay housing supply, impede the efficient provision of housing, and may be inconsistent with service level demands placed on municipalities.

(Peel, Toronto)

Referral to Tribunal for decision (Sched. 5, s. 1; PA, new s. 17(61))

Do not allow the Minister to refer official plan approvals to the Ontario Land Tribunal for a decision. It would further delay approvals, cause more confusion, and significantly increase the financial costs of municipalities due to expenses associated with the tribunal litigation process.

(FCA, Hamilton, HSRO)
Mississauga, OSCA, Peel, Toronto)

If this provision is retained, provide for streamlined hearing processes and timeframes for Tribunal decisions and recommendations to the Minister.

(Mississauga)

We support the proposed change that allows the Minister to refer all or part of plan to the Tribunal to make a decision that is fair and impartial.

(OHBA)

Refund of fee (Sched. 5, s. 4(2); new s. 34(10.12))

We support requiring municipalities to refund zoning by-law application fees if prescribed timelines are not met.

(BHBA, BILD, OHBA, PPI, RESCON,
RP, WEHBA, WRHBA)

Provide relief from fee refunds where delays were caused by the outside agencies that are required to comment on applications.

(Sampson)

Do not impose refund requirements on municipalities, tied to timelines for review. This will reduce the ability of staff to negotiate to find consensus, and may cause premature decisions on applications, including more refusals, litigation time, and expenses at the Ontario Land Tribunal.

(CERA, ED, FUN, Hamilton, HSRO, MF, Mississauga, OBCM, OPPI, OSCA, Peel, Toronto)

If the refund penalty system is retained, the Bill should be modified to restore previously legislated decision-making timelines on zoning by-law amendments of 150 days.

(Mississauga)

We are concerned that the gradual fee refunds for zoning by-law applications may have unintended consequences, as these fees are often charged on a cost-recovery basis, and would leave current taxpayers responsible for covering the difference. It will also decrease revenues in departments that are already under-resourced with tight budget constraints.

(AMO)

Request for order (Sched. 5, s. 5; new s. 34.1(1))

Limit applications of this type of Minister's order to applications that contain a proposed 25% of affordable or attainable units.

(Sampson)

Only apply this tool to areas that align with the provision and timing of municipal servicing infrastructure.

(Hamilton)

Delete this provision from Bill 109. It would allow planning decisions to be made without public notice and consultation by affected stakeholders, and with no opportunity for review.

(FCA, FoSTRA, FUN, HSRO, OSCA)

We support the Community Infrastructure and Housing Accelerator. It will ensure that local voices are involved, while enabling local, regional and provincial priority projects to move ahead without unnecessary delay.

(BHBA, CERA, OBCM, OHBA, RESCON, WEHBA, WRHBA)

The Community Infrastructure and Housing Accelerator tool should be targeted for strategic community building purposes, and should not be used for general

market housing unless there is a sufficient affordable housing component as part of the proposed development.

(Peel)

Non-application to Greenbelt Area (Sched. 5, s. 5; new s. 34.1(11))

We support that this new tool will not be applicable in the Greenbelt Area.

(OHBA, WEHBA, WRHBA)

Regular review of by-law (Sched. 5, s. 6; new s. 37(54))

Encourage, but do not require a five-year review period for community benefits charge by-laws. Five years may not be sufficient to understand the impact of the by-law.

(FoSTRA)

Response re completeness of application (Sched. 5, s. 7(1); new s. 41(3.6))

We support applying complete application requirements to the site plan control process, which will provide certainty and guidance if the application has not been deemed complete within 30 days of acceptance by the municipality.

(OHBA, Toronto, WRHBA)

Authorized person (Sched. 5, s. 7(3); new s. 41(4.0.1))

We support the requirement for delegation of site plan approval to municipal staff.

(BHBA, BILD, FRPO, OAA, OHBA,
OPPI, WEHBA, WRHBA)

Do not require municipalities to delegate authority for all site plan approval to municipal staff. More complex projects may have potentially greater impacts on neighbouring projects, and should be subject to public consultation and approval.

(FCA, FUN, OSCA)

Refund (Sched. 5, s. 7(5); new s. 41(11.1))

We support requiring municipalities to refund site plan application fees if prescribed timelines are not met.

(BHBA, BILD, OHBA, PPI, RESCON,
RP, WEHBA, WRHBA)

Provided relief from fee refunds where any delays were caused by the outside agencies that are required to comment on applications.

(Sampson)

Do not impose refund requirements on municipalities, tied to timelines for review. This reduces the ability of staff to negotiate to find consensus, and may cause premature decisions on applications, including more refusals, litigation time, and expenses at the Ontario Land Tribunal.

(CERA, FUN, Hamilton, HSRO,
Mississauga, OSCA, Peel)

If the refund penalty system is retained, provide clarification on what constitutes a complete application.

(Mississauga)

We are concerned that the gradual fee refunds for site plan applications may have unintended consequences, as these fees are often charged on a cost-recovery basis, and would leave current taxpayers responsible for covering the difference. It will also decrease revenues in departments that are already under resourced with tight budget constraints.

(AMO)

Appeal to Tribunal re approval of plans or drawings (Sched. 5, s. 7(6); s. 41(12))

We support increasing the timeline for approval of site plan drawings from 30 to 60 days, after which an appeal may be made to the Ontario Land Tribunal.

(Hamilton, OAA)

Extend the decision-making timeline beyond 60 days.

(Mississauga)

Same, alternative requirement (Sched. 5, s. 8; new s. 42(3.3))

Note our support for a new parkland rate CAP of 10% of the land or its value for sites of 5 hectares or less, and a parkland CAP of 15% for sites greater than 5 hectares for transit-oriented communities.

(BILD)

Clarify the geographic radius of transit-oriented community projects to ensure that there is adequate parkland in established areas as the number of households and population increases as a result of re-urbanization and re-development.

(Hamilton)

Do not limit the allocation of parkland as these spaces are desperately needed across all municipalities. As intensification increases, this need will be critical for the mental health and well-being of residents and their families.

(FoSTRA, Mississauga)

If this provision is retained, provide higher limitations to the parkland requirement caps.

(Mississauga)

We support the proposed measures regarding parkland dedication and transit-oriented community land as they strike the right balance.

(FRPO)

**Encumbered land, identification by Minister of Infrastructure
(Sched. 5, s. 8; new s. 42(4.27))**

Do not force a municipality to accept any lands that it does not wish to own. This is too granular and local an issue, and exceeds the Province's knowledge-based capacity to successfully implement.

(Mississauga)

Deemed not to have lapsed (Sched. 5, s. 9(2); new s. 51(33.1))

We support enabling municipalities to reinstate draft plans of subdivision which have lapsed within a five-year period without a new application, as this will save both builders and municipalities time and accelerate the delivery of new housing supply.

(BHBA, WEHBA, WRHBA)

Reporting on planning matters (Sched. 5, s. 11; new s. 64)

We support requirements for reporting to the Minister on planning matters. This would help the Minister to track existing Provincial Policy Statement direction regarding affordable or attainable housing targets.

(RESCON, Sampson)

Provide municipalities full access to reporting on planning matters through open data provisions.

(Peel)

General regulations, Minister (Sched. 5, s. 12; s. 70.1)

Do not allow the Minister to set standards for conditions on plans of subdivision. Municipalities should retain authority to set conditions that are reasonable and in keeping with the development proposed in the subdivision.

(Hamilton, Peel)

We support the development of standardized requirements for plans of subdivision, which will reduce unnecessary hurdles in the subdivision approval process.

(BHBA, OHBA, WEHBA, WRHBA)

Regulations re surety bonds and other instruments (Sched. 5, s. 13; new s. 70.3.1(1))

We support the use of surety bonds and other instruments, which will enable greater liquidity within the home building sector to reinvest more rapidly in additional new housing supply.

(BHBA, OBHA, WEHBA, WRHBA)

Allow—but do not require—municipalities to accept prescribed surety bonds or other instruments to be used to secure an obligation imposed by the municipality.

(Mississauga)

Do not require municipalities to accept surety bonds as they are not the strongest form of security and represent a greater risk than current security mechanisms.

(Peel, Toronto)

Commencement (Sched. 5, ss. 14(1) to (4))

The January 1 start date does not give municipalities enough time to hire adequate staff to handle additional responsibilities. This timeline fails to consider if municipalities are waiting for provincial approval or face delays from a developer.

(OBCM)

Delay implementation of this amendment to January 1, 2024, which will give cities time to adjust practices on site plan approvals before addressing the zoning approval process.

(Ottawa)

Move the date to a December 31, 2022, deadline to delegate site plan control to staff, to allow for time to transition, and recognize the upcoming municipal election. The July 1, 2022, deadline is likely to be problematic for communities that have not already delegated this authority.

(AMO, Toronto)

The proposed changes under 7(1) regarding complete application should be made effective at a later date.

(Mississauga)

GENERAL RECOMMENDATIONS, BILL 109

Adequate and Affordable Housing

Make an objective of the Act the progressive realization of the right to adequate housing for all Ontarians.

(HRC)

Focus expedited home production at affordable rents or mortgage carrying costs of less than \$580 a month, or no more than \$895 a month, regardless of the size of the household.

(HRC)

Close the vacancy decontrol loophole, which puts hundreds of thousands of affordable homes in Ontario at risk of financialization by large real estate investment trusts.

(HRC)

Increase the focus on housing affordability, including supportive housing.

(CMHA)

Add a clause to recognize that adequate housing is a fundamental human right.

(MF)

Conduct a holistic review of Bill 109 to ensure that its proposals address the full scale of the housing affordability problem.

(MF)

Implement an Attainable Housing Quota system, which would incentivize builders to build attainable housing and require that a percentage of all homes built be attainable.

(TBM)

Add protections to support renters such as rent control.

(SGTC)

Require municipalities to adopt the standardized provincial definition for affordable, attainable, or entry level housing in official plans. Allow for projects that meet this definition to be implemented outside of the typical *Planning Act* process and exempt them from appeal to the Ontario Land Tribunal.

(Sampson)

Require local planning authorities to establish and implement minimum targets for the provision of housing that is affordable to low- and moderate-income households, as is required by the Provincial Policy Statement.

(TBM)

Discount development charges and waive community benefits charges for developments of affordable housing.

(RP)

Provide loan guarantees for purpose-built rental, affordable rental, and affordable ownership projects.

(RP)

Provide direct government funding for non-market housing and regulations to maintain affordable options to complement the Province's proposed housing strategy. Market solutions alone will not create the affordable housing options that Ontarians urgently need.

(CERA)

Invest in collecting more granular data on the varied housing needs of the province's communities in order to provide dwelling and tenure options that match Ontario's socioeconomic and geographic diversity.

(CERA)

Consider providing support to not-for-profit entities to build affordable housing units. Private developers are not the only entities that can build housing units.

(Fleisher)

Require more engagement of diverse perspectives and local engagement in addressing the province's housing affordability concerns, particularly the demand-side issues in housing.

(Fleisher)

We are concerned that the supply-side approach to the province's housing issues through the proposed legislative changes will not result in cheaper housing for Ontarians. A focus on the rental market is needed to address housing affordability, including better regulation of short-term rentals.

(OFA)

Home Construction Regulatory Authority

Give the Ombudsman of Ontario jurisdiction over both Tarion and the Home Construction Regulatory Authority.

(CPBH)

Provide the Home Construction Regulatory Authority with the resources and scope to appropriately investigate perceived breaches of the code of ethics. However, note that the economic and regulatory approval reality of home construction results in changes in labour and supply chains, which create situations in which cancellations may occur.

(OHBA, WEHBA, WRHBA)

Propose that the Ombudsman steps into the role of providing independent oversight for the housing and construction industry, rather than the Home Construction Regulatory Authority.

(Captijn)

Housing Affordability Task Force

Implement more recommendations from the Housing Affordability Task Force's report.

(CHI, MF, OREA)

Implement the Housing Affordability Task Force's recommendations 3, 5, 9, 10, 12, and 29.

(OAA)

Ontario Land Tribunal

Exclude zoning amendment appeals to the Ontario Land Tribunal for applications that conform to the Official Plan.

(Sampson)

We support the recent announced investment of \$19 million for the Ontario Land Tribunal and are hopeful the investment will be used towards hiring more full-time staff and adopting a customer-focused approach.

(FRPO, OHBA, OPPI,
WEHBA, WRHBA)

Site Plan Approvals

Conduct a full and detailed review of all aspects of site plan control set out in the *Planning Act*. We believe there are further opportunities for streamlining and that some aesthetic and exterior design elements currently considered through the site plan control process should not be regulated by municipal governments.

(BHBA, OHBA, WEHBA, WRHBA)

Consider restoring exclusions from site plan control under s. 41 of the *Planning Act*, such as architectural details that have little impact on the public realm.

(OAA)

Timelines

Allow applicants and the municipality to agree to suspend timelines, to avoid automatic and arbitrary refund penalties, where parties are working collaboratively and want to avoid refusals and appeals.

(Mississauga)

Rather than imposing penalties for unmet deadlines, provide more resources to build the capacity of municipalities to both complete approvals quickly and find and fix gaps in the process on their own.

(CERA)

Zoning

Implement inclusionary zoning province-wide.

(Sampson, TBM)

End exclusionary zoning by-laws, and direct municipalities to permit and support construction of new multi-unit housing in existing neighbourhoods.

(ED, OAA, OREA)

Establish formal processes and criteria for Minster's zoning orders to ensure they are limited, as initially intended, only for special circumstances and their use clearly defined.

(FoSTRA, Peel)

Allow as-of-right zoning of six to 11 storeys with no minimum parking requirements on any streets served by public transit.

(OAA)

Allow "gentle density" of four to six storeys as-of-right to encourage more liveable housing.

(HSRO)

Permit as-of-right secondary suites, garden suites, and laneway suites province-wide.

(OAA)

Other Comments and Recommendations

Simplify the creation of a Community Planning Permit System.

(Sampson)

Align property taxes on purpose-built rentals with those of condominiums or other housing.

(RP)

Rescind this bill before it does any damage to our cities. Get input from cities, which have already paved the way for growth in the right places.

(Wells)

Review issues related to housing demand, not just housing supply.

(FUN, HSRO)

Provide state-of-the-art training and apprenticeship for inspectors and improve compensation to attract more municipal inspectors.

(CPBH)

Note our concern that early occupancy could worsen with Bill 109, which allows buyers to live in their property before the final occupancy permit has been issued.

(CPBH)

We support the introduction of centralized data exchange as well as changes that set data standards and data collection measures, which will benefit new home buyers.

(OBHA, RESCON)

We welcome the Minister's support of a "for Indigenous, by Indigenous" housing strategy. The proposed changes are part of the strategy to address the housing shortage problem in the province by considering the supply of housing. More homes will help many individuals, including Indigenous people living in urban areas.

(OAHS)

We are concerned that this bill is a push for more housing supply without accompanying attention to affordability, liveability, community participation, and strong environmental standards.

(HSRO)

LIST OF WITNESSES

Abbreviation	Organization/Individual	Date of Appearance
AMO	Association of Municipalities of Ontario	April 11, 2022, and written submission
BHBA	Brantford Homebuilders' Association	Written submission
BILD	Building Industry and Land Development Association	April 11, 2022, and written submission
Captijn	Barbara Captijn	April 11, 2022, and written submission
CERA	Centre for Equality Rights in Accommodation	Written submission
CHI	Cachet Homes Inc.	Written submission
CMHA	Canadian Mental Health Association – Ontario Division	April 11, 2022
CPBH	Canadians for Properly Built Homes	April 11, 2022, and written submission
ED	Environmental Defence	April 11, 2022
FCA	Federation of Citizens' Associations of Ottawa	Written submission
Fleisher	Hannah Fleisher	April 11, 2022
Ford	Irene Ford	April 11, 2022
FoSTRA	Federation of South Toronto Residents' Associations	Written submission
FRPO	Federation of Rental-Housing Providers of Ontario	April 11, 2022
FUN	Federation of Urban Neighbourhoods	Written submission
Hamilton	City of Hamilton	Written submission
HRC	Housing Research Collaborative	Written submission
HSRO	Huron-Sussex Residents Organization	Written submission
MF	Maytree Foundation	April 11, 2022, and written submission
Mississauga	City of Mississauga	Written submission

OAA	Ontario Association of Architects	April 11, 2022, and written submission
OAHS	Ontario Aboriginal Housing Services	April 11, 2022
OBCM	Ontario's Big City Mayors	April 11, 2022
OFA	Ontario for All	April 11, 2022
OHBA	Ontario Home Builders' Association	April 11, 2022, and written submission
OPPI	Ontario Professional Planners Institute	April 11, 2022
OREA	Ontario Real Estate Association	April 11, 2022
OSCA	Old Ottawa South Community Association	Written submission
Ottawa	City of Ottawa	Written submission
Peel	Regional Municipality of Peel	Written submission
PPI	Penta Properties Inc.	Written submission
RESCON	Residential Construction Council of Ontario	April 11, 2022, and written submission
RP	REALPAC	Written submission
Sampson	Rob Sampson	April 11, 2022, and written submission
SGTC	145 St George St Tenants Committee	Written submission
TBM	Town of The Blue Mountains	April 11, 2022, and written submission
TH	Trillium Housing	Written submission
Toronto	City of Toronto	Written submission
WEHBA	West End Home Builders' Association	Written submission
Wells	Linda Wells	Written submission
WRHBA	Waterloo Region Home Builders' Association	Written submission