

Comments on the *More Homes Built Faster Act 2022 - Bill 23*

Muskoka Lakes Association

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February 7, 2023

The Muskoka Lakes Association (the “MLA”) previously provided comments to the Standing Committee regarding the *More Homes Built Faster Act, 2022 (“Bill 23”)* proposals. That bill has now been passed into law without most of the changes suggested by, not only the MLA, but many others expressing grave concerns about the implications of this Bill for rural communities. We are taking this opportunity to reiterate our concerns and the implications for Muskoka.

Our priorities are:

- To Monitor, communicate and advocate for Muskoka’s natural environment;
- To Advocate on behalf of all Muskoka property owners for responsible land use and reasonable taxation;
- To Promote the Muskoka Lakes culture and give back to the greater Muskoka community; and
- To Increase partnerships with like-minded organizations throughout Muskoka to advocate and educate collectively on important Muskoka matters.

February 7, 2023

Via email to:

Graydon Smith, MPP Parry Sound - Muskoka, Minister of Natural Resources and Forestry
Steve Clark, Minister of Municipal Affairs and Housing

Dear Ministers Smith and Clark,

**Re: Muskoka Lakes Association Comments on
the *More Homes Built Faster Act 2022 - Bill 23***

Thank you for this opportunity to provide comments on behalf of the Muskoka Lakes Association (the “MLA”) regarding the *More Homes Built Faster Act, 2022 (“Bill 23”)*.

The MLA represents more than 2250 families (approximately 11,500 individuals) within an area extending from Seguin Township in the north to Gravenhurst in the south, as well as Bracebridge and the Township of Muskoka Lakes. Our association includes residents on the three big lakes — Muskoka, Rosseau and Joseph — as well as numerous other lakes and rivers within Muskoka. The MLA is the oldest cottage association in Canada and has been engaging in matters of municipal and provincial importance since 1894.

General Comments

Our comments are prefaced here, with more detailed comments in Table 1 appended to this letter.

Site Plan Control - Changes to the *Planning Act* have removed a municipality’s ability to impose site plan control and control landscaping on residential development with 10 or fewer units. Site plan control is a vital planning tool used throughout the District of Muskoka to ensure shoreline development occurs in a sustainable manner to protect, maintain and enhance the health of the watershed.

Bill 23 has essentially removed a municipality’s ability to require a site plan agreement setting out details such as what trees/vegetation will be removed and replanted, the location of hard surfaces such as driveways, pathways and patios, and the implementation of stormwater

management and construction mitigation techniques to control runoff and nutrient loading into the lakes. As our climate changes, insensitive development that removes shoreline buffers will add to the potential for algae blooms and reduce the ability to mitigate flooding impacts.

Immediately after Bill 23 became law, site plan control was dropped for every application for a building permit in Muskoka, and these applications moved forward with no planning staff review of the plans and no site plan agreement to ensure the development is done in a sustainable manner. There is no alternative that is as effective as site plan control. Municipalities may consider adopting a community planning permit by-law but this would take significant time (as long as two to three years to develop) and is not as effective as site plan control in tailoring approvals to unique properties. Individual by-laws for tree preservation or blasting are able to set out what is permitted and where, but create an offence for staff to enforce after the fact rather than a tool for staff to set parameters for sustainable development on individual properties and educate property owners and contractors on best practices.

The removal of site plan control will result in uncontrolled development on Muskoka's shorelines – *with no increase in the number of homes built and no improvement to the housing crisis*. The appropriate location for additional homes is on urban residential lands, serviced by municipal water and sewer. Lands that do not fit that definition should continue to be subject to site plan control to protect lakes and waterways for the safe enjoyment of all residents of Ontario as well as visitors. **We ask that site plan control be reinstated for Muskoka's rural and waterfront land and that landscaping remain a tool at the disposal of Muskoka's municipalities on these lands.**

We also encourage you to contact David Pink, Director of Development Services and Environmental Sustainability, Township of Muskoka Lakes. Director Pink (dpink@muskokalakes.ca) has agreed we may convey to you his willingness to discuss the implications of removing site plan control as a planning tool in Muskoka, and the fact that there is no alternative that will be as effective for ensuring sustainable development on individual properties.

Impacted Lands - The Bill applies to *all* lands in Ontario, regardless of suitability for housing. This opens the door to development in Muskoka's forests and shorelines that will do nothing to further the goals of more homes faster.

The unforeseen consequence of the Bill is a detrimental impact on Muskoka's water quality and nature-based economy that draws residents, visitors and tourists. Further, any attempts at residential intensification in such rural areas may exceed the sewage treatment capacity of individual on-site or municipal sewage systems. The wise stewardship of the environment must be integral to all development decisions. **We ask that Bill 23 be clarified to focus on urban residential lands that have servicing and existing infrastructure. This is consistent with the definition "parcels of urban residential land" already being used for the as-of-right 3 residential units per lot.**

Housing Supply - There is a housing shortage in Muskoka but it can quickly be remedied by requiring developers to build the 5,843 draft approved housing units, 5,424 of which are located in serviced Urban Centres. Approximately half of these units have been draft approved for more than 10 years, with requests to extend draft approval being the most common Planning Act application processed by the District of Muskoka Planning Department. Servicing capacity is not an issue but speculation and increasing land value is. **We ask that the focus for more housing in Muskoka be to build what is already approved.**

Public Notice and Meetings for Plans of Subdivisions - It is crucial that residents and adjacent landowners in Muskoka learn about applications for plans of subdivision and have the ability to speak to them before council. Through public participation, applications have been made more respectful of the Muskoka environment and more reasonable in scale. **We ask that public meetings continue for draft plans of subdivision.**

Heritage Properties - Muskoka's municipalities rely on tourism, and cultural heritage is an important component of what attracts visitors to our area, stimulating our economy. Requiring designation of all listed properties within two years will create a significant burden on smaller municipalities to preserve cultural heritage. **We ask that the requirement that a property meet two or more of the criteria prescribed in regulation to be designated, and the requirement to designate all listed properties within two years, be deleted.**

Development Charges and Fees - *Development should pay for development.* The reduction in maximum development charges and elimination of site plan application fees will shift the burden of creating growth-related infrastructure onto existing municipal taxpayers. **We ask that the**

reduction in development charges be limited to new affordable and attainable housing units.

Please see Table 1 for our detailed comments and recommendations.

We would be happy to expand on any comments made herein.



Susan Eplett
President

c.c.

Doug Ford, Premier

Neil Lumsden, Minister of Tourism Culture and Sport

Scott Aitchison, MP Parry Sound - Muskoka

Kate Manson-Smith, Deputy Minister, Ministry of Municipal Affairs and Housing

Sean Fraser, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing

Jeff Lehman, District of Muskoka Chair

Peter Kelley, Mayor, Muskoka Lakes

Heidi Lorenz, Mayor, Gravenhurst

Rick Maloney, Mayor, Bracebridge

Ann MacDiarmid, Mayor, Seguin

Terry Glover, Mayor, Lake of Bays

Nancy Alcock, Mayor, Huntsville

Peter Koetsier, Mayor, Georgian Bay

David Pink, Director of Development Services and Environmental Sustainability

Table 1. Comments on the *More Homes Built Faster Act* - Bill 23

Acts	Provision and Comments	Recommendations
<p><i>More Homes Built Faster Act</i> 2022 Bill 23 ("Bill 23")</p>	<p>The measures in Bill 23 apply to all lands in Ontario regardless of suitability for housing. This opens the door to development that will do nothing to further the goals of this bill.</p> <p>Local context is important. The current housing crisis in Ontario, particularly in Muskoka, needs to be reframed from one of housing supply, to that of primarily housing affordability. In the District Municipality of Muskoka, there is an ample supply of existing draft approved housing units already in place, with more being added every year. Currently, within the District there are a total of 5,843 draft approved housing units, 5,424 of which are located in our serviced Urban Centres. Approximately half of these units have been draft approved for more than 10 years, with requests to extend draft approval being the most common <i>Planning Act</i> application processed by the District of Muskoka Planning Department. Servicing capacity is not at issue but speculation and increasing land value is.</p>	<p>Bill 23 should focus on urban residential lands that have servicing and existing infrastructure. This is consistent with the definition "parcels of urban residential land" already being used for the as-of right 3 residences per lot.</p> <p>Require developers to act on existing approvals within a reasonable time frame or lose their approval status.</p>
<p><i>Planning Act</i> Schedule 9 Bill 23 Sections 41(1.2) and 41(4.1.1)</p>	<p>Provision: Site Plan Control only for lots of 10 or more units, and removal of landscaping from Site Plan Control</p> <p>Site plan control is not just an aesthetic or architectural exercise found in large urban centres. Throughout the District of Muskoka, site plan control is a vital planning tool used to ensure that shoreline development continues to occur in a sustainable manner to protect, maintain and enhance the health of the watershed through protecting our forests and vegetative buffers, while seeking to minimize potential damage to property from extreme weather events (e.g., flooding). Site plan control and control over landscaping (eg. trees, permeable surfaces) in Muskoka is vital to protect the natural environment on which Muskoka's economy is based.</p> <p>Muskoka has experienced three 100-year storm events in the last decade that led to extensive</p>	<p>Remove section 41(1.2)</p> <p>If section 41(1.2) remains, amend it to specify that the changes are only applicable to "parcels of urban residential land", a definition already proposed throughout the proposed Planning Act amendments to facilitate multi-residential development in serviced urban centres. With this change, site plan control will continue</p>

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	<p>flooding and damage to private and public lands and key infrastructure. As recognized by the Special Advisor on Flooding in their report which focused on several municipalities including Muskoka, the devastating impacts of flooding can be managed through sound land use planning and mitigative activities.</p> <p>The Special Advisor of Flooding’s report underscores the critical need for Muskoka’s municipalities to be able to implement site plan control and control landscaping to protect lands at risk of flooding - including waterfront lands that form the economic engine of the region.</p> <p>Muskoka’s Lake System Health Program conducts extensive recreational water quality monitoring and modeling to track the health of watersheds in Muskoka. Using watershed-wide data collected through the longstanding and supportive partnership with the Ministry of Environment, Conservation and Parks (MECP), the District of Muskoka ensures that water quality is both protected and enhanced across the watershed and on a lake-specific basis by utilizing site plan control.</p> <p>Site plan control, including landscaping control, can ensure natural vegetative shoreline buffers, suitable leaching bed setbacks, appropriate location of buildings, driveways and pathways, and implementation of stormwater management and construction mitigation techniques.</p> <p>Bill 23 should not be making it easier for properties to be developed on sensitive water bodies without effective oversight and measures to protect water quality.</p>	<p>for Muskoka’s forests and shorelines.</p> <p>Amend section 41(4.1.1) to clarify that landscaping remains a tool in Site Plan Control.</p>
<p><i>Planning Act</i> Schedule 9 Bill 23 Section 41(4)(7)</p>	<p>Provision: Remove sustainability measures</p> <p>Removing section 41 (4) 2 d from the Planning Act appears to remove from site plan control the ability to include measures that will address sustainability (e.g. permeable materials, vegetation and buffers), yet sections 41 (7) 6, 8 and 9 allows for some measures to be part of the stormwater system.</p> <p>The treatment train approach to storm water management means that lot level landscaping is integrated with the area stormwater system and</p>	<p>Clarify that sustainability measures related to permeable materials, vegetation, and water management be specifically included in the Planning Act sections 41 (4) and (7)</p>

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	must not be eliminated from consideration at the site scale.	
<p><i>Development Charges Act</i> Bill 23 Schedule 3</p>	<p>Provision: Reduction in development charges</p> <p>The overall reduction in maximum development charges applicable to all development may have the unintended consequence of stalling the building of critical infrastructure and shifting the financial burden of growth-related infrastructure needs onto existing municipal taxpayers.</p> <p>Development should pay for development and the burden should not be placed on taxpayers who will not benefit from it.</p> <p>The lower tier municipalities in Muskoka are small without the staff capacity of larger centres and the requirements to do more faster within this Bill mean more municipal resources are required, not fewer.</p>	<p>Reconsider this provision in light of the burden it will impose on existing taxpayers.</p> <p>Limit reduction in development charges to projects creating affordable and attainable housing.</p>
<p><i>Planning Act: Part VI</i> Subdivision of Land Section 50 (20.1 – 4; 21.1-2)</p>	<p>Provision: Removal of Notices and Public Meetings for Draft Plans of Subdivision</p> <p>It is crucial that residents and adjacent landowners in Muskoka learn about applications for plans of subdivision and have the ability to speak to them before council. In our experience, developers have come in with maximum asks in often inappropriate locations. Through public participation in the process, some applications have been made more respectful of the Muskoka environment and more reasonable in scale.</p>	<p>Continue public meetings for draft plans of subdivision.</p>
<p><i>Planning Act: Interpretation</i> 1(1) “specified person”</p>	<p>Provision: Remove third party appeal rights for minor variances and consents.</p> <p>The provisions change the <i>Planning Act</i> definition of the “specified person” who may appeal to only applicants, municipalities and other specified entities.</p> <p>The complete removal of the ability of third parties to appeal local minor variance and consent decisions removes important checks and balances when council has not upheld its policies or those of the province. Taxpayers have the right to participate in what is happening in our community and play a</p>	<p>Permit residents and their representatives to appeal consent and minor variance decisions, other than those relating to the creation of affordable housing.</p>

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	valuable role in holding staff and elected officials to account. It is not always NIMBY.	
<p><i>Ontario Heritage Act</i> Bill 23 Schedule 6</p>	<p>Provision: Designate all listed properties within two years - section 27(15)</p> <p>Requiring designation of all listed properties within two years will create a significant burden on smaller municipalities to preserve cultural heritage. Our Muskoka municipalities rely on tourism, and cultural heritage is an important component of what attracts visitors to our area, stimulating our economy.</p> <p>Provision: Require a property to meet two or more of the criteria prescribed in regulation</p> <p>The threshold requiring that a property meet two or more of the criteria prescribed in regulation should not apply to all lands in Ontario, but rather to appropriate locations where intensification of housing is proposed, and tourism will not be negatively impacted. In rural areas which depend on tourism, many of the significant cultural heritage assets are of modest architecture yet embody a great deal of associative value.</p> <p>Provision: Removal of non-designated property from the register in four situations - Section 27(14)</p> <p>Requiring removal of non-designated property from the register in the following four situations should not be a requirement in Muskoka’s municipalities that rely on tourism to stimulate the economy. Muskoka’s cultural heritage is an important component of what attracts visitors to the area.</p> <ul style="list-style-type: none"> • If council moves to designate a listed property but a designation bylaw is not passed or is repealed on appeal, the proposal requires the property to be removed from the municipal register. The Ministry of Citizenship and Culturalism is further proposing that this requirement would apply where the applicable circumstance outlined in the proposed 	<p>Remove all changes related to the Ontario Heritage Act.</p> <p>Delete the requirement that a property meet two or more of the criteria prescribed in regulation to be designated.</p> <p>Remove the four conditions requiring removal of the listed (non-designated) properties from the register.</p>

Acts	Provision and Comments	Recommendations
	<p>amendment occurs on or after the legislative amendments, if passed, come into force.</p> <ul style="list-style-type: none"> ● Non-designated properties currently included on a municipal register would have to be removed if council does not issue a notice of intention to designate (NOID) within two years of the amendments coming into force. ● Non-designated properties included on the register after the proposed amendment comes into force would have to be removed if council does not issue a NOID within two years of the property being included. ● If removed from the register under any of the above three circumstances, the property cannot be relisted for a period of five years. 	