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More Homes Built Faster Act (Bill 23) Receives Royal Assent: What's Changed and What's In Force

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December 6, 2022

On November 28, 2022, Bill 23, *More Homes Built Faster Act, 2022*, received Royal Assent. The original version, which went to First Reading on October 25, 2022, contained many regime-changing proposals, the significant details and anticipated impact of which was commented on in our [November 10, 2022 article](#).

Major Amendments to Bill 23 as Finally Passed Include

	First Proposed	As Revised
<i>Schedule 1: City of Toronto Act, 2006</i>	<ul style="list-style-type: none">• Absolute prohibition on exterior design control	<ul style="list-style-type: none">• Limits exterior design control, however, site plan can continue to apply to Green Roof By-laws and protection or conservation of the environment where permitted under the
<i>Schedule 3: Development Charges Act, 1997</i>	<ul style="list-style-type: none">• Discounts of development charges payable for rental housing developments provided no building permit had been issued by the time the legislation came into force.• DC reductions applicable to DC By-laws passed on or after June 1, 2022.	<ul style="list-style-type: none">• Discount remains unchanged, however, further transitional matters now provided. Rental Housing discounts do not apply for a development in which a building permit was issued prior to November 28, 2022, unless a Development Charges Agreement has been entered into. If there is a Development Charges Agreement, the rental housing discounts will apply to all development charges payable after November 27, 2022.• DC reductions now based on DC By-laws passed on or after Jan 1, 2022.
<i>Schedule 9: Planning Act</i>	<ul style="list-style-type: none">• Removal of third-party appeal rights under official plans, official plan amendments, zoning by-laws, minor variances, and consents.	<ul style="list-style-type: none">• No removal of third-party appeal rights of official plans, official plan amendments, or zoning by-laws.• Third-party appeal rights of consent and minor variance applications significantly restricted to certain public bodies. Current third-party appeals are dismissed unless they qualify for limited transition.

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- Ss.22(2.1) and (2.1.1) prohibit requests for official plan amendments to be made within two years of a new official plan or a secondary plan coming into effect. A new subsection added to provide exception for requests related to pits and quarries. Similar change made for zoning by-law amendments.
- N/A
- N/A
- Applications to amend official plans, secondary plans, and new comprehensive zoning by-laws that were adopted to conform with new official plans, may now happen at any time. The previous 2-year prohibition has been repealed.
- Minor variances to zoning by-laws may also be requested at any time.
- Municipalities with a CBC by-law may allow an owner of land to provide services/facilities in lieu of a cash payment. New provisions allow municipality to further require such owners to enter into agreement with the municipality, and for it to be registered against the land.
- Land lease communities within the greenbelt area will be required to receive plan of subdivision and part-lot control approval, regardless if they are within an area of site plan control.

No changes were made to the original amendments proposed by Bill 23 to the *Conservation Authorities Act*, *New Home Construction Licensing Act, 2017*, the *Municipal Act*, the *Ontario Heritage Act*, the *Ontario Land Tribunal Act*, the *Ontario Underground Infrastructure Notification System Act, 2012*; and the *Supporting Growth and Housing in York and Durham Regions Act, 2022*.

What's Now in Force

Much of Bill 23 has come into force as of November 28, 2022, including the following matters...

Under the *Planning Act*:

- Removal of third-party appeal rights for consent and minor variance applications, unless the third party is a "specified person" under the *Planning Act*;
- Removal of requirements for public meetings on draft plans of subdivision;

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- Removal of two-year suspension periods to amend official plans, secondary plans, comprehensive zoning by-laws, and to bring minor variance applications for newly adopted zoning by-laws;
- Exemption for land lease communities from subdivision and part-lot control if site plan approval obtained (unless community is in the greenbelt);
- Most parkland dedication changes except for certain matters specified below;
- Exemptions for developments up to 10 residential units from site plan control;
- Changes to regulation of exterior design under site plan;
- As of right permissions for up to three residential units per lot; and
- Introduction of a time-limited incentive for zoning by-law amendments enacted to implement approved official plan policies for Protected Major Transit Station Areas.

Under the *Development Charges Act*:

- Exemptions for rental housing development;
- Exemptions for non-profit housing development;
- Exemptions for inclusionary zoning units;
- Transition periods for development charge by-laws passed after January 1, 2022; and
- Note that various other amendments described in our previous article are in force, but only apply to future development charges by-laws.

What's Still to Come

The following changes have received approval of the legislature, but are not yet in force...

Under the *Planning Act*:

- Removal of upper-tier approval authority;
- Community benefit charges exemption for affordable housing;
- Reductions to the rate of parkland dedication required for affordable, attainable, or otherwise exempt units;
- Parkland dedications of encumbered lands; and
- Minister's power to amend official plans if they are of the opinion the official plan may adversely affect a matter of provincial interest.

Under the *Development Charges Act*:

- New definitions of affordable and attainable residential units; and
- Exemptions for affordable and attainable residential units from development charges, where they are not part of an inclusionary zoning contribution.

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Under the *Ontario Land Tribunal Act*:

- All changes proposed.

Dozens of consultations related to Bill 23 remain ongoing. These include proposals for:

- Consolidation of the Provincial Policy Statement, 2020 and Growth Plan ([Consultation](#) open until December 30, 2022);
- Cap to inclusionary zoning ([Consultation](#) open until December 9, 2022);
- Most changes to the *Ontario Heritage Act* ([Consultation](#) open until December 9, 2022), which following consultation may come into force as early as January 1, 2023; and
- Rental housing replacement requirements ([Consultation](#) open until December 9, 2022).

It is expected that further significant legislative changes will be brought forward following the end of these consultations.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.