



PARKS AND RECREATION ONTARIO

*Bill 23, More Homes Built Faster Act,
2022*

Submission to the Standing Committee on Heritage, Infrastructure, and Cultural Policy
Parks and Recreation Ontario

prontario.org

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Introduction

Parks and Recreation Ontario (PRO) is a non-profit association with over 6000 members that deliver services to more than 85% of Ontario's population. We are devoted to advancing equitable access to quality parks and recreation services. PRO champions the health, social, and environmental benefits of parks and recreation through advocacy and cross-sectoral partnerships. Our work includes policy and research, professional development, and our flagship quality standards program, HIGH FIVE®.

PRO is strongly in support of government action to address the housing shortage in Ontario and understands the realities of increasing supply in a short period of time. However, as written, Bill 23 sets development at odds with local governments and may create popular opposition to medium and high-density housing because of the impact it will have on parkland and the provision of services and amenities. This government has an opportunity now to address this by consulting with stakeholders representing municipalities and conservation authorities to make key changes to the proposed amendments.

PRO's submission outlines some of the expected outcomes of this Bill based on extensive stakeholder consultations with our municipal partners and respectfully proposes amendments to several key provisions. The focus is primarily on the amendments that affect mechanisms municipalities and conservation authorities use to deliver services and execute on mission. We believe that the recommendations in this document would support this government in removing barriers to the construction of new homes, while ensuring sustainable growth. Our recommendations specifically relate to implications for parks and recreation within the following sections:

1. Schedule 2: *Conservation Authorities Act, 1990*
2. Schedule 3: *Development Charges Act, 1997*
3. Schedule 9: *Planning Act, 1990*

Schedule 2: Amendments to the *Conservation Authorities Act, 1990*

The changes proposed in Schedule 2 of Bill 23 constrain conservation authorities and inhibits their ability to advocate for their regulated areas. Conservation authorities play a vital role not only in protecting the province from natural hazards but also in conserving the province’s natural resources for economic, social, and environmental good. The proposed changes in Schedule 2 of Bill 23 pose a fundamental threat to this mission.

The proposed changes to the *Conservation Authorities Act* would place significant limits on the considerations authorities can cite in the planning approval process. This includes amendments that state that an authority cannot refuse a permit unless it is necessary to do so to control flooding, erosion, dynamic beaches or unstable soil or bed rock. This leaves conservation authorities unable to consider pollution mitigation and land conservation as it relates to a development.

This is set to have a significant impact on local ecosystems. Developments that may not create flooding, erosion, or other natural hazards, can still have devastating environmental effects that can deepen how communities experience climate change at the local level. Municipalities across Ontario have worked hard to implement climate change response plans over the last several years to increase access to green spaces for residents. These changes undermine this work and that of the Ministry led Conservation Authority Working Group.

Recommendation 1: PRO recommends that Schedule 2, pertaining to amendments to 28.1.1 and 28.1(6)(a) and (b) of the *Conservation Authorities Act* should be rescinded to include pollution control and land conservation as factors to be considered by conservation authorities when granting permits.

Schedule 3: Amendments to the *Development Charges Act, 1997*

PRO's members are deeply concerned that the proposed amendments to the *Development Charges Act* as listed in Schedule 3 of Bill 23 would result in a reduction of revenue that would leave municipalities struggling to support growth in their communities. These amendments undermine municipal governance and consistently shift the cost of growth onto local governments and taxpayers. Development charges are a key source of revenue for cost recovery particularly in the provision of infrastructure for small towns across

Ontario that are seeing rapid expansion. Services covered by development charges are not simply roads and sewers but also critical “soft services” such as parks and recreation that make communities livable, increase property values, and attract valuable tourism dollars. PRO members are concerned primarily with:

1. The consequences of exempting affordable and attainable residential units, non-profit housing developments, and inclusionary zoning residential units from development and community benefit charges.
2. Limits on community benefit charges.

Exemptions from Development and Community Benefit Charges

While PRO understands the intent behind exempting affordable and attainable residential units, non-profit housing developments, and inclusionary zoning residential units from development and community benefit charges, this type of differentiation could result in deeply divided communities. Neighbourhoods with attainable and affordable housing are at risk of being under resourced. Without additional revenue or changes to the proposed legislation, local governments will be unable to fund critical parks and recreation projects that would serve growing communities and equity-deserving groups where recreational service and parkland gaps have long been identified. This stands to challenge equitable access to parks and recreation services.

From financial and operational perspectives, lacking adequate revenue, municipalities will be responsible for providing services to a greater number of residents with fewer dollars per capita to make them happen. Unless local governments use alternative fees to raise revenue—effectively shifting the burden of growth from developers to taxpayers—this will result in a drop in service provision and fewer amenities for all residents. Moreover, shifting the financial burden of growth would only feed into Ontario’s affordability crisis rather than dampen it.

Recommendation 2: PRO recommends a reconsideration of Schedule 3, section 4 concerning the exemptions made for affordable and attainable housing, non-profit housing developments, and inclusionary zoning residential units. Implementing reduced development and community benefit charges would still encourage the creation of these types of units while supporting local governments and shifting less financial burden on to taxpayers.

Community Benefit Charges

The proposed amendments to the *Development Charges Act* also places limits on how local governments can raise revenue from community benefit charges (CBCs). Under Bill 23, the maximum CBC payable would be based only on the land proposed for new development, not the entire parcel of land that may have existing developments on it. CBCs are a relatively new tool that can help municipalities fund capital costs related to the provision of public services. This further deepens the challenges local governments will face in raising revenues for service provision.

Changes made to the process for determining development charges detailed in section 5 of Schedule 3 create barriers for municipalities to meaningfully engage in the development process. Making the costs of certain studies ineligible for coverage under a development charge, shifts the onus to local governments burdening already strained budgets.

Recommendation 3: In consultation with municipal stakeholders, PRO recommends the repeal of Section 5 of Schedule 3 which would allow municipalities greater flexibility in the planning and approvals process.

Schedule 9: Amendments to the *Planning Act, 1990*

Bill 23 proposes significant changes to the *Planning Act* that primarily promote the development of more housing at the cost of green spaces. These amendments undermine the authority of municipalities in determining how best to develop healthy, vibrant communities. The proposed changes will have economic, environmental, and health related implications for all Ontarians. The three key provisions of particular concern to PRO members fall under the amendments to sections 42 and 51 of the *Planning Act*:

1. Reduction or exemption of parkland requirements.
2. Cap in cash in lieu for medium and high-density developments.
3. Changes to parkland standards, the approval of encumbered land and privately owned publicly accessible spaces as meeting the requirements for parkland quota.

Reduction or Exemption of Parkland Requirements

The proposed legislative changes will result in the decline of parkland provision particularly in municipalities experiencing rapid transformation and urbanization. It will undermine the ability of local governments to provide high quality parkland that matches the anticipated growth of their communities. Under Bill 23, parkland dedication requirements will be significantly reduced, resulting in a 50% decrease in park space per household. This will have social, economic, and environmental implications that will be felt across the province. We are currently in the midst of a climate emergency. In cities and towns where summer temperatures are compounded by the urban heat island effect, the creation of accessible green spaces contribute to overall well-being through access to opportunities for physical activity and positive mental health and cooler temperatures at a micro-level, making communities better places to live and work.

Caps in parkland dedication quotas for medium and high-density developments may encourage intensification in the short run but does so at the cost of spaces for play and connecting with nature. This is amplified when taking into consideration the parkland exemption for affordable and attainable housing. Access to parks and recreation facilities is a social determinant of health and is correlated with increased physical, social, and mental well-being. As such, the amendments to section 42 and 51 of the *Planning Act* threaten to undercut not only the visual aesthetic of Ontario’s towns and cities, but also the health of Ontarians.

Recommendation 4: Currently, Bill 23 proposes an amendment to Subsection 42 (3) of the *Planning Act* that reduces parkland dedication requirements from one hectare of land per 300 dwelling units to one hectare of land per 600 dwelling units. PRO strongly advises to strike this amendment to maintain the current levels of parkland in Ontario’s municipalities.

Restrictions on Cash in Lieu

In consultation with stakeholders, PRO found that the cap on cash in lieu for medium and high-density parkland dedication requirements also poses a significant threat to how local governments can procure parkland for their communities. The proposed legislation would implement a 10% cap on the amount of land that can be converted or paid in lieu or its value for sites under five hectares and 15% for sites greater than 15 hectares. Changes to this section can result in more than a 50% reduction in cash in lieu for some municipalities. In addition, amendments to the *Planning Act* requiring municipalities to spend or allocate 60% of their cash in lieu reserves means that many local governments will have to forego long-term saving for hereto unknown parkland costs in favour of short-term “gettable” acquisitions. This is likely to reduce the quality of parkland that municipalities can procure. Ontario is at a critical point for purchasing parkland in urban areas. With the population expected to increase another 5.6 million over the next 25 years, municipalities must act now to dedicate parkland or else lose the opportunity to do so.

Recommendation 5: PRO recommends the repeal of amendments made to section 42 (3) and (16.1) to provide municipalities with the maximum level of flexibility needed to support sustainable growth that features high quality parkland.

Parkland Requirements

Finally, changes to parkland requirements significantly affect the quality of parkland and long-term service provision. The proposed changes to section 42 (4.30) and (4.31) redefines acceptable parkland dedication to include encumbered parks—spaces that are restricted by things such as underground parking or utility structures—and privately operated publicly accessible spaces (POPS). Both make it challenging for long-term service delivery and maintenance. Encumbered parks by their nature are less accessible and lower in quality. They offer some green space but not in a way that would encourage usage. POPS place the responsibility of long-term maintenance on private corporations such as condominium boards that cannot be held accountable publicly, cut the space off from community consultations on usage, and create barriers in how municipalities are able to offer programs in the space. Ultimately, both encumbered parks and POPS lack the accessibility of true public spaces and will result in communities with few places for recreation and leisure.

Recommendation 6: PRO strongly recommends that the amendments to Section 42 (4.30) and (4.31) be repealed in favour of existing legislation to ensure the health and long-term viability of parkland particularly in urban centres.

Recommendation 7: PRO urges the government to establish the Housing Supply Action Plan Implementation Team in rapid order and to work with key stakeholders such as AMO, MFAO, AMCTO, and PRO that represent the needs of municipalities.

Conclusion:

As written, Bill 23 threatens to shift the financial burden of growth from private developers to taxpayers and leave municipalities and conservation authorities under resourced and

unsupported in providing critical services to Ontarians. Although PRO is supportive of taking action to address Ontario’s housing shortage, Bill 23 requires significant amendments to effectively meet this need. Without these changes, it cannot meet its objective of creating more homes for the betterment of all Ontarians.

PRO appreciates the Standing Committee’s consideration of our proposed recommendations and look forward to working with the provincial government on this and many other issues.

Appendix of Recommendations

Recommendation 1: PRO recommends that Schedule 2 of the Bill, pertaining to amendments to 28.1.1 and 28.1(6)(a) and (b) of the *Conservation Authorities Act* should be rescinded to include pollution control and land conservation as factors to be considered by conservation authorities when granting permits.

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Recommendation 7: PRO strongly recommends that the Housing Supply Action Plan Implementation Team be established in rapid order and work towards implementation of legislation related to housing with key stakeholders such as AMO, MFAO, AMCTO, and PRO that represent the needs of municipalities.