

APPENDIX A – Bill 23 Changes Summary Table

Revised Legislation	Revision	Applicable to the operation of the Town of Cobourg Y or N	Impact – Hi, Med, Low, None	Comments
Conservation Authorities Act				
CA	Enable the exemption of development authorized under the <i>Planning Act</i> from requiring a permit under the <i>Conservation Authorities Act</i> in municipalities set out in regulation, where certain conditions are met as set out in regulation	Y	High	Town of Cobourg will lose the expertise of CA staff – natural heritage, ecological, hydrogeological, water resources engineering, stormwater management
CA	Remove the terms “conservation of land” and “pollution” and add the terms “unstable soils and bedrock” while also maintaining “flooding”, “erosion”, and “dynamic beaches” to the matters considered in permit decisions	Y	High	Town of Cobourg will lose the expertise of CA staff – natural heritage, ecological, hydrogeological, water resources engineering, stormwater management
CA	Update the timeframe after which an applicant may appeal the failure of the conservation authority to issue a permit to the Ontario Land Tribunal from 120 days to 90 days	N	None	Operational Impact to CAs
CA	Require conservation authorities to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order under section 34.1 of the <i>Planning Act</i> and allowing the Minister to review and amend any conditions attached to those permits	N	None	Operational Impact to CAs
CA	With regards to permits issued where a zoning order has been made under the <i>Planning Act</i> (under section 34.1 or 47):	N	None	Operational Impact to CAs
CA	Extend the existing regulation making authority of the Minister to prescribe conditions on a permit issued by a conservation authority where there is a Minister’s Zoning Order, to enable the Minister to also prescribe limits on what conditions a conservation authority may include	N	None	Operational Impact to CAs
CA	Specify that where the Minister has made a regulation allowing development to begin prior to an ecological compensation agreement being signed and has set a date by which it must be signed, the development may not continue if the agreement has not been reached within the time period outlined in regulation	N	None	Operational Impact to CAs
CA	Minor corrections and clarifications to ensure the Act is clearly written (i.e., removing “proposed” from provisions referring to permits that have already been issued; clarifying the definition of “development project”)	N	None	Operational Impact to CAs
CA	The proposed legislative changes, if passed, would scope conservation authorities’ review and commenting role with respect to development applications and land use planning policies under prescribed Acts to matters within their core mandate as currently set out in the Mandatory Programs and Services regulation (O. Reg. 686/21), made under the Conservation Authorities Act	Y	High	Town of Cobourg will lose the expertise of CA staff – natural heritage, ecological, hydrogeological, water resources engineering, stormwater management

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	The new regulation proposes to prescribe the following Acts under which a conservation authority could not perform this review and commenting role as a “municipal” or “other” program or service under sections 21.1.1 and 21.1.2 of the Conservation Authorities Act			
CA	Limit conservation authority appeals, when acting as a public body, other than when acting as an applicant, of land use planning decisions under the Planning Act to matters related to natural hazards policies in provincial policy statements issued under the Planning Act.	Y	Med	Typically a CA does not appeal applications. CAs and Municipalities typically endeavor to coordinate/streamline position (be on same page), not in conflict. However CAs do play a supporting role in appeals where Municipalities have not had in house expertise. Municipalities will lose this ability to lean on CAs
CA	Placing a freeze on Conservation Authority Fees	N	None	Operational Impact to CAs
CA	Identifying conservation authority lands suitable for housing and streamlining conservation authority severance and disposition processes that facilitate faster development	N	None	Operational Impact to CAs
CA	Expedite the existing processes associated with the severance and conveyance of land by Conservation Authorities under the Planning Act	N	None	Operational Impact to CAs
Development Charges Act				
DC	Five year phase in of DC rate increases, beginning with a 20% reduction in the first year, with the reduction decreasing by 5% each year until year five when the full new rate applies. This is proposed to apply to all new DC by-laws passed since June 1, 2022.	Y	High	Estimated that the municipality will see a 10% to 15% loss of D.C collected during the 5 year phase in period.
DC	Historical service level for DC eligible capital costs (except transit) extended from 10 to 15 years	Y	High	By increasing the Historical Level of Service from 10 years to 15 years, this will lower the eligible capital cost and reduce the D.C. collected.
DC	DC by-laws will expire every 10 years, instead of every five years. By-laws can still be updated any time	Y	Low	Extending the mandatory expiry date from 5 years to 10 years for D.C. By-laws has no immediate financial impact provided that municipalities retain the option of preparing an updated D.C. Background Study and a replacement By-Law should they choose to do so.
DC	Cap the interest paid on phased DCs for rental, institutional and non-profit housing to prime plus 1%	Y	High	Capping interest rates at 1% above average prime rate is reasonable and consistent with current practice for most municipalities.
DC	DC/CBC/parkland exemptions for attainable housing, which will be projects designated by future regulations	Y	High	Further reduces the funding from D.C. for infrastructure projects and requires that municipalities enter into agreements to ensure that these units remain affordable and attainable over an extended period of time.
DC	New regulation authority to set services for which land costs would not be an eligible capital cost recoverable through DCs	Y	High	By reducing the eligible capital costs, this reduces the infrastructure costs which can be funded from D.C. and shifts the cost burden onto the taxpayer or user of services.
DC	Exclude the cost of studies (including background studies) from recovery through DCs	Y	High	By reducing the eligible capital costs, this reduces the infrastructure costs which can be funded from D.C. and shifts the cost burden onto the taxpayer or user of services.
DC	Municipalities will be required to spend/allocate at least 60% of DC reserves for priority services (i.e., water, wastewater and roads).	Y	Low	Requirement to “spend” or “allocate” at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. This can be achieved as a

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				schedule with the annual D.C. Treasurer Statement. Administrative in nature.
DC	Discount for purpose built rental units, with a higher discount for larger units, on top of the existing DC freeze and deferral of payments over five years	Y	High	While generally speaking Staff support incentives to purpose built rentals, the lost revenues from DCs will simply shift to burden elsewhere
Ontario Heritage Act				
OH	Requiring municipalities to make an up-to-date version of the information on their municipal register available on a publicly-accessible municipal website (6 months to do so)	Y	Low	Agree
OH	Allowing for property owners to use the existing process under the OHA for objecting to the inclusion of their non-designated property on the municipal register regardless of when it was added to the municipal register.	Y	Low	No Comment.
OH	Increasing the standard for including a non-designated property on a municipal register by requiring that the property meet prescribed criteria. MCM is proposing to have the criteria currently included in O. Reg. 9/06 (Criteria for determining cultural heritage value or interest) apply to non-designated properties included on the municipal register and is proposing that the property must meet one or more of the criteria to be included, which would be facilitated through a regulatory change. MCM is further proposing that this requirement would apply only to those non-designated properties added to the municipal register on or after the date the legislative and regulatory amendments come into force.	Y	High	Staff time and resources to complete the review. Staff have not had an opportunity to review the criteria to determine impact. Depending on the criteria, a potential reduction to properties deemed to have a historical interest.
OH	Removal from the register <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 property would have to be removed from the municipal register. MCM is further proposing that this requirement would apply where the applicable circumstance outlined in the proposed amendment occurs on or after the legislative amendments, if passed, come into force. • 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. 	Y	High	Staff time and resources to complete the review. Staff have not had an opportunity to review the criteria to determine impact. Depending on the criteria, a potential reduction to properties deemed to have a historical interest.
OH	Provide further rigour in the designation process by increasing the threshold by requiring that a property meet two or more of the criteria prescribed in regulation. only to properties where the notice of	Y	High	Staff time and resources to complete the review. Staff have not had an opportunity to review the criteria to determine impact.

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	intention to designate (NOID) is published on or after the date the regulatory amendment comes into force.			Depending on the criteria, a potential reduction to properties deemed to have a historical interest.
OH	increase rigour in the process of identifying and protecting heritage conservation districts (HCD) by requiring municipalities to apply prescribed criteria to determine a HCD's cultural heritage value or interest	Y	High	Staff time and resources to complete the review. Staff have not had an opportunity to review the criteria to determine impact. Depending on the criteria, a potential reduction to properties deemed to have a historical interest.
OH	repealing the alternative definition of “alter” in subsection 1(2) of the OHA, which was intentionally never proclaimed, and a change within the amended, but not proclaimed, section 42 of the OHA that would facilitate bringing into force the remaining sections of Schedule 11 from Bill 108 that were not proclaimed in 2021. MCM is further proposing a transition provision in regulation clarifying that these amendments to section 42, which would speak specifically to the demolition or removal of an attribute within an HCD, would apply where an application for a heritage permit was received by the council of a municipality on or after the date these legislative amendments from Bill 108 come into force.	Y	High	Staff time and resources to complete the review. Staff have not had an opportunity to review the criteria to determine impact. Depending on the criteria, a potential reduction to properties deemed to have a historical interest.
OH	Proposing to introduce a regulatory authority to prescribe processes for municipalities to amend or repeal existing HCD designation and HCD plan bylaws. The proposal would help create opportunities to align existing HCDs with current government priorities and make HCDs a more flexible and iterative tool that can better facilitate development, including opportunities to support smaller scale development and the “missing middle” housing	Y	High	Staff time and resources to complete the review. Staff have not had an opportunity to review the criteria to determine impact. Depending on the criteria, a potential reduction to properties deemed to have a historical interest.
Planning Act (PLN)				
PLN	Precludes municipalities from prohibiting three residential units on a parcel of urban residential land, provided all three of the units are in the house, two are in the house and one is in an ancillary building, or one is in the house and two are in an ancillary building.	Y	High	Significant technical concerns – including parking and servicing. While this may make sense in some areas and under certain circumstances, the blanket permission is concerning.
PLN	Bill 23 proposes to provide the Minister with a new power to amend an official plan by order if in its opinion the plan is likely to adversely affect a matter of provincial interest. This new authority would supplement the Minister's existing authority to exercise zoning powers through ministerial zoning orders.	Y	Medium	The proliferation of Zoning orders, and now Official Plan orders, is somewhat concerning as these decisions have not always been based on good planning policy and decision making. To date, there have been no MZOs in Cobourg.
PLN	Municipalities' can no longer regulate matters of exterior design and appearance of buildings through the site plan process i.e. exterior design of a building, including character, scale, appearance, design features and sustainable design from the scope of municipalities' site plan control authority. Exception only if it is a matter relating to exterior access to a building that will contain affordable housing units. The appearance of elements, facilities and works on the land would not be subject to site plan control, except to the extent the appearance impacts matters of health, safety, accessibility or the protection of adjoining lands	Y	High	Planning Staff object to these changes to the land use planning processes that have resulted in building liveable and complete neighbourhoods in the Town of Cobourg.
PLN		Y	Low	Subdivisions typically require a rezoning which will require a Public Meeting

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	Public meetings no longer will be required for applications for approval of a draft plan of subdivision			
PLN	The proposed changes would remove all aspects of site plan control for residential development proposals up to 10 units, except for land lease communities.	Y	Medium	The blank exemption is concerning. There may be some instances that this exemption doesn't pose any concerns however a small infill development could pose many challenges – ie servicing and grading that cannot be address at the building permit stage.
	The proposed changes would require municipalities to amend their zoning by-laws to conform with official plan policies that establish minimum densities and heights around transit within one year of the official plan policies coming into effect (upon approval by the Minister).	N	None	No Comment.
	<i>Affordable Housing/Inclusionary Zoning</i>			
PLN	Exempt affordable housing (generally defined as being priced at no greater than 80% of the average price/rent in the year a unit is rented or sold) and attainable housing and inclusionary zoning units from DC, CBCs and parkland dedication	Y	Low	General support of the initiative
PLN	Introduce a category of “attainable housing” which will be defined in future regulations	Y	Low	General support.
PLN	An upper limit of 5% of the total number of units in a development that can be required to be affordable as part of inclusionary zoning, and a maximum period of 25 years over which the units would be required to remain affordable (this is a proposed regulation change, not in the legislation itself)	Y	Low	the Town of Cobourg has not implemented inclusionary Zoning at this time.
	<i>Parkland</i>			
PLN	Reduce the maximum alternative rate of parkland dedication to: one hectare (ha) per 600 units (down from one ha per 300 units) for the conveyance of land; and one ha per 1000 units (down from one ha per 500 units) for cash-in-lieu;	Y	High	Cobourg's current Parkland Dedication bylaw 074-2019 specifies parkland dedication shall not exceed 5% for any purpose other than commercial or industrial either as land or cash-in-lieu. The new minimum ratios will lead to reduced size, reduced funding to acquire, and intensified use of public spaces. The new ratios reduce Cobourg's ability to ensure growth to pays for growth.
PLN	Provide for the deduction of any existing residential units on the lands prior to redevelopment from the determination of unit count for the purposes of the alternative rates outlined above;	Y	High	Intensification of developed land will lead to intensified demand for public greenspace and recreational activities. Deducting existing residential units reduces the municipalities ability to maintain service levels for intensified areas.
PLN	Cap parkland dedication requirements in circumstances where the alternative rate is used to: 10% of the value of the land, if the land proposed for development is 5 ha or less in area; and 15% of the value of the land, if the land proposed for redevelopment is greater than 5 ha in area.	Y	High	Cobourg currently caps parkland dedication at 5% which is far lower than the proposed change regarding the alternative rate. Cobourg is already accustomed to a low parkland dedication requirement.
PLN	Fix applicable parkland dedication requirements as of the date a site plan application (or zoning application, if site plan control is not applicable) is made, provided that a building permit is obtained within two years of site plan approval; and	Y	Low	Parkland Dedication fixed at an earlier stage in the process may lead to complications in spending or allocating 60% of the funds annually.

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PLN	Require municipalities to spend or allocate at least 60% of the funds in its cash-in-lieu of parkland account annually.	Y	High	Cobourg has a Parks and Recreation Master Plan in place including priority properties for acquisition. This new requirement would motivate the implementation of these priorities.
PLN	provide land that is encumbered as parkland dedication, allowing for land conveyed on a stratified basis (for example with below-grade parking or other uses beneath), land encumbered with below-grade infrastructure, and privately-owned publicly-accessible open spaces (POPS) to be eligible as a parkland dedication.	Y	High	Publicly-accessible open spaces have no guarantee of longevity; post-development they may be changed or converted to another non-public use with no recourse from the municipality. Stratified uses a low concern for Cobourg developments.
	<i>Removal of Upper Tier Planning Authority</i>			
PLN	Removal of land use planning authority from most upper-tier municipalities in the GTA. Specifically, the Regions of Durham, Halton, Niagara, Peel, Waterloo and York, the County of Simcoe and any other upper-tier municipality that is prescribed in regulation would no longer have planning responsibilities as of the date the legislation comes into force	N	None	No Comment. Current function and role of Northumberland County Planning to remain unaffected.
	<i>Natural Heritage Planning</i>			
PLN	A program to offset development pressures on wetlands is being considered, which will require a net positive impact on wetlands. The language appears to contemplate that wetlands can be developed provided a net positive impact is demonstrated	Y	High	It has never been a planning practice to develop in wetlands.
PLN	The Wetland Evaluation System is also being revised, and the proposed changes would eliminate the concept of wetland complexes			
City of Toronto Act	Amendments regarding Ministerial powers	N	None	None
City of Toronto Act	Coordinating amendments based on other legislation changes to Planning Act and others	N	None	None
Ontario Land Tribunal Act	Expand the Tribunal's powers to dismiss a proceeding without a hearing, on the basis that the party who brought the proceeding has contributed to undue delay. Power to dismiss a proceeding entirely, if the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. Power to order an unsuccessful party to pay a successful party's costs.	Y	Low	General Staff support
	The regulation-making authority in section 29 is also amended. The Lieutenant Governor in Council is given authority to make regulations requiring the Tribunal to prioritize the resolution of specified classes of proceedings. The Minister is given authority to make regulations prescribing timelines that would apply to specified steps taken by the Tribunal in specified classes of proceedings. The implications of a failure of the Tribunal to comply with the timelines prescribed by the Minister are addressed, and the Minister is given authority to require the Tribunal to report on its compliance with the timelines.	Y	Low	No Comment

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Ontario Underground Infrastructure Notification System Act	Authorizes the Minister to appoint a chair of the board of directors.	N	None	None
	Authorizes the Minister to appoint an administrator of the Corporation. Sets out details such as the term, powers and duties of the administrator and various rules with respect to liability. Sets out the conditions to be satisfied in order for the Minister to exercise this authority.	N	None	None
	Sets out that the members of the board of directors of the Corporation cease to hold office during an administrator's tenure, unless otherwise specified. This section sets out the status of the board during an administrator's tenure.	N	None	None
	Sets out that the Act, the regulations and Minister's orders prevail in the event of a conflict with the memorandum of understanding or the Corporation's by-laws and resolutions	N	None	None
Supporting Growth and Housing in York and Durham Regions Act	Its purpose is to expedite the planning, development and construction of the proposed York Region sewage works project to expedite the improvement, enlargement and extension of the York Durham Sewage System to convey sewage to the Duffin Creek Water Pollution Control Plant. The Act also expedites the development, construction and operation of the Lake Simcoe phosphorus reduction project for the capture, conveyance and treatment of drainage from the Holland Marsh to remove phosphorus before discharge into the West Holland River.	N	None	None
New Home Licensing Act	To address unethical behaviour by vendors and strengthen consumer protection for purchasers of new homes in Ontario who may be adversely impacted by price escalations and terminations of agreements.	N	None	General Staff Support
Municipal Act	Gives the Minister the authority to make regulations imposing limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties under that section	Y	Low	Staff are not aware of proposals for the demolition and conversion of any rental properties.