



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** February 21, 2024

**Report Number:** SRPBS.24.011

**Department:** Planning and Building Services

**Division:** Development Planning

**Subject:** SRPBS.24.011 - Status Update on the  
Implementation of Bills 109, 23 and 97 and  
Request for Staffing Resources

---

### **Purpose:**

The purpose of this report is to provide an update with respect to the City's response to the Province of Ontario's enactment of Bills 109, 23 and 97 as outlined in Staff Report SRPSB.23.059 and a request for the approval of staffing resources associated with the City's continued response to said Bills and future legislative changes.

### **Recommendation(s):**

- a) That Staff Report SRPBS.24.011 be received; and,
- b) That Council approve the staff resource requests as outlined in this report.

### **Contact Person:**

Deborah Giannetta, Acting Director of Development Planning

Dan Terzievski, Director of Infrastructure Planning and Development Engineering

Gigi Li, Director of Financial Services and Treasurer

### **Report Approval:**

**Submitted by:** Gus Galanis, Acting Commissioner of Planning and Building Services

**Approved by:** Darlene Joslin, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

### **Background:**

On July 5, 2023, Council approved the recommendations of Staff Report SRPI.23.059 which outlined the City's response to Bills 109, 23 and 97 which among other matters, recommended approval of a revised development application review and approval process (i.e. the Collaborative Application Process (CAP)), revisions to the City's

## Page 2

procedures and processes to accommodate the legislated changes through the enactment of the three Bills by the Province, streamlining and improvement initiatives to further the City's commitment to the Provincial objective of *Building Homes Faster*, and, the request for approval of funding and resources to assist with the City's initial response to the legislative changes (refer to Appendix A).

Since that time, City staff have implemented the CAP process, have continued to undertake the associated changes to City's procedures and processes to facilitate and support the CAP process and have reallocated staff resources to support these changes to its operations. As part of the 2024 Budget process, the City has reviewed its respective divisional needs as a result of the legislative changes in order to determine the additional staff resources required to address the ongoing impacts of Bills 109, 23 and 97 and to position the City to handle any future legislative changes.

Accordingly, the purpose of this report is to provide a status update with respect to the City's response to Bills 109, 23 and 97, and to seek Council's approval of additional staff resources to support the City's continued response to these legislative changes being brought forward by the Province to realize its objective of *Building Homes Faster*.

### Discussion/Analysis:

As outlined in Staff Report SRPI.23.059, staff have made steady progress in the implementation of the City's initial response to Bills 109, 23 and 97. Outlined below is a summary of the status of the initiatives previously identified:

Initiative	Completed	In Progress	Ongoing	Scheduled to be Completed
Energov Realignment	✓			
CAP Process Implementation	✓			
CAP and other Digitization, Streamlining and Process Improvements	✓		✓	
Oak Ridges Moraine Conformity Process	✓			
Revised Delegation Authority By-law				Q2 of 2024
Use of Additional Planning Tools (Condominium Exemptions, etc.)		✓		Ongoing through 2024
KPMG Dev. Services Review – Ph.1 Implementation		✓		Q1 of 2024
KPMG Dev. Services Review Ph.2 Implementation				Q4 of 2024
Update Site Alteration Permits Process for developments with 10 units or less				Q4 of 2024

## Page 3

Further to the above, it should be noted that funding for the continued implementation of KPMG's Development Services Review has been approved as part of the Planning and Building Services Operating Budget for 2024.

### **Financial/Staffing/Other Implications:**

As a result of the accelerated approval timing by the Province of Bills 109, 23 and 97, the City's 2023 Operating Budget did not account for the myriad of changes resulting from the enactment of said legislation. However, when the 2023 Operating Budget was considered by Council, it was identified that further reports to Council would be forthcoming once future assessments could be undertaken to determine additional resource needs in order to support the City's response to these legislative changes. Since July 2023, staff across the Corporation have identified key staff resources that are needed to support the City's continued response to the Provincial legislation separate from the 2024 Operating Budget, and to equip the City to handle future legislative changes that may be forthcoming from the Province in order to address the ongoing housing crisis.

Further to the above, it is noted that the Development Application Fee Review undertaken by Watson & Associates Economists Ltd. outlined in Staff Report SRPBS.24.002 is also being considered at the February 21, 2024 Committee of the Whole meeting. The Development Application Fee Review undertook a comprehensive review of the City's fees for services related to development planning applications, Building Permits and development engineering fees (associated with development application review) and, as outlined in Staff report SRPBS.24.002, recommends a new development fee structure that proposes, among other things, to reduce or eliminate reliance on the tax base to support development by:

- increasing cost recovery of development planning applications from 63 to 96%;
- increasing cost recovery of development engineering fees from 98% to 100% to take into account application types and volume changes and address gaps in the way fees are calculated; and,
- increasing cost recovery of Building Permit revenues from 84% to 100%.

In this regard, staff have identified a total of seven (7) staffing resources across multiple departments that are directly and/or indirectly needed to assist the City in responding to the changes imposed by Bills 109, 23 and 97 as well as other future legislative changes. It is important to note that these staffing resources generally align with several key recommendations of the KPMG Development Services Review that seeks to improve the performance of the City's development application review process in order to meet the increased performance expectations resulting from the legislative changes of Bills 109 and 23 through streamlining and process improvements, improve workload distribution and increase staff and system capacity, and, the establishment of a governance structure to improve oversight and accountability within the City's development application review process. The requested positions, as outlined in this report, are to be funded entirely by development application revenue with no operating budget/tax impact. Accordingly, the staffing resources requested are as follows:

## Page 4

- **Program Manager, Development Planning, Planning and Building Services Department**

As noted previously, the City successfully implemented the CAP Process in July of 2023 in order to meet the Province's new direction to accelerate timelines associated with the processing of various development applications under the *Planning Act* and to avoid the graduated refund of planning application fees as a result of Bills 109, 23 and 97. Additionally, the division also undertook a comprehensive review of the City's Development Review Process to identify efficiencies to streamline the development review process in order to address the City's commitments to achieving the Province's housing targets while also maintaining excellence in customer service delivery.

The Program Manager position is integral to the City's new CAP Process as the development review and approval process includes formal milestone meeting structures to troubleshoot and assist applicants through the development review and approval process. This is particularly critical as a number of key development sites in the City's designated intensification areas for which development applications have been received are high profile, large, complex projects that once approved will yield a significant number of housing units. The processing of these applications would require the assignment of a focused, highly experienced resource that can manage the complex inter-departmental and cross jurisdictional issues often arising through the processing of such development proposals. This position would require expertise beyond that of a Senior Planner but not necessarily at the management level.

The requested Program Manager position would be in keeping with the recommended Governance Structure by the KPMG Comprehensive Development Services Review that is intended to assist the municipality in quickly identifying and resolving conflicting comments, to address inter-departmental development-related challenges and to help establish accountability across the Planning and Building Services Department and commenting City departments to ensure that the City's meets the accelerated time frames established by Bill 109 so as to meet the City's housing target commitments to the Province.

**Annual Cost: \$150,300** prorated for July 2024, **\$75,200**

**Funding Source:** Development Application Revenues

**Net Operating Impact: \$0**

- **Planning Technician, Policy Planning Division, Planning and Building Services Department**

This position will provide additional capacity across the four sections of the Policy Planning Division that will allow the Division to meet new statutory requirements and timelines as a result of Bills 109 and 23, provide technical guidance and material support to applicants as part of the CAP process, practice municipal due diligence, maintain legislative compliance and respond to new additional legislative changes in the future.

## Page 5

It should be noted that the Policy Planning Division is experiencing growing demand for technical and administrative support to meet this division's increasingly complex and diverse range of work. The Division is responsible for delivering a wide range of programs and services critical to developing and implementing the City's long-term vision and strategies for sustainable community growth and development. As a result of changing legislation, this division is required to undertake statutory public consultation and engagement to update land use plans and policies, respond to related Ontario Land Tribunal appeals, while also trying to keep up with an increase in site alteration permits, tree by-law applications and heritage permit applications.

This position would enable the division's sections to share and access this technical support in managing and implementing various City-wide priority plans and strategies for the Corporation, such as the Official Plan, Affordable Housing Strategy, Environment Strategy, Urban Forest Management Plan, Parks Plan, Community Energy and Emissions Plan, and Heritage and Urban Design programs. This additional support will improve the division's capacity to respond to new strategic priorities and address the City's response to growth and housing development, meet current and future legislative requirements, as well as provide adequate community amenities and services related to the growth of the City.

**Annual Cost: \$84,700** prorated for August 2024, **\$34,500**

**Funding Source:** Development Application Revenues

**Net Operating Impact: \$0**

- **Plans Examiner, Building Services Division, Planning and Building Services Department**

The Building Division is requesting the conversion of an existing Plans Examiner contract position for small buildings (primarily housing) to a full-time permanent position. The current contract position has been instrumental in keeping up with the steady increase in volume and complexity of Building Permit activity and sustaining adequate service levels when responding to general technical Building Code inquiries and complaints. This conversion request is required in order to ensure that the City's obligations pursuant to the *Building Code Act* are fulfilled, that legislated service levels are adequately provided to the public, including the building industry, to manage risk (liabilities), and to ensure that adequate health and safety measures are in place and respected so as to protect the community occupying new construction.

In addition to the increase in Building Permit application volume following the enactment of Bills 109, 23, and 97, current Provincial initiatives have increased the demand for the review of alternative forms of housing (i.e. ARUs, four unit residential buildings, etc.) which will place increased pressure and demand on the division's current staff complement in the review of these emerging complex permit applications. This position will contribute to Building Division's readiness to respond to the Building Permit demand arising from the City's municipal housing pledge.

## Page 6

**Annual Cost: \$111,300** (this position is currently filled on a contract basis)

**Funding Source:** Building Stabilization Reserve

**Net Operating Impact: \$0**

- **Digitization Clerk, Building Services Division, Planning and Building Services Department**

The Building Division is requesting the conversion of an existing contract position to a full-time permanent position. The Building Division initiated a streamlining digitization project in late 2020 with the objective of modernizing record keeping of existing Building Permit files. The Digitization and Records Clerk has become integral to the modernization of historic building records which in turn plays a significant role in the improvement to the Building Division's service delivery by reducing response times for requests to review historic permit records by members of the public and proponents of construction. The expedited access to these records by City staff that require this information in order to process service requests such as Building Permit applications for site alteration projects has resulted in improvement in service delivery.

The legislative changes resulting from the enactment of Bills 109, 23 and 97 is expected to increase the demand for this information which will in turn amplify the need to access records and resources quickly and efficiently to respond to Building Permit applications within prescribed legislative timelines. Further, this position will enable the City to reduce its dependency on off-site archival storage thereby promoting sustainable practice, while making the records more readily available to staff and the public, provide backup support to other divisional clerical staff for service level continuity, and reduce delays in completing service requests that occur during vacations and other staff absences.

**Annual Cost: \$71,900** (this position is currently filled on a contract basis)

**Funding Source:** Building Stabilization Reserve

**Net Operating Impact: \$0**

- **Program Manager, Engineering Permits, Infrastructure Planning and Development Engineering Department (IPDE)**

The requested position will allow for the creation of a new program area to specifically coordinate and approve residential development applications that are no longer governed under the planning process. More specifically, this includes residential developments with up to 10 dwelling units. These types of development were previously processed through the City's Site Plan Approval process under Section 41 of the *Planning Act* which was subsequently eliminated through the changes brought forward through the enactment of Bill 23.

As a result, a volume increase of 50% in the City's Site Alteration Permits is anticipated as the review of these types of development will now be led by the Infrastructure Planning and Development Engineering Division facilitated through a new updated process instead of the planning process. Not only will the volume of applications increase, but the complexity and technical requirement for these new

## Page 7

types of permits is also expected to increase. This new position will oversee the new program area and address the growing day-to-day leadership/supervisory pressures in this operational business area by providing support and guidance for staff to help address the increased complexities and technical requirements associated with these new development applications (i.e. agreements to secure requirements), ensure the overseeing the day-to-day operations to ensure that accelerated timeframes associated with this new process are being achieved, that the corporate and divisional customer service delivery objectives and targets with the current process are being met, by ensuring ongoing efficiency of the program, acting as a liaison with the public and developers to address escalations, and ultimately equip the division with the resources necessary to respond to future legislative changes aimed at the Province's goal of *Buildings Homes Faster*.

Additionally, this position aligns with formalizing an organizational structure for these application types (i.e. Site Alteration Permits) and clarifying roles and responsibilities for this area thus increasing accountability along with providing the necessary capacity to support and implement many of the other KPMG recommendations.

**Annual Cost: \$169,500**, prorated for July 2024, **\$85,600**

**Funding Source:** Engineering and Inspection Revenues

**Net Operating Impact: 0 %**

- **Program Manager, Development Transportation, Infrastructure Planning and Development Engineering Department (IPDE)**

This position will introduce the required operational leadership and supervisory capacity to help oversee the day-to-day activities of the program that has experienced increased pressures due to the volume and complexity for development applications over the past few years. This trend is expected to continue into the future as the City grows and intensifies. These pressures have been exacerbated due to the recent legislative changes introduced through Bills 109, 23 and 97, which have increased service level expectations and reduced timelines with respect to development review and approvals. This position will support the City's Collaborative Application Process (CAP) process by managing and overseeing workloads and response times, monitoring data, implementing process changes/continuous improvement initiatives in order to address the demands of Bill 109 and ensure efficiency of the CAP process, providing timely support and decision making of critical matters, and overseeing critical projects and issues related to Ontario Land Tribunal (OLT) matters.

Further to the above, this position will support the creation of a new program area which will help formalize and better align the transportation development review and approval function within the IPDE Division with the overall planning approvals process by clarify roles and responsibilities, and increasing accountability. This position will also provide the necessary capacity to support and implement other KPMG recommendations applicable to the program area.

## Page 8

**Annual Cost: \$169,500** prorated for July 2024, **\$85,600**

**Funding Source:** Engineering and Inspection Revenues

**Net Operating Impact: \$0**

- **Financial Management Advisor, Finance Services Division, Corporate and Financial Services**

The Financial Services Division is requesting an additional Financial Management Advisor to respond to the increase in municipal legislative updates that have led to and will continue to impact the complexity and frequency of financial analysis, reporting, as well business process continuous improvement initiatives that are needed. The expertise of an additional full-time Financial Management Advisor is required to respond to the increasingly complex reviews mandated by new and/or changing development related legislation beyond Bills 109, 23 and 97 such as the *Bill 108 – More Homes, More Choice Act, 2019*.

These legislative changes require additional responsibilities from the municipality from a financial perspective such as annual review of the fiscal impacts of refunds, discounts, rate phase-ins and credit policies; enhanced and collaborative city-wide year-round capital planning process including preparing information for the reinstated Capital Asset Sustainability Committee and continuous review of the fiscal sustainability strategy, and financial analysis identifying impacts of legislated changes on the change in demand caused by population and employment growth, including the funding projected to be available, by source. This financial support resource needs to be aligned with the increased performance expectations, mainly from changes in legislation that are beyond our control. Without this resource, the City will not be in compliance with legislative requirements and unable to pro-actively plan for the future.

**Annual Cost: \$137,770** prorated for July 2024, **\$69,500**

**Funding Source:** Development Planning/IPDE/Building Permit Revenues

**Net Operating Impact: \$0**

Should Council approve the recommendations of the Development Application Fee Review and the associated new fee structure as outlined in Staff Report SRPBS.24.002, the increased revenues generated by the increases to fees for services related to development planning applications, Building Permits and development engineering fees (associated with development application review) are anticipated to offset the costs of the requested staff resources outlined herein with no tax base impact.

### **Relationship to Council's Strategic Priorities 2020-2022:**

The recommendations of this report are aligned with Council's **Fiscal Responsibility** strategic priority. The approval of the requested staff resources have been proposed after careful consideration of each Division's assessed impact and contribution to the City's overall response to Bills 109, 23 and 97 to mitigate revenue losses to the City, increase building activity in order to meet the City's commitment to the Province to meet the City's housing targets and assist Council in minimizing tax increases. The recommendations are also aligned with the City's Mission to providing and maintaining



## Page 9

exceptional public service to our community in spite of the changing legislative framework.

### **Climate Change Considerations:**

Climate change considerations are not applicable to this staff report.

### **Conclusion:**

The City has been making steady process in its response to the changes resulting from the approval of Bills 109, 23 and 97. In order to continue the work the City has initiated in its response to these pieces of legislation, additional staffing resources are required in order to address areas of specialization within the City that are needed to support the existing and future responses to the legislative changes resulting from the enactment of Bills 109, 23 and 97 by the Province of Ontario. The proposed staff resources are being considered separate from the approved 2024 Operating Budget in order to highlight the City's needs to respond to the legislative changes on the development review and approval process introduced by the Province. Accordingly, staff is seeking Council's consideration and approval of the staffing resources as outlined in this report.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix A, Council Extract July 12, 2023

**Report Approval Details**

Document Title:	SRPBS.24.011-Status Update on the Implementation of Bills 109, 23 and 97 and Request for Staffing Resources.docx
Attachments:	- Appendix A - Council Extract July 12, 2023.pdf
Final Approval Date:	Feb 2, 2024

This report and all of its attachments were approved and signed as outlined below:

**Gus Galanis - Feb 2, 2024 - 2:13 PM**

**Darlene Joslin - Feb 2, 2024 - 3:14 PM**