
HOUSING REPORT

IN SUPPORT OF

PROPOSED CONDOMINIUM

PREPARED FOR

EQUITY THREE HOLDINGS INC.

3085 Hurontario Street
City of Mississauga
Regional Municipality of Peel

July 2021
GSAI File #1319-001



LIST OF CONTENTS

1 \ Introduction	1
2 \ Background	1
3 \ Subject Lands.....	2
4 \ The Proposal.....	4
5 \ Planning Rationale.....	6
5.1 / Provincial Policy Statement, 2020	6
5.2 / A Place to Grow: Growth Plan for the Greater Golden Horseshoe , 2020	8
5.3 / Peel Regional Official Plan & Peel Housing and Homelessness Plan 2018 – 2028.....	9
5.4 / Draft Peel Affordable Housing Incentive Pilot Program	10
5.5 / Mississauga Official Plan & Mississauga Housing Strategy	11
6 \ Analysis & Opinion	13
7 \ Summary & Conclusions.....	15

APPENDICES

Appendix I / City of Mississauga Housing Report Terms of Reference

Appendix II / City of Mississauga Housing Comments

Appendix III / Housing Report Table

Appendix IV / BILD – Peel Chapter Formal Submission



1 \ INTRODUCTION

Glen Schnarr & Associates Inc. ('GSAI') have been retained by Equity Three Holdings Inc. (the 'Owner') to prepare a Housing Report ('Report') in support of the planned redevelopment of the lands municipally known as 3085 Hurontario Street, in Downtown Cooksville, in the City of Mississauga (the 'Subject Lands' or the 'Site'). This Report was identified and requested as part of the pre-submission (DARC) meeting process held on December 16, 2020. Subsequent to this Meeting, the Housing Report Terms of Reference were provided. A copy of the Terms of Reference is provided in **Appendix I** of this Report. Housing comments were also provided by the City's Housing Coordinator on March 13, 2021. A copy of these comments is provided in **Appendix II** of this Report.

2 \ BACKGROUND

The Owner is planning to redevelop a 1.47 hectare (3.63 acre) property in the Downtown Cooksville community. The City of Mississauga requires an accompanying Housing Report to be provided in support of the Official Plan Amendment and Zoning By-law Amendment application (the 'Application') where 50 or more units are being proposed in a medium- or high-density built form. As further described in **Section 3** of this Report, the Owner is seeking permission to implement a high-density built form containing approximately 1,081 dwelling units. Therefore, a Housing Report is required in support of the proposed development.

The City has further requested that all new development applications containing 50 or more ownership or purpose-built rental units which are located in communities outside of designated mall-based Community Nodes provide at least ten percent (10%) of units as affordable 'middle income' housing units. Where a development is located within a designated mall-based Community Node area, the City requests that twenty percent (20%) of units be provided as affordable units, of which 10% are to be affordable medium income units and 10% are to be affordable lower income units. We further note that the City has clarified that the requested affordable unit provision rate exempts the first 50 units, but applies to the balance of the proposed units beyond the first 50 units. Additionally, the City of Mississauga Housing Strategy defines an affordable 'middle income' housing unit as one that can be purchased for \$420,000 or less.

It is important to note, and this issue will be further discussed in **Sections 4 and 5** of this Report, that the establishment of municipal affordable housing 'targets' is a subject that can be raised in municipal Housing Strategy Reports and promoted within a municipality's Official Plan policies that encourage the municipality



to partner with builders, participate in programs with other levels of government or provide economic incentives towards building affordable housing. The establishment of affordable housing 'quotas' is a separate matter and requires a municipality to have the necessary legal instruments in place in accordance with Provincial legislation, that allows a municipality to implement inclusionary zoning to reach established quotas. We note that the City of Mississauga does not currently have such policy or legal instruments to allow them to achieve specific affordable housing quotas.

3 \ SUBJECT LANDS

As demonstrated in **Figure 1** below, the Subject Lands are located on the east side of Hurontario Street, south of Kirwin Avenue.

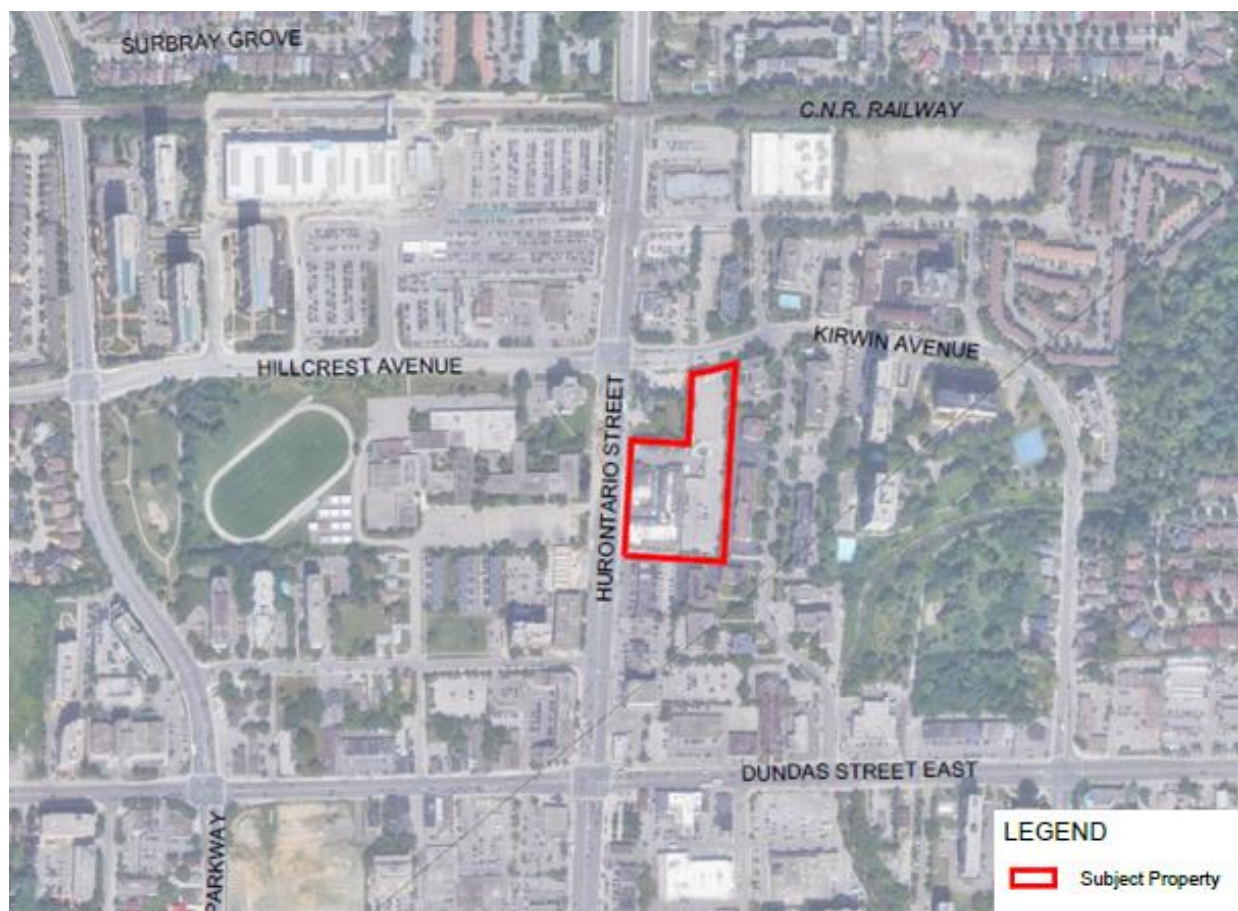


Figure 1 / Site Location and Context



Section 3 of the accompanying Planning Justification Report ('PJR'), prepared by GSAI, dated July 2021, provides further information on the Subject Lands and the surrounding context. We note that the Subject Lands are currently improved with a local retail plaza comprised of a 2-storey, multi-tenant structure, a 2-storey parkade and surface parking areas.

Surrounding land uses are as follows:

NORTH

A converted dwelling and a 2-storey office structure are immediately north. Further north is a mix of uses including a bank, commercial structures with surface parking areas, a 2-storey self-storage structure, the Metrolinx Rail Corridor and a number of mid-rise residential structures ranging in height from 3 to 12 storeys which predominantly have frontage on Kirwin Avenue.

SOUTH

A retail plaza comprised of a 3-storey, multi-tenant structure and surface parking area is immediately south. Further south is a mix of uses that make up the mixed-use Downtown Cooksville area. More specifically, there are a series of 2- and 3-storey retail plazas, a 6-storey office structure and 1-storey commercial structures fronting on Hurontario Street. Dundas Street East is approximately 220 metres south.

EAST

Various 5-storey residential structures, fronting on Jaquar Valley Drive are immediately east. Further east are mid-rise residential structures of varying heights, valleyland areas, Kirwin Avenue and multi-tenant commercial structures that front on Dundas Street East.

WEST

Hurontario Street is immediately west. Further west is a mix of uses including high-rise residential structures, mid-rise residential structures, 1- and 3-storey, multi-tenant commercial structures and T.L. Kennedy Secondary School. The Cooksville GO Station is approximately 170 metres northwest of the Subject Lands.



4 \ THE PROPOSAL

The Owner wishes to redevelop the Subject Lands for a high-density, mixed-use development. The proposed development contemplates three (3) structures (Buildings '1', '2' and '3') of varying heights, organized around a central landscaped courtyard and public realm enhancements. Overall, the proposed development is to have a total gross floor area ('GFA') 90,726 square metres (976,565 square feet), resulting in a density of 6.21 FSI.

Building '1' is proposed in the southwest quadrant of the Site and is a 30-storey structure rising above a 7-storey podium. The proposed podium, which steps back above the 6th storey, is to open onto and address the Site's Hurontario frontage. This is achieved by positioning a range of grade-related non-residential uses along the Hurontario Street streetscape. A residential lobby, indoor amenity areas and residential units are to be provided within the podium. Direct pedestrian connections are to be provided to individual non-residential units, allowing for safe, comfortable and accessible connections to the public sidewalk. A variety of live-work units are to be provided on the 6th and 7th levels.

Building '2' is proposed in the southeast quadrant of the Site, behind Building '1'. It is to have 33-storey and 35-storey components that rise above a shared 9-storey podium. A residential lobby, indoor amenity areas, secure bicycle storage areas, shared loading area, an access ramp to the below-grade parking structure and residential dwelling units are to be provided within the podium. Grade-related 2-storey apartment dwelling units are to be provided along the Site's eastern property line, within the proposed podium. Rooftop outdoor amenity areas are also to be provided above the podium.

Building '3' is proposed in the northeast quadrant of the Site and is a 9-storey residential structure. Grade-related, 2-storey apartment dwelling units, a residential lobby, shared servicing area and indoor amenity space are to be provided on the ground level. Rooftop outdoor amenity areas are also to be provided above the podium.

Rising above the podiums, the point tower components of Buildings '1' and '2' have incorporated various stepbacks. These stepbacks have enabled the positioning of towers in a manner that provides for appropriate transition to the surrounding area, adequate tower separation between buildings on the same site and no adverse shadow impacts to the central outdoor landscaped courtyard and outdoor amenity areas.

A variety of landscaped open spaces and amenity areas are to be provided. This includes a central landscaped outdoor courtyard, landscaped open spaces along the property lines and the rooftop outdoor



amenity areas. We note that the proposed structures have been organized around the landscaped courtyard. Overall, the proposed development includes 6,213 square metres (66,881 square feet) of amenity areas. Of this, approximately 3,985 square metres (42,897 square feet) is outdoor amenity areas, while approximately 2,228 square metres (23,984 square feet) is indoor amenity areas. Landscaping and streetscaping enhancements are to be provided. This includes streetscape treatments along the western property line to provide for a high-quality, inviting, pedestrian-oriented environment and active street frontages. A network of pedestrian pathways are also to be provided to facilitate safe, comfortable and convenient access across the Site and beyond.

A total of 1,081 residential dwelling units of varying size and configurations are to be provided. A mixture of studio, one- and two-bedroom configurations are proposed, providing greater housing choice for households of varying size, income levels and life stages. We note that the proposed units include a selection of grade-related townhouse dwelling units and 1-bedroom live/work units. The anticipated distribution and unit size is as follows:

Unit Type	Unit Size	No. of Units	% of Units
Studio	42 – 49 square metres (452.1 – 527.4 square feet)	15	1.9%
One-Bedroom	50 – 55 square metres (538.2 – 592 square feet)	58	5.4%
One-Bedroom + Den	56 – 65 square metres (602.8 – 699.7 square feet)	428	39.6%
Two-Bedroom	68 – 84 square metres (732 – 904.2 square feet)	418	38.7%
Two-Bedroom + Den	85 – 135 square metres (914.9 – 1,453.1 square feet)	129	11.9%
2-storey Apartment Units (Two-Bedroom)	116 – 132 square metres (1,248.6 – 1,420.8 square feet)	17	1.6%
2-storey Live-Work Units (One-Bedroom)	131 – 139 square metres (1,410.1 – 1,496.2 square feet)	16	1.5%



In response to a price sensitive and diverse local market, and in the interest of advancing more affordable options for first-time buyers seeking proximity and ease of access to transit services, the proposed unit distribution and unit sizes have been carefully considered. We note that all units are anticipated to be ownership units, sold at market prices. See the Housing Report Table in **Appendix III** of this Report for further detail.

We note that the Owner is currently contemplating the provision of purpose-built rental units as part of this proposal. Should the provision of purpose-built rental housing be pursued, it is currently anticipated that one of the three proposed structures will provide these dedicated rental units. A decision on the provision of purpose-built rental housing units is anticipated in the future.

At this juncture, neither a Site Plan Approval application nor a Draft Plan of Condominium application have been submitted. Rather, it is anticipated that these applications will be provided once there is a level of comfort received from Staff that the proposed height, density and unit yield are supported through the Official Plan Amendment and Zoning By-law Amendment process.

5 \ PLANNING RATIONALE

The Housing Study Terms of Reference (see **Appendix I** of this Report) requires an analysis of how the proposed development addresses the relevant Provincial, Regional and local policy framework. This Section of the Report provides an overview and analysis of the relevant Provincial, Regional and local housing-related policies that apply to the Subject Lands.

5.1 / PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement ('PPS'), 2020 provides policy direction on matters of Provincial interest related to land use planning and development with the goal of enhancing the quality of life for all Ontario. The following policies apply to redevelopment of the Subject Lands.

- '1.1.1 Healthy, liveable and safe communities are sustained by:*
- b) accommodating an appropriate affordable and market-based range and mix of residential types(including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older person)...*



- ‘1.4.3 Planning Authorities shall provide for an appropriate range and mix of housing options and densities to meet the projected market-based and affordable housing needs of current and future residents of the regional market by:*
- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with the applicable housing and homelessness plans. However, where planning is conducted by an upper tier municipality, the upper tier municipality in consultation with the lower tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower tier municipalities;*
 - b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health , economic and well-being requirements of current and future residents, including special needs requirements arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
 - c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
 - d) promoting densities for new housing which efficiently use land, resources, infrastructure and public services facilities and support the use of active transportation and transit in areas where it exists or is to be developed;*
 - e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.’*

The proposed development will facilitate residential intensification on the Subject Lands through a compact, mixed-use, high-density built form that will introduce 1,081 new housing units of varying unit size and configurations. This will support housing choice for current and future residents of the Downtown Cooksville community, capable of accommodating households of varying size, income levels and lifestyle preferences. Additionally, the proposal will facilitate development that is supported by existing infrastructure networks, active transportation, existing and planned transit services and a variety of public service facilities – many of which are within a comfortable 5 – 10 minute walking distance. For the reasons identified above, the proposed development is consistent with the PPS.



5.2 / A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE , 2020

A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('A Place to Grow') was updated on August 28, 2020. A Place to Grow builds on the policy foundations of the PPS, 2020 and establishes a long-term framework for managing growth and development across the Greater Golden Horseshoe ('GGH') region up to the year 2051. Overall, A Place to Grow encourages the efficient use of land through the development of complete communities that are compact, transit-supportive and provide a range of housing and employment opportunities. The following policies apply to the Subject Lands.

2.2.1.4 Applying the policies of the Growth Plan will support the achievement of complete communities that:

- c) provide a range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all households sizes and incomes.'*

2.2.6.3 To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes'.

The proposed development will contribute to achieving complete communities by facilitating a high density, compact built form on underutilized lands in close proximity to local transit networks, active transportation infrastructure and nearby amenities that support daily living. Furthermore, the proposal will provide a range of new dwelling unit configurations which will contribute to housing diversity and offer housing choice for current and future residents of the Downtown Cooksville community. It will also facilitate greater housing choice for households of differing sizes, income levels and life stages. Overall, the proposed development conforms to the policies of A Place to Grow by allowing for contextually appropriate redevelopment.



5.3 / PEEL REGIONAL OFFICIAL PLAN & PEEL HOUSING AND HOMELESSNESS PLAN 2018 – 2028

The Peel Regional Official Plan ('ROP'), as amended, serves as Peel's long-term guiding document for how land use planning is to occur and how growth is to be managed. Overall, the ROP outlines strategies for managing growth and development across Peel in accordance with a Regional Structure. In accordance with the Regional Structure, the Subject Lands are identified as an appropriate and desirable location for redevelopment to occur. The following policies apply to the Subject Lands.

'5.8.1.1 To provide for an appropriate range and mix of housing types, densities, sizes and tenure to meet the projected requirements and housing needs of current and future residents of Peel.'

'5.8.1.2 To foster the availability of housing for all income groups, including those with special needs.'

'5.8.2.3 Encourage and support the efforts by the area municipalities to plan for a range of densities and forms of housing affordable to all households, including low and moderate income households, enabling all Peel residents to remain in their communities.'

5.8.3.2.1 Explore, in collaboration with the area municipalities, the feasibility of implementing incentives such as waivers, deferrals of grants in lieu of development charges, other municipal planning and building fees and charges, and regional property taxes to promote the development of affordable housing'.

The proposed development, through the introduction of 1,081 new dwelling units of varying size, will contribute to the provisions of a range and mix of housing opportunities. Furthermore, the proposal will advance Regional policy goals of providing greater housing choice for current and future residents of varying household size, income levels and life stages. Additionally, the proposed development will enable residents to remain in their community.

We note that the ROP, via Policy 5.8.3.2.1, speaks to implementing 'incentives' to promote the development of affordable housing, an incentive program does not currently exist. As such, developers and builders of multi-unit buildings see no meaningful incentive to participate in these future programs.



HOME FOR ALL – PEEL HOUSING AND HOMESLESSNESS PLAN, 2018 – 2028

Home For All – Peel Housing and Homeslessness Plan, 2018 – 2028 ('Home For All') was adopted in 2018. The Plan, while not an operative part of the ROP, serves to further implement the ROP's housing policies. Overall, a Home For All establishes a series of objectives for a ten year period to resolve a housing affordability challenge. It also provides a comprehensive analysis of household income trends and based on this, establishes low- and medium-income affordable housing targets. We note that Home For All does not provide any real economic incentive(s) to encourage the creation of new affordable housing units, rather it defers to other levels of government to put forward the necessary incentives to solve the housing affordability challenge. Based on the above, there are no applicable policy provisions that apply to the Subject Lands. Furthermore, the provision of new dwelling units serves to implement the policy direction to provide new housing units for households of varying size and income levels.

5.4 / DRAFT PEEL AFFORDABLE HOUSING INCENTIVE PILOT PROGRAM

In May 2020, the Region of Peel introduced the Draft Affordable Housing Incentive Pilot Program ('Program'). The objective of the Program is to provide Regional incentives for the development of sustainable affordable purpose-built rental housing units.

We have reviewed the details of the Program and note that should a development be deemed eligible, up to \$7,500,000 in total funding is available. Eligibility is determined based on a series of criterion and interested recipients are required to make a formal application. Following a review of this Program, the proposed development would not qualify for the following reasons:

- The Program only applies to the construction of new, purpose-built rental housing units. As identified above, the proposed development does not currently contemplate the provisions of any rental housing units;
- The Program does not apply to housing units eligible for funding under a Section 37 Agreement, through inclusionary zoning, through local rental replacement policies or through other local Official Plan policies;
- The Program does not consider any local or regional fee or charge reductions as an incentive (e.g., Development Charges, Education Development Charges, Parkland Contributions, Building Permit Fees, etc.) that could be applied to eligible units; and,



- The Program requires that 35% of units be three-bedroom configurations to apply. This target is extremely difficult to achieve in the current housing market.

5.5 / MISSISSAUGA OFFICIAL PLAN & MISSISSAUGA HOUSING STRATEGY

The Mississauga Official Plan ('MOP'), as amended, identifies the long-term framework for managing growth and development across the City of Mississauga. The following policies apply to the Subject Lands.

- '7.1.6. *Mississauga will ensure that the housing mix can accommodate people with diverse housing preferences and socioeconomic characteristics and needs.'*
- '7.2.2. *Mississauga will provide opportunities for:*
 - a) *The development of a range of housing choices in terms of type, tenure and price;*
 - b) *The production of a variety of affordable dwelling types for both the ownership and rental markets.'*
- '7.2.3. *When making planning decisions, Mississauga will ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies.'*
- '7.2.4. *Mississauga will ensure that the quality and quantity of the existing housing stock is maintained.'*
- '7.2.5. *The onus will be placed on the applicant / developer to address Provincial and Regional housing requirements.'*

The proposed development will facilitate residential intensification by introducing a high-density, compact built form on underutilized lands in close proximity to transit networks, active transportation infrastructure and nearby amenities. It will also provide for a range of new ownership housing units of varying size and configurations. This will contribute to the achievement of Provincial and Regional policy objectives while also enabling housing choice for current and future Downtown Cooksville residents of varying household size, income levels and life stages. As stated above, the proposal is to provide for a mix of units, at market-



based price points that will allow for affordable homeownership opportunities. The proposal is consistent with Mississauga Official Plan policies.

MAKING ROOM FOR THE MIDDLE: A HOUSING STRATEGY FOR MISSISSAUGA

Making Room for the Middle: A Housing Strategy for Mississauga ('Housing Strategy') was adopted by City Council in October 2017. The Housing Strategy identifies a series of actions that are to guide the development of housing that is affordable for various households. Overall, it addresses the issue of housing affordability and emphasizes the need to address the 'missing middle' who are middle income earners who have been priced out of the market for vertically divided ground-related housing forms. The Housing Strategy makes the following observations:

Housing is considered affordable when:

- *It costs less than 30% of annual gross household income;*
- *Prospective homeowners can afford to pay from approximately \$270,000 to \$400,000, but in Mississauga this can only buy a condominium apartment or a limited selection of townhouses;*
- *For rental housing, it is a monthly rental rate of approximately \$1,200.*

Middle income households are:

- *Those that earn between \$55,000 and \$100,000 per year*
- *For those that rent, they can pay market prices but have difficulty finding units that suit their needs*
- *The competition for housing in this price range is higher than the supply*

The proposed development is anticipated to be a condominium, which is not being marketed as an affordable living lifestyle. However, approximately 21 units or 1.9% are to have configurations that have a total unit size of less than 528 square feet. These units are understood to be more affordable to medium income earners given the proposal's locational attributes of being within the Downtown Cooksville community, in proximity to transit services and nearby a variety of services and amenities.



6 \ ANALYSIS & OPINION

A copy of the Housing Comments provided subsequently to the pre-application meeting are provided in **Appendix II** of this Report. We understand that City Staff have requested that 10% of the proposed units, beyond the first 50 units proposed, be sized and priced to meet the medium income threshold of \$420,000. In the case of the Subject Lands, this would require 11 units (rounded to the nearest whole number) be provided as affordable. The proposed development contemplates 21 units being studio configurations, with unit sizes of approximately 42 – 49 square metres (452.1 – 527.4 square feet), and a further 201 units are to be one-bedroom configurations with unit sizes of approximately 50 – 55 square metres (538.2 – 592 square feet). Collectively, these units are to allow for ownership opportunities slightly below, at or slightly above the middle income price threshold of \$420,000.

Declaration of Household Income and Principal Residence Form

The [City's Housing Strategy](#) is focused on increasing the supply of affordable housing to middle-income families in Mississauga. To support this objective, developers are providing affordable units – for \$420,000 or less – within their housing developments.

To qualify for this type of unit, potential buyers must complete this form to prove they have a total household income of less than \$108,000 a year, and that the unit shall be their principal residence.

A Commissioner of Oaths, notary or lawyer, must witness your form.

Submit your completed form to the developer of the unit, who'll then send it to the City.

Your completed form is part of public record and will be available for viewing by any member of the public, upon request.

If you've any questions, please contact Catherine Parsons at 905-615-3200 ext. 8409, or email catherine.parsons@mississauga.ca.

As noted above, the City of Mississauga is establishing regulations that would require qualified purchasers within the middle income range to complete a signed legal Declaration confirming that their income does not exceed the middle income threshold and that any unit purchased will be their principal residence.



The Subject Lands are to be redeveloped for market-based ownership housing that is being targeted to families, commuters and empty nesters who have / are raising families and are seeking to remain in the Cooksville community. Potential purchasers may also be empty nesters who are wishing to downsize to a maintenance-free lifestyle. The proposed development does not contravene or offend any Provincial, Regional or local policies. More specifically, it represents a proposal for residential intensification on underutilized lands in a manner that better positions development in an appropriate location, at an appropriate density, in proximity to transit services, destinations and amenities.

A major issue was raised earlier and relates to the City's ability to impose either low- or middle-income affordability quotas on new medium and high-density developments proposed either within mall-based Community Nodes or in designated Neighbourhoods across the City of Mississauga. This issue was recently raised by BILD – Peel Chapter and a formal submission made to the City. This submission is provided in **Appendix V** of this Report.

Under the former Provincial government, the *Promoting Affordable Housing Act* was passed to amend the *Planning Act*. Regulations were put in place under *Ontario Regulation 232 / 18* to allow municipalities to implement inclusionary zoning to increase the supply of affordable housing. In order to do so, a municipality is required to do as follows:

- Prepare an Assessment Report that includes specific information set out under *Ontario Regulation 232 / 18*. The Assessment shall include:
 - an analysis of the demographics and population;
 - an analysis of housing supply, housing types and unit sizes needed to meet anticipated future demand for affordable housing;
 - an analysis of the current average market price / rent for each housing type; and,
 - an analysis of the impacts on the housing market and the financial viability of inclusionary zoning on development / redevelopment considering the value of land, construction costs, market rent and housing demand and supply;
- Have Official Plan policies that authorize inclusionary zoning policies which authorize the inclusion of affordable housing units and setting out procedures for obtaining affordable housing units;
- Pass a By-law giving effect to inclusionary zoning policies and including the number of affordable housing units to be provided, the period of time which these units must be maintained as affordable housing units, the standards affordable housing units must meet, other measures or incentives that may be provided to support inclusionary zoning, and the price thresholds at which affordable housing units may be sold or rented.



Currently, the City of Mississauga has not fulfilled these statutory requirements. In the absence of such, development application must only comply with the housing policy regime established by Provincial Plans, the Regional Official Plan and the Mississauga Official Plan. As described above, the proposed development complies with the in-effect Provincial, Regional and local policy framework.

7 \ SUMMARY & CONCLUSIONS

As outlined above, the proposed development represents an appropriate development for the Subject Lands that is in keeping with Provincial, Regional and local policies. Furthermore, the proposed development will provide for contextually appropriate redevelopment of lands that are well served by transit and existing infrastructure and makes better use of land, resources and infrastructure. The proposal, as contemplated, will provide for a range of housing options for households of varying size, incomes and life stages. It will also provide market-based housing options that are well-served by existing community services, parks, local businesses and destinations.

The City of Mississauga has not undertaken the statutory process required to implement inclusionary zoning policies and by-laws, nor have the proper Assessment(s) been completed to determine whether inclusionary zoning is warranted. The proposed development provides opportunity to respond to the need for middle income affordable housing given the anticipated mix of units to be provided. Based on the above analysis, we conclude that the proposal conforms to the applicable Provincial, Regional and local policies and represents good planning.

Yours very truly,
GLEN SCHNARR & ASSOCIATES INC.

Glen Broll, MCIP, RPP
Partner



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

3085 Hurontario Street
HOUSING REPORT

APPENDIX I / *Housing Report Terms of Reference*

Preamble

Housing is unaffordable for almost 1 in 3 Mississauga households. Mississauga's middle income households – who are a critical part of the city's workforce and community – are increasingly challenged to find housing that meets their needs and income levels. To ensure the long term health and viability for our city, meaningful action to address housing affordability is required.

In 2017, City Council approved *Making Room for the Middle – a Housing Strategy for Mississauga*. The Housing Strategy outlines the City's action plan to address housing affordability, including encouraging new development that is affordable to middle income households. Mississauga Official Plan also provides direction on housing priorities. Policy 7.1.6 stipulates that Mississauga will ensure the housing mix can accommodate people with diverse housing preferences and socio-economic characteristics and needs. Policy 7.2.3 directs that Mississauga will ensure housing is provided in a manner that fully implements the intent of Provincial and Regional policies. Policy 7.2.5 stipulates that the onus will be placed on the applicant/developer to address Provincial and Regional housing requirements.

To create complete, inclusive communities, planning applications and decisions need to address housing affordability. The City will work with the development community to fulfill housing objectives.

Purpose

The purpose of the Housing Report is to demonstrate how larger and / or phased developments meet Provincial, Regional, and City housing objectives, including the provision of housing that is affordable to middle income households. The Housing Report will provide information about the proposed development including tenure, number of units by bedroom type, proposed prices / rents, and planning rationale, which includes housing affordability. Appendix 1 outlines required contents of the Housing Report.

Application Type

A Housing Report shall be submitted in support of a complete application for all official plan amendment, rezoning, and plan of subdivision applications proposing 50 or more ownership residential units. In some cases, these developments will also trigger a request for the provision of affordable middle income housing. Please refer to Table 1 for clarification on when the provision of affordable middle income housing will be requested.

Table 1 – When will the City Request Affordable Middle Income Housing?	
Request for Affordable Middle Income Housing	No Request
<ul style="list-style-type: none">Official plan amendments, rezonings, and plan of subdivisions involving 50 or more residential unitsOwnership development proposals only	<ul style="list-style-type: none">Purpose-built rental developmentsSeniors / retirement developmentsDevelopments of less than 50 residential unitsNon-residential developmentsLifting of "H" Provision

Provision of Affordable Middle Income Housing

The City is requesting the provision of affordable middle income housing units at a **minimum rate** of 10%. The 10% contribution rate is not applied to the first 50 units of a building. For example, if a development is 100 units in total, the contribution request is 5 units $[(100 \text{ units} - 50 \text{ units}) \times 10\%]$. If the development is 53 units in total, the contribution request is rounded up to 1 unit $[(53 \text{ units} - 50 \text{ units}) \times 10\%]$. In mid-rise and high-rise development, the rate is applied to each building, whereas in low-rise developments, the rate is applied to the site.

Two exceptions to the contribution rate identified above should be noted:

- 20% of units proposed on [Reimagining the Mall](#) sites should be affordable (Council Resolution 0150-2019).
- The number of affordable units requested can be lowered for developments proposing deeply affordable units.

The City will consider alternatives to on-site unit contributions, including off-site unit contributions, land dedication, or financial contributions for affordable middle income housing elsewhere. If off-site units or land are dedicated, the location should be similar to the primary development site in terms of access to amenities, services, and transit.

What is affordable to middle income households?

For the purposes of this Housing Report Terms of Reference, affordable middle income housing costs no more than 30% of gross annual household income for middle income households, who earn approximately \$55,000 to \$100,000. Affordability thresholds for ownership and rental housing are outlined in Table 2 below.

Table 2 – Affordability Thresholds		
Affordable Ownership Price Threshold		
\$420,000 or less		
Affordable Rent Threshold –1.5 x Average Market Rent (AMR)*		
Unit Type	2018 AMR*	1.5 x AMR or less
Bachelor	\$922	\$1,383
1 Bedroom	\$1,233	\$1,850
2 Bedroom	\$1,396	\$2,094
3+ Bedroom	\$1,590	\$2,385

*Source - Canada Mortgage and Housing Corporation (CMHC) Rental Market Survey, October 2018. AMR will be annually updated.

Note – While the request for an affordable contribution will only occur where ownership tenure is proposed, the affordable units provided can be rental or ownership tenure.

Duration and Administration

Affordable units should remain affordable for at least ten years after occupancy. It may be beneficial for the proponent to consider partnerships with non-profit organizations for the construction / administration of the affordable units, or to consider transferring units to a non-profit housing provider. Innovative forms of ownership are also possible.

How will the Housing Report be used by the City?

The Housing Report will assist the City in understanding how the proposed development will advance the housing mix, targets and affordability objectives of the City of Mississauga and Region of Peel. Recognizing that in some cases incentives or partnerships may be available, the report will also enable staff and development proponents to engage early in the development process and advance discussions regarding access to provincial and federal funding, and possible municipal incentives offered through a Community Improvement Plan.

How will the Housing Report affect my application?

Proposed developments must first and foremost meet the tests of good planning. Demonstrating progress towards the achievement of Provincial, Regional, and City housing objectives also falls within that scope. More information about the Housing Report can be obtained from Catherine Parsons, Planner, City Planning Strategies Division, Planning and Building Department at 905-615-3200 ext. 8409 or catherine.parsons@mississauga.ca.

Appendix 1 – Contents of Housing Report

Part A – Please provide the following information:

1. Description of the Proposal (Including File #)

- Include number of units by unit type and proposed prices / rents. **Please see table on next page.** This table should form part of your Housing Report submission and simplify the preparation of the Housing Report.

2. Relevant Planning Process and Other Related Applications

- OPA, ZBL, Plan of Subdivision, Plan of Condominium, etc.

3. Identification of any Additional Considerations

- inclusion of supportive housing
- financial or land contributions towards affordable housing
- innovative rent-to-own models
- site constraints
- proposed demolition or conversion of existing rental units

4. Planning Rationale

- How does the proposed development address the relevant housing policies and objectives of the Provincial Policy Statement 2014, Growth Plan 2019, Region of Peel Official Plan, Peel Housing and Homelessness Plan 2018-2028, Mississauga Official Plan, and Mississauga Housing Strategy?

5. Analysis and Opinion

- How does the housing proposal represent good planning and address the housing targets and objectives of the City of Mississauga and Region of Peel?

6. Summary and Conclusions

The submission should also identify the outcomes of any pre-application discussions with any civic officials and discussions held in the community.

Part B – Please complete the following table.

Include the full range of units provided, whether they are market units, or units forming part of the affordable middle income housing contribution. Where exact values / quantities are not yet known, please provide estimates. For a separate word document version of this table that can be pasted into your Housing Report, please click here: https://www7.mississauga.ca/documents/Business/Housing_Report_Table.docx

Proposed Development – Housing Breakdown (All Units)		
Purpose Built Rental Units*		
Bachelor	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
	Less than \$922/month rent	
	Between \$922 and \$1153/month rent	
	Between \$1153 and \$1383/month rent	
	Between \$1383 and \$1614/month rent	
	More than \$1614/month rent	
1 bedroom	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
	Less than \$1233/month rent	
	Between \$1233 and \$1541/month rent	
	Between \$1541 and \$1850/month rent	
	Between \$1850 and \$2158/month rent	
	More than \$2158/month rent	
2 bedroom	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
	Less than \$1396/month rent	
	Between \$1396 and \$1745/month rent	
	Between \$1745 and \$2094/month rent	
	Between \$2094 and \$2443/month rent	
	More than \$2443/month rent	
3+ bedroom	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
	Less than \$1590/month rent	
	Between \$1590 and \$1988/month rent	
	Between \$1988 and \$2385/month rent	
	Between \$2385 and \$2783/month rent	
	More than \$2783/month rent	
Ownership Units		
Ownership Units to be Sold at Market Prices		Qty. of Units
Bachelor		
1 bedroom		
2 bedroom		
3+ bedroom		
Ownership Units to be Sold as Affordable	Proposed Affordable Sale Price of Unit	Qty. of Units
Bachelor	\$	
1 Bedroom	\$	
2 bedroom	\$	
3+ bedroom	\$	
Unit Transfer		
Ownership Units to be Dedicated to City/Region	Market Value of Unit	Qty. of Units
Bachelor	\$	
1 Bedroom	\$	
2 bedroom	\$	
3+ bedroom	\$	

Secondary Suites		
Private Ownership Secondary Suites		Qty. of Units
Bachelor		
1 bedroom		
2 bedroom		
3+ bedroom		
Land		
Land Dedicated to City/Region	Market Value of Land Per Acre	Acres
	\$	
Financial Contribution to Affordable Housing Offsite		
	Amount	
	\$	

*Proposed rent ranges to be updated annually, following the release of CMHC's Annual Rental Market Survey every October.



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URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

3085 Hurontario Street
HOUSING REPORT

APPENDIX II / *City of Mississauga Housing Comments*

Outstanding Checklist Items

Please be advised that the information noted below is subject to change until all the required review groups have completed the applicable review cycle. You will not be able to respond to any of outstanding checklist items or changemarks until you have been assigned a Prescreen Corrections or an Applicant Resubmit task. Please refer to ePlans help guides for more information.

If you require an explanation or would like to discuss the comments found in this report, please contact the reviewer directly. Reviewers are available in person by appointment only. Please call or email the reviewer to schedule an appointment.

Group Name	Cycle	Ref #	Comment Text	Applicant Response	Milestone	Resolved Status	Create Date (M/D/Y)
CPS - HOUSING							
	1	80	The applicant is proposing a development of 1,043 units. At the DARC meeting on Dec 16, 2020, the applicant indicated that the proposed tenure is ownership.			Note	12/16/2020 2:15 PM

Project Status Report



Group Name	Cycle	Ref #	Comment Text	Applicant Response	Milestone	Resolved Status	Create Date (M/D/Y)
CPS - HOUSING	1	81	The City is seeking to ensure that large developments represent good planning by providing a mix of housing options including options for tenure, unit type, and affordability. Chapter 7 Complete Communities of Mississauga Official Plan provides the following policies to ensure development meets the needs and preferences of residents:"7.1.6 Mississauga will ensure that the housing mix can accommodate people with diverse housing preferences and socioeconomic characteristics and needs.7.2.2 Mississauga will provide opportunities for:a. the development of a range of housing choices in terms of type, tenure and price;b. the production of a variety of affordable dwelling types for both the ownership and rental markets; and c. the production of housing for those with special needs, such as housing for the elderly and shelters.7.2.3 When making planning decisions, Mississauga will ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies.7.2.5 The onus will be placed on the applicant/developer to address Provincial and Regional housing requirements."			Note	12/16/2020 2:15 PM
	1	82	As part of a complete application, the applicant is required to submit a Housing Report in accordance with the Housing Report Terms of Reference. The Housing Report provides the City with information to evaluate how the proposed development achieves Provincial, Regional, and City housing objectives, including the provision of the range of housing options.			Note	12/16/2020 2:15 PM
	1	83	The Housing Report Terms of Reference is available here: www7.mississauga.ca/documents/Business/Housing_Report_Terms_of_Reference.pdf			Note	12/16/2020 2:15 PM

Project Status Report



Group Name	Cycle	Ref #	Comment Text	Applicant Response	Milestone	Resolved Status	Create Date (M/D/Y)
CPS - HOUSING	1	84	The City welcomes further dialogue with the applicant to ensure that a positive outcome is achieved for both parties.			Note	12/16/2020 2:15 PM
	1	85	In accordance with the Housing Report Terms of Reference, the City is seeking to ensure all large developments of over 50 ownership units provide a range of housing options for residents, including the provision of units that are affordable to middle income households. The City is seeking to ensure that 10% of units be affordable to middle income households. The first 50 units of a development are not included in the calculation. Based on the existing proposal, the City is seeking to ensure that 100 units are affordable to middle income households. The contribution amount can be revised as the unit yield is finalized through the application process.			Note	12/16/2020 2:15 PM
DEVELOPMENT ENGINEERING REVIEW							
	1	36	SUBMISSION REQUIREMENT: Indicate the tenure for the proposed condominium development as described by the Condominium Act.			Note	12/10/2020 2:51 PM
	1	37	COMMENT: Municipal Infrastructure (Servicing Works) in accordance with a Development Agreement may be required.			Note	12/10/2020 2:51 PM
	1	38	COMMENT: Should these lands be developed as a multi-family or condominium, the applicant is advised that internal roads and services are to be constructed to meet the City's minimum condominium standards in accordance with Section 6 of the T&W Development Requirements Manual. Please refer to the City of Mississauga's Standard Drawings 2211154 to 2211158 for the appropriate internal private road design requirements. https://www.mississauga.ca/publication/transportation-and-works-standard-drawings/			Note	12/10/2020 2:51 PM



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HOUSING REPORT

APPENDIX III / *Housing Report Table*

Part B of Housing Report Submission – Please complete the following table.

Include the full range of units provided, whether they are market units, or units forming part of the affordable middle income housing contribution. Where exact values / quantities are not yet known, please provide estimates. This table can be copied into your Housing Report.

Proposed Development – Housing Breakdown (All Units)		
Purpose Built Rental Units*		
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
Bachelor	Less than \$922/month rent	0
	Between \$922 and \$1153/month rent	0
	Between \$1153 and \$1383/month rent	0
	Between \$1383 and \$1614/month rent	0
	More than \$1614/month rent	0
1 bedroom	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
	Less than \$1233/month rent	0
	Between \$1233 and \$1541/month rent	0
	Between \$1541 and \$1850/month rent	0
	Between \$1850 and \$2158/month rent	0
	More than \$2158/month rent	0
2 bedroom	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
	Less than \$1396/month rent	0
	Between \$1396 and \$1745/month rent	0
	Between \$1745 and \$2094/month rent	0
	Between \$2094 and \$2443/month rent	0
	More than \$2443/month rent	0
3+ bedroom	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
	Less than \$1590/month rent	0
	Between \$1590 and \$1988/month rent	0
	Between \$1988 and \$2385/month rent	0
	Between \$2385 and \$2783/month rent	0
	More than \$2783/month rent	0
Ownership Units		
Ownership Units to be Sold at Market Prices		Qty. of Units
Bachelor		15
1 bedroom		502
2 bedroom		564
3+ bedroom		0
Ownership Units to be Sold as Affordable	Proposed Affordable Sale Price of Unit	Qty. of Units
Bachelor	\$0	0
1 Bedroom	\$0	0
2 bedroom	\$0	0
3+ bedroom	\$0	0
Unit Transfer		
Ownership Units to be Dedicated to City/Region	Market Value of Unit	Qty. of Units
Bachelor	\$0	0
1 Bedroom	\$0	0
2 bedroom	\$0	0
3+ bedroom	\$0	0

Secondary Suites		
Private Ownership Secondary Suites		Qty. of Units
Bachelor		0
1 bedroom		0
2 bedroom		0
3+ bedroom		0
Land		
Land Dedicated to City/Region	Market Value of Land Per Acre	Acres
	\$0	0
Financial Contribution to Affordable Housing Offsite		
	Amount	
	\$0	

*Proposed rent ranges to be updated annually, following the release of CMHC's Annual Rental Market Survey every October.



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HOUSING REPORT

APPENDIX **IV** / *BILD – Peel Chapter Formal Submission*



BUILDING A GREATER GTA
Building Industry and Land
Development Association

May 1, 2020

Ben Phillips, MCIP, RPP
The City of Mississauga
Civic Centre, 300 City Centre Drive
Mississauga, ON
L5B 3C1

Dear Mr. Ben Phillips,

RE: Report PDC-0010-2020 – Re-Imagining the Mall - Official Plan Amendment Implementation (OPA)

With more than 1,500 member-companies, BILD is the voice of the land development, home building and professional renovation industry in the Greater Toronto Area and Simcoe County. Our industry is essential to Peel Region's long-term economic strength and prosperity. In 2018 alone, the residential construction industry in Peel generated over 52,000 onsite and off-site jobs in new home building, renovation and repair – one of the Region's largest employers. These jobs paid \$3.1 billion in wages and contributed \$6.5 billion in investment value to the local economy.

On behalf of the members of our Peel Chapter, the Building Industry and Land Development Association ('BILD') would like to take this opportunity to thank you and your staff for taking the time to speak with BILD and a handful of its members on items relating to affordable housing requirements and report PDC-0010-2020 titled "Reimagining the Mall - Official Plan Amendment Implementation (OPA)". As directly affected stakeholders and your community-building partners, we very much value and appreciate the time taken to speak with us on April 2nd.

The purpose of our discussion was to seek clarification on the following two items;

- the City's general requirement for a *Housing Report* noting a 10% requirement for affordable housing for proposals exceeding 50 units as part of a complete application submission, and;
- the section within the Re-Imaging the Mall report noted above speaking to a minimum 20% affordable housing requirement.

Through the *Housing Report*, it seeks to apply a 10% requirement for affordable housing targets for the medium income threshold on applications proposing over 50 units. As mentioned within the *Housing Report* terms of reference, meaningful action to address housing affordability is required, however, we believe the City is going beyond the requirements intended by this *Housing Report*. Our members have also expressed that the development application review committee (DARC) meetings may be inconsistent in how the requirement is being applied. We ask that the intent of this document be clarified to eliminate these inconsistencies.

Our initial concerns surrounding the Re-Imagining the Mall OPA were that the City did not have sufficient analysis to support these affordable housing requirements. We also wanted to note that the proper channels in rationalizing this type of policy are outlined within the *Promoting Affordable Housing Act*, should the City want to pursue inclusionary zoning.

Following our discussion, staff provided us with the Financial Analysis Report prepared by UrbanMetrics for background. We recognize the financial analysis provided was used to support the Re-Imagining the Mall framework however, we feel that additional information is needed for this specific OPA within the report. We wish to note that this is not the analysis required by the *Promoting Affordable Housing Act* and is a financial assessment of the feasibility of redeveloping the mall components of only the identified node. We would like to underscore our position that the Financial Analysis report is not compliant with the type

of fiscal impact analysis required by the *Promoting Affordable Housing Act* to determine levels of affordable housing that could be sustained at each of the mall sites. In furthering this position of the requirements for a fulsome assessment report, please find attached *Ontario Regulation 232/18* which outlines the requirements in full.

From what we understand, this type of policy amounts to the introduction of Inclusionary Zoning. The *Promoting Affordable Housing Act* amended the *Planning Act* to increase the supply of affordable housing. However, it is clear in requiring that;

- A municipal Official Plan contain policies that authorize inclusionary zoning. Inclusionary zoning policies authorize the inclusion of affordable housing units in a development and provide for the affordability of those units to be maintained over time;
- Inclusionary zoning policies must set out goals and objectives and describe the measures and procedures to attain those goals and objectives;
- The policies must also include any provisions prescribed by regulation;
- Before adopting policies, Council must prepare an assessment report that includes the information specified in the regulations. That report must be updated every five years and must be made available to the public;
- If an Official Plan contains inclusionary zoning policies, a municipality is required to pass a by-law to give effect to those policies; and
- The Act sets out the matters that must be dealt with in the by-law which include:
 - the number or the gross floor area of affordable housing units to be provided;
 - the period of time for which the affordable housing units must be maintained as affordable housing units;
 - the requirements and standards that the affordable housing units must meet;
 - the measures and incentives that may be provided to support inclusionary zoning; and
 - the price at which affordable housing units may be sold and the rent at which they may be leased.

It is essential to note that BILD and its members greatly support the need to find appropriate solutions to the lack of affordable housing. However, we feel that at this time, the City has not complied with these requirements and with that, are not in the position to proceed with the policies and amendments speaking to affordable housing requirements.

It is our understanding that the City of Mississauga is currently exploring the ability to utilize inclusionary zoning through preliminary discussions. As the City begins to visualize this goal, we trust that staff will be proceeding in accordance with the *Promoting Affordable Housing Act* and *Ontario Regulation 232/18*. In doing so, Council will be better positioned to make informed evidence-based decisions on how to implement this policy and how it can have a significant impact on the vitality of the City of Mississauga.

Once again, BILD thanks the City of Mississauga for the opportunity to discuss and provide comments on the items identified within report PDC-0010-2020 "*Reimagining the Mall - Official Plan Amendment Implementation (OPA)*" and the use of the *Housing Report* terms of reference at the City's DARC meetings. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,



Jennifer Jaruczek
Planner, Policy & Advocacy, BILD

CC: Katy Scofield, BILD Peel Co-Chapter Chair
Gavin Bailey, BILD Peel Co-Chapter Chair
BILD Peel Chapter Members



Français

ONTARIO REGULATION 232/18

made under the

PLANNING ACT

Made: April 11, 2018

Filed: April 11, 2018

Published on e-Laws: April 11, 2018

Printed in The Ontario Gazette: April 28, 2018

INCLUSIONARY ZONING

Definitions

1. In this Regulation,

“inclusionary zoning by-law” means a by-law passed under section 34 of the Act to give effect to the policies described in subsection 16 (4) of the Act; (“règlement municipal relatif au zonage d’inclusion”)

“non-profit housing provider” means,

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (b) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or
- (d) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149 (1) (l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing; (“fournisseur de logements sans but lucratif”)

“offsite unit” means an affordable housing unit that is required in an inclusionary zoning by-law and that is erected or located in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units. (“logement hors site”)

Assessment report

2. (1) An assessment report required by subsection 16 (9) of the Act shall include information to be considered in the development of official plan policies described in subsection 16 (4) of the Act, including the following:

- 1. An analysis of demographics and population in the municipality.
- 2. An analysis of household incomes in the municipality.
- 3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
- 4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.

5. An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
 6. An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to the matters mentioned in clauses 35.2 (2) (a), (b), (e) and (g) of the Act, taking into account:
 - i. value of land,
 - ii. cost of construction,
 - iii. market price,
 - iv. market rent, and
 - v. housing demand and supply.
 7. A written opinion on the analysis described in paragraph 6 from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.
- (2) The analysis described in paragraph 6 of subsection (1) shall take into account the following related to growth and development in the municipality:
1. Provincial policies and plans.
 2. Official plan policies.
- (3) An updated assessment report required by subsection 16 (10) or (11) of the Act shall contain the information specified in subsection (1).

Official plan policies

3. (1) Official plan policies described in subsection 16 (4) of the Act shall set out the approach to authorizing inclusionary zoning, including the following:

1. The minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
2. The locations and areas where inclusionary zoning by-laws would apply.
3. The range of household incomes for which affordable housing units would be provided.
4. The range of housing types and sizes of units that would be authorized as affordable housing units.
5. For the purposes of clause 35.2 (2) (a) of the Act, the number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.
6. For the purposes of clause 35.2 (2) (b) of the Act, the period of time for which affordable housing units would be maintained as affordable.
7. For the purposes of clause 35.2 (2) (e) of the Act, how measures and incentives would be determined.
8. For the purposes of clause 35.2 (2) (g) of the Act, how the price or rent of affordable housing units would be determined.
9. For the purposes of section 4, the approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.
10. The circumstances in and conditions under which offsite units would be permitted, consistent with paragraphs 2, 3 and 4 of section 5.

11. For the purposes of paragraph 2 of section 5, the circumstances in which an offsite unit would be considered to be in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.

(2) Official plan policies described in subsection 16 (4) of the Act shall set out the approach for the procedure required under subsection 35.2 (3) of the Act to monitor and ensure that the required affordable housing units are maintained for the required period of time.

Net proceeds from sale of affordable housing unit

4. (1) An inclusionary zoning by-law may require a portion of the net proceeds from the sale of an affordable housing unit to be distributed to the municipality.

(2) A by-law referred to in subsection (1) shall set out the percentage of the net proceeds to be distributed to the municipality, which shall not exceed 50 per cent.

(3) If a by-law referred to in subsection (1) is in force, an agreement referred to in clause 35.2 (2) (i) of the Act shall provide that, where an affordable housing unit is sold, a percentage of the net proceeds from the sale shall be distributed to the municipality in accordance with the by-law.

Restrictions on offsite units

5. The authority of a council of a municipality under clause 35.2 (5) (a) of the Act is subject to the following restrictions:

1. Offsite units shall not be permitted unless there is an official plan in effect in the municipality that sets out the circumstances in and conditions under which offsite units would be permitted.
2. Offsite units shall be located in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.
3. The land on which the offsite units are situated shall be subject to an inclusionary zoning by-law.
4. Offsite units shall not be used to satisfy the by-law requirement to include a number of affordable housing units, or gross floor area to be occupied by affordable housing units, that applies to the development or redevelopment in which the offsite units are permitted.

Restrictions on the use of s. 37 of the Act

6. The authority of a council of a municipality under section 37 of the Act is subject to the following restrictions and prohibitions:

1. Any increase in the height and density of a development or redevelopment permitted in return for facilities, services or matters under section 37 of the Act is deemed not to include:
 - i. the height and density associated with the affordable housing units required in an inclusionary zoning by-law,
 - ii. any increase in height and density permitted in an inclusionary zoning by-law as an incentive described in clause 35.2 (2) (e) of the Act.
2. For greater certainty, the council shall not use its authority under section 37 of the Act with respect to a development or redevelopment giving rise to a by-law requirement for affordable housing units in an area in which a community planning permit system is established.

Reports of municipal council

7. (1) For the purposes of subsection 35.2 (9) of the Act, if a council of a municipality passes an inclusionary zoning by-law, the council shall ensure that a report is prepared and made publicly available at least every two years.

(2) The council shall ensure that each report describes the status of the affordable housing units required in the by-law, including the following information for each year that is the subject of the report:

1. The number of affordable housing units.

2. The types of affordable housing units.
3. The location of the affordable housing units.
4. The range of household incomes for which the affordable housing units were provided.
5. The number of affordable housing units that were converted to units at market value.
6. The proceeds that were received by the municipality from the sale of affordable housing units.

Exemptions from inclusionary zoning by-law

8. (1) An inclusionary zoning by-law does not apply to a development or redevelopment where,

- (a) the development or redevelopment contains fewer than 10 residential units;
- (b) the development or redevelopment is proposed by a non-profit housing provider or is proposed by a partnership in which,
 - (i) a non-profit housing provider has an interest that is greater than 51 per cent, and
 - (ii) a minimum of 51 per cent of the units are intended as affordable housing, excluding any offsite units that would be located in the development or redevelopment;
- (c) on or before the day an official plan authorizing inclusionary zoning was adopted by the council of the municipality, a request for an amendment to an official plan, if required, and an application to amend a zoning by-law were made in respect of the development or redevelopment along with an application for either of the following:
 - (i) approval of a plan of subdivision under section 51 of the Act, or
 - (ii) approval of a description or an amendment to a description under section 9 of the *Condominium Act, 1998*; or
- (d) on or before the day the inclusionary zoning by-law is passed, an application is made in respect of the development or redevelopment for a building permit, a development permit, a community planning permit, or approval of a site plan under subsection 41 (4) of the Act.

(2) Despite clause (1) (b), an inclusionary zoning by-law applies to any offsite units that would be permitted in a development or redevelopment.

9. Clause (a) of the definition of “non-profit housing provider” in section 1 is revoked and the following substituted:

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing,

Commencement

10. (1) Subject to subsection (2), this Regulation comes into force on the later of the day subsection 10 (1) of Schedule 4 to the *Promoting Affordable Housing Act, 2016* comes into force and the day this Regulation is filed.

(2) Section 9 comes into force on the later of the day subsection 211 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and the day this Regulation is filed.

Made by:

Pris par :

Le ministre des Affaires municipales,

BILL MAURO

Minister of Municipal Affairs

Date made: April 11, 2018

Pris le : 11 avril 2018

Français