
HOUSING REPORT

IN SUPPORT OF

PROPOSED CONDOMINIUM

PREPARED FOR

**PLAZACORP 420 LAKESHORE
MANAGEMENT INC.**

Part of Lot 12, Concession 3 South of Dundas Street
City of Mississauga
Regional Municipality of Peel

PLAZACORP 420 LAKESHORE MANAGEMENT INC.
June 2020
GSAI File #1297-001

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Housing Study
PLAZACORP 420 LAKESHORE MANAGEMENT INC.
Official Plan Amendment and
Zoning By-law Amendment
420 Lakeshore Road East
Part of Lot 12, Concession 3 South of Dundas Street
City of Mississauga

1.0 INTRODUCTION

Glen Schnarr & Associates Inc. (“GSAI”) were retained by Plazacorp 420 Lakeshore Management Inc. (“Plazacorp”) to prepare a Housing Report with regard to their proposed development in the Lakeview District of Mississauga at 420 Lakeshore Road East. This Report was identified and requested as part of the pre-submission (DARC) meeting process held on February 26, 2020 at which time Terms of Reference were provided. Further to this, housing comments were provided by the City’s Housing Coordinator on February 28, 2020.

2.0 BACKGROUND

Plazacorp are planning to redevelop a 0.93 acre site in the Lakeview District of Mississauga at 420 Lakeshore Road East. The City of Mississauga requires a supporting Housing Report to be submitted in support on any Official Plan and Rezoning application where more than 50 units are being proposed as part of a medium or high density built form. The subject proposal is for 195 condominium units and is therefore subject to this requirement. Further, the City of Mississauga has requested that all new development applications containing 50 or more ownership or purpose built rental units, which are within neighbourhoods outside of designated mall-based Community Nodes, provide a minimum rate of 10% of affordable housing units at the “medium income” threshold. In the case of mall-based Community Nodes, this percentage increases to 20% (10% medium income and 10% lower income), however the subject site is not within a mall-based Community Node. The City has clarified that this request would exempt the first 50 units from this requirement, but apply to the remaining units yielded beyond the first 50 units. The City of Mississauga Housing Strategy defines an affordable “medium income” housing unit as one that can be purchased for \$420,000.00 or less.

It is important to note at the onset, and this issue will be discussed later in further detail, that the establishment of municipal affordable housing “targets” is a subject that can be raised in municipal Housing Strategy reports and promoted under municipal Official Plans with policies that encourage the municipality to partner with builders, participate in programs with more senior levels of government or provide economic incentives towards building affordable housing. The establishment of affordable housing “quotas” is a separate matter altogether 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 their established quotas. At this point in time, the City of Mississauga does not have such policy or bylaw instruments in place to allow them to achieve specific quotas.

3.0 SUBJECT LANDS

Figure 1: Site Location and Context



Figure 1 illustrates the location of the Subject Lands at 420 Lakeshore Road East at the southwest corner of Lakeshore Road East and Enola Avenue.

A Planning Justification Report, also prepared by Glen Schnarr & Associates, dated June, 2020, provided the following information on the Subject Lands and surrounding context, including the following:

- Site Areas: 0.93 acres
- Existing Use: Beer Store and surface parking lot
- Surrounding Land Uses:

- North: Future four storey residential building (under construction)
- South: Single detached residence
- East: Gas bar/auto service repair facility
- West: Neighbourhood shopping centre

4.0 DESCRIPTION OF PROPOSAL

This study has been prepared in support of an application to amend the City of Mississauga Official Plan and to amend the City of Mississauga Zoning By-law 225-2007. The subject property is currently designated “Mixed Use” in the Lakeview Local Area Plan of the Mississauga Official Plan and zoned “C4” (*Mainstreet Commercial*) under By-law 225-2007. The purpose of the proposed Official Plan Amendment and Zoning By-law Amendment is to redesignate the property to a “Residential – High Density Special Site” designation and to rezone the property to an “RM5 – Exception” zoning to permit high density residential uses.

The proposed building will be built and marketed as a “boutique” condominium which will allow certain future purchasers to have unobstructed views of Lake Ontario above the first 3 floors. The building itself has been designed as a 12 storey condominium with a mechanical penthouse, as shown on Figure 2.

Figure 2: Proposed Condominium



The building has been designed to create a close street presence to the corner intersection of Lakeshore Road East and Enola Avenue. The building will be set back a minimum of 2.0 m from Lakeshore Road with a slight podium recession along the Lakeshore Road East and Enola Avenue. Access will be through a covered entrance from Enola Avenue. The rear (southerly) elevation of the building will be terraced as it faces Lake Ontario and transitions in height as it integrates with the low density uses to the south.

The condominium is proposed to have a total of 195 units consisting of a mixture of 74 one bedroom units, 87 two bedroom units and 28 three bedroom units. In addition, there are 2 townhouse units and 4 live/work units. As a higher end boutique condominium, the average unit size is approximately 85.8 m² (923.5 ft²). The total gross floor area of the building is proposed to be approximately 18,599 m² (200,200 ft²) consisting of 18,061 m² (194,409 ft²) of residential gross floor area and 538 m² (5,791 ft²) of live/work gross floor area. Attached as Appendix I is the City's Housing Report Table. All 195 of the proposed units will be ownership units sold at market price.

At this juncture, neither a Site Plan Application nor a Draft Plan of Condominium have been submitted. Typically, these applications are submitted once the final height, density and yield has been established through the OPA/rezoning process.

5.0 DRAFT PEEL REGION AFFORDABLE HOUSING INCENTIVE PILOT PROGRAM

In May, 2020, the Region of Peel introduced their draft Affordable Housing Incentives Pilot Program. Details of this program are attached under Appendix II and the objective of the program is to provide Regional incentives for the development of sustainable affordable purpose build rental housing units in Peel Region. We have reviewed the details of this program which involves subsidies/grants for affordable rental units which qualify and determined that the subject proposal would not qualify for the following reasons:

- The program only applies to the construction of purpose build rental housing units. None of the proposed units within this development are rental units;
- The program does not apply to 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 (i.e. Development Charges, Education Development Charges, Parkland Contributions, Building Permit Fees) that could be applied to eligible units; and,
- The program requires for eligibility that 35% of the units must be 3 bedroom units. This target is extremely difficult to achieve in the current housing market.

6.0 PLANNING RATIONALE

The Housing Study Terms of Reference are appended as Appendix III and require an analysis of how the proposed development addresses the relevant policies of the Provincial Policy Statement 2020, Growth Plan 2019, Region of Peel Official Plan 2018, Peel Housing and Homelessness Plan 2018-2028, Mississauga Official Plan 2019 and Mississauga Housing Strategy 2017.

Provincial Policy Statement (2020)

The relevant policy excerpts of the Provincial Policy Statement, 2020 (PPS 2020) include the following:

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.*

It is important to note that these policies apply to both “affordable and market-based housing”. Despite being market-based housing, the proposed development is an intensification of an existing site along a major arterial road served by transit and existing infrastructure and community services, and is therefore consistent with the policies of the PPS 2020.

A Place to Grow: Growth Plan (May, 2019)

The relevant policy excerpts of the Growth Plan (2019) include the following:

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.*

At a macro level, the proposed development provides a more dense, alternative built form along Lakeshore Road East at the periphery of a stable low density neighbourhood. The proposed development does provide a range of unit sizes, albeit at a higher average unit size of 85.8 m² (923.5 ft²). As market based housing, this development provides an opportunity for area residents seeking to downsize and remain in the area while maintaining a more maintenance free lifestyle. As such the proposal is consistent with the Growth Plan.

Region of Peel Official Plan (2018) & Peel Housing and Homelessness Plan (2018-2028)

The relevant policy excerpts of the Region of Peel Official Plan include the following:

- 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.*
- 5.8.2.3.1 *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 Regional policies speak to providing housing to “all income groups”, providing a mix of housing types and allowing Peel residents to have alternative housing options so that they can remain in their communities. This is precisely what this proposed development is seeking to do in an existing stable low density neighbourhood with an aging population. Ironically, this report spoke earlier of the recently announced Peel Housing Incentive Pilot Program, yet this proposed development would not be eligible to participate in that program. And while Policy 5.8.2.3.1 discusses “incentives” such as waivers/deferrals of local/regional development charges or property taxes, they have yet to initiate an incentive program that actually does this. As such, developers and builders of multiple unit buildings see no meaningful incentive to participate in these programs.

The Peel Housing and Homelessness Plan goes to great lengths to present data outlining household incomes, establishes low and medium income affordable housing thresholds similar to Mississauga’s, and quantifies the magnitude of the housing affordability shortage in Peel while identifying targets that need to be achieved to make a dent in the problem. But, as indicated above, it provides no real economic incentive to developers and builders for making it cost effective to build and defers to other levels of government to solve the affordability problem.

Mississauga Official Plan (2019) and Mississauga Housing Strategy (2017)

The relevant policy excerpts of the City of Mississauga Official Plan include the following:

- 7.1.6 *Mississauga will ensure that the housing mix can accommodate people with diverse housing preferences and socioeconomic characteristics and needs.*
- 7.22 *Mississauga will provide opportunities for:*
- a. *the development of a range of housing choices in terms of type, tenure and price; and*
 - 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.*

Lakeview Local Area Plan:

- 8.1.2 *The Lakeshore Corridor is encouraged to develop using a range of housing choices in terms of type, tenure and price.*
- 8.1.3 *Mississauga will encourage the provision of affordable housing, including rental housing and seniors housing within the Lakeshore Corridor.*

The subject proposal is for market-based ownership housing along an arterial road and designated corridor that is able to make use of existing services and infrastructure. The City's Official Plan does not exclude or restrict this type of housing. The proposal is compliant with both Regional and Provincial policies.

The Mississauga Housing Strategy addresses the issue of housing affordability and emphasizes the need to address the "missing middle" who are medium income earners who have been priced out of the market for vertically divided ground related housing types. The 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 \$270,000.00 to \$400,000.00, 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 \$1,200,00.*

Middle income households are:

- *Those that earn between \$55,000.00 and \$100,000.00 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 subject proposal is a boutique condominium which is not being marketed as an affordable living lifestyle. The average unit size is slightly over 900 ft² and most units are over 500 ft². This is a function of the locational attributes of the site and the demographics of the neighbourhood. Many other midrise and higher density proposals at other locations in Mississauga are building smaller, more affordable units for the medium income market.

7.0 ANALYSIS AND OPINION

A copy of the Housing Comments for this site distributed at the pre-application stage are attached as Appendix IV. The City has asked that 10% of the units exceeding the first 50 units proposed be sized and priced to the medium income threshold of \$420,000.00. In this instance with 195 units being proposed, this would translate to a total of 15 units. The subject proposal does not propose any studio or small one bedroom units that would allow ownership at or below this price threshold.

The subject proposal is for market-based ownership housing that is being marketed to families, commuters and particularly empty nesters who grew up and raised families in the Lakeview and Port Credit area and are seeking to remain in the area, and downsize to a maintenance-free lifestyle. The proposal does not contravene or offend any Provincial, Regional or Municipal Official Plan policies as an intensification proposal which will create density along a busy arterial road which is a designated corridor that supports transit. The proposal is able to make use of existing infrastructure, commercial facilities, schools and community facilities that currently serve the area and is conveniently located between and in close proximity to two Major Transit Station Areas (MTSAs) at Port Credit GO Station and Long Branch GO Station. The City is currently studying future transit improvements along the Lakeshore Road corridor given major approved and proposed large scale brownfield redevelopments at sites such as the former Texaco South and OPG lands as well as the Port Credit Marine Terminal lands that will ultimately bring thousands of new medium and high density units south of and along the Lakeshore Road corridor. It is

reasonable to expect that a certain percentage of all these future developments will incorporate elements of affordability depending on the demographic that they are marketing towards.

A major issue was raised earlier and relates to the City's actual ability to impose either low or medium income affordability quotas on new medium and high density developments proposed either within mall-based Community Nodes or in any designated neighbourhoods in the City of Mississauga. This issue was recently raised by BILD - Peel Chapter and a formal submission was made to the City which is attached as Appendix V. Under the former 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 the following:

- 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 the 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, 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 authorizing 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.

At this point in time, the City of Mississauga has not fulfilled these statutory requirements. In the absence of such, development applications must only comply with the housing policy regime established under Provincial policy, the Regional Official Plan and the Mississauga Official Plan. The subject development, as proposed, meets this requirement.

8.0 SUMMARY AND CONCLUSIONS

The proposed residential development on the subject lands meets Provincial, Regional and Municipal policies and housing objectives as it represents intensification of an underutilized property where new market-based ownership residential housing will be provided at a location where existing transit, infrastructure, commercial facilities, schools and community services and facilities can be efficiently utilized. While other sites with different locational attributes and

demographics will be developed throughout Mississauga at sizes and selling thresholds that will attract medium income buyers, this development has been planned and designed for the local demographic to allow existing and new Lakeview residents to age in place, commute or raise families in an area where they wish to remain. The City of Mississauga has not undertaken the statutory process required to implement inclusionary zoning policies and bylaws, nor have the proper assessments been completed to determine whether inclusionary zoning is even warranted. The proposal conforms with the current Provincial, Regional and Municipal housing policies and represents good planning.

Respectfully Submitted


Jim Levac, MCIP, RPP
Partner

APPENDIX I - CITY'S 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
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
1 bedroom	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
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
2 bedroom	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
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
3+ bedroom	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		0
1 bedroom		74
2 bedroom		91
3+ bedroom		30
Ownership Units to be Sold as Affordable		Proposed Affordable Sale Price of Unit
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
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.

**APPENDIX II - DRAFT PEEL REGION AFFORDABLE HOUSING
INCENTIVE PILOT PROGRAM**

Region of Peel

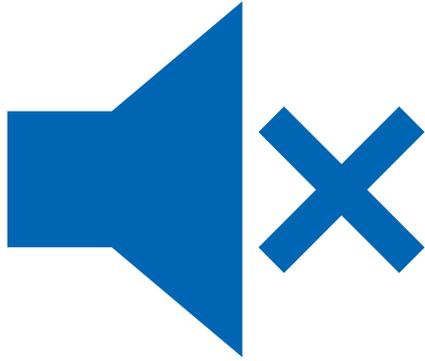
Draft Affordable Housing Incentives Pilot Program

Stakeholder Consultation

May 12, 2020

Naheeda Jamal

Acting Manager, Policy Development
Regional Planning and Growth Management, Region of Peel



**Mics will be muted
during the
presentation**



**Please use the IM
chat to submit
comments
and questions**

Presentation Outline

1. Incentives Pilot Program project overview
2. Draft Pilot Program design
3. Conclusion and next steps
 - **Feedback requested by May 19, 2020**
4. Discussion

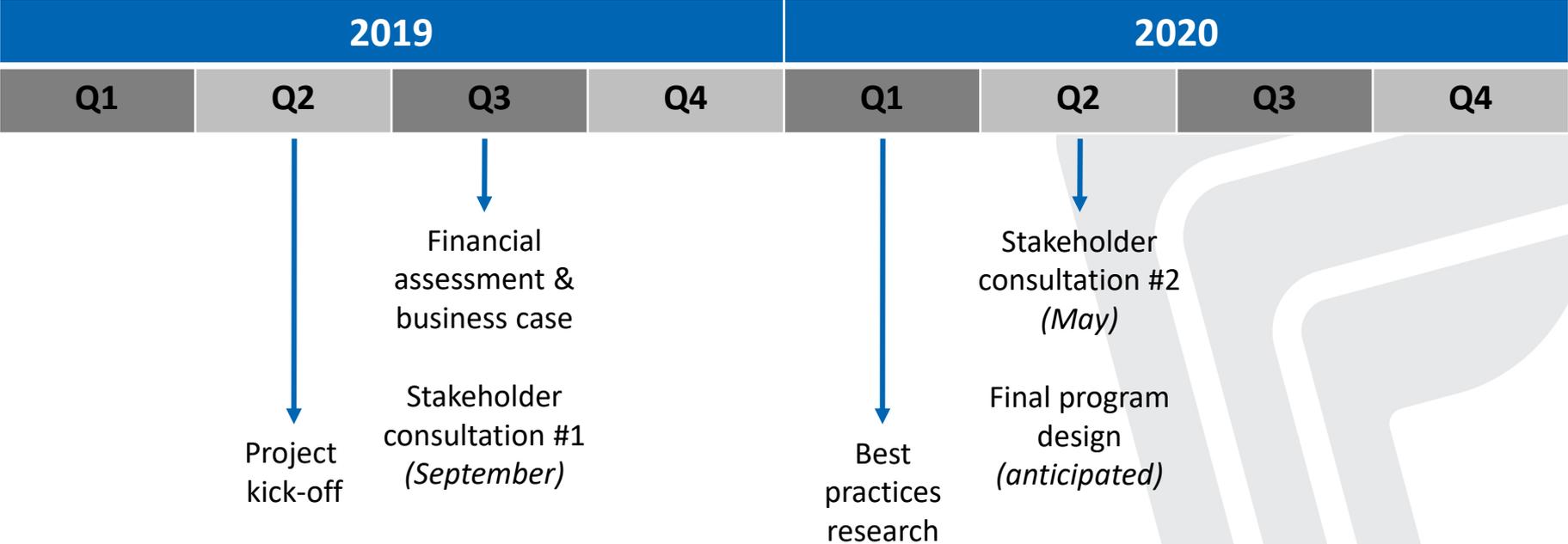


Incentives Pilot Program

- Advanced as part of Strategy 3 of the Peel Housing and Homelessness Plan, 2018-2028 (PHHP)
- Purpose is to provide financial incentives to promote supply of affordable housing in Peel Region
- Pilot will offer flexibility in terms of funding opportunities; intended to work with local municipal incentives and other government initiatives



Project Milestones



Supporting Analysis

Financial Assessment & Business Case

- Reviewed test sites across Peel, tested affordability thresholds for all tenures, and assessed 'subsidy gaps'
- Analysis supported a middle-income rental program

Best Practices Research

- Reviewed incentives programs from a range of Ontario municipalities
- Analysis supported the use of a Municipal Capital Facilities By-laws (MCFB) to implement the program

Stakeholder Consultation

- Previous consultation held in September 2019
- The Region introduced work completed through the PHHP and NLBC provided an overview of technical analysis
- Preliminary insight was gathered regarding affordable rental vs. affordable ownership, financing, and program delivery

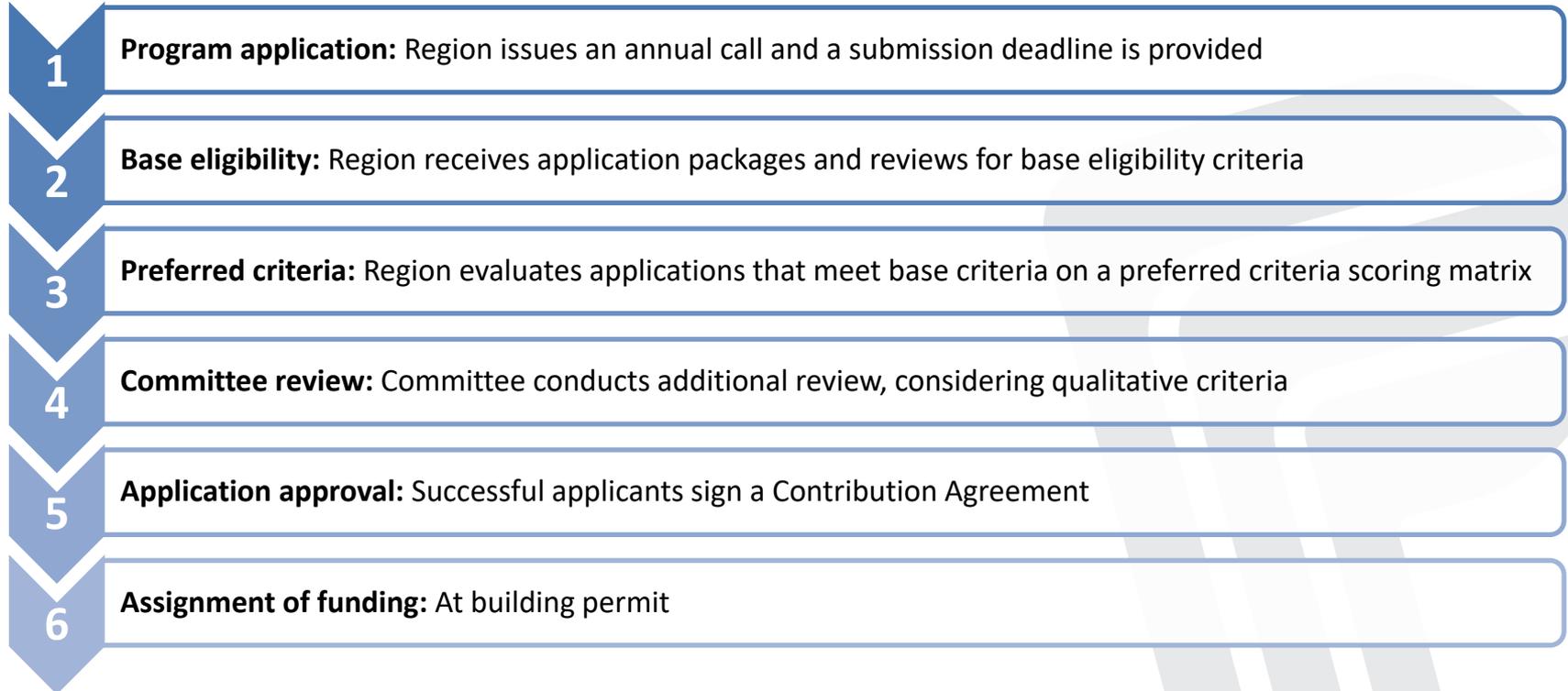
We now seek your feedback on the draft Pilot Program as key stakeholders and the target partners.

Draft Affordable Housing Incentives Pilot Program Design

Pilot Program Overview

- Region to provide capital grants to incentivize affordable rental housing, targeting middle-income households

Process Overview

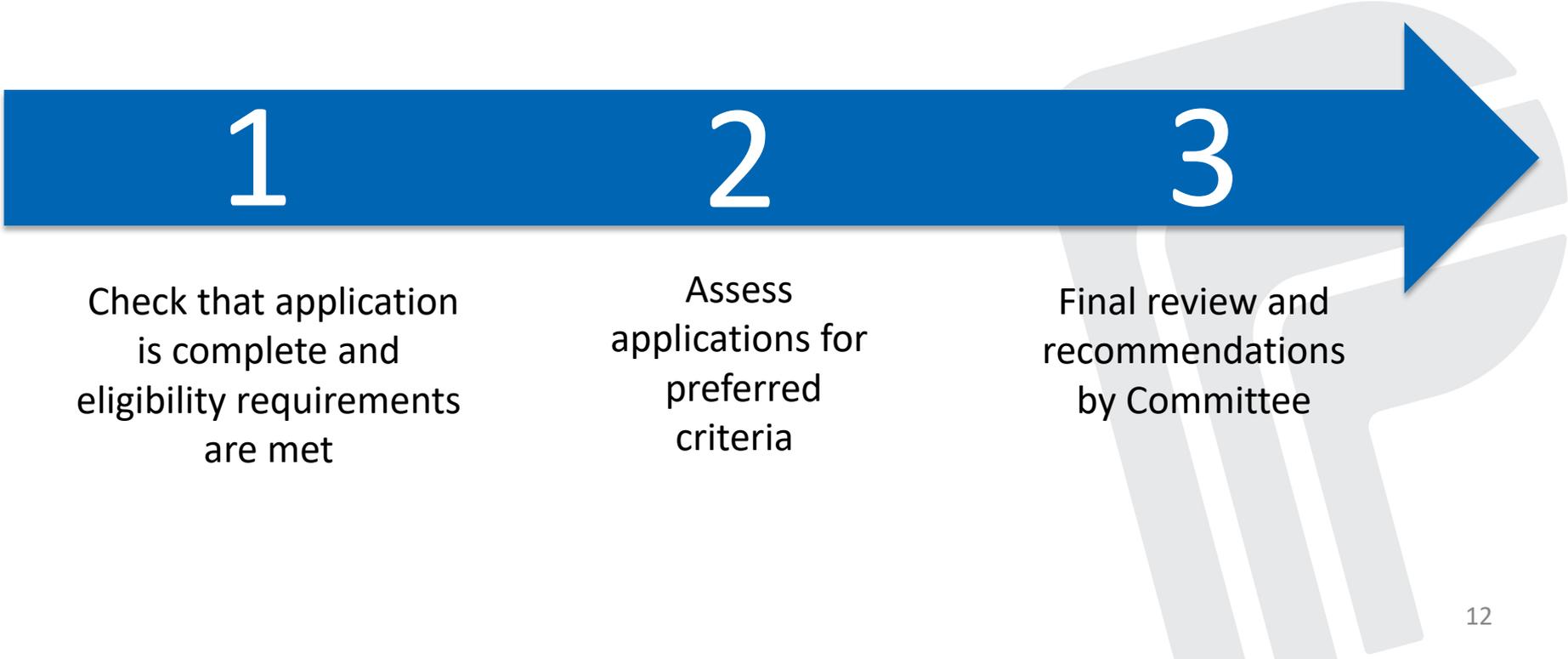


Program Application Process

- Region issues annual call
 - Includes program guidelines, eligibility, affordable rents, submission deadline, application form
- Organizations submit applications
 - Project size, unit mix, income mix
 - Development and management qualifications
 - Development schedule
 - Capital and operating financial plans
 - Justification for requested incentives



Application review – 3 stages



1

Check that application
is complete and
eligibility requirements
are met

2

Assess
applications for
preferred
criteria

3

Final review and
recommendations
by Committee

Eligibility Requirements – Building, Applicant, Location

Building details

- The residential portion of the building must be purpose-built rental
- Mixed tenure buildings are not eligible, however the building may be registered as a condominium and operated as rental for the duration of the agreement

Applicant organization

- Both for-profit and non-profit organizations may apply
- Organizations must have experience with housing development/operation

Location

- Must be within Region of Peel

Eligibility Requirements – Affordability

Affordability

- Mixed-income projects are permitted, consisting of both affordable and market rental rates
- Affordable rental rates may not exceed 170% MMR* for the local municipalities/zones as determined by CMHC
- Units must be maintained as affordable rental for minimum 25 years

*Median Market Rent

Eligibility Requirements – Suite Mix and Unit Size

For units where funding is requested, the following minimum suite mix requirements must be provided:

Unit Type	Suite Mix
Bachelor	0%
One bedroom	15%
Two bedroom	50%
Three bedroom (or larger)	35%

- A higher allocation of two- and three-bedroom units could also be provided at the expense of one-bedroom units
- Affordable units may not be substantially different sizes than market units

Eligibility Requirements – Tenant Income

- For all affordable units:
 - The rent for the unit cannot exceed 30% of the household's gross income
 - Rental rates include utilities – in buildings where utilities are metred separately, rent will be lowered by a specified utility allowance rate

Bedroom Type	170% MMR	Maximum Household Income
1	\$2,050	\$82,000
2	\$2,330	\$93,200
3	\$2,701	\$108,040

Preferred Criteria – Application Scoring

- Depth of affordability
 - Below 170% MMR
- Duration of affordability
 - Longer than 25 years
- Development stage
 - OP
 - Zoning
 - Site Plan



Preferred Criteria – Application Scoring

- Proximity to amenities (0-500m, 501-800m, 801m-1km)
 - Transit station with half hour or better service
 - Grocery store
 - Park
 - School
 - Library or community centre
 - Region-identified growth area or area of housing vulnerability

Preferred Criteria – Application Scoring

- Value for money analysis
 - Utilizes inputs from the applicant to assess the financial impact of the project relative to the subsidy requested
 - Output is a comparison of the development with and without subsidy
 - This is one element of preferred criteria

Committee Stage – Qualitative Review

- After meeting eligibility requirements and additional scoring, the applications will be reviewed by a committee of Regional and local municipal staff
- Committee will recommend successful projects

Application Approval Process

- Successful applicants will sign a Contribution Agreement with the Region, which will include clauses on:
 - Tenant income review
 - Annual reporting to the Region
 - Agreement non-conformity

Funding Assignment & Availability

- Successful applicants will continue to work towards receiving the required planning approvals to receive building permits
- Approval under this program does not guarantee approval of the planning application(s)
- Capital grants will be provided at building permit issuance
- Applicants are encouraged to pursue additional financial support/funding through local municipal CIPs, CMHC, and other sources

Funding Availability to Satisfy Other Affordable Housing Requirements

- Developments that are mandated to provide affordable housing under the following will not be eligible for funding:
 - the Planning Act (S. 37);
 - Inclusionary Zoning;
 - a local Rental Replacement Policy; or
 - any other requirement through the Official Plan/relevant policies.

Next Steps



Feedback Requested

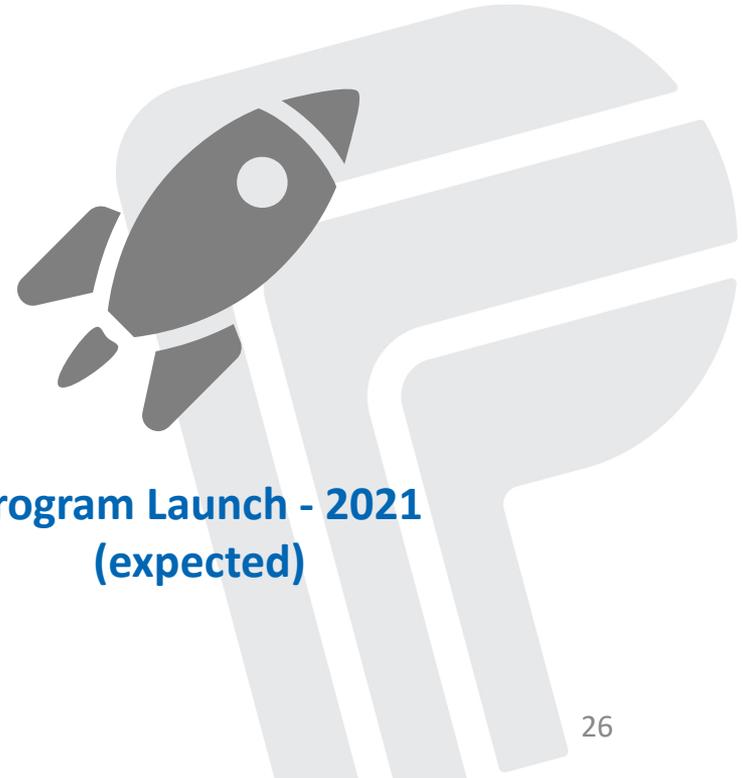
- Please provide your feedback through written email or SurveyMonkey link

Comment deadline: May 19, 2020

Finalizing the Program



Regional Council – June 25, 2020



**Program Launch - 2021
(expected)**

Discussion

Subsidy per unit

We are proposing flexible incentives based on project need. The alternative is a static cap of, for example, \$50,000/unit.

Which approach do you prefer?

Affordability

Do you see any risks associated with either:

- The rental rate being 170% of MMR or less?
 - Rent being inclusive of utilities?



Program timing

Given construction schedules, market trends and other factors, what time of year is ideal for project launch?

Preferred criteria

Are there any other preferred criteria you feel should be considered?

Supply & affordability

We recognize that it may not be possible to provide both deep affordability (well below 170% MMR) and a large number of rental units.

Which is more aligned with your approach to affordable housing?

Discussion

Thank you.

**APPENDIX III – MISSISSAUGA HOUSING STUDY 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 units Ownership development proposals only 	<ul style="list-style-type: none"> Purpose-built rental developments Seniors / retirement developments Developments of less than 50 residential units Non-residential developments Lifting 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*		
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
Bachelor	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	
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
1 bedroom	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	
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
2 bedroom	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	
	Proposed Rents in 2019 Dollars (excluding parking and utilities)	Qty. of Units
3+ bedroom	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		Qty. of Units
Bachelor	Proposed Affordable Sale Price of Unit	
1 Bedroom	\$	
2 bedroom	\$	
3+ bedroom	\$	
	\$	
Unit Transfer		
Ownership Units to be Dedicated to City/Region		Qty. of Units
Bachelor	Market Value of Unit	
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.

APPENDIX IV – DARC HOUSING COMMENTS

Date: 2020/02/28

To: Shaesta Hussein, Planner, Development and Design

From: Catherine Parsons, Planner, City Planning Strategies

Subject: **Housing Comments – DARC 20-44 W1
Proposed Official Plan and Zoning By-law Amendment Applications for 420
Lakeshore Road East to permit a 14-storey apartment building with at-grade
retail and 2 semi-detached dwellings for a total of 305 residential units and 3
levels of underground parking
Jim Levac, Glen Schnarr & Associates Inc.**

Purpose

The purpose of this Memorandum is to outline the formal submission requirements for **DARC 20-44 W1** to determine how the proposed development meets Provincial, Regional, and local housing objectives.

Application Summary

The applicant is proposing a development of 305 units in a 14-storey building and two semi-detached dwellings. As outlined by the applicant at the DARC meeting on February 27, 2020, the proposed tenure is ownership (condominium).

Mississauga Staff Comments

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 Introduction

- 7.1.6 Mississauga will ensure that the housing mix can accommodate people with diverse housing preferences and socioeconomic characteristics and needs.

7.2 Housing

- 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."

In addition to these policies, the Lakeview Local Area Plan contains policies that establish the vision and need to develop a complete community with access to a range of housing within the Lakeview community. The policies of Section 8.0 – Complete Communities and Section 8.1 – Housing provide the policy basis for the inclusion of housing options throughout the Lakeview community. Please note the following policies from the Local Area Plan relevant to housing:

"5.0 Vision

...

Neighbourhoods in Lakeview are stable and offer a variety of housing choices. It is recognized that some change will occur, and development should provide appropriate transition to the existing stable areas, and protect the existing character and heritage features.

The Vision and policies of this Area Plan advance the goals of the Strategic Plan, including:

- Belong – providing a range of housing options

5.1 Guiding Principles

The Vision for Lakeview is based on the following six guiding principles that provide local context and supplements the Guiding Principles of the principal document:

- 5.1.3 Support complete communities through compact, mixed use development and a pedestrian oriented mainstreet that offers a range of culture, residential and employment opportunities.

8.0 Complete Communities

Lakeview contains many of the attributes associated with complete communities, including among other things:

- a range of housing options with a mixture of housing forms and densities, including rental housing;

8.1 Housing

- 8.1.2 The Lakeshore Corridor is encouraged to develop using a range of housing choices in terms of type, tenure and price.

8.1.3 Mississauga will encourage the provision of affordable housing, including rental housing and seniors' housing within the Lakeshore Corridor."

In accordance with the Housing Report Terms of Reference, **the applicant is required to submit a Housing Report** as part of a complete application to demonstrate how the development achieves Provincial, Regional, and City housing objectives, including the provision of the range of housing options identified above.

The City is requesting that **large developments of 50 or more ownership units incorporate a minimum of 10% of units as middle income affordable units**. The first 50 units of a building are not included in the calculation. Applicants proposing rental tenure will not be subject to this request. The Housing Report Terms of Reference also identifies alternatives to the provision of middle income affordable units.

The requirements for the Housing Report, as well as thresholds for middle income affordable housing are identified in the Housing Report Terms of Reference, located here:

www7.mississauga.ca/documents/Business/Housing_Report_Terms_of_Reference.pdf

Please contact Catherine Parsons at catherine.parsons@mississauga.ca or 905-615-3200 ext. 8409 for more information.

Sincerely,

Catherine Parsons, MCIP, RPP
Planner, Planning Innovation, City Planning Strategies Division
Planning and Building Department
T 905-615-3200 ext. 8409
catherine.parsons@mississauga.ca

Cc: Paulina Mikicich, Manager, Planning Innovation, City Planning Strategies

APPENDIX V – BILD PEEL CHAPTER LETTER



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-Imagining 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