



# The Casa Loma Residents Association

## Summary of relevant provisions of Bill 23

*The following is a summary of a very complex law and regulations. It has not been prepared by a lawyer. The Casa Loma Residents Association has identified parts of Bill 23 of obvious interest to us. Our understanding will grow as regulations implementing the Bill are announced and as we work with residents and other associations in the months ahead.*

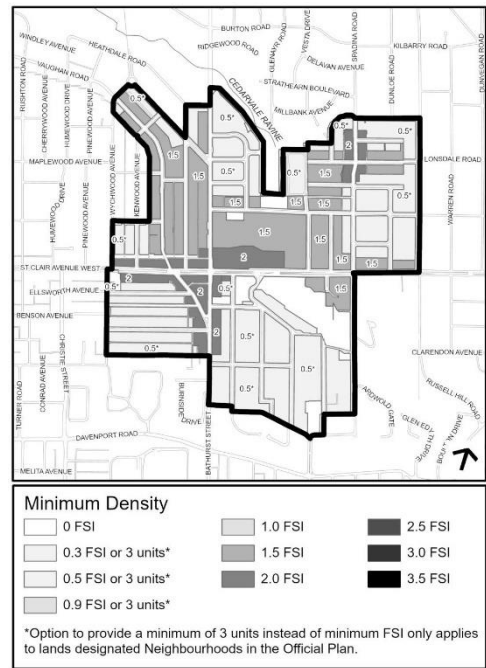
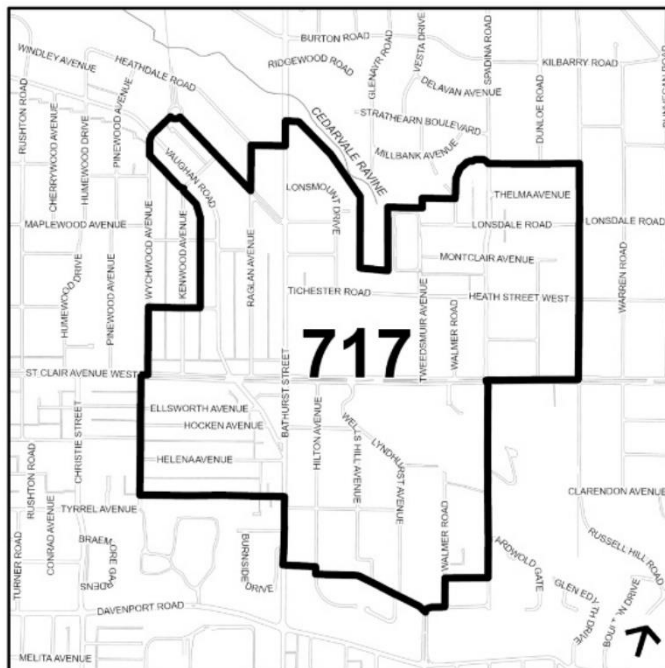
Bill 23 – More Homes Built Faster Act, 2022 received Royal Assent on November 28, 2022. Substantial portions of the Bill came into force upon Royal Assent, while other portions will come into force on a date to be proclaimed by the Lieutenant Governor.

The stated purpose of Bill 23 is to help achieve the Ontario Government’s stated goal of having 1.5 million homes built over the next 10 years. This would be twice the number of housing starts in Ontario for the 10 years ending 2021. The Bill will have the greatest impact in those areas where there is significant land available for development or redevelopment.

There are provisions that have an impact on the Casa Loma community.

### 1. Increasing Density

Our Casa Loma neighbourhood is within the **St. Clair West Protected Major Transit Station Area**.



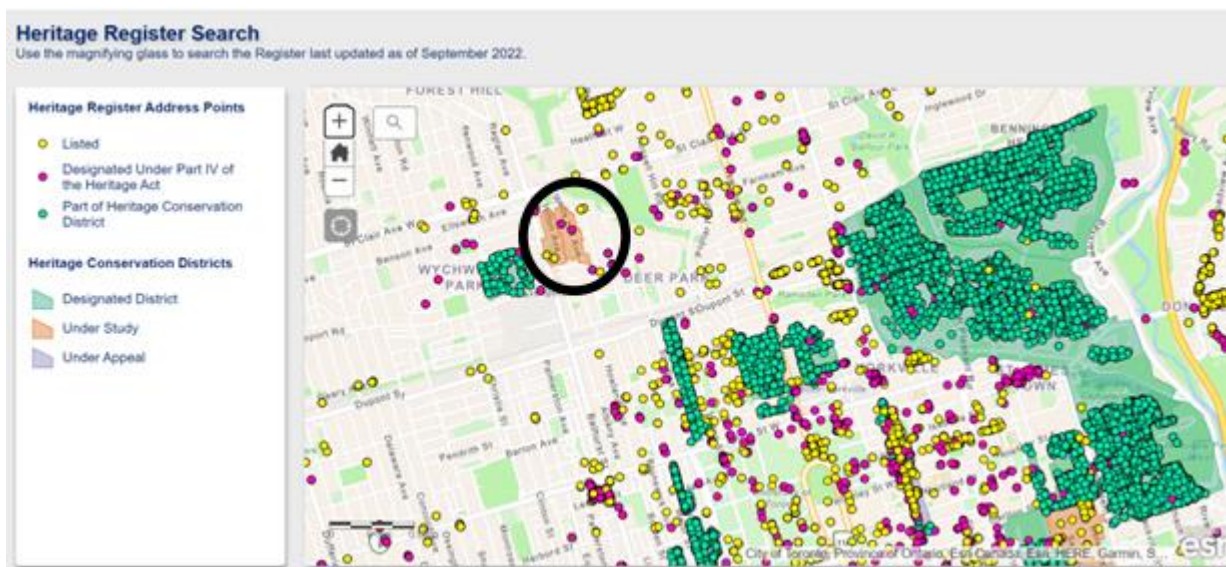
The last data from the City (2016) estimated the area’s population at 15,524 plus employment of 2,778. The planned density for the area is approximately 40,000 residents and workers (313 per hectare) which is more than double the current number. The minimum goal is 25,500 (200 per hectare). This goal was set by the City [through a process that took place between March 2020 and July 2022](#).

Most of the increased density will take place on the north side of St. Clair Ave., up Bathurst St. and Raglan Ave, where residential and mixed use towers are already underway or planned.

With respect to density measures, our neighbourhood will be impacted as follows:

- The new amendments permit landowners to add up to three residential units “as of right” for land zoned for one home in residential areas without requiring a zoning by-law amendment. The three units can be within the existing structure or could take the form of a residence with an in-law, basement suite or garden home. The zoning by-law standards respecting matters such as height will remain and continue to apply.
- Public meetings will no longer be required for applications for a draft plan of subdivision. Developments of up to 10 residential units will be exempted from site plan control. Architectural details and landscape design aesthetics will be removed from the scope of site plan control.

## 2. A hurdle for the Casa Loma Heritage Conservation District Plan and heritage designations



The long overdue Casa Loma Heritage Conservation District Plan (approved to proceed to the Plan Stage in July 2018) now may have another hurdle to overcome. A regulation is expected to be published outlining the criteria for designating an HCD. Hopefully this criteria will not be more onerous than that applied by the Toronto Preservation Board and the City of Toronto Planning Division so the long awaited designation will be granted.

New amendments will set a new threshold for listing properties on the Heritage Register and keep them listed. A property will have to meet a prescribed criteria to determine if it is of cultural heritage value or interest. Properties may not be designated to be of cultural heritage value or interest once applications for official plan amendments, zoning by-law amendments or draft plan of subdivision have been filed unless already on the register. Further, properties may not be designated if the designation would conflict with provincial priorities such as transit, housing, health and long-term care and infrastructure. Municipalities will be required to remove a property from the heritage register if council has not initiated a designation process under section 29 of the OHA within two years of it being listed. For properties that are already listed on the heritage register (see below), a date will be established for the commencement of the two-year period. A property will also be removed from the list if the municipality does not pass the implementing by-

law within a prescribed timeline or if the by-law is successfully appealed. If a property is removed from the heritage register, the municipality will be prohibited from listing that property again for a period of five years.

Properties currently listed on the Heritage Register are:

5 Austin Terrace

153, 155 and 157 Lyndhurst Ave. (originally the Lyndhurst Lodge)

338 and 340 Spadina Rd. (Wembley Apartments)

Hillcrest Community School.

The City has not addressed moving these properties to the by-law designation stage under Part IV of the Ontario Heritage Act for many years.

For background, the properties in our neighbourhood that are protected under Part IV of the Ontario Heritage Act are Casa Loma, Pellatt Lodge, Casa Loma Stables, Spadina House, 72 Wells Hill Ave., 51 Wells Hill Ave., 7 Austin Terrace, Wychwood Library.

### **3. Limiting appeals at Committee of Adjustment and TLAB**

To reduce backlogs, there is no longer the right for a third-party to appeal a minor variance and consent decision. Only the owner of a property, the municipality and certain specified persons and public bodies still have the right to appeal a decision. There are no changes to the right of third parties to appeal official plans or official plan amendments or zoning by-laws or zoning by-law amendments.

There is also an amendment to the Ontario Land Tribunal Act, 2021, yet to come into force, that will expand the Tribunal's authority to dismiss appeals without a hearing, notably on the basis that the party who brought a proceeding has contributed to undue delay. There is also a provision to strengthen the Tribunal's authority to order an unsuccessful party in a proceeding to pay a successful party's costs.

### **4. Refining Community Benefit Charges and Scaling Back Development Charges**

Changes to the method for calculating Community Benefit Charges, Development Charges and parkland by-laws will reduce the cost of development. This will no doubt reduce benefits our neighbourhood and adjacent neighbourhoods may have received from the high-rise developments along St. Clair Ave. West. The City will also have to look for new sources of revenue to replace the lost revenue.

## **Next Steps**

On November 3, 2022 the Casa Loma Residents Association established a new Planning and Development Committee chaired by Robert Levy and including three lawyers, Richard Macklin, Jonah Arnold and Paul Morrison. These members have many years of experience protecting the character and heritage of our community. You will be hearing from this committee in the weeks ahead.