

HS-B1-1



BRAMPTON
Flower City

Corporate Services
Council and Administrative Services

APR 29 2011

April 26, 2011

REGION OF PEEL
CLERKS DEPT.

Ms. Carol Reid, Regional Clerk
Region of Peel
10 Peel Centre Drive, Suite A, 5th Flr.
Brampton, ON L6T 4B9

Ms. Karen Landry, Director of
Administration/Town Clerk
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6

Ms. Crystal Greer, City Clerk
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1

Attn: Pat Vanini, Executive Director
Association of Municipalities
of Ontario (AMO)
200 University Avenue, Suite 801
Toronto, ON M5H 3C6

Re: Strong Communities Through Affordable Housing Act, 2010 – Bill 140
(File L01)

The following recommendation of the Planning, Design and Development Committee Meeting of April 4, 2011 was approved by Council on April 13, 2011:

PDD075-2011

1.

That the report from D. Waters, Manager, Land Use Policy, Planning, Design and Development, dated March 17, 2011, to the Planning, Design and Development Committee Meeting of April 4, 2011, re: **Strong Communities Through Affordable Housing Act, 2010 – Bill 140** (File L01) be received; and,

LEGISLATIVE SERVICES	
COPY TO:	FOR:
Chair	<input checked="" type="checkbox"/> Committee
CAO	<input checked="" type="checkbox"/>
Corporate Services	<input type="checkbox"/> Council
Public Works	<input type="checkbox"/>
Employee and Business Services	<input type="checkbox"/>
Health Services	<input type="checkbox"/> File
Human Services	<input checked="" type="checkbox"/>
Peel Living	<input type="checkbox"/>

2.

That staff be directed to report back should Bill 140 receive Royal Assent and to propose a course of action for reviewing the City's Official Plan and Zoning By-law in order to achieve conformity with any new requirements of the Planning Act for two unit houses in addition to identifying any other related implications; and,

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED

3.

That staff be directed to provide comment to the Provincial Standing Committee on Justice Policy advising that the City of Brampton supports a strategy that builds and maintains the supply of affordable housing across the Region of Peel,

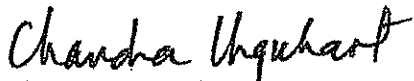
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but that the Province be requested to withhold approval of the portion of the Bill dealing with two unit houses until further clarity is provided as part of the Housing Strategy, and legislation, with respect to appropriate mechanisms, tools and funding to address the impacts that permitting two unit houses will have on municipalities in the following areas:

- ensuring adequate health and safety, fire and building code standards are established and met for basement apartments;
 - ensuring adequate infrastructure such as schools, transportation, parks and health care;
 - ensuring adequate parking and property standards; and,
4. That the Mayor be authorized to communicate the comments on Bill 140, as expressed in this Report, to the Minister of Municipal Affairs and Housing; and,
 5. That a copy of this report be forwarded to the Region of Peel and the City of Mississauga, the Town of Caledon, and the Association of Municipalities of Ontario (AMO).

A copy of the staff report is attached. If you have any questions about the report, please contact the author of the report at 905- 874-2074.

Yours truly,



Chandra Urquhart
Legislative Coordinator
City Clerk's Office
Tel: 905-874-2116 Fax: 905-874-2119
e-mail: chandra.urquhart@brampton.ca

(PDD/G2)

cc: J. Corbett, Commissioner, Planning, Design and Development
A. Smith, Director, Planning Policy and Growth Management
D. Waters, Manager, Land Use Policy, Planning, Design and Development



BRAMPTON
Flower City

HS-B1-3

Report

Planning, Design and
Development Committee
Committee of the Council of
The Corporation of the City of Brampton

Date: March 17, 2011

File: L01 Bill 140

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

Subject: STATUS REPORT

DATE: April 4, 2011

Strong Communities Through Affordable Housing Act, 2010 – Bill 140

Contact: David Waters, Manager, Land Use Policy (905-874-2074)

Overview:

- The purpose of this report is to provide a status update of the Province's Long Term Affordable Housing Strategy and the proposed implementing legislation, Bill 140, the *Housing Services Act, 2010*.
- The Long Term Affordable Housing Strategy provides a vision for housing in Ontario to provide safe, adequate and affordable accommodation to residents.
- The strategy is based on four pillars which include putting people first, creating strong partnerships, supporting affordable options and ensuring accountability.
- The City of Brampton is supportive of a strategy that builds and maintains the supply of affordable housing across the Region of Peel.
- The implementation legislation, Bill 140; proposes changes to a number of Acts, including the *Planning Act*.
- The proposed changes to the *Planning Act* will mandate municipalities to add policies in their Official Plans and Zoning By-laws that permit second residential units in single and semi-detached dwellings in addition to townhouses.
- The establishment of much broader permissions for two unit houses, potentially including basement apartments, would increase the need for fire safety, property standards and other inspections and prosecutions should the units not meet appropriate public safety standards. An increase in staffing for a registration process, property standards and fire safety enforcement would be necessary in addition to a more robust licensing and enforcement process.
- This report seeks direction for City staff to prepare a submission to the Province of Ontario to advise that the City of Brampton generally supports the affordable housing strategy but the Province be requested to with hold approval of the portion of the Bill dealing with two unit housing until further clarity is provided with respect to appropriate mechanisms, tools and funding to address the impacts on local municipalities.

RECOMMENDATIONS

1. **THAT** the report from David Waters, Manager, Land Use Policy, Planning Design and Development, dated March 17, 2011, to the Planning, Design and Development meeting of April 4, 2011, re: **The Long Term Affordable Housing Strategy and the Housing Services Act, 2010 – Bill 140 (File: L01 Bill 140) - Status Report** be received;
2. **THAT** staff be directed to report back should Bill 140 receive Royal Assent and to propose a course of action for reviewing the City's Official Plan and Zoning By-law in order to achieve conformity with any new requirements of the Planning Act for two unit houses in addition to identifying any other related implications; and,
3. **THAT** staff be directed to provide comment to the Provincial Standing Committee on Justice Policy advising that the City of Brampton supports a strategy that builds and maintains the supply of affordable housing across the Region of Peel, but that the Province be requested to withhold approval of the portion of the Bill dealing with two unit houses until further clarity is provided as part of the Housing Strategy, and legislation, with respect to appropriate mechanisms, tools and funding to address the impacts that permitting two unit houses will have on municipalities in the following areas:
 - ensuring adequate health and safety, fire and building code standards are established and met for basement apartments; and,
 - ensuring adequate infrastructure such as schools, transportation, parks and health care;
 - ensuring adequate parking and property standards.
4. **THAT** Council authorize the Mayor to communicate the comments on Bill 140, as expressed in this Report, to the Minister of Municipal Affairs and Housing; and,
5. **THAT** a copy of this report be forwarded to the Region of Peel and the City of Mississauga, the Town of Caledon, and the Association of Municipalities of Ontario (AMO).

BACKGROUND

The Long Term Affordable Housing Strategy, 2010.

The Long Term Affordable Housing Strategy was released by the Minister of Municipal Affairs and Housing in November 2010. Consultation was held across the Province throughout 2009. Brampton staff attended a consultation session on June 29, 2009. The Long Term Affordable Housing Strategy is a result of the provincial consultation and provides a vision for the provision of affordable housing throughout the Province of Ontario. The strategy places a focus on service provision, local flexibility and human services integration.

The implementing Bill 140 would enact the *Housing Services Act, 2010* intended to implement the vision of the Long Term Affordable Housing Strategy. Bill 140 had a first reading on November 29, 2010 and a second reading on December 9, 2010. At this time, it is unknown when the third reading will be and when the Bill will receive Royal Assent. The Bill 140 will repeal the *Social Housing Reform Act, 2000* and modifies provisions of the *Municipal Act, 2001*, the *Planning Act*, *Residential Tenancies Act, 2006*. As with the *Social Housing Reform Act, 2000*, the Region of Peel would continue as the service manager for Brampton with respect to housing needs arising from the Bill. Appendix A includes the Explanatory Note of the *Housing Services Act, 2010*.

Components of the Strategy

The Long Term Affordable Housing Strategy's vision is "*to improve Ontario's access to adequate, suitable and affordable housing, and provide a solid foundation on which to secure employment, raise families and build strong communities.*"

The strategy and proposed legislation is based on four key pillars: putting people first; creating strong partnerships; supporting affordable options; and accountability.

Putting People First

Municipalities such as the Region of Peel will have the flexibility to use existing funds to better address the distinct housing needs of their community. The strategy will simplify rent-g geared-to-income rules to remove barriers in the provision of affordable housing and simplify current calculations. The selection process for social housing units will be adjusted and victims of domestic violence will be given priority on social housing waiting lists. The strategy will also establish a local review process which would provide tenants and housing providers with the option to have a local review of decision matters relating to subsidy suspensions, eligibility, rent determination and type of accommodation.

Creating Strong Partnerships

Another key pillar of the strategy is to build strong partnerships through improving client services by consolidating provincial housing and homelessness programs, and providing an integrated, client-centred approach that is focused on being flexible and tailored to local needs. The strategy will increase local decision making by removing the requirement for "ministerial consent" for a range of activities including financing and changes to social housing properties. The strategy advocates a long term commitment from the federal government with a flexible funding option for affordable housing and maintaining and restoring lost funds for social housing.

Supporting Affordable Options – Two Unit Houses

The Long Term Housing Strategy proposes to introduce amendments to the *Planning Act* that requires municipalities to add policies that would permit second units in new developments and existing neighbourhoods. Second units are defined in the Ministry's housing strategy as private, self-contained residential units with their own kitchen and

bathroom, located in a dwelling, an accessory unit, or above a laneway garage. According to the Housing Strategy, these second units will have to comply with all applicable requirements related to public health and safety such as fire safety, property standards and building code legislation.

Accountability

The Long-Term Housing Strategy is based on a renewed partnership that clarifies the roles and responsibilities for the provision of affordable housing.

CURRENT SITUATION

Influence of the Act:

The four following Acts are affected by the *Housing Services Act, 2010*:

- The *Planning Act*;
- The *Municipal Act, 2001*;
- The *Residential Tenancies Act, 2006*; and
- The *Social Housing Reform Act, 2000* (to be repealed).

The *Housing Services Act, 2010* has a number of regulatory changes to provide a vision for housing and provide for local planning and delivery of services with provincial oversight and flexibility.

Changes to the Planning Act

Bill 140 would amend the *Planning Act* to require municipalities to include second unit policies and provisions and adds "affordable housing" to matters of Provincial interest. The proposed legislation will require that an Official Plan contain policies that permit the use of a second residential unit in a detached, semi-detached or townhouse. The legislation also enables municipalities to pass Zoning By-laws to give effect to second unit policies. The legislation also proposes changes to the *Planning Act* that would not permit appeals to the implementation of Official Plan policies and Zoning By-law provisions for second units, including standards, except through a five year review of an Official Plan.

The Affordable Housing Strategy and the City of Brampton

In reviewing the Act, staff recommends that, should the Act receive Royal Assent, a comprehensive review of current policies within the City of Brampton's Official Plan and Zoning By-law be undertaken to conform to the changes to the *Planning Act*, should Bill 140 be passed at the legislature. City staff will continue to monitor the progress of Bill 140 and report back, as appropriate.

The City's 2006 Official Plan contains a policy that generally discourages two unit houses and requires their establishment be through a comprehensive rezoning process

that gives due consideration to all relevant planning and compatibility issues. The City's comprehensive zoning by-law generally does not permit two unit houses, except for site specific permission in certain areas (i.e. the Springdale community under Section 534 of the Zoning By-Law 270-2004).

As a housekeeping matter in 2006, Council abolished the Registration By-Law 92-96 (the by-law to provide for the registration of two unit houses) because as of 1998, the City no longer accepted applications for two unit houses to the Committee of Adjustment. Specific problems relating to parking, fire safety and property standards were becoming an issue throughout the City. Illegal on-street parking that resulted in the overcrowding of streets caused the City to reassess their position on two unit houses. Further concerns related to property standards and the maintenance of two unit houses as well as fire safety compliance with the *Fire Prevention and Protection Act* lead to the house keeping amendment to abolish the Registration By-law in 2006. The Comprehensive Zoning By-law now regulates two unit houses in the City of Brampton while applications are subject to a public process. Once Bill 140 becomes law, the City of Brampton will have to reconsider its current policy of discouraging the creation of two unit houses.

A City of Brampton staff report to Committee of Council in September, 2009, documented the City's experiences and challenges with implementing fire and life safety, property standards, parking, and the provision of municipal infrastructure and services. Extensive administrative, inspections, and prosecutions resources are needed to address the above issues, even in the current context where limited permissions exist for basement apartments.

The proposed changes to the Planning Act, should Bill 140 receive Royal Assent, will impact the City of Brampton's resource requirements. The establishment of much broader permissions for two unit houses, potentially including basement apartments, would increase the need for fire safety, property standards and other inspections and prosecutions should the units not meet appropriate public safety standards. An increase in staffing for a registration process, property standards and fire safety enforcement would be necessary.

Region of Peel

The Region of Peel is supportive of the Province's Long Term Affordable Housing Strategy and call for the federal government to work with the Province. In May 2010, Peel Region called for the federal government to commit to a National Housing Strategy.

Policies in Regional Official Plan Amendment 23 (ROPA 23) encourage the area municipalities to permit two unit houses as of right in their Official Plans. Adopted by Regional Council in May 2009, ROPA 23 was appealed to the Ontario Municipal Board by Solmar Developments and its final disposition has yet to be determined.

CONCLUSION

The Province's Long Term Affordable Housing Strategy and the enabling legislation in the *Housing Services Act, 2010* is intended to provide a high level vision for housing focusing on local flexibility, service system management and providing housing services to ensure adequate, suitable and affordable housing.

Even though the City supports a strategy to increase the supply of affordable housing across the Region of Peel, staff are concerned that the proposal to permit two unit houses as of right under Bill 140 will impact the following areas:

- increased parking and property standards enforcement;
- ensuring adequate health and safety, fire safety and building code requirements;
- increase in use of existing infrastructure like schools, transportation, parks and health care; and,
- municipal administration and service levels to implement regulations and standards.

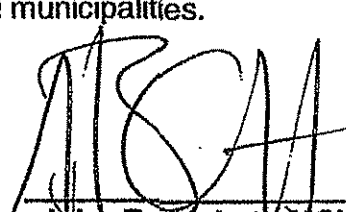
The proposed legislation will mandate municipalities to include Official Plan policies that permit two unit houses in detached and semi-detached dwellings in addition to townhouses. Should Bill 140 become law, staff will have to complete a comprehensive review of the Official Plan and Zoning By-law to establish conformity with the new requirements of the Act.

Bill 140 will have a direct effect on Brampton in terms of added administrative costs and related responsibilities, in addition to impacting existing neighbourhoods. It is recommended that staff be directed to report back should Bill 140 receive Royal Assent and propose a course of action for reviewing the City's planning documents in addition to identifying any other related implications. It is recommended that City staff be directed to prepare a submission to the Province of Ontario to advise that the City of Brampton generally supports the affordable housing strategy but the Province be requested to with hold approval of the portion of the Bill dealing with two unit housing until further clarity is provided with respect to appropriate mechanisms, tools and funding to address the impacts on local municipalities.

Respectfully submitted:



Adrian Smith, MCIP, RPP
Director, Planning Policy and
Growth Management



John B. Corbett, MCIP, RPP
Commissioner, Planning, Design
and Development

Authored by: Karyn Poad & David Waters

Attachment:

Appendix A – Explanatory Note for Bill 140: Housing Services Act, 2010.

HS-B1-9

Authored by: Karyn Poad & David Waters

Attachment:

Appendix A – Explanatory Note for Bill 140: Housing Services Act, 2010.

HS - 81-10

Appendix A
Explanatory Note for
Bill 140: Housing Services Act, 2010

HS-B1-11



2ND SESSION, 39TH LEGISLATURE, ONTARIO
59 ELIZABETH II, 2010

2^e SESSION, 39^e LÉGISLATURE, ONTARIO
59 ELIZABETH II, 2010

Bill 140

Projet de loi 140

**An Act to enact the
Housing Services Act, 2010,
repeal the Social Housing Reform
Act, 2000 and make complementary
and other amendments to other Acts**

**Loi édictant la Loi de 2010
sur les services de logement,
abrogeant la Loi de 2000
sur la réforme du logement social
et apportant des modifications
corrélatives et autres
à d'autres lois**

The Hon. R. Bartolucci
Minister of Municipal Affairs and Housing

L'honorable R. Bartolucci
Ministre des Affaires municipales et du Logement

Government Bill

Projet de loi du gouvernement

1st Reading November 29, 2010
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 29 novembre 2010
2^e lecture
3^e lecture
Sanction royale

Printed by the Legislative Assembly
of Ontario

Imprimé par l'Assemblée législative
de l'Ontario



EXPLANATORY NOTE

The Bill enacts the *Housing Services Act, 2010*, repeals the *Social Housing Reform Act, 2000* and makes complementary and other amendments to various Acts.

**SCHEDULE 1
HOUSING SERVICES ACT, 2010**

The *Housing Services Act, 2010* replaces the *Social Housing Reform Act, 2000* (the "former Act").

Part I – Purpose and Interpretation

Section 1 sets out the purpose of the Act which relates to housing and homelessness services. The purpose is to provide for local planning and delivery of services with provincial oversight and to provide flexibility while retaining certain requirements for programs that predate the Act.

Included in section 2 are a definition of "transferred housing program" as a housing program that was transferred to a service manager under the former Act and a definition of "designated housing project" as a project designated in the regulations as a project in relation to which a service manager administers a transferred housing program. Also included is a definition of "pre-reform operating agreement" as an agreement between a housing provider and a government or government agency from before December 13, 2000, the date most of the former Act came into force.

Section 3 provides that, for the purposes of the Act, a housing project is subject to a transferred housing program only if the project is designated in the regulations.

Part II – Provincial Policies and Local Plans

Section 4 sets out matters of provincial interest relating to housing and homelessness services. Section 5 provides for Ministerial policy statements on matters of provincial interest. Section 6 requires that local housing and homelessness plans must address the matters of provincial interest and be consistent with the Ministerial policy statements.

Part III – Service Managers

Section 11 provides for the designation of service managers and their service areas by regulation. A service manager can either be a municipality or a district social services administration board. Under section 12, the role of a service manager is to carry out measures to meet the objectives and targets relating to housing needs in the service manager's housing and homelessness plan. Section 13 provides that the service manager may administer and fund housing and homelessness programs and services and may provide housing directly. Under sections 20 to 22, service managers are required to make periodic and other reports to the Minister and to report to the public.

Part IV – Local Housing Corporations

Section 24 defines "local housing corporation" as a local housing corporation that was incorporated in accordance with the former Act. For each local housing corporation, there is a "related service manager", which is also defined.

Section 27 requires a local housing corporation to be operated in accordance with the prescribed rules and the rules made by the related service manager. Section 28 requires the related service

NOTE EXPLICATIVE

Le projet de loi édicte la *Loi de 2010 sur les services de logement*, abroge la *Loi de 2000 sur la réforme du logement social* et apporte des modifications complémentaires et autres à diverses lois.

**ANNEXE 1
LOI DE 2010 SUR LES SERVICES DE LOGEMENT**

La *Loi de 2010 sur les services de logement* remplace la *Loi de 2000 sur la réforme du logement social* («ancienne loi»).

Partie I : Objet et interprétation

L'article 1 énonce l'objet de la Loi, qui est de prévoir la planification et la prestation, à l'échelle locale, de services liés au logement et à l'itinérance sous la surveillance de la Province et d'offrir de la souplesse tout en maintenant certaines exigences relatives aux programmes qui sont antérieurs à la Loi.

L'article 2 renferme les définitions de plusieurs termes, dont «programme de logement transféré», qui est défini comme étant un programme de logement dont la responsabilité a été transférée à un gestionnaire de services en application de l'ancienne loi, «ensemble domiciliaire désigné», qui est défini comme étant un ensemble domiciliaire désigné dans les règlements comme ensemble à l'égard duquel un gestionnaire de services administre un programme de logement transféré, et «accord d'exploitation antérieur à la réforme», qui est défini comme étant un accord qui a été conclu entre un fournisseur de logements et un gouvernement ou organisme gouvernemental avant le 13 décembre 2000, date d'entrée en vigueur de la plupart des dispositions de l'ancienne loi.

L'article 3 prévoit que, pour l'application de la Loi, un ensemble domiciliaire n'est visé par un programme de logement transféré que s'il est désigné dans les règlements.

Partie II : Politiques provinciales et plans locaux

L'article 4 énonce les questions d'intérêt provincial se rapportant aux services liés au logement et à l'itinérance. L'article 5 traite des déclarations de principes que le ministre peut faire à l'égard de ces questions. L'article 6 exige que les plans locaux de logement et de lutte contre l'itinérance traitent des questions d'intérêt provincial et soient compatibles avec les déclarations de principes du ministre.

Partie III : Gestionnaires de services

L'article 11 prévoit la désignation par règlement des gestionnaires de services et de leur aire de service respective. Un gestionnaire de services peut être soit une municipalité soit un conseil d'administration de district des services sociaux. L'article 12 décrit le rôle du gestionnaire de services, qui consiste à prendre des mesures pour atteindre les objectifs et cibles relatifs aux besoins en matière de logement qui sont énoncés dans son plan de logement et de lutte contre l'itinérance. L'article 13 habilite le gestionnaire de services à administrer et à financer des programmes et services liés au logement et à l'itinérance et à fournir directement des logements. Les articles 20 à 22 traitent de l'obligation qu'ont les gestionnaires de services de remettre des rapports périodiques et autres au ministre et de faire rapport au public.

Partie IV : Sociétés locales de logement

L'article 24 définit le terme «société locale de logement» comme étant une société locale de logement qui a été constituée conformément à l'ancienne loi. Chaque société locale de logement a un «gestionnaire de services lié», terme également défini à cet article.

L'article 27 prévoit que les sociétés locales de logement fonctionnent conformément aux règles prescrites et aux règles établies par le gestionnaire de services lié. L'article 28 exige que ce

manager to pay a subsidy to the local housing corporation in accordance with the regulations.

Section 30 provides that a corporation remains a local housing corporation only if all the shares are held by specified entities and only if the related service manager owns a majority of voting shares. Sections 32 to 38 set out a number of restrictions on corporate changes, including certain share transfers, amalgamations and dissolutions.

Part V – Rent-geared-to-income Assistance and Special Needs Housing

Section 40 defines "rent-geared-to-income assistance" as financial assistance provided to reduce the rent a household would otherwise have to pay, and "special needs housing" as housing for people who require accessibility modifications or provincially funded support services. The special needs housing administrator who performs a number of functions relating to special needs housing is, under the definition in section 40, the service manager or, if the regulations so provide, the housing provider.

Section 41 provides that the Part, with a few exceptions, applies to rent-geared-to-income assistance and special needs housing under a transferred housing program that is prescribed.

Sections 42 and 43 provide for minimum prescribed service levels for rent-geared-to-income assistance and modified units.

Sections 44 to 60 deal with rent-geared-to-income assistance. Included are provisions on eligibility rules, occupancy standards, applications, the selection of waiting households, the determination of geared-to-income rent and reviews to ensure that households continue to be eligible. Under section 57, it is an offence to obtain assistance to which a household is not entitled. Under section 58, assistance for which a household was not entitled can be recovered. Section 59 provides for the designation of eligibility review officers to investigate eligibility for assistance. Section 60 provides for the designation of family support workers to assist households that are eligible for assistance in pursuing financial support from other persons.

Sections 61 to 69 deal with special needs housing. Included are provisions on eligibility rules, applications, the selection of waiting households and reviews to ensure that households continue to be eligible.

Part VI – General Rules for Transferred Housing Programs and Projects

This Part sets out general rules for transferred housing programs and for designated housing projects.

Under section 70, a service manager has a duty to administer and fund a transferred housing program as it relates to designated housing projects. The service manager must carry out those duties in accordance with the Act and the regulations and any applicable pre-reform operating agreement. Section 71 sets out the general duty of a housing provider operating a designated housing project.

The Part also provides for records, audits or investigations and notices to the Minister if certain designated housing projects are in difficulty.

dernier verse un subside à la société locale de logement conformément aux règlements.

L'article 30 prévoit qu'une personne morale ne peut continuer d'être une société locale de logement que si toutes ses actions sont détenues par des entités précisées et que le gestionnaire de services lié est propriétaire de la majorité des actions assorties d'un droit de vote. Les articles 32 à 38 énoncent des restrictions applicables à certaines modifications de structure, notamment les transferts d'actions, les fusions et les dissolutions.

Partie V : Aide sous forme de loyer indexé sur le revenu et logements adaptés

L'article 40 définit les termes «aide sous forme de loyer indexé sur le revenu» et «logement adapté» comme étant respectivement une aide financière fournie afin de réduire le loyer qu'un ménage aurait autrement à payer et un logement destiné aux particuliers qui ont besoin de modifications concernant l'accessibilité ou de services de soutien financés par la Province. L'administrateur de logements adaptés, qui exerce des fonctions à l'égard des logements adaptés, est, par définition, le gestionnaire de services ou, si les règlements le prévoient, le fournisseur de logements.

L'article 41 prévoit que la partie V, sauf quelques exceptions, s'applique à l'aide sous forme de loyer indexé sur le revenu et aux logements adaptés fournis dans le cadre d'un programme de logement transféré qui est prescrit.

Les articles 42 et 43 prévoient que des niveaux de service minimaux prescrits à l'égard de l'aide sous forme de loyer indexé sur le revenu et des logements modifiés.

Les articles 44 à 60 traitent de l'aide sous forme de loyer indexé sur le revenu, et notamment des règles d'admissibilité, des normes d'occupation, des demandes, de la sélection des ménages en attente d'une aide, de la détermination du loyer indexé sur le revenu ainsi que des révisions effectuées pour décider si les ménages continuent d'être admissibles à une telle aide. Aux termes de l'article 57, commettre une infraction le ménage qui obtient une aide sous forme de loyer indexé sur le revenu à laquelle il n'a pas droit. L'article 58 prévoit le recouvrement de l'aide à laquelle un ménage n'avait pas droit. L'article 59 prévoit la désignation d'agents de révision de l'admissibilité chargés d'enquêter sur l'admissibilité à l'aide et l'article 60, la désignation d'agents d'aide au recouvrement qui aident les ménages admissibles à l'aide à obtenir le soutien financier d'autres personnes.

Les articles 61 à 69 traitent du logement adapté, et notamment des règles d'admissibilité, des demandes, de la sélection des ménages en attente de tels logements ainsi que des révisions effectuées pour décider si les ménages continuent d'être admissibles à de tels logements.

Partie VI : Règles générales applicables aux programmes de logement transférés et ensembles domiciliaires désignés

Cette partie énonce les règles générales qui s'appliquent aux programmes de logement transférés et aux ensembles domiciliaires désignés.

L'article 70 impose au gestionnaire de services l'obligation d'administrer et de financer un programme de logement transféré en ce qui concerne des ensembles domiciliaires désignés et de s'acquiescer de cette obligation conformément à la Loi, aux règlements et à tout accord d'exploitation antérieur à la réforme qui est applicable. L'article 71 décrit l'obligation générale du fournisseur de logements qui exploite un ensemble domiciliaire désigné.

Cette partie traite également des dossiers et des vérifications ou enquêtes ainsi que des avis qui doivent être remis au ministre si certains ensembles domiciliaires désignés sont en difficulté.

Part VII – General Rules for Certain Housing Projects

This Part sets out rules relating to Part VII housing projects which are defined, in section 75, as designated housing projects that are prescribed. The Part applies to a housing provider that operates a Part VII housing project and to a service manager that has a Part VII housing project in its service area.

Section 77 requires a housing provider to operate a Part VII housing project in accordance with the prescribed requirements and the service manager's standards. Mandates and certain targets under the former Act are continued under sections 78 and 79. Section 80 requires a service manager to pay a subsidy to the housing provider in accordance with the regulations. A housing provider is required to make annual and other reports to the service manager under sections 82 and 83.

Sections 84 to 100 deal with enforcement. Under section 84, a service manager may appoint a person to conduct an audit or investigation of a housing provider. Section 85 sets out a number of triggering events in respect of which a service manager may use the remedies set out in section 87. Section 92 requires, with some exceptions, that before using a remedy a service manager must give the housing provider a notice and an opportunity to rectify the problem. Sections 93 to 100 deal with the exercise of specific remedies.

Part VIII – Payment of Certain Housing Costs

Section 102 requires the Minister to distribute federal housing funding to service managers.

Sections 103 to 108 provide for the Minister to recover certain provincial housing costs from service managers.

Sections 109 to 116 provide for service managers to recover a portion of their costs. Under section 111, a municipal service manager can recover costs from municipalities in the service area that do not form part of the service manager for municipal purposes. Under section 112, a dssab service manager can recover costs from the municipalities in its service area and from the Minister in relation to territory without municipal organization.

Sections 117 to 119 provide special rules for service managers in the Greater Toronto Area. Under section 119, the regulations can prescribe equalization payments to be made between the service managers.

Part IX – Housing Services Corporation

Section 121 continues the Social Housing Services Corporation established under the former Act as the Housing Services Corporation. Section 122 sets out the objects of the Corporation which include improving the operation, efficiency and long-term sustainability of moderate and low-income housing providers and improving the management of their physical assets. Section 124 sets out activities that the Corporation is required to undertake.

Section 127 provides for the members of the Corporation and section 128 provides for its board of directors. Sections 130 to 145 deal with various matters relating to directors and officers.

Partie VII : Règles générales applicables à certains ensembles domiciliaires

Cette partie énonce les règles qui s'appliquent à l'égard des ensembles domiciliaires visés par la partie VII, c'est-à-dire, selon la définition qui est donnée de ce terme à l'article 75, les ensembles domiciliaires désignés qui sont prescrits. Elle s'applique aux fournisseurs de logements qui exploitent de tels ensembles et aux gestionnaires de services qui comptent ces ensembles dans leur aire de service.

L'article 77 exige que le fournisseur de logements exploite un ensemble domiciliaire visé par la partie VII conformément aux exigences prescrites et aux normes établies par le gestionnaire de services. Les mandats et certaines cibles établis en application de l'ancienne loi demeurent en vigueur aux termes des articles 78 et 79. L'article 80 exige que le gestionnaire de services verse un subside au fournisseur de logements conformément aux règlements. Ce dernier est tenu de remettre des rapports, notamment un rapport annuel, au gestionnaire de services en application des articles 82 et 83.

Les articles 84 à 100 traitent de l'exécution. En vertu de l'article 84, le gestionnaire de services peut charger une personne d'effectuer une vérification ou une enquête relativement à un fournisseur de logements. L'article 85 énonce certains faits déclencheurs à l'égard desquels le gestionnaire de services peut exercer les recours prévus à l'article 87. À part quelques exceptions, l'article 92 prévoit que le gestionnaire de services ne peut exercer un recours sans avoir d'abord avisé le fournisseur de logements et lui avoir donné l'occasion de remédier à la situation. Les articles 93 à 100 traitent de l'exercice de recours précis.

Partie VIII : Paiement de certains coûts en matière de logement

L'article 102 oblige le ministre à distribuer les subventions fédérales au logement aux gestionnaires de services.

Les articles 103 à 108 traitent du recouvrement par le ministre auprès des gestionnaires de services de certains coûts de la Province en matière de logement.

Les articles 109 à 116 traitent du recouvrement par les gestionnaires de services d'une partie de leurs coûts. Aux termes de l'article 111, la municipalité gestionnaire de services peut recouvrer des coûts des municipalités situées dans son aire de service qui ne font pas partie du gestionnaire de services aux fins municipales. Aux termes de l'article 112, un conseil gestionnaire de services peut recouvrer des coûts des municipalités situées dans son aire de service et, pour ce qui est du territoire non érigé en municipalité situé dans son aire de service, du ministre.

Les articles 117 à 119 énoncent les règles particulières qui s'appliquent aux gestionnaires de services du Grand Toronto. L'article 119 prévoit que les règlements peuvent prescrire les paiements d'égalisation que les gestionnaires de services doivent verser à un ou plusieurs autres gestionnaires de services.

Partie IX : Société des services de logement

L'article 121 proroge, sous le nom de Société des services de logement, la Société des services de logement social créée en application de l'ancienne loi. L'article 122 énonce les objets de la Société, qui sont notamment l'amélioration du fonctionnement, de l'efficacité et de la durabilité à long terme des fournisseurs de logements qui fournissent des logements aux ménages à moyen et à faible revenu et l'amélioration de la gestion de leurs actifs corporels. L'article 124 énonce ce que la Société est tenue de faire.

L'article 127 traite des membres de la Société, et l'article 128, de son conseil d'administration. Les articles 130 à 145 traitent de diverses questions relatives aux administrateurs et aux dirigeants.

Sections 146 to 150 deal with financial matters. Section 146 requires service managers to make prescribed contributions to the Corporation. Section 149 provides that the regulations may regulate the fees the Corporation charges.

Sections 151 to 154 deal with various miscellaneous matters. Under section 151, the regulations can require members to participate in the prescribed programs and activities of the Corporation and local housing corporations are required to participate in particular programs unless the Minister consents to their not participating.

Part X – Miscellaneous

Part X deals with a number of miscellaneous matters.

Sections 155 to 159 provide for a system for dealing with reviews which service managers are required to have. Sections 156 and 157 allow households and housing providers to request reviews.

Sections 160 to 165 impose restrictions on certain dealings with land that was transferred by a transfer order under the former Act and with certain housing projects.

Section 166 restricts certain housing providers from making certain corporate changes.

Section 167 provides for exemptions from specified Acts for certain transfers.

Section 168 requires the Minister to report to the public in accordance with the prescribed requirements.

Sections 169 to 176 deal with personal information and provide for safeguards and the sharing of information.

Section 177 protects the Province from liability for changes to the provincial refinancing system for housing providers.

Section 178 clarifies the effect of transfer orders made under the former Act and section 179 continues the power to make or amend transfer orders for a two-year period.

Section 180 provides for the Act to prevail in the event of a conflict with another Act.

Sections 181 to 183 provide for the making of regulations.

Part XI – Repeal and Consequential Amendments

Section 184 repeals the *Social Housing Reform Act, 2000*. Section 185 includes amendments to the Act arising from the new *Not-for-Profit Corporations Act, 2010*. Sections 186 to 188 make consequential amendments to other Acts.

Part XII – Commencement and Short Title

Section 189 provides for the Act to come into force on proclamation.

**SCHEDULE 2
AMENDMENTS TO PLANNING ACT**

Schedule 2 amends the *Planning Act*.

Clause 2 (j) is replaced to add a reference to affordable housing to the matters of provincial interest under section 2.

The new subsection 16 (3) requires an official plan to have policies that authorize the use of a second residential unit.

Les articles 146 à 150 portent sur les questions financières. L'article 146 oblige les gestionnaires de services à verser des montants prescrits à la Société. L'article 149 prévoit que les règlements peuvent régir les droits que la Société peut exiger pour ses services.

Les articles 151 à 154 traitent de questions diverses. Aux termes de l'article 151, les règlements peuvent exiger que des membres participent aux programmes et activités prescrits de la Société. Aux termes de ce même article, les sociétés locales de logement sont tenues de participer à des programmes particuliers sauf si le ministre consent à leur non-participation.

Partie X : Divers

La partie X traite de questions diverses.

Les articles 155 à 159 traitent du processus de révision que doivent mettre en place les gestionnaires de services. Les articles 156 et 157 autorisent les ménages et les fournisseurs de logements à demander des révisions.

Les articles 160 à 165 imposent des restrictions applicables à certaines opérations visant des biens-fonds qui ont été transférés aux termes d'un décret de transfert ou de mutation prévu par l'ancienne loi ainsi qu'à celles visant certains ensembles domiciliaires.

L'article 166 impose des restrictions à certains fournisseurs de logements pour ce qui est de procéder à certaines modifications de structure.

L'article 167 soustrait certains transferts à l'application des lois précisées.

L'article 168 oblige le ministre à faire rapport au public conformément aux exigences prescrites.

Les articles 169 à 176 traitent des renseignements personnels, notamment leur protection et leur communication.

Aux termes de l'article 177, la Province n'encourt pas de responsabilité à l'égard des modifications apportées au mécanisme provincial de refinancement pour les fournisseurs de logements.

L'article 178 précise l'effet des décrets de transfert ou de mutation pris en vertu de l'ancienne loi, tandis que l'article 179 maintient pendant deux ans le pouvoir de prendre ou de modifier de tels décrets.

L'article 180 prévoit que la Loi l'emporte sur les dispositions incompatibles d'une autre loi.

Les articles 181 à 183 traitent de la prise des règlements.

Partie XI : Abrogation et modifications corrélatives

L'article 184 abroge la *Loi de 2000 sur la réforme du logement social*. L'article 185 ajoute des modifications à la Loi qui découlent de la *Loi de 2010 sur les organisations sans but lucratif*. Les articles 186 à 188 apportent des modifications corrélatives à d'autres lois.

Partie XII : Entrée en vigueur et titre abrégé

L'article 189 prévoit que la Loi entre en vigueur sur proclamation.

**ANNEXE 2
MODIFICATIONS APPORTÉES À LA
LOI SUR L'AMÉNAGEMENT DU TERRITOIRE**

L'annexe 2 modifie la *Loi sur l'aménagement du territoire*.

L'alinéa 2 j) est remplacé afin d'ajouter le logement abordable aux questions d'intérêt provincial visées à l'article 2.

Le nouveau paragraphe 16 (3) exige qu'un plan officiel contienne des politiques permettant l'utilisation d'une deuxième unité d'habitation.

The amendments to section 17 provide for there to be no appeal of a decision to adopt or approve the second unit policies.

The amendment to section 22 provides for there to be no appeal in respect of a request to amend or revoke the second unit policies.

The amendment to section 34 provides for there to be no appeal in respect of a by-law to give effect to the second unit policies.

The new section 35.1 requires councils to pass zoning by-laws to give effect to the second unit policies. The Minister may make regulations that authorize the use of, and prescribe requirements and standards for, second units. Such regulations will prevail over a zoning by-law passed by a council.

The amendment to section 39.1 increases the period of time a by-law may authorize the temporary use of a garden suite from 10 years to 20 years.

**SCHEDULE 3
AMENDMENTS TO
RESIDENTIAL TENANCIES ACT, 2006**

Schedule 3 amends the *Residential Tenancies Act, 2006*.

Sections 188 and 189 are replaced to provide for the Landlord and Tenant Board to give the parties copies of applications and other prescribed documents and information. Provision is made for the Board to order the applicant to give a copy of an application or a notice of hearing.

The new section 206.1 allows the Board to designate hearing officers. A hearing officer can deal with an application if the respondent does not appear or if the application is specified in the Board's rules.

The amendments to subsection 241 (1) deal with the regulation-making powers for the new sections.

Les modifications apportées à l'article 17 prévoient qu'il ne peut pas être interjeté appel à l'égard d'une décision d'adopter ou d'approuver des politiques relatives aux deuxièmes unités d'habitation.

La modification apportée à l'article 22 prévoit qu'il ne peut pas être interjeté appel à l'égard d'une demande de modification ou de révocation des politiques relatives aux deuxièmes unités d'habitation.

La modification apportée à l'article 34 prévoit qu'il ne peut pas être interjeté appel à l'égard de règlements municipaux qui donnent effet aux politiques relatives aux deuxièmes unités d'habitation.

Le nouvel article 35.1 exige que les conseils adoptent des règlements municipaux de zonage afin de donner effet aux politiques relatives aux deuxièmes unités d'habitation. Le ministre peut, par règlement, autoriser l'utilisation de telles unités et prescrire des exigences et des normes à leur sujet. Tout règlement ainsi pris l'emporte sur un règlement municipal de zonage adopté par le conseil.

La modification apportée à l'article 39.1 fait passer de 10 ans à 20 ans la période pendant laquelle un règlement municipal peut autoriser l'utilisation temporaire d'un pavillon-jardin.

**ANNEXE 3
MODIFICATIONS APPORTÉES À LA
LOI DE 2006 SUR LA LOCATION
À USAGE D'HABITATION**

L'annexe 3 modifie la *Loi de 2006 sur la location à usage d'habitation*.

Les articles 188 et 189 sont remplacés de manière à exiger de la Commission de la location immobilière qu'elle remette aux parties des copies des requêtes et leur fournisse les autres documents et renseignements prescrits, et de manière à l'autoriser à ordonner au requérant de remettre une copie de la requête ou un avis d'audience aux autres parties.

Le nouvel article 206.1 autorise la Commission à désigner des agents d'audience. Ces agents peuvent traiter les requêtes auxquelles l'intimé ne comparait pas ainsi que celles que précisent les règles de la Commission.

Les modifications apportées au paragraphe 241 (1) traitent des pouvoirs réglementaires se rapportant aux nouveaux articles.