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Housing Development Act

R.S.O. 1990, Chapter H.18

**Consolidation Period:** From October 19, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2021, c. 4, Sched. 6, s. 53](http://www.ontario.ca/laws/statute/S21004" \l "sched6s53s1).

Legislative History: 1997, c. 29, s. 59; 1999, c. 12, Sched. M, s. 15; [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1); [2006, c. 11, Sched. B, s. 7](http://www.ontario.ca/laws/statute/S06011" \l "schedbs7); [2006, c. 32, Sched. C, s. 26](http://www.ontario.ca/laws/statute/S06032" \l "schedcs26s1); [2011, c. 9, Sched. 27, s. 29](http://www.ontario.ca/laws/statute/S11009" \l "sched27s29); [2014, c. 7, Sched. 12](http://www.ontario.ca/laws/statute/S14007" \l "sched12s1); [2015, c. 38, Sched. 7, s. 49](http://www.ontario.ca/laws/statute/S15038" \l "sched7s49); [2017, c. 20, Sched. 8, s. 87](http://www.ontario.ca/laws/statute/S17020" \l "sched8s87); [2017, c. 23, Sched. 5, s. 37, 38](http://www.ontario.ca/laws/statute/S17023" \l "sched5s37); [2021, c. 4, Sched. 6, s. 53](http://www.ontario.ca/laws/statute/S21004" \l "sched6s53s1).

Definitions

**1** In this Act,

“building development” means a project or undertaking designed to provide, or to facilitate in any way the provision, repair, rehabilitation or improvement of, housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor; (“programme de construction de logements”)

“building development corporation” means a corporation authorized to undertake a building development that is approved by the Lieutenant Governor in Council, and includes any authority established by a municipality to undertake a building development; (“société d’habitation”)

“Minister” means the Minister of Housing; (“ministre”)

“regulations” means the regulations made under this Act. (“règlements”) R.S.O. 1990, c. H.18, s. 1; 2002, c. 17, Sched. F, Table.

**Section Amendments with date in force (d/m/y)**

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

L.G. in C. may advance or guarantee money for building developments, etc.

**2** (1)  The Lieutenant Governor in Council may,

(a) guarantee money loaned to persons to be used in the construction of a building development;

(b) advance money or guarantee money loaned to any building development corporation to undertake a building development;

(c) advance money or guarantee money loaned to persons to acquire and rehabilitate housing units;

(d) advance money or guarantee money loaned to any municipality to acquire, demolish and clear dwelling units on land in the municipality that cannot reasonably be rehabilitated for housing purposes;

(e) make grants or loans in aid of the capital, maintenance, operating and other costs of any building development; and

(f) provide financial assistance to or for the benefit of any occupant or any class or classes of occupant of housing accommodation to assist in the payment of rent, mortgage payments or other charges relating to the occupancy of such accommodation. R.S.O. 1990, c. H.18, s. 2 (1).

Use of certain lands restricted

(2)  Where money is advanced or guaranteed under clause (1) (d), the land shall not be used for other than public purposes without the approval of the Minister. R.S.O. 1990, c. H.18, s. 2 (2).

Grants or loans

**3** (1)  The Minister, out of the money appropriated therefor by the Legislature, may make grants or loans to a municipality or to any person on such terms and conditions and in such amounts as are prescribed by the regulations to assist in the repair, rehabilitation, improvement or conversion of real property used or to be used for residential purposes. R.S.O. 1990, c. H.18, s. 3 (1).

Lien

(2)  Where a municipality uses money received from the Minister under subsection (1) to make a loan to an owner of real property used or to be used for residential purposes for the purposes referred to in subsection (1), the amount of the loan, together with interest at a rate to be determined in accordance with the regulations, may be added by the clerk of the municipality to the collector’s roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. R.S.O. 1990, c. H.18, s. 3 (2).

Registration of certificate

(3)  A certificate signed by the clerk of the municipality setting out the amount loaned to an owner as referred to in subsection (2), including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. R.S.O. 1990, c. H.18, s. 3 (3).

Promissory note

(4)  As an alternative or in addition to adding the amount of the loan and interest to the collector’s roll and registering a certificate in respect thereof as provided in subsections (2) and (3), the municipality may take from the owner a promissory note as security for the repayment of the amount loaned and interest thereon. R.S.O. 1990, c. H.18, s. 3 (4).

Grants for studies into housing and to assist house building industry

**4** The Minister may,

(a) make grants in aid of studies into housing conditions or any matter relating to housing in Ontario; and

(b) make grants and otherwise assist the house building industry in Ontario by stimulating and encouraging research, education and constructive competition within the industry. R.S.O. 1990, c. H.18, s. 4.

Advisory committees

**5** The Minister may, for the purpose of being provided with assistance in carrying out the responsibilities imposed under this Act, appoint such advisory committees as the Minister may consider necessary and may pay the reasonable travelling and living expenses incurred by the members of such advisory committees. R.S.O. 1990, c. H.18, s. 5.

Municipalities may assist in financing

**6** Despite any other Act, any municipality, with the approval of the Lieutenant Governor in Council, may advance money or guarantee money to be advanced to any building development corporation undertaking a building development, and may issue debentures therefor. R.S.O. 1990, c. H.18, s. 6.

Joint housing projects authorized

**7** (1)  The Crown in right of Ontario represented by the Minister may make agreements with the Crown in right of Canada represented by the Minister of Government Services or such other Minister as may be authorized in that behalf respecting joint projects as contemplated in section 40 of the National Housing Act (Canada) for,

(a) the acquisition and development of land for housing purposes;

(b) the construction of housing projects for sale or for rent; and

(c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in any municipality. R.S.O. 1990, c. H.18, s. 7 (1).

Corporation to carry out building developments and housing projects

(2)  The Lieutenant Governor in Council may constitute corporations with such powers and duties as are considered expedient to carry out any of the terms of any agreement made under subsection (1), or to carry out any building development or housing project, including power to plan, construct and manage any building development or any housing project undertaken under any such agreement or otherwise, and including power to acquire and dispose of land in their own name. R.S.O. 1990, c. H.18, s. 7 (2).

Provincial share of cost

(3)  Any money required to be furnished by the Crown in right of Ontario under any agreement made under subsection (1) shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. H.18, s. 7 (3).

Money required by corporations for purposes other than carrying out agreements

(4)  Any money required by the Crown in right of Ontario for the purposes of any corporation constituted under subsection (2) for purposes other than to carry out the terms of an agreement made under subsection (1) shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. H.18, s. 7 (4).

Powers of municipalities under joint housing agreements

(5)  Despite any other Act, the council of a municipality that enters into or has heretofore entered into an agreement with Her Majesty the Queen in right of Ontario, or with Her Majesty the Queen in right of Ontario and Central Mortgage and Housing Corporation, a corporation established by The Central Mortgage and Housing Corporation Act (Canada), pursuant to The Housing Development Act, 1948 or this Act or a predecessor of this Act shall be deemed to have and to have had authority to enter into such agreement and shall have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given by such council pursuant thereto, and, without limiting the generality of the foregoing, such council may incur continuing obligations and make provisions for the discharge thereof and may contribute money to and expend money on joint housing projects and raise money therefor by the issue of debentures, all without the assent of the electors and without reference to the Ontario Land Tribunal, and such council may apportion any debt or obligation arising out of such agreement in such manner as it considers equitable against any properties, whether such properties form part of a project within the meaning of such agreement or are adjacent thereto, and such debt or obligation when so apportioned shall have priority lien status as described in section 1 of the Municipal Act, 2001 or section 3 of the City of Toronto Act, 2006, as the case may be. R.S.O. 1990, c. H.18, s. 7 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 26 (1); 2017, c. 23, Sched. 5, s. 37; 2021, c. 4, Sched. 6, s. 53 (1).

(6)-(8)  Repealed: 1997, c. 29, s. 59.

Power to expedite development of projects or developments

(9)  Despite any other Act, the Lieutenant Governor in Council may authorize any municipality in or near which a housing project or building development is undertaken to do or not to do such acts or things as are considered expedient in order to avoid undue delay in the development of the housing project or building development, including the furnishing of municipal services. R.S.O. 1990, c. H.18, s. 7 (9).

(10)  Repealed: 1997, c. 29, s. 59.

**Section Amendments with date in force (d/m/y)**

1997, c. 29, s. 59 - 1/01/1998

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

[2006, c. 32, Sched. C, s. 26 (1)](http://www.ontario.ca/laws/statute/S06032" \l "schedcs26s1) - 01/01/2007

[2017, c. 23, Sched. 5, s. 37](http://www.ontario.ca/laws/statute/S17023" \l "sched5s37) - 03/04/2018

[2021, c. 4, Sched. 6, s. 53 (1)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s53s1) - 01/06/2021

Acquisition of land

**8** (1)  The Minister may, for and in the name of Her Majesty in right of Ontario, acquire by purchase or otherwise, or, without the consent of the owner, enter upon, take and expropriate any land the Minister considers necessary for the purposes of a housing project under section 7, or of a building development and may sell, lease or otherwise dispose of any of such land on such terms and conditions as the Minister may determine. R.S.O. 1990, c. H.18, s. 8 (1).

Expropriation

(2)  The Minister in the exercise of the powers to take land compulsorily has all the powers conferred by the Ministry of Infrastructure Act, 2011 on the Minister of Infrastructure in relation to Government property, and in the application of this section where the words “the Minister”, “the Ministry” or “the Crown” appear in such Act, they mean, where the context permits, the Minister under this Act. R.S.O. 1990, c. H.18, s. 8 (2); 2011, c. 9, Sched. 27, s. 29; 2015, c. 38, Sched. 7, s. 49.

Procedure

(3)  The Minister shall proceed in the manner provided by the Expropriations Act, and the provisions of that Act apply. R.S.O. 1990, c. H.18, s. 8 (3).

**Section Amendments with date in force (d/m/y)**

[2011, c. 9, Sched. 27, s. 29](http://www.ontario.ca/laws/statute/S11009" \l "sched27s29) - 06/06/2011

[2015, c. 38, Sched. 7, s. 49](http://www.ontario.ca/laws/statute/S15038" \l "sched7s49) - 10/12/2016

Contribution by corporations

**9** (1)  The Crown in right of Ontario may enter into an agreement with any corporation under which the corporation will contribute money to any joint housing project being carried out under section 7. R.S.O. 1990, c. H.18, s. 9 (1).

Powers of corporations

(2)  Any corporation incorporated under the laws of Ontario has power to enter into and carry out such agreement. R.S.O. 1990, c. H.18, s. 9 (2).

Definition

**10** (1)  In this section,

“family of low income” means a family that receives a total family income that, in the opinion of the Minister, is insufficient to permit it to rent housing accommodation adequate for its needs at the current rental market in the area in which the family lives. R.S.O. 1990, c. H.18, s. 10 (1).

Powers of management corporations

(2)  With the approval of the Lieutenant Governor in Council, a corporation constituted under subsection 7 (2) may,

(a) lease privately-owned housing units for occupancy by families of low income and lease such housing units to families of low income; and

(b) if requested by the municipality in which the corporation exercises its powers,

(i) inquire into any matter relating to housing conditions or a building development in the municipality and report thereon to the municipality with its recommendations, and

(ii) undertake the management of any housing development in the municipality. R.S.O. 1990, c. H.18, s. 10 (2).

Payment of expenses re inquiry

(3)  The municipality at whose request an inquiry is made under subsection (2) may pay all or any part of the expenses incurred by the corporation with respect to such inquiry. R.S.O. 1990, c. H.18, s. 10 (3).

Management fees

(4)  Where a corporation manages a housing development at the request of a municipality, the municipality shall pay to the corporation such fees for the management of the housing development as may be prescribed by the regulations made under this Act. R.S.O. 1990, c. H.18, s. 10 (4).

Money required for purposes of Act

**11** The money required by the Lieutenant Governor in Council for the purposes of this Act shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. H.18, s. 11; 2014, c. 7, Sched. 12, s. 1.

**Section Amendments with date in force (d/m/y)**

[2014, c. 7, Sched. 12, s. 1](http://www.ontario.ca/laws/statute/S14007" \l "sched12s1) - 01/04/2015

Cost of administration

**12** The cost of administration of this Act shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. H.18, s. 12.

Incorporation of non-profit housing corporation

**13** (1)  A municipality, either solely or together with one or more other persons, may incorporate under the laws of Ontario one or more non-profit housing corporations having as the objects of incorporation the provision and operation of housing accommodation with or without any public space, recreational facilities and commercial space or buildings appropriate thereto primarily for persons of low or modest income at rentals below the current rental market in the area in which the accommodation is located. R.S.O. 1990, c. H.18, s. 13 (1).

Provisions applicable to corporation incorporated by municipality

(2)  A municipality that incorporates a corporation as referred to in subsection (1) may own or control all or any part of the shares, capital or assets, as the case may be, of the corporation, provided however that, notwithstanding any of the provisions of the Not-for-Profit Corporations Act, 2010 or the Business Corporations Act, the directors of the corporation shall not declare, nor the corporation pay, any dividends on any issued shares of the corporation, and no part of the income of the corporation shall be payable to or otherwise available for the personal benefit of any shareholder or member of the corporation and its letters patent, supplementary letters patent or articles may so provide. R.S.O. 1990, c. H.18, s. 13 (2); 2017, c. 20, Sched. 8, s. 87.

Acquisition of land by corporation

(3)  Where a corporation is incorporated as referred to in subsection (1), the corporation shall not acquire lands for its purposes except with the approval of the Minister or except in accordance with the provisions of an official plan or a policy statement, which official plan provisions or policy statement have been approved by the Minister under section 17. R.S.O. 1990, c. H.18, s. 13 (3).

Approval not required

(4)  Section 474.10.13 of the Municipal Act, 2001 and section 432.0.12 of the City of Toronto Act, 2006 do not apply to a corporation as referred to in subsection (1). 2017, c. 23, Sched. 5, s. 38; 2021, c. 4, Sched. 6, s. 53 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 87](http://www.ontario.ca/laws/statute/S17020" \l "sched8s87) - 19/10/2021; [2017, c. 23, Sched. 5, s. 38](http://www.ontario.ca/laws/statute/S17023" \l "sched5s38) - 03/04/2018

[2021, c. 4, Sched. 6, s. 53 (2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s53s2) - 01/06/2021

**14** Repealed: 2014, c. 7, Sched. 12, s. 2.

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. M, s. 15 - 22/12/1999

[2014, c. 7, Sched. 12, s. 2](http://www.ontario.ca/laws/statute/S14007" \l "sched12s2) - 01/04/2015

Regulations

**15** The Lieutenant Governor in Council may make regulations,

(a) prescribing amounts of and the terms and conditions upon which money may be granted, loaned, advanced or guaranteed under this Act or any section thereof;

(b) providing for the incorporation, constitution and management of building development authorities;

(c) prescribing fees for the management of housing developments which may be different in respect of any one or more housing developments;

(d) prescribing forms and providing for their use;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. H.18, s. 15.

Definition

**16** In sections 17 and 18,

“housing project” means a project designed to provide housing accommodation, or to facilitate in any way the provision of housing accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto. R.S.O. 1990, c. H.18, s. 16.

Acquisition of lands for housing projects

**17** If there is an official plan in effect in a municipality that includes provisions relating to the provision of housing, which provisions have been approved by the Minister subsequent to the coming into force of this section, or if the council of a municipality has adopted a policy statement containing provisions relating to the provision of housing which statement has been approved by the Minister, the council of the municipality may,

(a) acquire and hold land, with or without buildings thereon, within the municipality for the purpose of a housing project;

(b) survey, clear, grade, subdivide, service and otherwise prepare such land for the purpose of the project; and

(c) sell, lease or otherwise dispose of such land for a nominal or other consideration for housing purposes. R.S.O. 1990, c. H.18, s. 17.

Agreements re housing projects

**18** (1)  A municipality, with the approval of the Minister, may,

(a) enter into an agreement with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of a housing project, or for providing financial assistance to or for the benefit of any occupant or any class or classes of occupant of housing accommodation to assist in the payment of rent, mortgage payments or other charges relating to the occupancy of such accommodation;

(b) enter into an agreement with any person or governmental authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding or adjacent to the project will be maintained for the period specified in the agreement. R.S.O. 1990, c. H.18, s. 18 (1).

Maintenance cost

(2)  For the purpose of subsection (1), “maintenance cost” includes taxes assessed by the municipality against the housing project. R.S.O. 1990, c. H.18, s. 18 (2).

Temporary housing projects

**19** (1)  To relieve any emergency in housing conditions, a municipality, with the approval of the Minister, may erect, maintain, manage and wind up projects for temporary housing accommodation either in or outside the municipality. R.S.O. 1990, c. H.18, s. 19.

Exemption, municipalities

(2)  A municipality does not require the Minister’s approval to engage in an activity described in subsection (1) for the purpose described in subsection (1). 2006, c. 32, Sched. C, s. 26 (2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 11, Sched. B, s. 7](http://www.ontario.ca/laws/statute/S06011" \l "schedbs7) - 01/01/2007; [2006, c. 32, Sched. C, s. 26 (2)](http://www.ontario.ca/laws/statute/S06032" \l "schedcs26s2) - 01/01/2007

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