

Bill 108 (Schedule 12) – The Proposed More Homes, More Choice Act: Amendments to the Planning Act

ERO Number: 019-0016

Reduction of decision timelines

Recommendations:

- Retain existing planning decision timelines
- If planning decision timelines are reduced, municipalities should be able to ‘stop the clock’ while awaiting an applicant’s response/revisions to an application based on municipal comments on the application.
- Municipalities should also be able to ‘stop the clock’ while awaiting detailed review and comment from Ministries on development applications. Alternatively, statutory timelines for Ministry comments should be established to ensure municipalities can meet the current timeline requirements.
- Provide prescribed conditional zoning regulations.

Additional residential units

Recommendations: In 2017 the Province proposed a draft regulation prescribing requirements and standards with respect to second residential units. It would be helpful to know if the province intends to prescribe through regulation, requirements and standards for these additional residential units.

Inclusionary zoning policies

Recommendations:

- The *Planning Act* should preserve the ability to allow municipalities to implement Inclusionary Zoning where they determine it to be appropriate.
- Should the changes proceed, the existing Inclusionary Zoning Regulations would need to be modified to calibrate the require municipal assessment report and other associated requirements to reflect the limited nature of the tool as revised.

Community Planning Permit System

Recommendations:

It should be up local municipalities to determine where they establish a community planning permit system. Should the Minister order a municipality to adopt or establish a community planning permit system, the Province should be providing support to municipalities and ensuring reasonable time periods are given.

Community Benefits Charges

Recommendations:

- Prior to the enactment of the new Section 37, the Province should be providing the associated regulations to ensure that municipalities fully understand the impacts of the proposed policy changes.
- The parkland dedication density provisions should not be removed from the Act. Instead, municipalities should be required to implement reasonable maximum rates per unit relative to local land values.
- The parkland dedication authority in the Planning Act should remain separate from the community benefits authority.
- The Community benefits authority should exclude park dedication and should instead be tied to transparent process that justifies the services being charged for and verifies the costs within the charge.

Basis for Appeals

Recommendations:

That the basis for appeals to Official Plans, Official Plan amendments and Zoning By-law amendments remain unchanged. The two-part test for these amendments that was established in Bill 139 should remain in the Planning Act. The use of these consistency/conformity tests result in municipal land use planning that is more aligned with Provincial policy than a regime that permits appeals of decisions that do comply with Provincial policy.

New Evidence and Examination of Witnesses at LPAT Hearing

Recommendations:

LPAT decisions should reflect the decision of the elected local council where that local decision is in conformity with Provincial Policy.

Allowing new evidence to be presented at hearings, along with the examination and cross examination of witnesses should be limited as it could significantly add to the length of appeal hearings at LPAT. This is contrary to the stated goals of Bill 108, part of which identify a need to move quickly through the hearing process. We recommend the Province invest the planned \$1.4 million into an LPAT that administers appeals under the current in-force Planning Act and LPAT Act. An investment made in that context would have the effect of moving appeals through the appeal process more quickly and efficiently than de novo hearings for appeals that become more frequent due to a compressed application review period.

Limiting Third Party Appeals

Recommendations:

That the *Planning Act* not be amended to restrict appeal rights of individuals for plans of subdivision.

**Bill 108 (Schedule 11) – The Proposed More Homes, More Choice Act:
Amendments to the Ontario Heritage Act**

ERO Number: 019-0021

Introduction of “prescribed principles” that Council must consider when designating property or making decisions related to designated properties

Recommendation:

The regulations that will establish prescribed principles should be created through consultation with municipalities, and provide sufficient time for a thorough municipal review and response.

The province should limit the application of prescribed principles to designations under section 29, and state that the principles will not apply to listing non-designated properties under section 27.

Changes to provisions for provincial heritage properties

Recommendation:

The province should not repeal section 26(2) of the Act, and should leave it unchanged. Alternatively, the province should not repeal section 26(2) but amend it by stating that provincial standards and guidelines shall only prevail over municipal decisions when occupation of a designated heritage property by a provincial or prescribed public body exceeds a certain minimum duration of time.

New process for listing non-designated properties on the Municipal Register

Recommendations:

The province should introduce a time limit for the owner to object after the City notifies the owner that the property has been listed.

Recommend that a provision be added to allow a property owner to withdraw a notice submitted under subsection 27(9), regarding intention to demolish or remove a building or structure on a listed property.

Introduction of “prescribed principles” that Council must consider when designating property or making decisions related to designated properties

Recommendation:

The province should consult municipalities on the regulations that will establish prescribed principles, and provide sufficient time for a thorough municipal review and response.

The province should limit the application of prescribed principles to designations under section 29, and state that the principles will not apply to listing non-designated properties under section 27.

Changes to provisions for provincial heritage properties

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The province should not repeal section 26(2) of the Act, and leave it unchanged. Alternatively, the province not repeal section 26(2) but amend it by stating that provincial standards and guidelines shall only prevail over municipal decisions when occupation of a designated heritage property by a provincial or prescribed public body exceeds a certain minimum duration of time.

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A provision should be added to allow a property owner to withdraw a notice submitted under subsection 27(9), regarding intention to demolish or remove a building or structure on a listed property.

Introduction of “prescribed events” that limit Council’s ability to designate heritage properties

Recommendations:

The province should remove the proposed new subsection 29(1.2) concerning prescribed events from Bill 108.

Alternatively, if proposed new subsection 29(1.2) concerning prescribed events is to be retained, the province should:

- clarify how the City will be notified when the prescribed event has occurred, and deem that the 90-day time limit does not begin until the City has been notified in writing that the event has occurred;
- increase the time limit for Council to state an intention to designate from 90 days to one year, and state that the restriction on stating an intention to designate after that period ends shall be temporary rather than permanent;
- amend the subsection to allow the property owner to agree in writing to extend the time limit for stating an intention to designate beyond the stated time limit identified in the Act; and

- consult municipalities on the regulations that will establish prescribed events and associated exceptions, and provide sufficient time for a thorough municipal review and response to the proposed regulations.

Changes to Decision-Making Process and Appeals Process for Designations, Designation Amendments, Designation Repeals, and Heritage Permits (Municipal Consent for Alterations or Demolition to Designated Property)

Recommendations:

- The province should amend the proposed section 29, as currently worded in Bill 108, to provide for a more efficient process for designation decisions and for the efficient handling of notices of objection to a municipality's intention to designate a property.
- The province should amend the proposed subsection (8)(1), to extend the time limit for passing a designation by-law after publishing notice of intention to designate, from 120 days to one year.
- The appeal body (CRB or LPAT) that hears appeals on heritage designations should only be able to make non-binding recommendations to Council, rather than binding decisions, and that final decision-making authority rest with municipal Council – in recognition that heritage designations are an inherently local matter concerning the conservation of cultural heritage resources that are valued by a local community.
- The right to appeal a heritage designation should be limited to the property owner, rather than “any person”, and that the grounds for appeal of a by-law passed by Council to designate property, or amend or repeal the designation of a property, be limited to the basis that said by-law does not comply with the Heritage Act or regulations.
- The province should amend subsections 33(4) and 34(4) to clarify notification requirements for incomplete applications, and accordingly, amend subsections 33(7) and 34 (4.3) to clarify that the 60-day timeline that begins at the commencement of an application is suspended and restarted after the Council serves notice on the applicant that the submitted application is incomplete.
- The province should make amendments to the Ontario Planning Act to state that where an application to alter or demolish is made under Sections 33 or 34 of the Ontario Heritage Act that the timelines in the Ontario Heritage Act prevail to the extent of any conflict for the purposes of the date an appeal may be made under the Planning Act regarding a Planning Act application.
- The proposed Act, as currently worded in Bill 108, should be amended to restore municipal Council discretion in determining whether an application to remove a heritage attribute from a designated property constitutes alteration or demolition.

Changes to Heritage Districts

Recommendations:

Request that the province amend the Heritage Act to provide clarity on the relationship between the individual heritage values and attributes of properties within a Heritage Conservation District and the values and attributes of the District, particularly as it pertains to alterations and demolition/removal.

Bill 108 – (Schedule 3) - the Proposed More Homes, More Choices Act: Amendments to the Development Charges Act, 1997

ERO Number: 019-0017

Recommendations:

- Continue to include soft services under the DCA so that the DC charge is more reflective of a municipality costs to provide growth related capital infrastructure to residents
- Limit the number of statutory exemptions to uphold the principle of growth pays for growth. Exemptions pass the costs to fund growth related infrastructure to residents as the exemption will have to be offset by funding from the tax base
- Continue to have DCs payable at the time of building permit to ensure complete applications and create predictable cash flows required for sustainable long term financial planning. This will also produce current rates reflective of the costs of development at that time
- Exclude commercial, institutional and industrial development from the deferral of DC payments. This does not lend to the mandate of increased and affordable housing supply.
- Ensure an adequate period of time for transition for any changes that may receive Royal Assent. Transition period allows for fulsome consultation with the community and provide municipalities with the time to understand the true impact that is both process and financially driven.