



Regional Planning Commissioners of Ontario

Please direct all correspondence to the office of the Chair

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May 31, 2019

Hon. Steve Clark
Minister of Municipal Affairs and Housing
17th Floor
777 Bay St.
Toronto, ON M5G 2E5

Dear Hon. Steve Clark:

Re: Bill 108 - The proposed More Homes, More Choice Act: Amendments to the Planning Act

As you are aware, the Regional Planning Commissioners' of Ontario (RPCO) members plan for over 80% of Ontario's population in urban and rural, northern and southern municipalities. RPCO represents both single-tier municipalities and regional municipalities and we believe we are well positioned to provide important input on the proposed Bill.

Housing affordability continues to be one of the most pressing problems facing communities across Ontario. We fully support the government's focus on this issue and its commitment to ensuring a greater diversity of housing options that are attainable by Ontario residents.

However, we are concerned about unintended negative consequences as an outcome of a number of changes proposed by Bill 108 and that the central objective of ensuring supply of more affordable housing will not be achieved. Rather than accelerating housing supply, there is a risk that these changes will further increase the backlog of appeals at the LPAT. Bill 108 also contains no mechanisms to ensure that any development cost reductions resulting from the proposed changes

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will be ultimately passed through to future home buyers and renters.

The proposed changes to the growth funding scheme are anticipated to reduce development charge collections, but place significant financial risks and a greater administrative burden on municipalities. By moving away from the principle of growth pays for growth, these changes could have the effect of delaying infrastructure investments and slowing the delivery of housing supply. Freezing development charge rates without a deadline to construct does not encourage the timely delivery of housing.

Shortened Timelines

The significant reduction in timelines for processing development applications will result in a review period that is shorter than the pre-Bill 139 timelines. This condensed period is insufficient for adequately reviewing complex applications and limits the ability of municipalities to work collaboratively with applicants. The shorter timeframe will also prevent municipalities from engaging in a fulsome dialogue with the public. The outcome of these changes will likely mean a more adversarial approvals process with a reduced ability to enable positive outcomes. RPCO requests that the Province return to the timelines contained within Bill 139 which have already been subject to extensive consultation and were supported by both liberal, conservative and NDP MPP's when the Bill was voted on.

Regulations

Municipalities cannot fully assess the impact of the proposed changes in the absence of the details which will be contained in the forthcoming regulations. For example, the outstanding questions regarding the proposed Community Benefits Charge make it challenging to understand how the changes will be revenue neutral. Given the implications of Bill 108 on the ability of municipalities to create complete communities supported by soft infrastructure and parks, RPCO is requesting the release of the proposed regulations with a 90 day commenting period and an opportunity for RPCO to meet with provincial staff.

Land Use Planning Tribunal

After significant consultation, the Ontario Municipal Board was modernized through Bill 139 with the objective of streamlining the land use planning appeal process, including narrowing reasons for appealing and encouraging collaboration in decision-making at the municipal level. Bill 108 reverses these changes by returning to an overly litigious process that was shown to be ineffective in rendering decisions for complex planning matters. Bill 108 allows the LPAT to once again hold de novo hearings, accept new evidence, and effectively act as a substitute decision maker for councils.

RPCO requests that the Province retain the existing Planning Act grounds for appeals of zoning by-laws and official plan amendments to only include testing for consistency with provincial policy statements and conformity with provincial plans, and that zoning by-law appeals be restricted to conformity with the Official Plan. In addition, we are recommending that Bill 108 incorporate other legislative measures that would provide for more deference to the decision-making powers of councils. While we support the provision of additional resources to the LPAT to address delays in the appeal scheduling and adjudication process, we believe that these gains may be more than

offset by an increase in the volume of appeals and significant delays in bringing new housing units to the market.

Inclusionary Zoning

Bill 108 will limit a municipality's ability to apply inclusionary zoning to protected major transit station areas and to lands subject to a development permit system. As a result, municipalities must wait for these planning frameworks to be in place prior to advancing inclusionary zoning, lengthening the time for implementation. Given the primary objective of Bill 108 is greater housing affordability, RPCO is requesting that municipalities retain the ability to determine appropriate areas for the application of inclusionary zoning.

In summary, RPCO is concerned that Bill 108 is unlikely to achieve its primary objective of improving housing affordability, while at the same time undermining the ability of municipalities to fund necessary infrastructure. We believe the proposed changes threaten to reduce the authority of councils and will limit community engagement, while adding greater uncertainty to the approvals process. RPCO welcomes the opportunity for further engagement on Bill 108 and the range of alternative options available to address housing affordability.

Sincerely,

A handwritten signature in black ink that reads "R. Mostacci". The signature is written in a cursive, flowing style.

Rino Mostacci, MCIP, RPP
Chair, Regional Planning Commissioners of Ontario