

May 31, 2019

Provincial Planning Policy Branch
777 Bay Street
13th floor
Toronto, ON
M5G 2E5

Dear Minister Clark:

Re: ERO 019-0016 – Bill 108

Proposed amendments to the Planning Act (Schedule 12) and the Local Planning Appeal Tribunal Act (Schedule 9)

The Town of Halton Hills has reviewed the proposed amendments to the Planning Act as identified in Bill 108 (Schedule 12), and the proposed amendments to the Local Planning Appeal Tribunal Act (Schedule 9). Staff report ADMIN-2019-2021 was endorsed by Town Council on May 27th, 2019 along with a related resolution opposing the proposals contained within Bill 108. Both report ADMIN-2019-0021 and the Council resolution 2019-0102 are attached to this submission.

As it relates to the changes proposed to the Planning Act and Local Planning Appeal Tribunal Act via Bill 108, the Town offers the following comments:

1. The Town objects to the proposed changes regarding revised timeframes for applications processed under the Planning Act. In our view, municipalities are not being provided sufficient time to properly evaluate development proposals and engage the public before non-decision appeals to LPAT can be triggered.
 - With the proposed reduced approval timeframes for planning applications, the required deadlines for making decisions would need to be predicated on the quality of the submissions received by municipalities. Too often applications are deemed “complete” because all required supporting studies were submitted, however, the quality of the supporting studies is sub-standard.
 - Provincial guidance regarding the quality of supporting studies is required.
 - In addition, the proposed reduced timeframes are unreasonable and could have the effect of creating an adversarial process.

2. The Town objects to the return of de novo hearings.

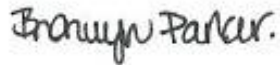
- The re-introduction of de novo hearings raises the possibility of longer, more costly hearings as well as the potential for information not available to Council at the time of the initial decision to be considered by LPAT.
 - When new evidence is introduced to LPAT that was not sent back to Council for consideration, it undermines the local Official Plan and Council's decision making power.
3. The Town objects to the related changes proposed to the Local Planning Appeal Tribunal Act, 2017 (Schedule 9 to Bill 108).
- Bill 108 maintains the name of the Local Planning Appeal Tribunal, however returns to many of the powers of the preceding Ontario Municipal Board.
 - In general, the changes proposed to the LPAT Act regarding required mediation, limited examination or cross-examination of witnesses, requirements for non-parties to an appeal and requiring case management conferences are all appear to be positive changes proposed via Bill 108. However, broadening LPATs jurisdiction over major planning matters such as Official Plan and Zoning By-law Amendments presents a concern.
 - Again, we echo our earlier comment that when new evidence is introduced to LPAT that was not sent back to Council for consideration, the local Official Plan and municipal Council's decision making power are significantly undermined.
4. The Town strongly objects to the introduction of the proposed Community Benefits Charge by-law and the requirements related to soft services and parkland.
- If the proposed Bill 108 amendments are implemented, development charges will no longer contribute to community infrastructure. The Town funds a range of new park development, parkland improvements, and community recreation centres using development charges
 - Any changes to capital funding that result from Bill 108 that are not revenue neutral, including changes to the Development Charges Act, will have negative implications for the delivery of parkland and related facilities.
 - In general, the CBC will be cumbersome, time-consuming and costly to administer as each planning application will need to be monitored to building permit issuance, and a land valuation process will need to be in place.
5. The Town does not support the proposed repeal of the existing Section 37 of the Planning Act.
- The inability to use the current Planning Act Section 37 (height and density bonussing provisions) in exchange for public benefits causes concern.
 - With the proposed changes to the Planning, and Development Charges Acts, securing and constructing parkland will become even more difficult.

- The loss of parkland would not align with Town Council's strategic objectives for complete communities and the social, environmental, economic, and health benefits associated with parks.

To conclude, Bill 108 is an omnibus bill, containing many amendments to various pieces of legislation. Changes related to Bill 108 will have implications for the Town of Halton Hills.

Council for the Town has unanimously identified a lack of support for the amendments proposed by Bill 108, and await Provincial direction regarding changes to the currently drafted amendments.

Sincerely,



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Manager of Planning Policy

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Resolution 2019-0102