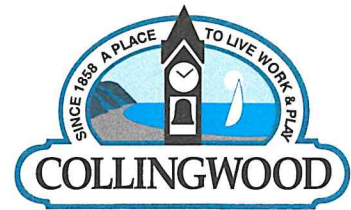

TOWN OF COLLINGWOOD



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May 30, 2019

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
College Park, 17th Floor
777 Bay St, Toronto, ON M5G 2E5

Dear Minister Clark:

The Town of Collingwood appreciates the opportunity to provide comment on Bill 108, the “More Homes More Choice” Act. The Government of the Province of Ontario is to be commended for exploring options for delivering increased housing supply and choice for residents.

In recent years Collingwood has seen consistent and increasing growth and development activity, in part, because of its tremendous natural beauty, proximity to outdoor recreational opportunities, a growing and increasingly diverse economy, its strong local identity and sense of community.

The result in Collingwood is a significant need for additional housing supply to meet demand to support a balanced housing market and, especially, to meet the needs of local businesses to recruit and retain staff. As such, the Town is generally supportive of efforts to achieve the shared goals with the Province of increasing attainability, affordability and overall supply of housing.

Recognizing that the Bill contemplates changes to 15 pieces of legislation, the Town of Collingwood has reviewed those that primarily impact its ability to meet its housing and community development objectives. To this end, please see the following comments regarding the proposed relevant provisions of Bill 108:

Schedule 2 - Conservation Authorities Act

- The Town of Collingwood has a Memorandum of Understanding (MOU) with the Nottawasaga Valley Conservation Authority (NVCA) and is supportive of the continued use of that organizing framework as a basis for efficient and effective consultation on related matters involving Conservation Authority review.
- In the event that any of the proposed changes require revision to the MOU impacting service delivery including Natural Heritage System considerations review, continued review should be undertaken through related Planning Act processes and should be facilitated to ensure that these matters are addressed in a timely and cost effective manner.

- Additional information should be provided and related consultation undertaken on the basis upon which investigative powers over Conservation Authorities could be exercised and how this function would be administered including related processes.

Schedule 3 - *Development Charges Act, 1997*

- Introduction of a variety of development charge tools as a means of reducing costs of development is supportable where the municipality has the flexibility and discretion to administer those provisions on a case-by-case basis. Consideration should be given to the overall impact on municipal financing and the proposals should generally follow the principle that development pays for itself rather than transfer a development cost to existing and future taxpayers.
- The removal of soft services (recreation facilities, parks, libraries etc.) from those costs which can be recovered through Development Charges and their replacement with a Community Charges Benefit (see Planning Act comments below) requires further review and study.
- Rather than being mandatory, municipalities should have the discretion of when and where to allow secondary units (see Planning Act comments below). Financing measures to recover the capital infrastructure impact of this increase in the overall number of residential units should be provided for in the proposed legislation.
- The provisions that consider deferral of the collection of development charges to the date of occupancy followed by 6 annual payments for rental housing development, institutional development, industrial development, commercial development, and non-profit housing development should be discretionary and mechanisms should be in place that ensure these uses, in particular rental and not-for profit housing, are retained as prescribed by the municipality.
- Further review of the timing of the calculation of development charges should be undertaken to confirm the purpose, intent and financial implications of freezing development values both in positive and negative market conditions at the specific application stages instead of prior to the building permit stage.
- These proposed changes in their current form should be withdrawn, subject to further review and consultation.

Schedule 4 - *Education Act*

- Measures that provide school boards with options to explore alternatives to school site acquisition are supportable if those options are subject to the discretion of the school board and appropriate accountability and transparency measures.
- Greater clarity needs to be provided on the financial implications of proposed limitations on school boards to apply education-based development charges where school site lands have been conveyed in the development process in order to assess whether this results in a shift of costs to the tax base.
- Provided the formula and process is fair and justifiable, the principal of development paying for costs related to education/lands costs resulting from growth is appropriate.
- More information should be provided regarding the basis upon which the Minister would consider refusing a schools notice of intent to purchase, lease or acquire a school site. That information should be subject to further review and consultation.

Schedule 5 - *Endangered Species Act, 2007*

- Independently verifiable and reproducible science based approaches should be applied to decisions regarding endangered species and their protection.
- There may be instances where these proposed changes in their current form could allow for additional tools or alternatives to protect endangered and other designated species. However, the scope of the proposals is significant and could be interpreted as posing a possible risk to biodiversity in Ontario and, as such, they should be withdrawn, subject to further review and consultation to determine if the proposed or alternative measures can be appropriately advanced without compromising the protection of endangered and other designated species. If not, consideration should be given to withdrawing these proposed changes in their entirety.

Schedule 6 – *Environmental Assessment Act*

- Provisions to allow for exemptions may improve efficiencies in the process.
- More information should be provided on the basis for possible exemptions or amendments including any evaluation criteria used to determine their appropriateness.

Schedule 7 - *Environmental Protection Act*

- Strengthening penalties under the Act is appropriate in deterring related violations.
- In the event the legislation advances as proposed, consideration should be given to ensuring adequate funding of the enforcement regime.

Schedule 9 - *The Local Planning Appeal Tribunal Act*

- There is a risk that, in tandem with reduced statutory processing times (see Planning Act comments below), the proposed changes to the LPAT process could trigger a more litigious, costly and less collaborative approach to community planning.
- Mitigating measures proposed in the legislation may assist in managing the scope of the appeals including:
 - a stronger emphasis on mediation in the context of case management conferences;
 - limitations on cross examination where evidence has already been provided; and
 - more timely delivery of decisions through additional funding for the LPAT to clear the caseload.
- Additional measures should be considered to manage the scope of appeals including but not limited to:
 - allowing for greater weight to be placed on the Provincial Policy Statement, Growth Plan, Regional and Local Official Plans relative to non-planning evidence;
 - requiring a correspondingly more thorough basis for appeals in appeal related documentation, including vetting the legitimacy of the appeal along with scoping of hearings;
 - placing greater weight on decisions of municipal Councils in order to encourage collaboration and quality of applications in the planning process.
- Additional consideration should be given to how to manage costs to municipalities and prevent against the impact of the threat of costly litigation and “de novo” hearings on development negotiations.

- Additional information on the proposed transitional and other regulations implementing the proposed legislation should be provided and the overall changes to the LPAT Act should be subject to further review and consultation to confirm the possible impact on achieving the intended goals.

Schedule 11 - *Ontario Heritage Act*

- Proposed changes to the Ontario Heritage Act will improve notification processes, adopt clear timelines and improve the system for registering heritage properties.
- The proposal to change the appeal structure to allow municipal Council decisions to be appealable to the Local Planning Appeal Tribunal whose decision is binding will remove the ultimate authority from local communities best suited to making those decisions.
- There is some concern that new rights to appeal municipal heritage decisions will require municipal Councils to meet strict deadlines when considering new heritage designation bylaws which may impact the quality of analysis and review.

Schedule 12 - *Planning Act*

- As described above, regarding changes to the LPAT Act, the requirement to establish the grounds for appeal and vet those appeals should be adopted in order to manage the caseload and promote collaboration among applicants and municipalities.
- It will be difficult for municipalities to issue decisions within the proposed reduced timelines for Official Plan Amendments, Zoning Bylaw Amendments and Subdivisions with the possible result that more appeals for lack of decision are filed with the LPAT under the proposed new rules. An alternative would be to revert to decision making timelines in place prior to Bill 139.
- The limitation of third party appeals for subdivisions may be helpful in streamlining the process as the Official Plan and Zoning Bylaw applications provide the option of third party appeal on the substance of a proposed development concept whereas a subdivision is more technical and implementation oriented.
- The intent, scope and impact of the proposed Community Benefit Charges provision cannot be properly assessed without better understanding the related implementation provisions including, among other things, the proposed cap on percentage of land values, policy and bylaw requirements and restrictions, expenditure requirements and the combined effect of the related provisions under the Development Charges Act (see related comments above) on municipal finances and the ability to finance “soft services” (recreation facilities, parkland, libraries etc.).
- Municipalities should have the discretion and flexibility as to how to implement proposed provisions requiring that municipalities contain policies in their Official Plans authorizing additional residential units by (a) authorizing two residential units in a detached, semi-detached or row house; and (b) by authorizing a residential unit in a building or structure ancillary to a detached, semi-detached or row house. Linking such policies to development densities and targets, intensification and new development areas, servicing and transportation capacity, and other variables could enable municipalities to right size these provisions relative to need. Additionally, the impact of these provisions on other municipal service delivery areas including planning and building approvals, engineering and public works and finance should be considered.

Minister Clark, thank you again for the opportunity to comment on Bill 108 the “More Homes More Choice” Act. Where there is an opportunity to do so we would very much like to collaborate with the Province in further exploring ways in which we can cost effectively deliver more housing supply and improve affordability and accessibility to address the full range of housing needs in Collingwood and the South Georgian Bay Area.

Regards,



Fareed Amin
Chief Administrative Officer
Town of Collingwood