



August 6, 2019

Planning Act Review Team
Provincial Planning Policy Branch
777 Bay Street
13th Floor
Toronto, ON
M5G 2E5

RE: ERO Posting No. 019-0181 - Proposed new regulation and regulation changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108 – the More Homes, More Choice Act, 2019

Thank you for the opportunity to provide comments regarding the ERO Posting No. 019-0181 with respect to proposed changes under the Planning Act, including transition matters related to Schedule 12 of Bill 108.

In general, the Town of Halton Hills maintains our earlier comments with respect to Bill 108 – the More Homes, More Choice Act. Bill 108 is an omnibus bill that contains numerous amendments to multiple pieces of legislation. As the Town expressed in report ADMIN-2019-0021, entitled 'Bill 108 More Homes, More Choice Act – Comments', which was forwarded to the Minister of Municipal Affairs and Housing, the full extent of the impacts will not be understood until all regulations are released. Given the release of the regulations has been in a piecemeal fashion, it remains difficult for municipalities to fully appreciate the long-term impacts that Bill 108 will have.

Report ADMIN-2019-0021 identified concerns related to the proposed changes to the Planning Act, as were proposed at that time. One key item that still needs to be addressed by the province includes the proposed reduced approval timeframes for municipal decisions on planning applications. The biggest delay in approvals when reviewing submitted applications and studies is the often substandard quality of submissions municipalities receive. Until such time as the province is willing to apply a standard regarding the quality or merit of a complete submission, municipalities cannot easily address the approval timeline issue. In order to meet the Bill 108 revised approval timelines and still protect public health and safety, address public concerns and agency comments, ensure environmental protections, address local matters such as urban design and functionality of development sites (among other matters), provincial guidance regarding the merit of submissions is required.

Transition regulations:

With regard to the proposed transition regulations, the Town requests clarification regarding the removal of appeals other than by key participants and the reduction of approval authority decision timelines. Effectively, the third and fifth proposed transition elements seem to contradict one another. The fifth transition regulation states:

The reduction for decision timelines on application for official plan amendments (120 days), zoning by-law amendments (90 days, except where concurrent with official plan amendment for some proposal) and plans of subdivision (120 days) would apply to complete applications submitted after Royal Assent.

Given Bill 108 received Royal Assent on June 6, 2019, this fifth transition regulation suggests that for complete applications received after June 6, 2019, the new reduced timelines for municipal decision making is in force and effect as it relates to official plan amendments, zoning by-law amendments and plans of subdivision.

However, the third transition regulation identifies:

The removal of appeals other than by key participants (e.g. (for example) the province, municipality, applicant) and the reduction of approval authority decision timelines for non-decisions of official plan/amendments would apply where the approval authority has not issued a notice of decision at the time the proposed changes come into force.

This transition regulation seems to suggest that for official plan/amendments submitted before the changes come into force, but where the approval authority has not yet rendered a decision, the new decision timelines apply. If the changes come into force after Royal Assent, this means the timelines apply to official plans/amendments submitted before June 6, 2019, where no decision has been made. This would contradict transition regulation 5 which suggests the timelines would only apply to official plan/amendments submitted after June 6, 2019. Clarification regarding the conflicting nature of these regulations is requested.

Community planning permit system:

With respect to the community planning permit system, Schedule 12 to Bill 108 included provisions for removing the ability to appeal the official plan policies (required by regulation) for the establishment of a community planning permit system in situations where the Minister issues an order for a local municipality to adopt such a system. Given this regulation proposes to remove the ability to appeal the related implementing by-law, staff support the proposed regulation. Staff are of the opinion that it would not be prudent to allow for appeals on an implementing by-law when the official plan policies required by the regulation could not be similarly appealed.

Additional Residential Unit Requirements and Standards:

The Town of Halton Hills has been actively engaged with the community regarding an ongoing Accessory Dwelling Units official plan and zoning by-law amendment process to bring the Town's policies in line with the existing provisions of the Planning Act. One key area of consideration and consultation throughout the Town's process has been the parking requirements and zoning by-law standards as it relates to parking spaces for both primary and accessory residential units.

The proposed regulations through ERO 019-0181 speak to permissions for a parking space for the additional residential unit(s). The regulation states that this parking space can be provided through tandem parking, with a definition of tandem parking being provided. Staff do not support tandem parking being used as a means of providing the required parking space for an additional residential unit(s), and do not believe it is appropriate for the province to regulate something as locally specific as parking spaces. Likewise, staff do not believe it is necessary for the province to define a tandem parking space. Regulating a tandem parking space, and going so far as to define the term, does not provide local municipalities the opportunity to craft zoning by-laws to address tandem parking in the local context.

Staff also suggests that the proposed regulations make clear that the definition of a parking space should defer to the local municipal zoning by-law. This would allow for each municipality to have the ability to control what is deemed to be an appropriate parking space, again ensuring locally appropriate parking requirements.

Proposed content:

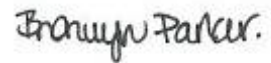
The ERO Posting No. 19-0181 also addresses changes to the existing regulations regarding Section 37 requirements and inclusionary zoning. The proposal identifies that housekeeping changes are required to remove the restrictions and prohibitions in respect of the municipal authority under Section 37 with inclusionary zoning.

As was identified in staff report ADMIN-2019-0021, there remains a significant concern with respect to the full impacts associated with the removal of the previous Section 37 (density bonusing) provisions in place of the new Community Benefits Charges (CBCs) section. The Town continues to review the related ERO posting regarding CBCs and will provide additional comments through that consultation process.

In general, the Town remains concerned with the omnibus changes and implementation requirements related to the Bill 108 legislation. Full impacts of the Bill are not yet known or understood. The Town will continue to actively engage in the review processes as additional information is released, and requests that the province seriously consider the comments received by municipalities as the community impacts of these sweeping changes continue to unfold.

Should you have any questions or concerns on any of the details included within this letter, please feel free to contact me directly at (905) 873-2601 ext. 2253 or bparker@haltonhills.ca .

Sincerely,

A handwritten signature in black ink that reads "Bronwyn Parker". The signature is written in a cursive, slightly slanted style.

Bronwyn Parker, MCIP, RPP
Manager of Planning Policy
Planning & Sustainability Department