

City of Mississauga Memorandum



To: Minister of Municipal Affairs and Housing

From: Andrew Whittlemore, Commissioner of Planning and Building

Date: August 6, 2019

Subject: City of Mississauga – Comments on Schedule 12 to Bill 108 – the *More Homes, More Choice Act*, 2019

CONTEXT

Omnibus Bill 108, the *More Homes, More Choices Act*, transforms Ontario's land use planning system with changes to 13 Acts. The Bill received Royal Assent on June 6, 2019.

This submission responds to Environmental Registry of Ontario (ERO) posting # [019-0181](#). This regulation includes proposals on the following items:

1. Local Planning Appeals Tribunal (LPAT)
2. Development Permit System (formally Community Planning Permit System)
3. Additional Residential Unit Requirements

Overall, the City strongly supports provincial aims to create more housing, a greater mix of housing and efforts to make home ownership and renting more affordable. The City further supports the government's commitment to reduce red tape and make it easier to live and do business in Ontario. The City provides these comments, in an effort to help the Province achieve these important objectives.

COMMENTS

1. LOCAL PLANNING APPEAL TRIBUNAL

The Bill returns to many of the practices of the former Ontario Municipal Board. Heritage matters will also go to LPAT, and decision making timelines for Official Plan Amendments, Zoning By-law Amendments and subdivision applications are reduced.

The regulations provide direction on:

- Transition for matters in process (expanded grounds for appeal, removing third party appeals and reduced decision timelines).
- Transition for appeals in progress (hearing practices and procedures before the LPAT, including oral testimony, fresh evidence, etc.)
- Transition of heritage matters from the Conservation Review Board to the LPAT.

MISSISSAUGA'S COMMENTS

Reduced timelines should be applied from Bill proclamation, not Royal Assent

- The regulations state that reduced timelines take effect the date of Royal Assent. This would retroactively apply to applications deemed complete as of June 6, 2019.
- New application timelines have significant implications for municipalities. The application of this date retroactively could mean that applications deemed complete since the date of Royal Assent could be in a position to appeal by the time the regulations are proclaimed.
- **Mississauga recommends the in-effect date of the reduced decision-making timelines not be retroactive and correspond with the date the *Planning Act* changes and related regulations are proclaimed.**

Transition for expanded grounds of appeal

- The proposed regulation provides that the expanded grounds of appeal (i.e. removal of consistency/conformity test with provincial policies and plans) would apply to appeals of decisions or non-decisions that have not yet been scheduled for a hearing regarding the merits.
- **The City seeks clarity on whether the hearing must be scheduled to occur, or whether the act of scheduling the hearing must have occurred. They City also seeks clarity on whether the applicable date is Royal Assent or proclamation.**
- **The City also requests that where an appeal starts under one set of rules, it should continue through the appeal with that same set of rules. The City's planning staff and Council have made decisions based on the planning framework of the day.**

Heritage experts to be appointed as LPAT adjudicators

- LPAT does not have expertise in matters relating to heritage. **The City recommends adjudicators with expertise in heritage matters should be appointed.**

2. DEVELOPMENT PERMIT SYSTEM

Bill 108 stipulates that the Minister can require a Development Permit System (DPS) (formerly the Community Planning Permit System) in major transit station areas and provincially significant employment zones.

The DPS framework combines and replaces zoning, site plan and minor variance into a single application process. Municipalities require Official Plan policies and an implementing by-law to establish a DPS.

The regulations provide direction on:

- Community Benefits Charge (CBC) cannot be used where a DPS is required.

- No ability to appeal Official Plan policies that are required to establish a DPS, where the Minister requires one to be established.

MISSISSAUGA'S COMMENTS

Development Permit Systems could slow down development

- Mississauga contains over 60 major transit station areas, and almost all of the City's employment areas have been identified as provincially significant employment zones. The City of Mississauga is working hard and making use of a range of planning tools to advance development in these areas. The City supports provincial efforts to expedite development in these locations.
- However, the City has some concerns that requiring a DPS could inadvertently slow down development in these areas. In particular, there is limited expertise in Ontario to create a DPS; the tool is largely untested for high density developments; and in jurisdictions where a DPS has been established, they have often taken a significant amount of time to implement.
- **The City requests that the regulation include a requirement for the Minister to consult with municipalities prior to requiring a DPS to ensure that this would be the best tool available to speed up growth in these locations.**
- **The City recognizes that some conditions can be applied to a DPS area, but would be highly supportive of the Province creating a further regulation to enable conditional zoning to quickly pre-zone lands. The City also requests that inclusionary zoning not be limited or restricted in its use.**

Flexibility for the collection and use of Development Permit System funds

- The regulations stipulate that the City cannot charge a CBC in a DPS area. The City recognizes that the DPS enables conditions to secure community benefits. However, with changes to s. 37 and s. 42 of the *Planning Act* clarification is needed to ensure that soft services and parkland can be secured through Regulation 173/16.
- Clarification is also required about how community benefits will be collected in a location where the Minister may require a DPS, but density bonusing may not be an applicable consideration.
- **The City is also seeking flexibility for funds collected through a DPS to be used citywide, and not be limited to the DPS area**

3. ADDITIONAL RESIDENTIAL UNIT REQUIREMENTS

Bill 108 seeks to remove barriers to establish additional residential units. It allows for a second and third unit to be built onsite and allows for new secondary suites to be statutorily exempt.

The regulations provide direction on:

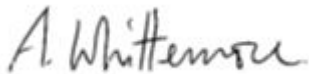
- Parking requirements for secondary units.

MISSISSAUGA'S COMMENTS

- The proposed standard of one space per unit, including tandem parking reflects existing expectations. **The City of Mississauga requests that where a local parking bylaw requires less parking, that the by-law will prevail.**
- **The City also seeks to clarify that definitions included in the proposed regulations are clear and would prevent unintended units from qualifying (e.g. stacked townhouses).**

Overall, the City would like to thank the Province for the opportunity to comment on the proposed regulations. It is requested that any additional regulations also be posted for consultation to ensure the City can provide a comprehensive and coordinated review of the proposed changes and their potential impacts. A comment deadline of at least two months is appreciated.

If you have any questions or require additional information, please contact me at (905) 615-3200 ext. 5561 or Jason Bevan, Director City Planning Strategies, ext. 5497.



Andrew Whitemore
Commissioner of Planning and Building

cc. Mayor and Members of Council , Leadership Team, Director of City Planning Strategies, Director of Design and Development, Director of Finance and Treasurer