

April 1, 2021

Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
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Public Works

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To Whom It May Concern:

Re: ERO 019-3233 - Proposed Changes to Minister's Zoning Orders and the Planning Act

Thank you for the opportunity to review and comment on the above noted Environmental Registry of Ontario posting. The following comments are provided by Region of Peel staff as input into the legislative changes to the *Planning Act* proposed through Schedule 3 of *Bill 257: Supporting Broadband Infrastructure Expansion Act*, having the effect if adopted, that certain Minister's Zoning Orders (MZOs), including MZOs made prior to the enactment of the proposed legislation would not have to be consistent with the Provincial Policy Statement (PPS). The proposed amendment would not apply to lands located within the Greenbelt Plan Area.

This letter should be viewed as a Regional staff submission setting out the comments of the Region of Peel made subject to Council endorsement. If additional or differing comments are provided through a Council resolution, they will be forwarded to Ministry staff for further consideration.

General Comments

The Region has significant concerns with the proposed changes to the *Planning Act* that would allow an MZO to not be consistent with the PPS, as proposed through *Bill 257*. The PPS provides policy direction on matters of provincial interest related to land use planning and development, and contains policies regarding growth management, natural resources, protecting the environment and health and public safety. It is the foundational planning policy document in Ontario. Land use planning decisions by both municipalities and the Province must be consistent with the PPS. All official plans prepared by local and regional municipalities in the Province are prepared to be consistent with the policies in the PPS. The changes to the *Planning Act* as currently proposed would undermine and compromise the integrity of provincial and local planning policies. This could create challenges to ensure that good planning principles and outcomes are achieved, including environmental protection, the development of complete communities, public consultation, and municipal autonomy in decision-making.

The Region recognizes the Province's objective to use MZOs to overcome potential barriers and development delays in the construction of strategic provincial projects such as affordable housing, transit station infrastructure, health care facilities and long-term care

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homes. Nevertheless, the Region does not support overriding planning policy by means of an MZO without clear criteria, process and consultation mechanisms in place.

The Region previously supported changes to the *Planning Act* introduced through *Bill 197: COVID-19 Economic Recovery Act*, that enabled the Minister of Municipal Affairs and Housing to address site plan matters and to apply inclusionary zoning as part of an MZO. However, the Region's support was limited to circumstances where there is a demonstrated need for urgency that aligns with provincial and local interests for strategic projects such as affordable housing, transit station infrastructure, health care facilities, and long-term care homes. The Region recognizes the importance of these projects to assist in the Province's economic recovery from the COVID-19 pandemic. The Region does not support the use of MZOs on a routine basis.

Further changes to the provincial direction surrounding the use of an MZO that would allow MZOs not consistent with the PPS, to be used both retroactively and prospectively, would be substantial and would circumvent important land use planning considerations outlined within the PPS, as it relates to natural heritage, environmental protection, water resources and agricultural lands and other areas of provincial interest.

The Region also remains concerned with the following, as outlined in previous Regional submissions that were submitted to the Province as part of the comment period for ERO 019-2811 (enhanced authority through the enactment of Bill 197, the *COVID-19 Economic Recovery Act, 2020* respecting MZOs in relation to site plan control and inclusionary zoning):

- Lack of transparency and clear procedures regarding engagement protocols and consultation for impacted municipalities, members of the public and First Nations where an MZO is issued;
- Lack of explicit guidelines, conditions and planning rationales that support the use of an MZO; and
- Lack of advanced notice and consultation that is provided to relevant municipalities and members of the public prior to the issuance of an MZO

The Region of Peel strongly recommends that clear procedures, criteria, and engagement protocols be established with municipalities, and urges the Minister to develop a consistent, accountable, and transparent review and approval process. This process should include municipal collaboration, public engagement, and support for the planning direction to be furthered by MZOs, prior to issuing such orders. The use of MZOs must be carefully considered so that the principles of good planning are maintained, including environmental protection, public consultation, and autonomy in municipal decision-making.

The Region remains committed to working with the Province to assist in Ontario's economic recovery from the COVID-19 pandemic and in the development of appropriate processes where the use of an MZO is warranted in alignment with provincial and municipal strategic initiatives. Regional staff would be pleased to discuss any clarifications or provide additional comments as required.

Sincerely,



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