



Hamilton

City of Hamilton  
City Hall, 71 Main Street West  
Hamilton, Ontario  
Canada L8P 4Y5  
www.hamilton.ca

Planning Division, Planning and Economic Development Department  
Physical Address: 71 Main Street West  
Phone: 905.546.2424 Fax: 905.546.4202  
Email: Steve.Robichaud@hamilton.ca

August 10, 2021

Provincial Planning Policy Branch  
777 Bay Street  
13th floor  
Toronto, ON  
M7A 2J3

Re: Bill 276, the *Supporting Recovery and Competitiveness Act, 2021* and Changes to O. Reg. 197/96 Consent Applications and O. Reg. 144/95 Criteria – Validation of Title

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on proposed change to O. Reg. 197/96 and O. Reg. 144/95, related to Bill 276. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes.

We look forward to seeing the results of the consultation. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Robichaud".

Stephen Robichaud  
Director of Planning and Chief Planner

Attachments:

Appendix A – Letter to the Province

Copy to

Anita Fabac, Manager of Development Planning, Heritage and Design

### **City of Hamilton Comments – Changes to O. Reg. 197/96 (Consent Applications)**

Through Bill 276 the ability for a “purchaser” of land to apply for a consent was enacted. As a result, changes are proposed to Schedule 1 of O. Reg. 197/96 to include a reference to a purchaser as an applicant and “to reflect the new concept of a certificate for retained lands.” Exact wording and nature of the changes to the regulation were not given.

Staff have previously raised concerns with changes to the Planning Act that facilitates a severance based on a purchase and sale agreement. As no proposed wording have been presented relating to the changes to the regulations with regards to adding a purchaser as an applicant, the City still does not support this change.

The definition of “retained lands” continues to be a concern in that it does not provide clarity if it refers to any land that abuts the land for which a certificate of Consent is issued, even if that abutting land was not part of the Consent application that gave rise to the certificate. Staff do not object to the changes in the regulation however, as proposed wording was not provided for how the changes would be implemented staff are unable to determine if they have concerns with the proposed changes.

### **City of Hamilton Comments – Changes to O. Reg. 144/95 (Criteria – Validation of Title)**

The Province is proposing to revoke O. Reg. 144/95. Bill 276 changed the Criteria for a Validation Certificate to the “same criteria that apply to the granting of consents under section 53.”

Under O. Reg. 144/95 there was a very clear criteria, the same is not the case for consents. The vague nature of the criteria could mean that Validation of Title applications are reviewed and recommended differently by each municipality. The City recommends that the Province establish clear criteria in the regulation.