

August 12, 2021

Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
13th Floor, 777 Bay Street
Toronto, Ontario, M7A 2J3

Sent via email to: PlanningConsultation@ontario.ca and submitted online via the Regulatory Registry and the Environmental Registry of Ontario

Dear Provincial Planning Policy Branch Staff,

Re: Regulatory Registry # 21-MMAH015: Proposed complementary and consequential changes to Minister's regulations under the Planning Act.
Environmental Registry # 019-3958: Proposed Changes to Regulations Under the Planning Act

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

Upon proclamation Schedule 24 to Bill 276 will make changes to the consent process by allowing the "purchaser" to apply for a consent and by introducing a new tool to allow for a certificate to be issued in respect of the retained land resulting from a consent. It will also make legislative changes which require that a decision to issue a certificate of validation be subject to the same criteria applicable to a decision to grant a consent.

We would like to express our thanks and support for the decision to end the automatic mergers of properties under the Land Registry System for those titles which have historically merged automatically upon the death of a joint tenant. This is a huge relief for many of our farm family members and we look forward to sharing this good news with our membership, however many of our members are still engaged in the process of unmerging of these titles, which can be costly.

We would like to reiterate the request made in our submission that since these kinds of automatic mergers have been discontinued, a clear and easy process for unmerging them needs to be communicated to the local planning authorities and land division committees. By doing so, the Ministry could contribute significantly to red tape reduction on this issue.

In our submission on the ERO 019-3495 consultation, we commented that OFA was not in favour of *Planning Act* amendments that would enable the further subdivision of lots beyond what was

already permitted at the time, and that maintaining agricultural land for agricultural uses must continue to be a core provincial priority. OFA does not support scattered or strip development within agricultural areas, because this form of development limits the ability of new and existing agricultural operations and fails to contribute financially to municipalities. It can also have negative impacts on the viability of the agricultural system.

Historically, OFA has supported lot creation only under those limited circumstances which have been allowed under the PPS. In supporting the severance of a residence surplus to a farming operation, for example, while we acknowledge that the outcome is a non-farm residential use within an agricultural area, we nevertheless also understand that it is sometimes advantageous for farmers to be able to sever and sell a surplus farm dwelling.

Some local planning authority members have commented to us that they have trouble understanding what the impacts of these recent planning act changes are in terms of the day-to-day planning applications that they are tasked with reviewing at the local planning level. In our submission to ERO 019-3495, OFA requested that care be taken to ensure that these changes do not have unintended lot creation consequences that are inconsistent with provincial land use policy direction and the protection of agricultural lands. Considering the changes to the consent process that will allow the "purchaser" to apply for a consent, and of the introduction of a new tool to allow for a certificate to be issued in respect of the retained land resulting from a consent, amongst other changes, we are pleased to note that this posting includes a reference to "updating of various ministry materials" that will "provide assistance to municipalities." OFA now requests that your Ministry produce guidance materials quickly that will outline these changes in a comprehensive plain-language guidance document that will be available to all stakeholders.

We note that the provincial government has created useful and practical Guidance materials in other relevant policy frameworks. Two excellent examples are the "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" and "The Minimum Distance Separation (MDS) Document: Formulae and Guideline for Livestock Facility and Anaerobic Digester Odour Setbacks," yet there is no equivalent reference manual for lot creation in Agricultural Areas.

OFA would like to express our encouragement for the Ministry to develop these technical supports in the shortest timeframe possible. We suggest that perhaps the two provincial resources referenced above could be used as a model for a similarly formatted guidance document pertaining to lot creation in Agricultural Areas.

Developing and distributing technical supports, including plain language interpretation of the new amendments, which kinds of severances will and will not be allowed, and a description of practices that have changed since the previous version, to all stakeholders will help to address confusion at the local planning level. This will help to avoid poor outcomes that may otherwise be the result of any lack of clarity.

The OFA continues to support the preservation and protection of Ontario's farmlands. The protection of Ontario's agricultural lands from incompatible development, as well as its loss from urban expansion, continues to be an ongoing concern. Without strong commitments and clear policy direction for agricultural land protection from all levels of government, the economic potential of the Agricultural Land Base as a driver of Ontario's post-COVID recovery will be lost.

To maintain the economic and employment contribution of the agri-food sector into the future, a holistic, systematic, province-wide approach that prioritizes protecting the best agricultural lands and identifies the most appropriate areas for growth, with justifiable criteria and a comprehensive analysis must be adopted.

OFA believes Ontario's land use planning policies must be clearly communicated to decision makers so that farmland can be reserved for farming while population and employment growth can continue to be allocated to urban settlement areas throughout Ontario. We look forward to the development of plain language documents which will provide technical support for stakeholders to enable them to readily identify the types of local planning decisions that are or are not now allowed including the process of unmerging titles which have merged automatically due to the death of a joint tenant and again reiterate that these documents need to be released quickly.

OFA appreciates your work to end the automatic mergers of certain properties under the Land Registry System and we look forward to working with you to address other situations where properties are automatically merged.

Thank you for this opportunity to provide feedback on the proposed complementary and consequential changes to Minister's regulations under the Planning Act.

Sincerely,



Peggy Brekveld
President

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
OFA Board of Directors