

April 29, 2022

Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

****SUBMITTED ELECTRONICALLY****

RE: Environmental Registry of Ontario Posting 019-5285: Community Infrastructure and Housing Accelerator – Proposed Guideline

Please accept this letter in response to Environmental Register of Ontario (ERO) proposal 019-5285 regarding the proposed guideline for the Community Infrastructure and Housing Accelerator (CIHA) developed to support the implementation of changes to the *Planning Act, R.S.O. 1990* as proposed in ERO posting 019-5284. Staff have undertaken a review of the proposal and offer the following comments.

Proposal Summary

Staff understand that ERO Posting 019-5285, which is to be implemented through Bill 109, known as the *More Homes for Everyone Act*, introduces a guideline that clarifies the application of the CIHA, which is intended to expedite the approval and construction of housing, infrastructure, and community projects via an order issued by the Minister of Municipal Affairs and Housing. Specifically, the Minister's order may regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development.

Comments

Generally, staff are supportive of the Province's initiatives to assist in the creation of more housing units, in supporting intensification, and in the development of complete, compact, and transit-supportive communities. To assist with the implementation of the CIHA, it is recommended that the guideline:

- **Provide municipalities and municipal councils with direction as to the conditions or situations in which the use of the CIHA may be appropriate given that established processes for approving development are in place.** As presented, it is unclear as to why or when a municipality may request the Minister to use the CIHA tool. Specifically, as processes already exist for the re-designation or re-zoning of land, and approving development in general, the guideline should specify why it may be appropriate for municipalities for use the CIHA tool rather than process a proposal under the established protocol. This would ensure that the CIHA tool is not mis-used or abused and that accountability and due public process is maintained.
- **Outline the minimum standards for public consultation.** Given that there is no appeal of a Minister's order under the CIHA, and the order and subsequent approvals may need not be consistent with the Provincial Policy Statement or conform to any Provincial Plans and municipal policies, the public needs to be made aware of and consulted on the impacts of an order issued under the CIHA, such as impacts on local natural heritage systems or community.

- **Clarify how municipalities are to address technical development approval matters without ability to impose conditions.** As development permitted by the Minister under a CIHA order may not need to conform to local policy framework, it is unclear how, or if at all, a municipality is to address the technical side of approving development, such as:
 - Land dedication for right-of-way widening,
 - Parkland dedication (or cash-in-lieu), or
 - Application of community benefits by-laws.
- **Include a flow-chart that outlines steps involved in requesting and implementing an order under the CIHA.** The Minister has, in the past, developed and published flow-charts which illustrate the steps involved in implementing matters under the *Planning Act*. The same is true for matters under the *Ontario Heritage Act*, albeit under a different ministry. A flow chart that outlines what municipalities are required to do, as well as what they can do, such as requesting that the Minister give specific conditions or require specific studies, would help the implementation of the CIHA and allow municipalities to protect public interest.

Thank you for providing the opportunity to comment on this proposal.

Respectfully,



Michelle Banfield, RPP,
Director of Development Services