



April 10, 2022

Hon. Steve Clark, MPP
Minister of Municipal Affairs & Housing
17th Floor, 777 Bay Str.
Toronto ON M7A 2J3

Dear Minister:

**FCA Concerns regarding Bill 109 –
More Homes for Everybody Act, 2022**

The Federation of Citizens Associations (FCA) of Ottawa represents 70 community groups in the City of Ottawa. Our members are actively involved in many of the City of Ottawa's public consultations on planning issues – most recently regarding the development of the City of Ottawa's new Official Plan. As well, we have followed the progress of the Ontario Task Force on Housing Affordability and provided comments on the Task Force recommendations to the Minister of Municipal Affairs & Housing. We now find ourselves responding to Bill 109 – the More Homes for Everybody Act, 2022, which is the government's response to the Task Force's recommendations. We wish to bring to your attention 3 major concerns regarding this proposed legislation.

(1) Site Plan Approval:

Bill 109 proposes to remove local autonomy and accountability from municipal councils regarding site plan approvals, through assigning these approvals to municipal planning officials. As you know, the Planning Act assigns site plan control to municipal councils to ensure that land development is safe, functional and orderly. It is used to ensure that the development standards approved by the City and other agencies are implemented and maintained. Building location, landscape treatment, pedestrian access, drainage control and parking layout are a few of the items addressed during the site plan review process.

In Ottawa most site plan approvals are already delegated to City planning staff: site plan approvals are not required to residential buildings of 4 stories or less, with 3 dwellings or less, and which are serviced with water and sanitary sewers. For non-residential buildings it doesn't apply to buildings not exceeding 600 square meters and which are serviced by water and sanitary sewers.

The FCA does not support assigning all site plan approvals to City planning staff. For buildings larger than 4 stories, containing more than 3 dwelling units, or exceeding 600 square metres, issues such as site egress/exit onto public roads, parking, landscaping, drainage, etc., have an impact on neighbouring uses. The use of public consultation between the developer, the City and the affected public usually resolve many of these issues but occasionally competing demands need to be resolved through reports considered at the City's Planning Committee at an open meeting where the affected stakeholders can be heard. It is our experience that most site plan applications that reach that stage are accepted by Planning Committee, but it does allow concerned stakeholders to make their case. This leads, in our view, to a better result. We do not see the requirement to remove this process from public review.

Therefore we respectfully recommend that this provision be deleted from Bill 109.

(2) Community Infrastructure & Housing Accelerator:

Bill 109 proposes to give the Minister of Municipal Affairs & Housing, through a provision called the Community Infrastructure & Housing Accelerator, the authority to impose zoning provisions in a municipality to facilitate development, without consideration of that municipality's Official Plan or zoning bylaw – both provisions that are required under the Planning Act. In our view such outside imposition makes a mockery of the municipality's Official Plan and zoning bylaw, which already must conform to the Province's land use Policy Statements, and which are developed through extensive consultation with the public and stakeholders in that municipality. Further, the imposition of these Ministerial zoning provisions would be done without public notice and consultation by affected stakeholders (eg neighbours, etc.) who would be affected by this action, and with no opportunity for review.

Therefore we respectfully recommend that this provision be deleted from Bill 109.

(3) Ability of the Minister to refer all or part of a municipality's Official Plan to the Ontario Land Tribunal:

Currently a municipality's Official Plan, which guides the growth of a municipality to accommodate both population, employment and housing forecasts, must be developed through extensive public consultation, must conform to the Province's land use Policy Statements, must be reviewed every 5 years, and re-written every 10 years to reflect changes in the planning environment. In Ottawa our members have been part of a 3-year effort to re-write the City of Ottawa's Official Plan, which was completed last fall and has been waiting for Ministerial approval for months now. Our Official Plan review has been open, transparent, allowed all stakeholders to present their issues, and ensures that the elected officials charged with developing the City's Official Plan are accountable for their actions.

Given these processes, we do not see the need for the Minister of Municipal Affairs & Housing to subject him or herself to lobbying by stakeholder interests to have those

policies that affect them be referred to an unaccountable and unelected body (the Ontario Land Tribunal) to re-fight those decisions taken by the municipal council in developing their Official Plan. Local autonomy and local accountability by municipal councils should be respected if their decisions follow the direction provided by the Planning Act and the Province's land use Policy Statements. Ministerial approval of municipal Official Plans, already part of this process, should (and does) confirm that provincial interests are safeguarded in these Official Plans.

Therefore we respectfully recommend that this provision be deleted from Bill 109.

In closing, it is important to emphasize the value of public engagement and of local planning policies developed through extensive public and stakeholder consultation, consistent with Provincial Policy Statements. These are important values that need to be preserved, not over-ridden by unaccountable and arbitrary Ministerial fiat.

Thank you for your attention to these concerns.

Yours truly,

A handwritten signature in black ink, appearing to read "Alex Cullen". The signature is fluid and cursive, with the first name "Alex" being more prominent than the last name "Cullen".

Alex Cullen
President FCA

Cc Members of the Standing Committee of the Legislative Assembly
Ottawa-area MPPs
Ottawa City Councillors