



# LONDON DEVELOPMENT INSTITUTE

November 21, 2022

Ministry of Municipal Affairs and Housing  
Planning Consultation

ERO: 019-6163

Dear Ministry Staff,

The London Development Institute (LDI) is a member-based organization representing most land developers in the London area. LDI has been the leading voice on development issues in our City for more than 40 years. Our goal, working with our partners in local government and the community, is to build a better London.

LDI wants to thank the Provincial Government for their commitment in supporting housing supply in Ontario. Your efforts will provide housing availability and affordability for all.

LDI is supportive of the proposed changes to the Planning Act that remove barriers to the creation of 1.5 million new homes in Ontario over the next ten years.

We agree with the proposed changes that will address the missing middle and the “as of right” zoning for MTSA’s and PMTSA’s. We would suggest the “as of right zoning” approach should be used throughout a municipality to encourage high density development.

We also agree with your proposed changes to Public meeting, Site-plan exemptions and Conservation Authorities.

We strongly agree with your proposed changes to 3<sup>rd</sup> Party Appeals. This change will have a significant impact on improving the development process.

We do, however, believe there needs to be a change in the proposed legislation to protect the appellant rights of 3<sup>rd</sup> Parties when the change has been initiated by the municipality. The following letter to Minister Parsa, Associate Minister of Housing, explains the need for this to be corrected in the proposed legislation.

**Sent to the Minister and staff on November 14, 2022**

*“Dear Minister Parsa*

***RE: Change to Planning Act amendments in Bill 23 to protect the rights of the housing development industry.***

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*LDI is in support of the proposed amendments to the appeal process in the Planning Act as presented in Bill 23. They are positive in that they will remove the right of third parties to appeal owner-initiated Official Plan Amendments, Zoning By-law Amendments, Consents, and Minor Variances. **Unfortunately, the amendments also catch and prohibit appeals over these approvals where they are initiated by a municipality. This will work against the purpose of the legislation and should be addressed.***

*For example, under the current version of the Planning Act, there is a right of appeal by any person who made oral submissions at a public meeting or written submissions to Council prior to passage of a municipally initiated Zoning By-law Amendment or a entirely new Zoning By-law passed by a municipality. These appeal rights are very important as they allow a Developer to object if a municipality takes steps to down-zone its property through a new Zoning By-law. The Bill 23 amendments remove these appeal rights (see amendment to section 34(19) paragraph 2).*

*A similar situation exists with respect to municipally initiated Official Plan Amendments. While there is currently no right of appeal over new Official Plans where the approval authority is the Minister, there is still a right of appeal over municipally initiated Official Plan Amendments. The Bill 23 amendments would remove this right of appeal, which could pose significant issues for Developers who will now be unable to challenge any change by a municipality to an Official Plan, including the adoption of a Secondary Plan and permitted uses in designations.*

*Given the legislative intention to prevent delays in housing development, it is important that this gap be addressed. If it is not addressed, municipalities will have full power to pass new Zoning By-laws, Zoning By-law Amendments, and Official Plan Amendments that remove or severely limit development rights. This could result in even greater housing delays, as Developers will not be able to appeal these decisions and are, under the current legislation, not permitted to file Applications to amend new Zoning By-laws or Official Plans for a two-year period.*

*We propose that the amendments be changed to preserve rights of appeal for any person who made oral submissions at a public meeting or written submissions to Council prior to passage of a municipally initiated Zoning By-law Amendment, new or replacement Zoning By-law, or Official Plan Amendment.*

*While less common, there is also no justification for removing appeal rights over municipally initiated Consents and Minor Variances. These appeal rights should also be preserved. "*

On a final note, we would like the full restoration of appeal rights as they relate Official Plan approvals in future legislation. LDI looks forward to the consultation process regarding the development of regulations to implement the improvements to the Planning Act.

Sincerely,

A handwritten signature in blue ink that reads 'Mike Wallace'.

Mike Wallace  
Executive Director