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December 9, 2022

Honourable Steve Clark  
College Park 17th Floor  
777 Bay Street  
Toronto, ON  
M7A 2J3

**RE: Bill 23 Proposed Changes – Planning Act and City of Toronto Act**

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Dear Minister Clark,

Please find enclosed Sifton Properties Limited's (here in known as "**Sifton**") review and comment regarding proposed changes through *Bill 23, More Homes Built Faster Act*, to the Planning Act and City of Toronto Act. We are, generally, in support of the proposed changes to the Planning Act and City of Toronto Act. We have concerns regarding the repeal of third-party appeals and the definition of "specified person" in subsection 45 (12.1) to (12.4) which would have a significant impact on our business and all developers within Ontario. We would request the Minister to provide the ability for third-party appeals for landowners, applicants and corporations who have vested interest in their appeal rights. We would request the Ministry to include additional Upper-Tier municipalities to remove their planning responsibilities as per the new section 70.13 of the Act. Land needs analysis occurs at the Lower-Tier municipal level and in order for overall consistency in Ontario, we would request the inclusion of all Lower-Tier municipalities as the designated planning authority for all municipalities.

We appreciate the opportunity to comment on the proposed changes to the Planning Act and City of Toronto Act. Should you require anything further, please don't hesitate to contact our office.

Yours truly,

**SIFTON PROPERTIES LIMITED**

Lindsay Clark, BES  
Manager – Planning & Development  
Neighbourhood Developments

Cc: Phil Masschelein, Senior VP Neighbourhood Development

# Bill 23

## An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022

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### SCHEDULE 9

### PLANNING ACT

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*The Schedule makes various amendments to the Planning Act.*

- 1. The concept of “parcels of urban residential land” is added as well as rules respecting development on such parcels.*

Sifton is in support of the above proposed amendments as per Subsection 1 (1) of the Planning Act.

- 2. New subsections 16 (20) and (21) are added to require zoning by-laws to be amended to conform with certain official plan policies within one year of the policies coming into effect.*

Sifton is in support of the above proposed amendments in subsections 16 (20) and (21).

- 3. Currently, under subsection 45 (12), a person has the right to appeal a decision of the committee of adjustment if the person has an interest in the matter. Amendments are made to the subsection to add the requirement that the person also be a specified person listed in a new definition in subsection 1 (1). New subsections 45 (12.1) to (12.4) are added to provide transitional rules associated with this change, including its retroactive application. A similar amendment is made to appeal rights under subsections 53 (19) and (27).*

Sifton is in support of the above proposed amendments in subsections 45 (12.1) to (12.4), however Sifton does not support the inability of third-party appeals. Sifton also is not in support of the new definition of “specified person” and would like to remove the limitations on the definition to allow for third-party appeals by applicants, landowners and corporations who have vested interest in appeal rights and would be vetted through the Tribunal process.

4. *Currently, subsections 22 (2.1) to (2.1.2) prohibit requests for official plan amendments to be made within two years of a new official plan or secondary plan coming into effect. The subsections are repealed. The prohibitions on applications to amend zoning by-laws in subsections 34 (10.0.0.1) and (10.0.0.2) and in relation to applications for a minor variance in subsections 45 (1.2) to (1.4) are similarly repealed.*

Sifton is in support of subsections 22 (2.1) to (2.1.2) in relation to official plan amendments within two years of a new official plan or secondary plan amendment. In addition, Sifton is supportive of subsections 34 (10.0.0.1) and (10.0.0.2) of zoning by-law amendments and subsections 45 (1.2) to (1.4) regarding the ability to submit a minor variance application within two years of a new official plan.

5. *Currently, section 23 of the Act enables the Minister to amend official plans by order where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to, in particular, eliminate certain procedural steps to which the Minister’s power to make orders is subject, as well as to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.*

Sifton is in support of the proposed changes to section 23 of the Act.

6. *A new subsection 34 (19.9) is added to create an exception to subsection 34 (19.5), which prevents certain appeals of zoning by-laws related to protected major transit station areas if more than a year has passed since related official plan policies or amendments thereto came into effect.*

Sifton is in support of the proposed changes to the new subsection 34 (19.9) of the Act.

7. *Currently, subsection 37 (6) permits a municipality that has passed a community benefits charge by-law to allow an owner of land to provide the municipality facilities, services or matters required because of development or redevelopment in the area. A new subsection 37 (7.1) provides that a municipality may require such an owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters and new subsection (7.2) requires the agreement to be registered against the land.*

Sifton is in support of the proposed changes to the new subsection 37 (7.1) and 7.2) of the Act.

8. *Currently, subsection 37 (32) of the Act provides that the amount of a community benefits charge payable in any particular case shall not exceed the prescribed percentage of the value of the land as of the valuation date. The subsection is amended to require the amount to be multiplied by a ratio based on floor area.*

Sifton is in support of the proposed changes to the subsection 37 (32) of the Act.

9. *Various amendments are made to section 41 of the Act with respect to site plan control areas. New subsections (1.2) and (1.3) are added to qualify the definition of “development” in section 41. Amendments to subsections (4) and (4.1) provide that exterior design is no longer a matter that is subject to site plan control. Similar changes are made to section 47.*

Sifton is in support of the proposed changes to section 41 including new subsections (1.2) and (1.3) and amendments to subsections (4) and 4.1) of the Act.

- 10. Amendments to the exceptions to subdivision control and part-lot control under subsections 50 (3) and (5) of the Act are made in connection with land lease community homes. The exception doesn't apply in respect of land if any part of the land is in the Greenbelt Area. A complementary amendment is made to the definition of "parcel of land" in subsection 46 (1).*

Sifton is in support of the proposed changes to the subsection 50 (3) and (5) of the Act.

- 11. Section 51 is amended by repealing certain provisions respecting public meetings.*

Sifton is in support of removing public meetings as per Section 51 of the Act for draft plan of subdivisions and would request the same for draft plan of condominiums.

- 12. Section 70.12 is added to give the Minister the power to make regulations governing transitional matters.*

Sifton is in support of the proposed changes to section (70.12) of the Act.

- 13. The Act is amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Various amendments are made to provide lower-tier municipalities with planning functions where, for municipal purposes, they form part of an upper-tier municipality without planning responsibilities. A new section 70.13 addresses various transitional matters which may arise where there is a change in the municipality that has planning responsibilities.*

Sifton is in support of the removal of planning responsibilities from upper-tier municipalities and would request that all upper-tier municipalities be removed from planning responsibilities in Ontario through the new section 70.13 and specifically in the Greater Golden Horseshoe area including but not limited to Northumberland. Sifton would request further clarity the removal of some upper-tier planning responsibility but not all within Ontario.