

December 9, 2022

File No. 587617-3

**SUBMITTED VIA THE ENVIRONMENTAL REGISTRY OF ONTARIO**

Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Dear Minister Clark:

**Re: Bill 23, *More Homes Built Faster Act, 2022* (“Bill 23”)  
Submissions of the Regional Municipality of Niagara**

We are counsel for the Regional Municipality of Niagara (“**Niagara**”), which will become an “upper-tier municipality without planning responsibilities” when Bill 23’s amendments to the *Planning Act* distinguishing between upper-tier municipalities with and without planning responsibilities are brought into force.

We are writing to express the Region’s concerns and recommendations regarding the timing and transition period for the bringing into force of these amendments. On November 18<sup>th</sup>, the Region submitted formal comments to the Ministry which outline some of the significant impacts that Bill 23 will have on the Region’s planning responsibilities, eliminating its authority to, among other things, adopt an official plan, act as an approval authority for lower-tier official plans/official plan amendments, or appeal planning decisions. Transferring planning responsibilities to lower tier municipalities will significantly impact them as well given their integration, with the Region, in an existing land use planning regime with set roles and responsibilities. The Region, its lower-tier municipalities, and other impacted stakeholders require sufficient time to negotiate and delineate future land use planning responsibilities in light of Bill 23.

At present, the Region has a longstanding and successful approach to planning for short and long-term growth that ensures land use, infrastructure, and financial planning are integrated and coordinated with its lower-tier municipalities. The Region and its lower-tier municipalities have worked together to develop a Memorandum of Understanding (the “**MOU**”), which sets out their respective roles and responsibilities and establishes the framework within which they have successfully provided integrated land use planning. The MOU ensures efficiency, streamlines processes, and avoids the duplication of services, such that development applications, planning, and growth are managed in an efficient and cost-effective manner and without undue delay.

Bill 23 will have a dramatic impact on the roles and responsibilities of the Region and its lower-tier municipalities, beyond what is formalized by legislation. The MOU also relies on various Regional and local by-laws for planning applications to be processed efficiently. Bill 23 will impact the Region’s ability to

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comment on and monitor various other types of planning applications processed at the local level. The Region's lower-tier municipalities rely on it to provide these critical services and functions. The diversity in size and in staffing will be a challenge for moderate sized lower-tier municipalities to pick up these responsibilities and maintain efficiencies. Accordingly, Bill 23's impact necessitates extensive conversation and negotiation between the Region and its lower-tier municipalities to adequately plan for the future.

An appropriate transition period is necessary to allow these discussions to take place and to provide time for the Region, its lower-tier municipalities, and various other stakeholders to enter into new agreements, memoranda of understanding, and pass the appropriate resolutions and by-laws to give effect to new arrangements. This is especially important because the Region will continue to play a critical role in planning for growth related to the infrastructure development and servicing. The Region also anticipates that it will be asked by some or all of its lower-tier municipalities to continue to provide a level of land use planning advice. This is especially likely in municipalities that are more moderate in size and do not have sufficient budget or tax base to take on expanded land use planning responsibilities and services without a significant staffing and related impact. It is possible that not all will be able to attract planning staff to do this work even if they could pay for it, notably those that may not have sufficient work transferred to attract a planner.

The Region therefore urges the Province to defer the proclamation date to ensure that there is sufficient time for the Region and lower tier municipalities to discuss transition and that this be considered in the work completed by the provincially appointed facilitator. In doing so, the Province can help facilitate a smooth transition of planning responsibilities as between the Region and its lower-tier municipalities, thereby ensuring that development applications, future growth, and the provision of affordable housing are not impacted by administrative confusion or staffing challenges arising out of the implementation of Bill 23's significant changes to the Province's land use planning regime.

We make these submissions to encourage the Province to take the necessary time to allow for the transfer of planning responsibilities to happen without creating unnecessary disruption to the ability of all impacted municipalities to process applications that support the Province's objectives of creating more housing faster.

Thank you in advance for the opportunity to make this submission.

Yours truly,

**Dentons Canada LLP**



Mary Ellen Bench  
Counsel

MEB/mr

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