



May 5, 2023

Planning Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, ON M7 A 2J3

RE: Environmental Registry of Ontario Posting 019-6821 – Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 –the proposed Helping Homebuyers, Protecting Tenants Act, 2023)

Please accept this letter in response to Bill 97 –the proposed Helping Homebuyers, Protecting Tenants Act, 2023 as staff comments subject to endorsement by Council for the Town of Caledon at the June 14, 2023 Council meeting. The Town of Caledon is appreciative of the opportunity to provide comments on the above noted matter. Caledon is fully supportive of the Province’s goal to improve housing supply and has recently committed to a Housing Pledge as well as a number of policy initiatives.

As identified in the proposed regulation, the Province is seeking a response for matters including:

- Proposed *Ministry of Municipal Affairs and Housing Act* Amendment
 - Addition of Deputy Facilitators to the Provincial Land and Development Facilitator
- Proposed *Planning Act* Amendments
 - Ministerial Authority to Require Development Agreements
 - New Authority for Minister’s Zoning Orders
 - Changes to Employment Area Protections
 - Appeals of Interim Control By-laws
 - Fee Refund Provisions
 - Regulation-Making Authority for Site Plan Control for 10 Units or Less
 - Consequential Changes to Support Implementation of the More Homes Built Faster Act, 2022 (Bill 23)

The Town’s comments are included in the Appendix 1 to this letter. Town staff would be happy to discuss these comments in more detail, please do not hesitate to contact the undersigned.

Sincerely,
Antonietta Minichillo
Director of Planning/Chief Planner
TOWN OF CALEDON

Appendix 1 Town of Caledon Response to ERO Posting 019-6821

A. Proposed *Ministry of Municipal Affairs and Housing Act* Amendment

1. Addition of Deputy Facilitators to the Provincial Land and Development Facilitator

Comments

The Town would like clarity on the role of the Deputy Facilitators and the specified functions in respect of growth, land use and other matters. The Town would like the opportunity to comment on the draft terms of reference.

B. Proposed *Planning Act* Amendments

1. Ministerial Authority to Require Development Agreements

Comments

- If the Minister enters into an agreement with landowners the municipality should be consulted, and not just informed. The municipality should also have the right to refuse if the agreement or any of its conditions are not satisfactory.
- The exemption proposed for these orders from Part III (Regulations) of the *Legislation Act* should be removed, as it may mean that the agreements proposed to be authorized would not be published in the Ontario Gazette or e-laws, presenting an issue of transparency.
- Municipalities should also be allowed to enter into agreements with landowners for matters not included in the *Planning Act* or the *Development Charge Act*. The Town requests the Province to repeal Section 59.1 of the *Development Charge Act* to permit developers and municipalities to collaborate on building complete communities.

2. New Authority for Minister's Zoning Orders

Comments

The additional and optional tool to MZO's, the Community Infrastructure and Housing Accelerator (CIHA) has a better approach to conformity of subsequent approvals to Official Plans, provincial plans and PPS. Subsection 34.1 (15) of the *Planning Act* allows the minister, upon request of a local municipality, to provide that specific subsequent approvals for a CIHA are not subject to provincial plans, the Provincial Policy Statement and municipal official plans. Subsequent approvals are licences, permits, approvals, permissions or other matters that are required before a use permitted by a CIHA order could be established, such as plans of subdivision and site plan control.

The minister will only consider an exemption from provincial and local land use policy requirements for a CIHA if the subsequent approval is needed to facilitate the proposed

project, and the municipality provides a plan that would, in the opinion of the minister, adequately mitigate any potential impacts that could arise from the exemption. This includes, but is not limited to, matters dealing with:

- community engagement
- Indigenous engagement
- environmental protection/mitigation.

A similar approach for MZO's can protect the municipality and the landowners from potential adverse impacts of a development subject to the MZO.

Recommendations

- Similar to CIHA regulation, the Province should amend the *Planning Act* to allow the minister, upon request of a local municipality, to provide that specific subsequent approvals for a MZO are not subject to provincial plans, the Provincial Policy Statement and municipal official plans. The exemption should be considered by the minister only if the municipality provides a mitigation plan to address any potential impacts that could arise from the exemption.

3. Changes to Employment Area definition

Comments

The Town will be providing comments on the proposed new employment area policies in the Proposed Provincial Planning Statement by the June 5 deadline. In the meantime, the Town is supportive of a policy direction to encourage mixed use development in strategic growth areas, while continuing to protect critical locations and areas for manufacturing, warehousing, and associated uses. However, the Town is concerned that, while the narrowing of the definition of 'area of employment' could help protect critical industrial areas from incompatible uses and competing uses (i.e. places of assembly, fitness centres), the proposed policies do not account for the important role that office and retail play in employment areas, as they appear to limit opportunities for such uses that are complementary to employment areas.

Example being a large multi warehouse development that has no convenient stores, coffee shops or restaurants to service the needs of the employees that work in that immediate vicinity. Limited commercial and office uses including uses such as gas stations should be permitted to co-exist in the employment areas, and the municipality should be able to determine appropriate locations where these permissions may apply.

Further, the absence of "Comprehensive Review" requirements in the proposed Policy Statement means that Employment Land conversions could be permitted through an Official Plan Amendment at any time. While there may be some advantages in specific situations, without a municipal comprehensive review, the Town is very concerned that this change will result in significant pressure to convert critical employment lands in Caledon for residential uses. Moreover, this change in definition and the changes related to employment conversions will decimate municipalities' industrial tax rate, leading to

impacts on residential property tax base. In lieu of Bill 23, this will further affect the Town's growth revenues.

To meet Caledon's employment projections, the Town's Economic Development Strategy identifies the need to attract higher density development (e.g. office style development that can accommodate professional service firms, health care practitioners, business services) as opposed to warehousing and distribution facilities that typically yield low employment densities. Caledon needs to protect predominantly office uses.

Recommendations

- Municipalities should be permitted to identify employment lands that meet the new definition and provided the tools to be able to protect these lands from conversions.
- The current 'municipal comprehensive review' policy approach to removing land from employment areas should be maintained, with flexibility for a municipality as to when the review could be initiated, depending on local situations.
- Municipalities should be allowed to identify areas where limited commercial and office uses may be permitted in employment areas.
- The Province to protect for predominantly Office uses and office-supportive uses.

4. Appeals of Interim Control By-laws (ICBLs)

Comments

The Town requires clarity on the transition regulations. Also, the power to enact an ICBL is an extraordinary one, typically exercised in situations where an unforeseen issue arises within the terms of an existing zoning permission, as a means of providing breathing space during which time the municipality may study the issue and determine the appropriate planning policy and controls. The new ability to appeal a new ICBL at the time of passing should be removed as it will prevent municipalities from focusing on undertaking required studies, which may be time-consuming. The proposed changes will lead to situations where municipalities have competing priorities- studying the issues and fighting appeals which may not even be needed once the review of the issues is completed.

Recommendation

The Province should retain the ability to file an appeal only after a year of initial passing of the ICBL to allow municipalities to address issues and complete studies related to the ICBL.

5. Fee Refund Provisions

Comments

As noted in the Town of Caledon Housing Pledge, the Town has been investing in improvements to technology recognizing its importance in streamlining development approvals, such as electronic plan review software. Caledon received provincial funding under the second intake of the Province's Municipal Modernization Program. The Town is also undertaking an end-to-end review of development application processes to streamline, gain efficiency, update technology and ultimately create community-focused development application processes that improve municipal development processing times and create a seamless service delivery to all land development related matters within the Town.

While the Town is committed to making significant improvements to development processes, there are some issues to consider:

- Availability of technology vendors to make the necessary improvements in a timely manner once the review is complete is critical for delivery on the efficiencies.
- Staff time is required to make the necessary process improvements, at the same time as continuing to process applications that are in the system and adapt to further changing to planning legislation. This may create delays in the short term due to these competing priorities for our limited resources.
- Staff resources are consumed by learning and reacting to changing provincial legislation and not fully focused on processing development applications. Proposals for responsibilities being downloaded from the Region and the need for amendments to existing policies and programs that were not in current workplans will likely impact staffing/resourcing needs.

Application fees are collected on a cost recovery basis as an important revenue source for municipalities and directly fund the delivery of development application review services. Changes proposed that delay the in-effect date of fee refund provisions until July 1, 2023, are welcome; however, it is recommended that the in-effect date of these provisions be further extended by an additional six months to December 31, 2023, to provide more time for transition and implementation of technology improvements. This will allow municipalities to fully realize process improvements that are underway and better support municipal implementation of the Act's requirements.

Recommendation

- Staff recommend that the in-effect date for the refund of planning application fees where no decision is made within statutory timelines be extended from July 1, 2023, to December 31, 2023.

6. Regulation-Making Authority for Site Plan Control for 10 Units or Less

Comments

The Town supports the modification.

Recommendation

The regulation should include site plan control for residential developments of 10 or fewer units on parcels of land subject to natural hazards to ensure that matters relating to public health and safety are addressed.

7. Consequential Changes to Support Implementation of the More Homes Built Faster Act, 2022 (Bill 23)

Comments

Caledon welcomes the clarity that the existing provisions under Bill 23 regarding parking spaces for additional residential units apply only to the second and third units on a property.