

## Public Works

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May 5, 2023

Ministry of Municipal Affairs and Housing  
777 Bay Street, 17th floor  
Toronto, Ontario  
M7A 2J3

**ERO 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*)**

**ERO 019-6822 Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister’s Regulations under the *Planning Act* and the *City of Toronto Act, 2006***

Thank you for the opportunity to review and comment on the Environmental Registry of Ontario (ERO) postings regarding *Bill 97, Helping Homebuyers and Protecting Tenants Act* (the Bill). Please note that the following comments and recommendations are provided by Peel Region (Peel) staff and may be considered by Region of Peel Council for endorsement. If additional or differing comments are provided through a Council resolution, these comments will be forwarded to the Ministry of Municipal Affairs and Housing (the Ministry) for consideration.

Please also note that Peel will be providing separate comment responses on the ERO and Ontario Regulatory Registry postings related to tenant protection, residential rental demolition and conversion control provisions in the Bill and the Helping Homebuyers, Protecting Tenants Plan.

### **Planning Application Fee Refunds**

Peel, the Cities of Brampton and Mississauga, and the Town of Caledon have been implementing improvements to streamline the processing of planning applications, including revising pre-application and complete application requirements, delegating approvals, and leveraging technology and other measures to accelerate the approval and supply of housing in accordance with the legislated timelines included in Bill 108 and requirement to refund fees included in Bill 109. These improvements will continue to reduce processing timelines over time to support timely and efficient planning decision-making.

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 to the Municipal Act in Bill 97 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

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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:

Peel 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.

### **Ministerial Powers Relating to Minister's Zoning Orders**

In response to previous consultations on the use of Minister's Zoning Orders (MZOs), Peel has indicated that it could be supportive of the use of MZOs for strategic initiatives where there is a demonstrated need and urgency that aligns with provincial, regional, and local interests. Peel also recommends that the Minister work with municipalities to develop a transparent process to be followed prior to issuing MZOs, including engagement protocols, communication tools, advance notice for municipalities and the public, confirmation of servicing, and conditions for their use. While MZOs are powerful tools in expediting planning approvals, they are only as effective as the availability of services to the lands subject to the MZO. In certain cases in Peel, MZOs have been issued in areas where there is no existing or planned servicing. This presents challenges for the broader system as large infrastructure projects require significant advanced planning, design, and construction.

Proposed changes in Bill 97 would provide Ministerial authority to include provisions in an MZO that official plans do not apply to further licenses, permits, or approvals needed to establish uses permitted under the MZO. Municipal official plans are important tools that reflect provincial direction and local priorities regarding growth and development to guide the proper planning, development, and servicing of land. Notwithstanding that MZOs are not required to conform to municipal official plans, official plan policy direction and guidance related to the proper development of land remain relevant to the implementation of MZOs and would not necessarily conflict with the intent of an MZO approval.

It is recommended that the Ministry include an appropriate conformity standard for municipal official plans in MZO provisions to better support their implementation, such as a "shall have regard to" standard of conformity rather than entire exemptions of downstream approvals from having to conform to a municipal official plan.

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### Recommendation:

Peel staff recommend that the Minister's authority include provisions in a Minister's Zoning Order to specify that further approvals "shall have regard to" municipal official plans.

### **Extending Site Plan Control Authority for Residential Developments of 10 or Fewer Units**

It is Peel's understanding that the proposed Regulation will extend site plan control to include residential developments of 10 or fewer units on parcels of land within 120m of a shoreline and 300m of a railway line. Peel is supportive of this approach and recommends that the proposed Regulation also 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.

### Recommendation:

Peel staff recommend that the regulation for site plan control authority of residential developments of 10 or fewer lots be expanded to include lands subject to natural hazards.

### **Redefinition of 'Area of Employment'**

Proposed changes to the *Planning Act* under Schedule 6 of Bill 97 include removal of institutional uses and commercial uses (such as office and retail) from the definition of 'Area of Employment' with the exception of commercial uses associated with the primary manufacturing, research and development, and warehouse use.

Peel is concerned that the proposed redefinition of 'Area of Employment' could potentially put office and other uses within established employment areas at risk of being replaced by residential development. The loss of these uses that are of economic importance could result in significant job losses and hamper efforts to meet employment targets and create complete communities.

Peel plays a critical role in planning and coordinating infrastructure for Mississauga, Brampton, and Caledon. We are concerned that the potential introduction of new residential uses into established employment areas would create significant servicing challenges that could trigger delays to areas that are planned and prioritized for residential growth (such as strategic growth areas) and pose further risks to the ability of municipalities to achieve the accelerated housing targets under the *More Homes Built Faster Act*.

Furthermore, Peel is concerned that the potential introduction of sensitive residential uses within currently established employment areas could trigger land use compatibility issues including conflicts with intensive industrial uses or major

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transportation facilities such as business parks and areas within the Toronto Pearson International Airport Operating Area Boundary (“TPIAOAB”).

### Recommendation:

Peel staff recommend that the Minister maintain the inclusion of office uses within the definition of ‘Area of Employment’ as currently established in subsection 1 (5) (c) of the *Planning Act*.

Peel staff also recommend that the Province provide clarification on how provincial policy safeguards against potential land use conflicts triggered by residential redevelopment of excluded areas within currently established employment areas.

### **Transition**

The introduction of the proposed Provincial Planning Statement (PPS) prior to the removal of planning responsibilities from certain upper-tier municipalities, including Peel, creates unintended consequences such as uncertainty and potential conflicts of conformity between proposed provincial policy and existing provincially approved official plans.

For instance, Schedule 6 of Bill 97, as proposed, provides direction to municipalities to support transition including how to update official plans to align with the proposed redefinition of ‘Area of Employment’. Excluded institutional and commercial uses can be permitted on parcels of land in employment areas provided that official plan policies authorize their continuation and that the uses are lawfully established prior to the Bill coming into force. It is not clear, however, if amending Regional Official Plan policies to allow for excluded employment uses would be subject to appeal.

Furthermore, the timing of provincial changes complicates Peel’s review of local municipal official plan updates (which are forthcoming in Fall 2023) and the approval of certain types of development applications, such as those proposing residential uses in established employment areas, due to conflicts between the proposed PPS and Peel’s Official Plan.

### Recommendation:

Peel staff recommend that the Minister include provisions in the forthcoming transition regulations to Bill 97 that make official plan amendments that allow for excluded uses in designated employment areas not subject to appeal.

Peel staff recommend that local municipal official plan review timelines be extended until after the full implementation of Bill 23, the proposed PPS, and the provincially appointed facilitator’s assessment of the mix of roles and responsibilities between

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upper and lower tier municipalities in Peel to reduce the potential for inconsistencies between the application of new provincial policy and existing provincially approved official plans.

### Conclusion

Peel looks forward to continuing to work with the Province, local municipalities, and other stakeholders to meet Ontario's housing needs. I would be pleased to provide any clarifications or additional comments on these matters.

Sincerely,



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