



March 28, 2024

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

Re: ERO 019-8273 *Get It Done Act, 2024* – Amending the Official Plan Adjustments Act, 2023

The Ontario Home Builders' Association

The Ontario Home Builders' Association (OHBA) is the voice of the residential construction industry in Ontario, representing 4,000 member companies organized into 27 local associations across the province. Members include builders, developers, professional renovators, trade contractors and many others within the residential construction industry. The OHBA's response regarding this consultation is developed through input from members and chapters across Ontario.

Environmental Registry Background

The government is seeking feedback on proposed amendments to the *Official Plan Adjustments Act, 2023* to retroactively reinstate municipally requested modifications to official plans ("OP's") for the cities of Barrie, Belleville, Guelph, Hamilton, Ottawa and Peterborough, Wellington County and the regions of Niagara, Peel, Halton, York, and Waterloo.

OHBA Response

Please accept the below as our submission to the government's request for feedback on the "*Get It Done Act, 2024 – Amending the Official Plan Adjustments Act, 2023*" (ERO 019-8273), which is being submitted on behalf of the local associations of OHBA.

Get It Done Act, 2024

Following the introduction of the *Planning Statute Law Amendment Act, 2023* (Bill 150) on November 16, 2023, the most recent introduction of Bill 162, the *Get It Done Act, 2024*, is a step in the right direction in bringing some stability to the municipal land use planning environment in Ontario. Through Bill 162, Ontario is proposing changes to the legislatively approved OPs of some of the province's fastest-growing municipalities to address local needs while continuing to support the government's goal of building at least 1.5 million new homes by 2031. The proposed *Get it Done Act, 2024*, introduced on February 20, 2024, includes amendments to the *Official Plan Adjustments Act, 2023*, which was enacted by Bill 150.

The proposed amendments reflected in Bill 162 followed consultation with the affected municipalities, and where appropriate, responded to the feedback from these municipalities, which are the cities of Barrie, Belleville, Guelph, Hamilton, Ottawa, Peterborough, Wellington County and the regions of

Halton, Peel, Waterloo, and York. We understand that modifications that were maintained through Bill 150 impacting these municipalities and the Region of Niagara would continue to apply.

Official Plans & the Provincial Policy Statement

An OP sets forth an upper/lower/single-tier municipality's long range planning policies on how lands throughout a municipality should be planned for and used. It is often prepared in collaboration with municipal planning staff (including their retained external planning consultants on occasion), input from ratepayer organizations and community members, and with municipal councils. This highly public and consultative process is both prescribed by statute and serves a meaningful contribution to the discourse of engagement to ensure that future planning and development will address the needs of community stakeholders over the long term.

A Place to Grow, the Growth Plan for the Greater Golden Horseshoe ("APTG"), stipulates that every five (5) years, upper and single-tier municipalities of the Greater Golden Horseshoe ("GGH") are required to plan for and accommodate population and employment forecasts as set forth by the province, to better co-ordinate planning for future growth. Long-term intra-regional planning and coordination is essential to ensure growth is accommodated in an orderly manner. These growth forecasts are a foundational component of APTG and are to be reviewed by the Minister of Municipal Affairs and Housing ("MMAH"), in consultation with municipalities, through Municipal Comprehensive Reviews ("MCR") at least every five (5) years.

The last date for municipal conformity for GGH municipalities (per the APTG) was July 1, 2022. Outside of the GGH, municipalities are bound by the Provincial Policy Statement, 2020 ("PPS"), and are required to also undertake growth management and long-range planning exercises every ten (10) years that plan for and accommodate growth on a 25-year time horizon.

Provincial planning policy and municipal official plans must work in conjunction to provide a framework for comprehensive, integrated, long-term planning that supports the principles of strong communities, a clean and healthy environment and economic growth. The PPS states that municipal OPs are *"the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning"* [emphasis added].

The importance of ensuring that a municipal OP is well conceived and, comprehensive and executed in conformity with the PPS cannot be understated.

Municipal OP's reflect years of studies, analysis and policy development between municipal planning staff and expert planning consultants who, as technical and impartial experts in the planning field, worked together to determine precisely where and how their municipalities are required to properly grow to accommodate population growth forecasted over the planning period. The province directs municipalities to undertake these growth-related studies and similarly, the province is expected to provide direction to municipalities in accordance with provincial policy.

OHBA remains concerned that some decisions made through Bill 162, which upheld only those OP modifications that were requested by municipal councils, indicates that long range planning for the municipalities of the province is no longer centred on the basis of upholding of provincial policy that results in *good planning*. Rather, through Bill 162, long-term growth management and the MCR processes were "politically driven" without due regard to the PPS. In a few cases, local councils overtly

disregarded their professional planning staff, peer reviewed studies and planning expert opinions that were tasked with upholding provincial policy directives.

The province has an obligation to protect and uphold the principles and directives of both the PPS and APTG.

OHBA acknowledges the deference that Councils should be given as elected officials from time-to-time, but we are troubled when there is a misalignment between the voices of elected officials and professional planning staff in those municipalities. Long-established policy (such as the PPS) that is foundational to municipal land use planning must be supported and incorporated into local decision making. OHBA calls on the Minister to uphold the integrity of the province's policy directives, which may sometimes conflict with the will of elected office holders in those municipalities.

The PPS speaks to the need for municipalities to promote healthy, liveable, and safe communities that are sustained through efficient development and land use patterns which *accommodate an appropriate mix and range of affordable and market-based residential types [emphasis added]*.

The varying housing typologies referenced in the PPS are reflective of the housing choices Ontarians both desire and/or can afford. More specifically, the "Housing" section of the PPS further stipulates that municipalities *must provide for an appropriate range and mix of housing options and densities required to meet projected market-based and affordable housing needs of current and future residents of the regional market area. [Emphasis added]*

To achieve this objective, municipalities must make every effort to maintain the ability to accommodate residential growth for a minimum of fifteen (15) years through residential intensification and redevelopment AND also, maintain an inventory of where new housing development is to occur that also includes land with servicing capacity sufficient to provide at least a three-year (3) supply of residential units.

OPs are meant to identify (and protect) provincial interests and set out appropriate land use designations and policies for how municipalities plan for population and employment growth for periods of twenty (20) years or greater. The last statutory round of MCR's required municipalities to forecast, plan and accommodate growth to the 2051 planning horizon.

Recent immigration data indicates that Canada plans to welcome 500,000 immigrants per year by 2025, and Ontario's role (the GGH in particular) in accommodating the majority portion of this population will be pivotal. It can be debated that the 2031 population and employment targets are understated in terms of the immigration targets, and therefore the land needed for growth will be insufficient to accommodate future land supply for housing and employment needs. Ontario's municipal growth management efforts must be focused on the 2051 horizon - and instituting long-term regional scale oversight is the sole role and function of the province and MMAH.

OHBA has increasing concerns that a growing number of municipalities will not comply with the PPS. Failing to do so, and without appropriate oversight, these municipalities will continue to fall behind on meeting their growth targets and may not be adequately prepared to accommodate the forecasted population and employment growth with housing supportive infrastructure.

Municipal Examples

In Hamilton and Ottawa (in both cases), municipal professional planning staff undertook significant work to identify the population and employment growth forecasted to 2051. This work resulted in a clearly identified need for more urban land to be brought online and into their municipal urban boundaries, to properly plan for the land supply and infrastructure that will be required as these municipalities grow.

However disappointingly, professional planning staff opinions in both municipalities were disregarded, and the implications of what that means not only for these municipalities, but the province, must now be considered. It is entirely plausible that an unintended consequence of the Hamilton and Ottawa OP decisions may be that growth will “spill” into neighbouring jurisdictions, some of which may be unprepared with adequate servicing capacity, and critical public infrastructure (e.g. health care, schools, etc.).

Bill 162 did not address either Hamilton or Ottawa. Unfortunately, we fear that the implications of the Ottawa and Hamilton decisions have yet to be realized and fully understood in terms of their urban fabric and built form. As has been already identified, provincial policy requires municipalities to meet specific population targets – handed down by the province. Due to the decisions made by these municipal councils, that being that no new land is being brought online to accommodate all or even a portion of those targeted growth numbers, these numbers resultingly must be accommodated by another means. The only other means to do so is through intensification/densification.

HAMILTON:

The City of Hamilton Planning Staff Report (PED17010) that recommended Hamilton’s need for a significant urban boundary expansion noted that:

“Under a ‘no expansion’ scenario, nearly 80% of all new households to 2051 would need to be accommodated within apartment units, including those for families”.

It also stated that the No Urban Boundary Expansion (“No UBE”) scenario was not originally modelled in the Land Needs Assessment (“LNA”) because it did not meet Provincial planning policy requirements and was not considered to be good planning, which was confirmed when Provincial staff provided feedback in September 2021 stating that the No UBE scenario appeared to conflict with the objective of the LNA methodology to “provide sufficient land to accommodate all market segments so as to avoid shortages”. Further, based on Ministry staff review, it appeared that the No UBE scenario posed a risk that the city would not conform with provincial requirements. Analysis prepared by Malone Given Parsons (“MGP”) also identified that to accommodate their population forecasts and the No UBE scenario, the City of Hamilton will need to densify approximately 20% of their existing urban fabric.

OTTAWA:

The current City of Ottawa OP solidifies a structural housing deficit by under-estimating its population growth, over-estimating its potential for intensification, and therefore artificially limiting its urban boundary expansion needs.

Ottawa’s OP has a deficit of 47,000 homes and 139,600 employment jobs over the next 22 years when considering updated Ministry of Finance population growth forecasts of 650,000 new residents by 2046

compared to the 400,000 the OP assumes. Based on analysis prepared by MGP, Ottawa's OP would require an additional 1,034 hectares to meet the PPS using accurate population data. While the province had added that amount of land in through modifications to the Ottawa OP in November 2022, the consequent removal of those lands through Bill 150 that was upheld through Bill 162, results in a reduction of land that has the potential to accommodate 20,680 homes. In addition, the Altus Group analyzed the same population data for employment lands and there is a deficit of 400 hectares.

Finally, Ottawa's zoning by-law will not be updated until 2026, which will delay infrastructure growth funded through development charges and hinder intensification targets approved by council. This will result in limiting housing supply, restricting housing options and failure to comply with the land supply required in the PPS.

The reality that ultimately will be experienced on the ground because of these decisions, is that the councils who have been tasked by the province with "providing for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area", *are now no longer providing housing options whatsoever*. Responsible decisions must matter, and it is hard to tell at this time if the elected voices of Hamilton and Ottawa will realize the full consequence of their decisions. OHBA can only hope that the municipal decision makers who have made the choice to limit housing options will have the courage to welcome intensification at the scale that will be required to accommodate the growth and housing targets that have been assigned to their municipalities.

Those lower tier municipalities who complied with the spirit and intent of the PPS, and who listened to their professional planning staff, made courageous choices to confirm to the Minister that urban boundaries needed to expand to meet growth targets. Such actions constituted responsible land use policy decision-making that should be rewarded with appropriate and deserved housing supportive infrastructure investment.

Conclusion:

OHBA would like to acknowledge that some municipalities in the province made a clear and admirable attempt to properly plan for growth for the longer term, demonstrating an understanding of what the policy directive was, and were willing to make the tough decisions to uphold the integrity of provincial land use policy.

Cities such as Burlington, Waterloo, and Milton for instance, should be applauded for their decisions and how their communities will grow. Their feedback provided to the Minister following Bill 150 acknowledges that they are focused on future population and employment growth to meet the needs of their community.

It is OHBA's respectful opinion that the province has the responsibility to uphold the integrity and directives of their own provincial policies, and responsible decision making must matter. By allowing municipal council will to contradict and delay proper long-range planning and growth management for these municipalities will regrettably not serve the province well in the future.

Finally, OHBA encourages the province to move forward expeditiously with the introduction of the new Provincial Planning Statement (the "Planning Statement"). Municipalities and home builders need to have certainty, options, and opportunities to ensure that Ontario can continue finding ways to increase

housing supply and the variety of housing choices that could be available in communities across the province.

The new Planning Statement, which brings efficiencies in the planning framework and flexibility that is meant to expedite planning approvals while bringing more land online, will be a welcome advancement to the current home building environment in the province. Integrating the former PPS with A Place to Grow to create a single, provincewide, housing-focused land use planning policy document is a positive step towards opportunities for increased housing supply and better planning for population and employment growths, and we ask that the province make every effort to introduce this new policy document in an accelerated timeframe.

We appreciate the opportunity to comment on this proposal. We look forward to continuing our ongoing engagement with the Ministry staff to ensure that our collective efforts are fulfilling our shared goals of delivering on Ontario's housing supply targets while improving housing attainability for current and future Ontarians.

Sincerely,



Neil Rodgers

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