GEORGIAN TRIANGLE DEVELOPMENT INSTITUTE

Ministry of Municipal Affairs & Housing Provincial Land Use Plans Branch
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Re: ERO: 019-8369

Founded in 1992, the Georgian Triangle Development Institute (GTDI) is a non-profit organization representing the development industry in the South Georgian Bay Region. Our membership comprises over 60 corporations, including developers, builders, contractors, suppliers, planners, engineers, real estate firms, and other businesses related to the industry in the Georgian Bay Area.

We acknowledge and support initiatives to streamline land use planning approvals and getting shovels in the ground more quickly and efficiently. Our members understand that the current system needs improvements.

While we support most of what is being proposed within Bill 185, one very significant aspect requires reconsideration and correction: the proposed elimination of so-called "third party appeals" of Official Plan Amendments (OPAs) and Zoning By-law Amendments ("ZBAs) under the Planning Act. We believe such a change will have dire and unanticipated consequences.

Third party appeals and the existence of the Ontario Land Tribunal creates healthy tension in the planning approvals system. These appeal rights are an essential check and balance in the system. They keep all the stakeholders honest and facilitate fair negotiations and the resolution of conflicts.

If implemented as currently worded, Bill 185 would eliminate these appeal rights and the systemic benefits of third part appeals. Based on our collective experiences, the elimination of third-party appeals will have the following consequences, which in turn will have the opposite effect of creating a system capable of delivering housing in an efficient, cost-effective manner:

- Will allow municipalities to adopt restrictive policies contrary to Provincial Policy, without landowners to fund hearings to defend Provincial Policy;
- Will put pressure on the Province to pick politically unpopular fights with Municipalities as the Minister will be the only person available to appeal municipal initiatives that are contrary to Provincial Policy;

- Will move disputes to the courts, increasing delays, costs, and lowering the quality of decision-making;
- Will allow municipalities to downzone or regulate, acting without accountability;
- Will permit municipalities to delay housing for years by adopting unreasonable phasing policies and timing;
- Will reduce the supply of housing as anti-growth municipalities take advantage of the lack of landowner appeals against municipal land use control initiatives;

An open and accountable land use planning system is a cornerstone of the Ontario development process. Removing third party appeals to municipal land use decisions has the real potential for local abuse as noted above. In the end, the situation would be "why mediate when you can dictate".

It is not surprising that many municipalities in the south Georgian Bay region are struggling with growth pressures. One result is a groundswell of anti-growth sentiment expressed by existing residents. Local politicians are prone to pressures from residents. More restrictive and complex local planning polices emerge that in turn result in inefficient and lengthy approval processes. These situations do not lend themselves to the provision of more housing quicker. They do not lend themselves appropriate implementation and consideration of Provincial Planning Policy.

The Ontario Land Tribunal is a critical part of Ontario's land use planning system. The Government should be commended for recognizing the role of the Tribunal and for strengthening that role. The Government has made clear efforts to encourage Tribunal-led mediation and to increase resources for additional Tribunal members for more timely resolution of appeals. However, strengthening the Ontario Land Tribunal will not achieve the desired outcomes if there are no appropriate appeal mechanisms to get before the Tribunal.

What is proposed by Bill 185 is not what we believe the Government intended in respect of these appeal rights. These can be readily corrected in the legislation by removing the proposed changes to subsections 17(24), 17(36) and 34 (19) of the Planning Act (subsections 3(1), (2), (3), (4) and 5(7) and (8) of Schedule 12 of the Bill).

Thank you for considering our perspective on this critical issue.