



Greater Ottawa Home Builders' Association
Association des constructeurs d'habitations d'Ottawa

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Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, ON M7A 2J3

Re: ERO 019-8370 Newspaper Notice Requirements and Consequential Housekeeping Changes

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as a submission to the government's request for feedback on 'Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes' (ERO 019-8370).

In addition to our comments, we support those submitted by the Ontario Home Builders' Association and our fellow municipal HBAs across the province.

Modernizing Public Notice Requirements

GOHBA welcomes the Ministry's modernization of public notice requirements relating to DCs and CBCs, by amending regulations under the Development Charges Act, 1997 and Planning Act by allowing municipalities to provide notice on a municipal website, where no local print is available is a proactive solution, adding to the ways in which public notice can be given in today's environment.

It is important to incorporate policies which expedite development application processes and eliminate delays. By modernizing the process, the Ministry is taking proactive steps to identify best practices for public engagement, including how municipalities engage culturally diverse communities through non-English and French languages.

Consequential Housekeeping Amendments / Third-Party Appeals

GOHBA elaborates more on this issue in its submission to ERO 019-8369, but in summation, although we encourage the government to streamline the land use approval process to get more homes approved faster, the language in Bill 185 is cast too broadly, in that it has the unintended effect of eliminating much more than just 3rd party appeals.

It is important that there be a common understanding of what a 3rd party appeal is and what is then meant by 1st and 2nd parties:

- 1st party = the municipality
- 2nd party = the landowner to which the Official Plan (or amendment) or Zoning By-law (or amendment) applies. In other words, the OP redesignates or the ZBL zones its own land.
- 3rd party = a neighbour, other landowner or non-government organization whose own lands are not covered by the OPA or ZBLA but who feels aggrieved by it nonetheless.

It is also important to distinguish between municipally initiated Official Plans (and amendments) and municipally initiated Zoning By-laws (and amendments) on the one hand, versus site-specific Official Plan Amendments and Zoning By-law Amendments which are landowner initiated. It is the latter type of applications which directly propose to build housing and only the latter that are vulnerable to true 3rd party appeals.

By not distinguishing between 2nd and 3rd parties, Bill 185 treats them both the same and removes all their rights to appeal. A person whose property is redesignated by a municipally initiated Official Plan (or amendment) or is rezoned by a municipally initiated Zoning By-law (or amendment), must be able to protect its own property by filing an appeal. That person did not ask for the land use change and had it thrust upon them. Moreover, non-government agencies and groups (like residents' associations), should also be able to appeal municipally initiated Official Plan (amendment) and Zoning By-laws (amendments).

GOHBA urges the provincial government to revise Bill 185 to distinguish between municipally initiated Official Plan (or amendments) and Zoning By-laws (or amendments) versus land use changes that are landowner driven. Only in the case of the latter are there truly third parties which Bill 185 could deal with.

Proposed Revisions to Bill 185

Elimination of 3rd Party Appeals but Retention of 2nd Party (Landowner) Appeals for Municipally Initiated Official Plans (or amendments)

Right to appeal [This eliminates true 3rd party appeals of OPAs which are exempt from approval]

17(24) If the plan is exempt from approval and was the result of an application made by a person, not a public body, under section 22, any of the following may, not later than 20 days after the day that the giving of notice under subsection (23) is completed, appeal all or part of the decision of council to adopt all or part of the plan to the Tribunal by filing a notice of appeal with the clerk of the municipality:

1. A specified person who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
- 1.1 A public body that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister.
3. The appropriate approval authority.
4. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (4); 2017, c. 23, Sched. 5, s. 80.

Right to appeal [This preserves 2nd party appeals of municipally initiated OPs (or amendments) which are exempt from approval]

17(24.02) If the plan is exempt from approval and was not the result of an application made by a person, not a public body, under section 22, any of the following may, not later than 20 days after the day that the giving of notice under subsection (23) is completed, appeal all or part of the decision of council to adopt all or part of the plan to the Tribunal by filing a notice of appeal with the clerk of the municipality:

1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister.
3. The appropriate approval authority. 2006, c. 23, s. 9 (4); 2017, c. 23, Sched. 5, s. 80.

Appeal to Tribunal [This eliminates true 3rd party appeals of OPAs which require approval]

17(36) Where the official plan amendment was the result of an application made by a person, not a public body, under section 22, any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Tribunal by filing a notice of appeal with the approval authority:

1. A specified person who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
- 1.1 A public body that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister.
3. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (6); 2017, c. 23, Sched. 5, s. 80.

Appeal to Tribunal [This preserves 2nd party appeals of municipally initiated OP (or amendments) which require approval]

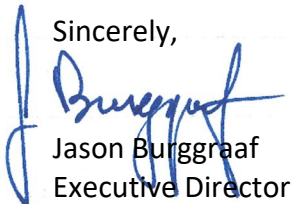
17(36.02) Where the Official Plan or Official Plan Amendment was not the result of an application made by a person, not a public body, under section 22, any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Tribunal by filing a notice of appeal with the approval authority:

1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister. 2006, c. 23, s. 9 (6); 2017, c. 23, Sched. 5, s. 80

Conclusion

We thank the Ministry for the opportunity to comment on these proposals and we are pleased to answer questions or provide further information as requested.

Sincerely,



Jason Burggraaf
Executive Director