

May 10, 2024

Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, ON M7A 2J3

Re: *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*

To Whom it May Concern,

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission regarding Schedules 9 and 12 of proposed *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*. Given the short timeline provided to municipalities to comment on Bill 185, City of Hamilton (City) staff has assembled comments that highlights initial concerns that have the potential to impact the City.

The City is supportive of streamlining processes and creating flexibility in alternative development opportunities to help achieve 1.5 million new homes. The City supports the goal of communities growing with a mix of ownership and rental housing types to meet the needs of all Ontarians.

For the last 30+ years, the Provincial Government's direction has been a policy led planning framework with a deliberate focus on balancing various competing objectives when making planning decisions with the interests of applicants, public bodies and the public protected through notice and public meeting requirements, opportunities for meaningful engagement and participation, and protected appeal rights. The proposed *Cutting Red Tape to Build More Homes Act* is in part, a departure from this well-established planning framework.

The proposed legislative changes provide Municipalities with additional tools to accommodate development and hold developers accountable for building much needed housing, but at the detriment to clear, transparent and collaborative procedures.

The City acknowledges that the proposed amendments related to 'Use It or Lose It' and the reversal of Bill 109 fee refunds enables the City's ability to better manage development applications and achieving the housing targets.

The City is however not supportive of Bill 185 for the following reasons:

- Eliminates appeal rights for the public on Official Plan, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments;
- Eliminates the City's ability to require Pre-Consultation applications;



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- Removes regulatory mechanisms for ensuring appropriate development of post-secondary institutions and community service facilities;
- Removes mechanisms for the City to require barrier free parking in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* and Ontario Regulation 191/11, and visitor parking within Major Transit Station Areas;
- Weakens the protection of the City's urban boundary by allowing appeals to applications to expand into the City's rural area to the Ontario Land Tribunal; and,
- Results in unilateral decision making to the Minister of Municipal Affairs and Housing as it relates to Additional Residential Units.

Attached to this letter is a summary table of the City's comments on each of the proposed Schedule changes through Bill 185. City staff will be taking a report to Planning Committee on May 14, 2024, and to Council on May 22, 2024, outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 185. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anita Fabac".

Anita Fabac
Acting Director, Planning and Chief Planner
Planning and Economic Development Department
City of Hamilton

Attachments (2)

Summary of Changes Proposed through the *Cutting Red Tape to Build More Homes Act, 2024*

Comments on Additional Environmental Registry of Ontario (ERO) and Ontario Regulatory Registry (ERR) Postings Accompanying Bill 185 – *Cutting Red Tape to Build More Homes Act, 2024*

**City of Hamilton Comments on
Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

Summary of Proposed Change	Implementation Impacts	Comments
ERO Posting 019-8369 - Proposed <i>Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001</i> Changes (Schedules 4, 9 and 12 of Bill 185 – the proposed <i>Bill 185, Cutting Red Tape to Build More Homes Act, 2024</i>)		
Schedule 1 – <i>An Act to Incorporate the Trinity College School</i>		
The Schedule amends <i>An Act to incorporate the Trinity College School</i> to state that the corporation has the capacity, rights, powers and privileges of a natural person and to make certain changes to the membership of the governing body of the school.		The <i>Act to Incorporate the Trinity College School</i> applies to lands outside of the City of Hamilton. The City has no comments.
Schedule 2 – <i>Arts Council Act</i>		
The Schedule amends the <i>Arts Council Act</i> by changing the name of the Council from the Province of Ontario Council for the Arts to the Ontario Arts Council. The Schedule also replaces the definition of Minister in section 1.		The City of Hamilton has no comments.
Schedule 3 – <i>Building Opportunities in the Skilled Trades Act, 2021</i>		
The <i>Building Opportunities in the Skilled Trades Act, 2021</i> is amended to permit the Registrar to delegate their powers and duties to employees of the Corporation.		The City of Hamilton has no comments.
Schedule 4 – <i>City of Toronto Act, 2006</i>		
The City of Toronto Act applies to lands outside of the City of Hamilton. The City has no comments.		
Schedule 5 – <i>Coroners Act</i>		
The City of Hamilton has no comments.		
Schedule 6 – <i>Development Charges Act, 1997</i>		
Eligible Capital Costs Subsection 5 (3) of the <i>Development Charges Act, 1997</i> is amended to add the costs of certain studies as capital costs for the purposes of section 5. Specified transition and special rules in section 5 are repealed and new transition rules with respect to the repeal of subsections 5 (7) and (8) are added.	Staff have reviewed and provided associated impacts as part of Report FCS24034.	The City of Hamilton supports the proposed changes. Staff have reviewed and provided comments as part of Report FCS24034.
Repeal of Mandatory Phase In New subsections 19 (1.1) to (1.3) provide that subsection 19 (1) of the Act does not apply to amendments to development charge by-laws in specified circumstances and new subsection 19 (1.4) governs notice of such amendments.	Staff have reviewed and provided associated impacts as part of Report FCS24034.	The City of Hamilton supports the proposed changes. Staff have reviewed and provided comments as part of Report FCS24034.
Expiry of Frozen Rates Currently, subsection 26.2 (5) of the Act provides that clauses 26.2 (1) (a) and (b) do not apply in respect of certain developments if more than the prescribed time has elapsed since certain applications were approved. This subsection is amended to replace the prescribed time with 18 months.	Staff have reviewed and provided associated impacts as part of Report FCS24034.	The City of Hamilton supports the proposed changes. Staff have reviewed and provided comments as part of Report FCS24034.

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 6 – Development Charges Act, 1997 (Continued)		
<p>Development Charge By-law Amendments</p> <p>Item 2 (1) and 2 (2) of Schedule 6 to Bill 185 proposes a two-step change to the process of amending DC By-Laws. Item 2 (1) would allow for DC By-Laws passed between the date Bill 23 received Royal Assent (November 28, 2022) and the date Bill 185 receives Royal Assent to be amended within six months to include the cost of studies in the calculation of capital costs and remove references to the phase-in. Seven months after Bill 185 receives Royal Assent, this special permission will be repealed and replaced.</p>	<p>Staff have reviewed and provided associated impacts as part of Report FCS24034.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>Staff have reviewed and provided comments as part of Report FCS24034.</p>
Schedule 7 – Hazel McCallion Act (Peel Dissolution), 2023		
The Hazel McCallion Act (Peel Dissolution), 2023 applies to lands outside of the City of Hamilton. The City has no comment		
Schedule 8 – Line Fences Act		
The City of Hamilton has no comments.		
Schedule 9 – Municipal Act, 2001		
<p>Allocation of Services</p> <p>Section 86.1 has been added allowing a municipality, by by-law, to adopt a policy providing for the allocation of water supply and sewage capacity. Such a policy may include a system for tracking the water supply and sewage capacity available to support approved developments and criteria respecting the allocation of water supply and sewage capacity to development applications.</p>	<p>Staff note that the implementation of systems necessary to adequately support a capacity allocation by-law are not currently available city wide and would need to be evaluated which may take time to review and implement through an allocation policy.</p> <p>A report on recommendations, review of best practices across the province, and options for implementation of a capacity allocation policy would be required.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>Staff will review options regarding feasibility to adopt a capacity allocation by-law given available resources and information should this change take effect.</p> <p>An allocation policy could consider geographic-specific areas where capacity issues are known and where information is available to support a policy, or in strategic priority areas, similar to the City's existing Wastewater Allocation Policy for the Airport Employment Growth District.</p>
<p>Bonusing</p> <p>Section 106.1 has been added which provides the Lieutenant Governor in Council to make regulations authorizing a municipality to grant assistance directly or indirectly to a specified business or other industrial or commercial enterprise during a specified period.</p> <p>** Implementing Regulation**</p>	<p>A new authority for the Province to allow municipalities the ability to provide additional assistance to encourage certain types of activities. The details will be released through the regulations at the discretion of the Province.</p> <p>It is unknown whether the City of Hamilton will be able to utilize the additional permissions as they may be limited to certain municipalities, at specific times, in specific circumstances.</p>	<p>The City of Hamilton is generally supportive of the proposed changes.</p> <p>Bill 185 proposes the addition of section 106.1 to the Municipal Act, 2001. This section would allow for the Province to authorize municipalities to provide additional assistance to encourage certain types of activities. Bill 185 provides limited information on the type of assistance that may be provided, the limits or conditions that may apply, and how the regulations will be administered. Staff recommend that the Province provide opportunities for municipalities to preview and consult on any regulations which may come into force through Section 106.1 of the <i>Municipal Act, 2001</i>. Staff are supportive of the proposed amendment to allow for additional assistance to be provided by municipalities so long as municipal discretion to utilize these opportunities is maintained and municipalities have the opportunity to preview and consult on regulations under this Section.</p>
Schedule 10 – Niagara Parks Act		
The Niagara Parks Act applies to lands outside of the City of Hamilton. The City has no comment.		
Schedule 11 – Ontario Energy Board Act, 1998		
No Comment.		

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act		
<p>Upper Tier Planning Responsibilities</p> <p>Currently, the Act provides for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Amendments are made to provide that the Regional Municipality of Peel, the Regional Municipality of Halton and the Regional Municipality of York become upper-tier municipalities without planning responsibilities on July 1, 2024, and to provide that four other specified upper-tier municipalities will be upper tier municipalities without planning responsibilities on dates to be named by proclamation of the Lieutenant Governor. Other related amendments are made in the Act.</p>	<p>No impact.</p>	<p>No Comment</p>
<p>Major Transit Station Area Parking Restrictions</p> <p>New subsections 16 (22) to (24) limit the ability of official plans to contain policies requiring an owner to provide or maintain parking facilities within protected major transit station areas, certain other areas surrounding and including an existing or planned higher order station or stop and other prescribed areas. Related amendments are made to section 34 (6) (1.1).</p>	<p>The City's Urban Hamilton Official Plan encourages the reduction of on-site parking in areas with higher transit service.</p> <p>The City's Zoning By-laws will need to be updated to reflect the proposed amendments including the elimination of minimum parking for non-residential uses, barrier free parking requirements and visitor parking requirements.</p>	<p>The City does not support the proposed change as drafted.</p> <p>The City of Hamilton recently completed a Parking Standards Review which resulted in Council approval of new zoning standards for residential parking (PED22154(a)). A detailed review of parking standards for non-residential uses was not completed as part of the scope of the project and will be completed at a later date. A geographic area approach was taken for the new residential parking standards, which eliminates minimum parking requirements for residential units in the lower city from Main Street West to Centennial Parkway along the Light Rail Transit route, and along the Upper James Corridor. Major Transit Station Area planning work is still ongoing and boundary delineations around the Light Rail Transit stations and GO Transit rail stations have not been endorsed by Council or approved by the Province. However, the City's new parking standards requiring no minimums for residential parking do not geographically align with the potential future Major Transit Station Areas boundaries in all areas, which may result in future changes being needed to the geographic area where these standards are applied. Staff note that the geographic areas where parking minimums were eliminated were carefully considered based on a variety of criteria, and that using the geography of future Major Transit Station Areas may not be appropriate in all circumstances.</p> <p>The boundaries of the proposed Major Transit Station Areas are delineated based on a radius of 500 to 800 metres from an LRT station or GO Transit rail station. The City has identified areas within the proposed Major Transit Station Areas where greater intensification is anticipated to test if the existing policy permissions are sufficient to achieve the minimum density targets required by the Growth Plan. There are areas within this radius for certain proposed MTSA's where this level of intensification is not appropriate. The City should be able to evaluate appropriate parking standards based on the existing and planned conditions.</p>

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act (Continued)		
<p>Major Transit Station Area Parking Restrictions (Continued)</p>		<p>Although residential parking standards have been eliminated in some areas, there is still a need to consider parking requirements for other non-residential uses as well as providing barrier free parking spaces and visitor parking spaces. Mandating no parking minimums would inhibit the City’s ability to provide for visitors’ parking needs and may result in negative impacts to the quality of life for residents. If no parking minimums are required for any uses, this may also prevent municipalities from requiring loading spaces or barrier free parking spaces for developments, which may have negative impacts on the function of sites and on <i>Accessibility for Ontarians with Disabilities Act, 2005</i> compliance. It is recommended that these proposed amendments be eliminated or revised to clearly specify that the no-parking requirement applies to parking exclusively for residential uses, and not parking requirements such as visitor parking, loading, barrier free and non-residential uses. The Urban Hamilton Official Plan currently has policies that allow for parking reductions to be considered in locations with a higher level of transit service. This policy could be updated to include or specify major transit station areas; however, the City needs the opportunity to evaluate when the removal of the requirement for parking is appropriate.</p> <p>The City, through implementing zoning regulations, is best suited to further the introduction of parking reductions and other measures geographically based on existing and planned transit infrastructure.</p> <p>The City requests further clarification of what “other prescribed areas” could encompass.</p>
<p>Official Plan Amendment and Zoning By-law Amendment Applications – Third Party Appeals</p> <p>Currently, subsection 17 (24) of the Act permits a person to appeal the adoption of an official plan if the person has, before the municipality adopted the plan, made oral submissions at a public meeting or written submissions to the municipality. Amendments are made to provide that a person must be a specified person, as currently defined in the Act. New subsections 17 (24.0.1) to (24.0.4) provide for transitional rules. Similar amendments are made to appeal rights under subsection 17 (36) (Official Plan Amendment) and subsection 34 (19) (Zoning By-law Amendment). Appeals would be restricted to the applicant, the Minister, and specified persons or public bodies as defined in the <i>Planning Act</i>. Similar changes were previously made in Bill 23 for Plans of Subdivision, Minor Variances, and Consent applications.</p> <p>**Implementing Regulation**</p>	<p>Amendments to the Ontario Regulation 543/06 and 545/06 will incorporate new language related to appeal rights. The City’s public notices will require updates to align the language.</p> <p>The City will need to determine the status of existing appeals as the transition regulation establishes that any appeal that has not had a hearing to determine the issues will be void.</p>	<p>The City of Hamilton strongly opposes the proposed change.</p> <p>Staff are not supportive of the proposed amendments to further eliminate appeal rights for the public on <i>Planning Act</i> applications which has the effect of reducing overall public engagement and involvement in development applications. Over the last number of years public participation in the land use planning system has been diminished, to the point where, through Bill 23 and Bill 185, the public will have no appeal rights for most development applications that have a public process requirement.</p> <p>Public engagement is an important part of the planning process and is beneficial to planning outcomes. The City supports meaningful public consultation with communities and the ability for members of the public to participate in appeals. The proposed change is not consistent with best practices in public engagement and participation.</p> <p>The City of Hamilton’s Council Priorities includes responsiveness and transparency. Eliminating third-party appeals will conflict with the City’s objectives around public engagement and responding effectively and efficiently to public feedback.</p>

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act (Continued)		
<p>Elimination of Pre-Consultation Requirements</p> <p>Subsection 22 (3.1) of the Act requires a council or planning board to allow applicants who wish to do so to consult with the municipality or planning board before submitting a request to amend an official plan and authorizes a council or planning board to pass a by-law requiring applicants to consult with the municipality or planning board before submitting such a request. The re-enacted subsection does not include the authority for a council or planning board to pass a by-law requiring consultation. Similar amendments are made to sections 34 (Zoning By-law Amendment), 41 (Site Plan Control) and 51 (Subdivision of Land).</p>	<p>Amendments to the City’s Official Plans will be required to update the requirements for formal consultation in advance of an application. The Formal Consultation By-law will also need to be repealed.</p> <p>The Complete Application Requirements of the Official Plans will require updates to create a defined set of requirements for different application types. The requirements must address the concerns typically associated with the various application types. Clarification would be needed on the studies that would be considered mandatory requirements for different application types based on criteria such as proposed use and built form (height). Additional consideration is required for public consultation required to inform the application and how the applicant has addressed the public comments in their proposal.</p> <p>The City is working to finalize Terms of References for the list of studies established in the Official Plans to provide more clarity on the submission requirements. Should Formal Consultation be removed priority will have to be placed on finalizing the Terms of References as staff will not have the opportunity to discuss the scope of work to be completed, which is usually discussed at the formal consultation stage.</p> <p>A review of processes and application fees may be required to determine any changes to processes and correspondingly to fees charged to process applications.</p>	<p>The City of Hamilton strongly opposes the proposed change.</p> <p>Mandatory pre-consultations (formal consultations) are a key pillar of the application process for Draft Plan of Subdivision, Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications. Formal consultation ensures that the City receives all information needed to review and make recommendations, and in some cases issue approvals on applications and were a key factor in the approach taken to streamlining development applications through Bill 109 implementation.</p> <p>Without a mandatory formal consultation process, there is no clear mechanism to identify to applicants what constitutes a complete application. This change will create ambiguity for the City and developers and will affect the ability to process applications in a timely manner and make informed recommendations and decisions. It may result in the need for multiple submissions, lengthening the review process.</p> <p>While the City’s Official Plans provide a list of the necessary studies associated with different development applications, the formal consultation process allows staff to work with applicants to scope the broad requirements to the specific needs of an individual application. The broad application of the complete application requirements may result in Ontario Land Tribunal appeals, increased timelines associated with the review of submissions, and additional circulations. The City has committed to maintaining the 60, 90, and 120 day timelines and relies on the Formal Consultation process to enable a thorough review of the proposed development, productive discussions with applicants and a determination of the studies that are required to properly assess the application.</p> <p>In combination with changes proposed to appeal the determination of a complete application, it is anticipated that this change will result in an increase in appeals and a significant additional cost to the City as a result of those appeals.</p> <p>If other proposed changes are made regarding appeals for urban boundary expansions, this could result in very complex applications being made which do not have the required materials and studies to make an informed decision. This could have broad negative consequences for orderly planning.</p> <p>The proposed change directly undermines Policy 6.2.2 of the proposed Provincial Planning Statement, 2024 which states Planning Authorities shall undertake early engagement with Indigenous communities on land use matters.</p>

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act (Continued)		
<p>Elimination of Pre-Consultation Requirements (Continued)</p>		<p>The Formal Consultation application process provides additional opportunities for Indigenous communities to participate early on land use planning discussions and can be a component of protocols and/or agreements developed between municipalities and Indigenous Nations to better coordinate and share information on land use planning matters.</p> <p>Similarly, Formal Consultation has allowed staff to require public consultation efforts to be completed in advance of the submission of a formal application. The City encourages early engagement as a mechanism to consider public comments in advance of a submission. The City's Public Consultation Guidelines will still apply however the application of those guidelines would be reviewed as part of a formal submission.</p>
<p>Appeal for Deeming an Application Complete</p> <p>Subsection 22 (6.2) (Official Plans) of the Act permits the making of a motion, within a specified timeframe, for directions to have the Ontario Land Tribunal determine whether information and material required to be provided with a request for an official plan amendment have in fact been provided or whether a requirement to provide information or material required by the official plan is reasonable. The subsection is re-enacted to provide that a motion can be made at any time after pre-request consultation has begun or the requestor has paid the application fee. Subsection 22 (6.3), which currently provides for the extension of the timeframe under subsection 22 (6.2) in certain circumstances, is repealed. Similar amendments are made to sections 34 (Zoning By-law Amendments), 41 (Site Plan Control) and 51 (Subdivision of Land).</p>	<p>Staffing resources will be impacted as a result of additional motions being forwarded to the Ontario Land Tribunal for determination.</p> <p>Staff will need to prioritize the completion of the required Terms of References to provide clear direction on submission requirements.</p> <p>The timelines associated with receiving and processing of an application will remain unclear without a definitive appeal process. It will be difficult to maintain the commitment to processing applications within the 60, 90 and 120 timelines when the Ontario Land Tribunal can be engaged at any time to make a determination on the completeness of an application.</p> <p>Consistent application of the required studies may be compromised where applications are forwarded to the Ontario Land Tribunal. This is contrary to the City of Hamilton's Council Priorities related to transparency.</p>	<p>The City of Hamilton does not support the proposed change.</p> <p>The existing regulation allows an applicant to forward a motion to the Ontario Land Tribunal once a decision has been made on whether an application is complete. The proposed amendment will enable an applicant to forward a motion at any time after an applicant has begun to consult with a municipality during the process essentially eliminating the City's ability to review a submission to determine if it meets the minimum requirements of the Official Plan policies. This undermines the City's ability to provide a consistent and transparent process for receiving and determining the status of an application.</p> <p>The City is requesting further clarification on the process for which a motion is forwarded to the Ontario Land Tribunal in advance of an application being submitted to the City. The City is also seeking further clarification on how to determine when an applicant has begun to consult with the municipality without the requirement of a pre-consultation.</p>
<p>Appeal for Urban Boundary Expansion</p> <p>Subsection 22 (7.1) provides that there is no appeal under subsection (7) in respect of the refusal or failure to adopt or approve an official plan amendment described in subsection 22 (7.2). Clause 22 (7.2) (a) of the Act currently describes amendments that propose to alter all or any part of the boundary of an area of settlement in a municipality.</p>	<p>Impacts are discussed in Report PED23145(a).</p>	<p>The City of Hamilton does not support the proposed change.</p> <p>The proposed amendment is associated with impacts of the proposed Provincial Planning Statement, 2024 which is discussed in detail in Report PED23145(a).</p>

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act (Continued)		
<p>Appeal for Urban Boundary Expansion (Continued)</p> <p>The clause is re-enacted to describe an alteration of the boundary of an area of settlement in a municipality if, as a result of the alteration, any land in the Greenbelt Area would be included in the area of settlement. A similar amendment is made to clause 34 (11.0.4) (a).</p>		
<p>Zoning By-law Amendment and Site Plan Control Application Refunds</p> <p>Subsections 34 (10.12) to (10.14) of the Act, which currently provide rules respecting when municipalities are required to refund fees in respect of applications under that section, are repealed. Transitional rules are provided for in new Subsections 34 (35) and (36) (Zoning By-law Amendment). Similar amendments are made to section 41 (Site Plan Control).</p>	<p>Staff are committed to maintaining the 60, 90 and 120 day timelines. No impacts are anticipated as a result of the proposed amendments.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>While the City has successfully implemented process changes and made efficiencies during the application process, eliminating fee refunds will allow the City to work more collaboratively with applicants. Under the current framework staff were not always able to negotiate simple solutions to address concerns within the timeframes which has resulted in denial recommendations. Zoning By-laws often have associated Holding Provisions that may be avoided with additional time.</p> <p>The City acknowledges the benefit of the timelines and is committed to maintaining the current process efficiencies to continue to bring forward applications within or as closely within the <i>Planning Act</i> timelines. The streamlined processes that have been established align with the City's Council commitment to build new homes to meet our Housing Pledge.</p>
<p>Community Infrastructure and Housing Accelerators Requests</p> <p>Section 34.1 currently provides for Minister's orders that are made at the request of a municipality. The section is repealed and re-enacted to provide a transition rule respecting orders that were previously made under the section.</p>	<p>No impact to current processes.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>The City has not made a request under section 34.1 to date.</p>
<p>Minister Zoning Orders</p> <p>The new framework includes criteria that will consider whether a Minister's Zoning Order delivers on provincial priorities, and whether it is supported by a municipal council or a mayor with strong mayor powers and why the municipal process cannot be used. Additional information on public comments and Indigenous engagement is required to be provided. A public notice must be posted for a minimum of 30 days which will be followed by a posting of the Minister's Zoning Order on the Environmental Registry of Ontario.</p>	<p>The City of Hamilton will have to follow the new framework for the submission of a request for a Minister's Zoning Order.</p>	<p>The City of Hamilton supports the new framework.</p> <p>The framework provides clear instructions for how a request is submitted, the specific criteria for the submission and the consultation requirements. The criteria align with Council's priority for Responsiveness and Transparency.</p>

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act (Continued)		
<p>Minister Authority - Additional Residential Unit</p> <p>Subsection 35.1 (2) authorizes the Minister to make regulations establishing requirements and standards with respect to a second or third residential unit in a detached house, semi-detached house or rowhouse and with respect to a residential unit in a building or structure ancillary to such a house. The subsection is re-enacted to authorize regulations establishing requirements and standards with respect to any additional residential units in a detached house, semidetached house or rowhouse, a residential unit in a building or structure ancillary to such a house, a parcel of land where such residential units are located or a building or structure within which such residential units are located.</p>	<p>Amendments to the City's Official Plans and Zoning By-laws may be required to have regard for the proposed regulations.</p> <p>Staff are requesting to participate in the preparation of the Ontario Regulations to provide feedback on the City's recent amendments, and results of monitoring applications.</p>	<p>The City of Hamilton does not support the proposed changes.</p> <p>Since introducing Additional Dwelling Unit permissions in May 2021, the regulations for internal and detached Additional Dwelling Units have been continuously monitored and periodically amended to aid implementation. The City's Zoning By-law's support the creation of Additional Dwelling Units and includes regulations that are intended to guide integration of new units into a neighbourhood, not create barriers to their development.</p> <p>While staff are in support of the promotion of Additional Dwelling Units as an important means to meeting the City's Housing Pledge, mandating specific development regulations may interfere with the City's ability to maintain a supportive regulatory framework for Additional Dwelling Units that addresses context and integration and minimizes impacts.</p> <p>The Province could support a municipalities' implementation of Additional Residential Unit policies and regulations by preparing guidelines for Additional Dwelling Units, stock building plans that may reduce approval timelines, and financial measures to assist their development. Regulations to implement conditional zoning would also provide additional resources for municipalities to incorporate greater flexibility for all residential land uses.</p> <p>The City requests to be further engaged on the implementing Ontario Regulations associated with Additional Residential Units.</p>
<p>Use it or Lose It Site Plan Lapsing of Approval</p> <p>A new subsection 41 (7.3) permits an authorized person to provide for the lapsing of previous approvals and, if the person does so, requires the municipality to notify the owner of the land. Amendments are made to subsection 70.1 (1) to authorize certain regulations in relation to subsections 41 (7.1), (7.2) and (7.3), including providing for exemptions to those provisions.</p>	<p>The City's Site Plan Control By-law will require amendments to reflect the lapsing period. Staff must bring forward a Report on the proposed lapsing time frame. Timeline should align with the proposed changes to the Development Charges lock in timeframe, being 18 months.</p>	<p>The City of Hamilton supports the proposed amendment.</p> <p>The proposed amendment re-instates the City's previous practice of establishing a one year lapsing period for Site Plan approvals which was suspended with the implementation of Bill 109. The option to establish a lapsing date for Site Plan approval supports the City's goal of ensuring development applications proceed to building permit and are built in a timely manner. The assurance that an application will be limited to an established time period will provide additional certainty in how the City will meet our Housing Pledge.</p> <p>Additionally, applications that lapse will not benefit from continued Development Charge discounts.</p> <p>The proposed amendments align with Council's priority for Safe and Thriving Neighborhoods and will help to enable streamlined and accelerated approvals for new residential development.</p>
<p>Use it or Lose It Subdivision Lapsing of Approval</p> <p>Subsection 51 (32) permits an approval authority to provide for the lapsing of an approval to a draft plan of subdivision.</p>	<p>The proposed amendment would require that Draft Plans of Subdivision approved on or before March 27, 1995, automatically lapse three years after the date the legislation comes into force, unless there are any outstanding appeals to any conditions of approval.</p>	<p>The City of Hamilton supports the proposed changes.</p> <p>The City already includes a three year lapsing date on all Draft Plan of Subdivision approvals. Therefore, given that this proposed change is consistent with the City's current practices, staff support the change.</p>

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act (Continued)		
<p>Use it or Lose It Subdivision Lapsing of Approval (Continued)</p> <p>The subsection is re-enacted to, among other things, require approval authorities to provide for the lapsing of such approvals. New subsection 51 (33.4) deals with the lapsing of approvals that were given on or before March 27, 1995. Amendments are made to subsection 70.1 (1) to authorize certain regulations in relation to subsections 51 (32), (32.1) and (33.4), including providing for exemptions to those provisions.</p>	<p>There is no opportunity to extend this three year lapsing period, so the approval would cease after that time period.</p> <p>Note that the City’s current practice is to grant Draft Plan Approval extensions as required for the applicant to register the Plan. If implementing the approval lapsing is intended to fast-track housing supply, the City may need to re-consider this approach and not issue approval extensions, potentially with a servicing allocation policy.</p>	<p>Note that extensions to Draft Plan Approval can be granted if the Plan is not registered prior to the lapsing date.</p> <p>For plans draft approved prior to March 27, 1995, it is estimated that there are approximately 16 Draft Approved Plans of Subdivision in the City that would be impacted by this change. The proposed amendment will require that these plans lapse in three years without the opportunity for extension. Given the time that has passed since these Plans were draft approved and the lack of progress in registering the Plans and proceeding to construction, staff support this proposed change.</p> <p>From a servicing perspective, the lapsing provision may be effective in conjunction with a servicing allocation policy as part of the ‘Use It or Lose It’ tools as it would help ensure that servicing capacity is only reserved for a specific development for a specific timeframe, beyond which it would be reallocated with lapsing of the draft plan approval.</p>
<p>Non Application of Part V, etc.</p> <p>A new Section 49.3 of the Act authorizes regulations that provide for the non-application of any provision of Part V or a regulation under section 70.2 or setting out restrictions or limitations with respect to its application, to houses and ancillary structures meeting prescribed criteria.</p>	<p>Amendments to the City’s Official Plans and Zoning By-laws may be required to have regard for the proposed regulations.</p> <p>Staff are requesting to participate in the preparation of the Ontario Regulations to provide feedback on the City’s recent amendments, and results of monitoring applications.</p>	<p>The City of Hamilton does not support the proposed changes.</p> <p>Land Use Controls and Related Administration, being Part V of the <i>Planning Act</i> enables a municipality to establish zoning regulations for uses including Additional Residential Units. This section cannot be viewed simply as acting as a barrier to the development of Additional Residential Units. For example, Minor Variance applications provide data for monitoring purposes that can inform modifications to regulations that improve implementation, ease of use, and the successful integration of the policy approach.</p> <p>The absence of the fundamental tools of the <i>Planning Act</i> to regulate development coupled with the diminished public participation, and expedited timelines leaves the City with less tools to accommodate thoughtful intensification and infill options in which may impact how communities in the City accept new forms of development.</p>
<p>Post-Secondary Exclusions from the Planning Act</p> <p>A new Section 62.0.2 is added to the Act to exempt undertakings of certain classes of post-secondary institutions from the <i>Planning Act</i> and sections 113 and 114 of the City of Toronto Act, 2006.</p>	<p>Amendments would be required to the City’s Official Plans, Zoning By-laws and Site Plan Control By-law to provide the necessary exemptions.</p> <p>Additional review of the City’s Master Plans and the potential impacts of not understanding how potential development of post-secondary institutions may impact the City’s larger infrastructure networks.</p>	<p>The City of Hamilton strongly opposes the proposed changes.</p> <p>The proposed amendment has the effect of exempting post-secondary institutions from the <i>Planning Act</i>, including zoning regulations and application of Site Plan Control. While the City is supportive of providing more streamlined approvals for post-secondary institutions, the exemption from the provisions of the <i>Planning Act</i> removes the City’s ability to provide regulations that address site specific context, integration into communities, servicing constraints and orderly development.</p> <p>The broad terminology could be interpreted to mean that the exclusion applies to all lands owned by a post-secondary institution regardless of its connection to a campus. While a Building Permit will still be required to be issued in the normal manner, eliminating zoning regulations and Site Plan Control will limit the City’s objectives for good planning.</p>

Summary of Proposed Change	Implementation Impacts	Comments
Schedule 12 – Planning Act (Continued)		
Post-Secondary Exclusions from the Planning Act (Continued)		The City requests clarification with regard to the exclusion of lands owned by a post-secondary institution versus campuses.
<p>Community Service Facilities Exclusions from the Planning Act</p> <p>A new Section 62.0.3 of the Act authorizes regulations that provide for the non-application of any provision of the Act or a regulation made under section 70.2, or setting out restrictions or limitations with respect to its application, to prescribed classes of community service facilities that meet prescribed requirements.</p> <p>**Implementing Regulations**</p>	Amendments would be required to the City's Official Plans, Zoning By-laws, and Site Plan Control By-law to provide the necessary exemptions.	<p>The City of Hamilton strongly opposes the proposed changes.</p> <p>Community service facilities, including schools, long term care facilities and hospitals would also be permitted to be exempted from the Planning Act; however, this exemption is subject to future regulations. While the City is supportive of providing more streamlined approvals for important community service facilities, exemptions from the provisions of the <i>Planning Act</i> removes the City's ability to provide regulations that address site specific context, integration into communities, servicing constraints and orderly development.</p> <p>While a Building Permit will still be required to be issued in the normal manner, eliminating zoning regulations and Site Plan Control will limit the City's objectives for good planning.</p>
<p>Use It or Lose It</p> <p>Section 70.3 of the Act currently permits the making of regulations that authorize municipalities to pass by-laws establishing a system for allocating sewage and water services to land that is subject to an application under section 51. The section is repealed.</p> <p>Bill 185 has proposed amendments to the Municipal Act to add a new Section 86.1 to Part III (Specific Municipal Powers enabling municipalities to adopt a policy providing for the allocation of water supply and sewage capacity.</p>		<p>The City of Hamilton supports the proposed amendment.</p> <p>The City will evaluate the potential for creating an allocation By-law under 86.1 of the <i>Municipal Act</i> and the merits of its application.</p> <p>An allocation policy could consider geographic-specific areas where capacity issues are known and where information is available to support a policy, or in strategic priority areas, similar to the City's existing Wastewater Allocation Policy for the Airport Employment Growth District.</p>
Schedule 13 – Poet Laureate of Ontario Act (In Memory of Gord Downie), 2019		
The City of Hamilton has no comment.		
Schedule 14 – Redeemer Reformed Christian College Act, 1998		
The City of Hamilton has no comment.		
Schedule 15 – Universite de Hearst Act, 2021		
The City of Hamilton has no comment.		

Comments on Additional Environment Registry of Ontario (ERO) and Ontario Regulatory Registry (ERR) Postings Accompanying Bill 185 - *Cutting Red Tape to Build More Homes Act*

ERO Posting 019-8368 - Proposed Amendments to Ontario Regulation 73/23: Municipal Data Reporting	
<p>Changes are proposed to Ontario Regulation 73/23 to require additional application summaries and change datapoints for Draft Plan of Subdivision and Draft Plan of Condominium Applications.</p>	<p>The City of Hamilton generally supports the proposed changes.</p> <p>The amendments would increase the quarterly reporting requirements. Many of the proposed additions may be more suitable in a yearly reporting requirement. Additional data will need to be collected and organized to fulfill the new requirements and may not be feasible by the October 2024 reporting period.</p> <p>The City requests clarification on the term “submissions” to clarify if reporting is meant to include each submission for an application by an applicant or is the term meant to capture initial submissions only.</p> <p>Further clarification is requested on the request to provide the municipalities geospatial data that identifies designated serviced land supply. The term ‘designated serviced land’ is not defined or explained.</p>
ERO Posting 019-8370 – Proposed Changes to Regulations under the <i>Planning Act</i> and <i>Development Charges Act, 1997</i> Relating to the Bill 185, <i>Cutting Red Tape to Build More Homes Act, 2024</i> (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes	
<p>Changes are proposed to the <i>Planning Act</i> and <i>Development Charges Act</i> to modernize public notice requirements to allow notices to be provided by way of a Municipal Website where no local print newspaper is available.</p>	<p>The proposed changes will not affect the City of Hamilton’s circulation process as the City of Hamilton has a municipal newspaper to accommodate notices.</p>

ERO Posting 019-8370 – 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 (Continued)

Consequential Housekeeping Amendments related to proposed changes to Third Party Appeals as part of Bill 185.

The City of Hamilton does not support the proposed changes.

Public engagement is an important part of the planning process and is beneficial to planning outcomes. The City supports meaningful public consultation with communities and the ability for members of the public to have an opportunity to participate in appeals. The proposed change is not consistent with best practices in public engagement and participation.

ERO Posting 019-8366 Proposed Regulatory Changes under the *Planning Act* Relating to the *Cutting Red Tape to Build More Homes Act*, 2024 (Bill 185): Removing Barriers for Additional Residential Units

The proposed changes build on previous amendments to the *Planning Act* through Bill 23 *More Homes Built Faster Act*.

An enhanced regulation-making authority is proposed providing the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting development of Additional Residential Units.

The ERO posting poses two Discussion questions related to Additional Residential Units:

The City of Hamilton does not support the proposed changes.

In response to the Discussion Questions, staff provide the following:

1. The City of Hamilton has incorporated additional dwelling units in a phased approach over many years. The regulations have evolved to provide a flexible framework for development while integrating Additional Residential Units into a neighbourhood and community. Mandating specific development regulations will interfere with the City’s ability to continue to allow for Additional Residential Units in a form that works well within an infill context. Zoning is not a barrier to the development of Additional Residential Units.

ERO Posting 019-8366 Proposed Regulatory Changes under the *Planning Act* Relating to the *Cutting Red Tape to Build More Homes Act, 2024 (Bill 185)*: Removing Barriers for Additional Residential Units (Continued)

Discussion Questions

1. Are there specific zoning by-law barriers standards or requirements that frustrate the development of Additional Residential Units (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum number of bedrooms permitted per lot, and angular plane requirements, etc.)?

Are there any other changes that would help support the development of Additional Residential Units?

2. The Province could support the City's implementation of Additional Residential Unit policies and regulations by preparing guidelines for Additional Residential Units, stock building plans that may reduce approval timelines and financial incentives to assist with costs associated with developing and Additional Residential Unit.