

May 10, 2024

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**Via Email**

Provincial Planning Policy Branch  
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**RE: Bill 185 – Proposed Planning Act, City of Toronto Act and Municipal Act Changes  
ERO No. 019-8369**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is a private consulting firm providing expert land use planning advice to proponents seeking to secure required municipal approvals for a variety of development projects throughout southern Ontario. UrbanSolutions would like to thank you for the opportunity to comment on the proposed amendments to the *Planning Act*, *City of Toronto Act* and *Municipal Act* via ERO No. 019-8369.

As the Province works to address the housing crisis currently facing Ontario, the structure for planning approvals and policies outlined within the *Planning Act* and *Municipal Act* will become even more critical to maintain the desired levels of new development across the various regions. Bill 185 presents an opportunity to ensure that existing inefficiencies within the *Planning Act* are corrected and effective procedures that currently exist are maintained. Through our recommendations below, we believe the development process in Ontario will be improved to support housing availability while implementing good land use planning.

In response to the proposed legislative changes through Bill 185, our team has provided a list of recommendations to be considered during the Ministry's review:

**Official Plan & Zoning By-law Amendment Rights of Appeal**

Bill 185 proposes to remove third-party appeal rights for municipally-approved amendments to Official Plans and Zoning By-laws. We recommend that the third-party appeal rights for these planning applications remain unchanged. Our private industry clients would face significant uncertainty in an environment where the local municipal authority to propose and enact its own OPAs and ZBAs with no rights of appeal – including for any affected landowner or stakeholder. Similarly, where a local authority approves new private development that would directly impact the ability of other landowners to pursue their own development opportunities, there needs to be an appeal right.

It is our submission that the Ontario Land Tribunal serves to take the politics out of land use planning. It is before the Tribunal that parties are able to lead evidence as to the best planning result on all facets of a development approval. This is evidence that local council does not have time or capacity to consider in detail. While we appreciate the Province's notion that less appeals could mean more approvals,

concentrating final approval authority within local council does not serve the Province-wide interest in addressing the current housing crisis.

Accordingly, we respectfully ask that the Province uphold the current appeal-rights applicable to third parties for these matters.

### **Urban Boundary Expansion Appeals**

UrbanSolutions does support the proposed changes made through Bill 185 to permit applications for local urban boundary expansions to be appealed to the Ontario Land Tribunal.

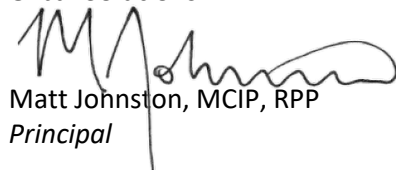
A prime example of the need for this appeal right has been evident in the City of Hamilton. In November 2022, the Ministry of Municipal Affairs and Housing approved a revised version of the Urban Hamilton Official Plan. One of the notable changes made by the then-Minister was the introduction of six Urban Expansion Areas to the City's Urban Boundary. For purposes of full disclosure, UrbanSolutions represents Spallacci & Sons Limited, owner of within the area commonly referred to as the Upper West Side Landowners Group in the City of Hamilton.

Given their greenfield nature and ability to accommodate current trends in the housing industry, the Urban Expansion Area lands in Hamilton provide an ideal case study for the opportunities and challenges presently existing in the policy framework with regards to the implementation of the housing development. However, without the ability to appeal private applications to seek urban boundary expansion, the Urban Expansion Areas in Hamilton remain subject to the political preferences of the City's elected officials, which themselves are beholden to the opinions of existing ratepayers against expansion and new development.

As proposed, the aforementioned recommendations will strengthen the legislative framework to ensure the goals and objectives of the Province are realized and align with realistic growth and development opportunities. While UrbanSolutions and its clients respect the authority of local councils to influence and govern development through local policies, zoning provisions and guidelines, there needs to be in place legislative appeal rights and remedies that allow applicants to pursue meritorious proposals beyond local opinions and objections. The resource that is the Province's overall developable land supply is too limited to have good planning proposals meet full roadblocks at the local level. The balance of the proposed Bill 185 legislative changes contain the appropriate changes to protect the matters of provincial interest while also ensuring sufficient development is secured to respond to the needs of our growing Province.

Kind Regards,

**UrbanSolutions**

A handwritten signature in black ink, appearing to read 'Matt Johnston', is written over the printed name and title.

Matt Johnston, MCIP, RPP  
*Principal*

cc. Spallacci & Sons Limited