Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)

Provincial Comment Period Closes May 10, 2024 (ERO:019-8369) (ORR:24-MMAH010)

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Schedule 9 – Municipal Act, 2001		
Allocation of Water Supply and Sewage Capacity Current Act permits municipalities to enact by-laws to establish an allocation system for water and sewage servicing that are subject to a draft plan of subdivision. Changes would give municipalities the authority to pass by-laws which may include the tracking and allocation for water and sewage servicing for approved developments. Adds section 86.1, which provides that a municipality may, by by-law, 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 as well as criteria respecting the allocation of water supply and sewage capacity.	• As the Region of Peel (Region) currently manages water and sewage services, the roles and responsibilities for decision making will need to be agreed-upon by parties. City of Mississsauga (City) staff would need to coordinate with the Region on any updates to how servicing is to be allocated. • In the event that water and sewage servicing become a City responsibility, staff would need to update its Municipal Servicing By-law, and any other associated processes.	**Request to the Province of Ontario (Province):** • The City requires further details to understand how to enforce its allocation system, and potential impacts.
Municipalities Assisting Industry to Attract Investment Proposed Section 106.1 of the Municipal Act, 2001 would provide the Lieutenant	• There are other communities within Ontario and across Canada that provide incentives more broadly including land banking, DC offsets, payment of critical infrastructure, etc. This new	**Request to the Province:** • Consult with municipal economic development leaders in developing the draft regulations to ensure they optimize

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Governor in Council to make regulations authorizing a municipality to grant assistance, directly or indirectly, to a specified manufacturing business or other industrial or commercial enterprise during a specified period if considered necessary or desirable in the provincial interest to attract investment in Ontario.	section of the Planning Act could provide flexibility and may help level the playing field across the Province. • Providing incentive at the local level has budget implications (grants, tax revenue losses more broadly across the city, staffing resources, etc.). • If this incentive mirrors ones in the USA, communities across Ontario would now compete more aggressively against each other for investment attraction and possibly company retention. What is typically at the Provincial and Federal level becomes a responsibility of the Municipality. • Mississauga has 1,400 + international companies with nearly 1,000 from the USA that may expect a contribution for both retention and expansion in addition to net new. • Cities don't have the same regulatory, fiscal and reporting tools as province. Making companies accountable for fulfilling their negotiated commitments in exchange for incentives may be challenging. • The city would require additional resources to manage, negotiate agreements, monitor and enforce negotiated agreements with companies.	incentive tools without unintended negative impacts on municipalities. • Regulations should address: ○ The type and size of investment that would qualify. ○ Defined parameters for eligibility and ineligibility. ○ Define "commercial enterprise". ○ Whether developers would be eligible for incentives under this tool or aimed directly at companies. ○ Whether downtown office tenants would be included. ○ How this would work with existing incentive tools, such as CIPs. ○ The approval process to provide a grant, and whether Provincial or Municipal approval is required on a case-by-case. Alternatively, whether a city-wide CIP is required ○ How would this apply to existing businesses, or is it to apply to new net investments/companies currently not located in Ontario. ○ Elements/criteria to be considered for grant assistance. ○ Clarify what is meant by "Desirable in the provincial interest to attract investment in Ontario". ○ How success is to be measured for the return on the investment.

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		○ Clarify that existing grants and supports are not being replaced by this incentive.
Schedule 12 – Planning Act		
Remove Planning Responsibilities from Peel, Halton, and York 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.		• The City has been planning to assume upper-tier planning responsibilities from the Region of Peel, and can meet the July 1, 2024 timeline.
Remove Parking Minimums from MTSAs and other Prescribed Areas Parking minimums within protected MTSAs, existing/planned higher order transit/stop or will be prohibited. New subsections 16 (22) to (24) will limit the ability of official plans to contain policies requiring an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, within a protected major transit station area, existing or planned higher order transit station and other prescribed areas. Related amendments are made to section 34.	• The City has been reducing parking requirements over the years and allowing for further parking reductions along the LRT to leverage higher order transit investments and reduce automobile dependency. • Further reductions in parking rates are supported provided residents have other transportation options, such as requiring onsite car share spaces and drop off spaces for ride share vehicles; reductions for visitor and accessible parking are not recommended. • The Zoning By-law would have to be amended not only to reflect the elimination of parking requirements, but future consideration for car share and other TDM measures.	• The City has been reducing parking requirements over the years. Removing parking requirements should be done in a manner that minimizes impact on residents and businesses of existing and new developments. The municipality has limited tools available to require measures to help encourage transit and alternative modes of transportation. **Requests to the Province:** • Clarify what is meant by “Parking Facilities”. • Clarify that municipalities can still regulate parking standards (e.g. parking aisle, size of space) if a developer chooses to provide parking.

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		• Consider making municipal parking an eligible DC service to aid in the development of shared lots.
		
		• Consider options for municipalities to impose criteria in MTSAs to ensure alternative transportation choices are available, for example:
		  ○ TDM measures such as car share and bike share spaces and dedicated drop off/pick up spaces for rideshare and taxis. These measures are especially important in MTSAs where transit service and active transportation infrastructure are not yet fully constructed
		  ○ Site distance to a Station
		  ○ Having a mix of land uses near the station
		
		• The City requests that the elimination of parking requirements not apply to non-residential uses (e.g. commercial), lower density residential uses, visitor and accessible parking.

Limits Third Party Appeals The proposed changes would limit appeal rights for official plans, official plan amendments, zoning by-laws and zoning by-law amendments to only the applicant, the Minister, the approval authority, a	• Limits the rights of the general public and participation in the appeals process. • Third party appeals may be beneficial in unique circumstances where there may be impacts to the economic stability of employment areas due	• The City generally supports this change, but there should be consideration to recognize unique circumstances where additional participation rights are warranted (e.g. areas where there are potential for land use compatibility issues).

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public body and specified persons who made oral or written submissions. Third party appeals filed prior to the legislation coming into force and where the hearing has not been scheduled before April 10, 2024, will be dismissed. Amendments to the Planning Act 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 subsections 17 (36) and 34 (19).	to land use compatibility. For example, a manufacturer would lose the ability to participate in an appeal of an adjacent development application proposing sensitive land uses that may result in additional regulatory and fiscal burdens for those industries. • This would place a burden on municipalities to defend an industry's interests.	**Request to the Province:** • Enhance criteria in Planning Act to enable OLT to grant party status to third parties to recognize unique circumstances where additional participation rights are warranted. • Equip municipalities with more concrete/mandatory policy direction in PPS that municipalities are required to implement to help protect third-party interests.
Removal of Pre-Consultation Requirements for Development Applications Pre-application consultation is voluntary and no longer a requirement. The re-enacted subsection 22 (3.1) does not include the authority for a council or planning board to pass a by-law requiring applicants to consult with the municipality prior to submitting development applications. Pre-consultation is at the applicant's discretion. Similar amendments are made to sections 34, 41 and 51.	• This change eliminates the City's ability to mandate a pre-application consultation. Without pre-consultation, applications may be submitted which do not meet City requirements. Low quality submissions may result in delays in approvals and review of application. • The city has historically required pre-consultations, which has been beneficial for identifying material to be submitted as part for an application and issues to be addressed early in the process. This leads to greater success in approving applications.	• Pre-consultation is a valuable tool for improving the calibre of applications. • This change introduces a risk to the overall integrity of land development processes. When a voluntary exception is made without clear justification or criteria, it undermines the consistency and fairness that stakeholders expect, potentially resulting in a loss of trust or transparency, and adding further complexity or cost for all stakeholders. • Most Mississauga builders and developers recognize the importance of pre-

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		consultation because it enhances the value of their proposals, is seen as a due diligence measure, and safeguards against risks that could lead to substantial costs for all stakeholders. **Request to the Province:** • Allow municipalities the flexibility to determine when pre-application consultation is required. • Allow municipalities pause the clock or other enforceable mechanism to require additional information that was not identified/ submitted.
Procedural Changes: Motion Re Dispute for Complete OPA Application Changes to re-enact subsection 22 (6.2) would permit applicants to bring forward a motion to the OLT to determine whether the information and materials required for an OPA have been provided, or whether a requirement to provide such information or material is reasonable at any time after pre-request consultation has begun or the application fee has been made. Subsection 22 (6.3), which currently provides for the extension of the timeframe under subsection 22 (6.2) in certain circumstances, is repealed. Similar		• Generally, improvements to the OLT are welcomed, however, the City does not support the proposed policy in its current state. The draft is too ambiguous and would lead to uncertainty for proponents and City staff in the development application process. **Request to the Province:** • The policy should be amended to provide clearer guidance for the municipality and applicant.

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Request for Amendment Re Protected Major Transit Station Areas (PMTSAs) Proposed changes to Act would allow amendments to PMTSA policies in subsection 16 (15)(b) or 16(16)(b)(i) that identify authorized uses of land in the area and or buildings or structures in area without the need for a Council Resolution. Amends subsection 22 (2.1.3) and adds 22(2.1.4).	• As the City will have single-tier planning authority post-July 1, 2024 this provision would be limited to the exception in 16(5)(b), related to uses of land only.	
Repeal of Refund of Fees Introduced By Bill 109 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). Similar amendments are made to section 41.	• Bill 109 introduced rules for the refund of development applications that are not processed within provincially mandated timelines. Many municipalities, including Mississauga, responded by front-ending their requirements for a complete application prior to the clock starting on review timelines (called pre-consultation). • Once an application was submitted, the timelines did not allow for revisions or review of resubmissions. The proposed change will again require procedural changes to the processing of development applications.	• The City is supportive of the proposed change.
Repeal Municipalities Ability to Request Minister's Orders		

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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.		
Additional Residential Unit (ARU) Requirement and Standards The Minister will be given the ability to establish regulations that removes barriers for additional residential units. Subsection 35.1 (2) is re-enacted to authorize the Minister to make regulations establishing requirements and standards with respect to any additional residential units in a detached house, semi-detached 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. *Discussion questions prepared by the Province (on ERO 019-8366):* 1. *Are there specific zoning by-law barriers standards or requirements that frustrate the development of ARUs (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum*	• The City has introduced zoning to permit ARUs for up to four units on a lot. With 3 units permitted internal to a building and 1 unit permitted external to the main building. • Mississauga has observed an increase in basement second units, but accommodating multiple additional units is complex due to the OBC defining dwellings with three or more units as not being a "house". Applicants abandon proposals for three units and opt for basement second units instead.	• The City is supportive of this change, as it complements the City's work in increasing the mix of housing options in Mississauga. **Response to Discussion Question 1:** • The in-force zoning related to ARUs is quite flexible in and takes into consideration our local context. A broad exemption of further standards could potential impacts for adjacent properties. • For internal ARUs, no further changes to the City's By-Law are necessary. Since most ARU are being accommodated in existing dwelling structures, there is no need to change lot coverage, setbacks, height, etc. • For external ARUs, Mississauga has already provided zoning flexibility in the form of additional lot coverage and minimal setbacks, while balancing impacts to neighbouring properties through appropriate height and size permissions. • It should be at the discretion of municipalities to identify reductions in max

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number of bedrooms permitted per lot, and angular plane requirements, etc.)? 2. *Are there any other changes that would help support development of ARUs?*		lot and setbacks requirements to ensure ARUs comply with drainage and Lot Grading By-laws. • The City request the province make municipalities whole for lost revenue from statutory DC and parkland ARU exemptions. **Response to Discussion Question 2:** • Through the City's consultation on *Increasing Housing Choices in Neighbourhoods* the following additional barriers were identified: o the cost of construction o impact of being a landlord on personal income tax o how much property taxes would increase after MPAC reassesses the property with an ARU o the ability to remove delinquent tenants and LTB backlog • The City has removed many municipal fees associated with ARUs (e.g. DCs and cash-in-lieu of parkland) and is exploring building permit grants and pre-approved plans as a incentive to increase supply. • The Province should consider a public education program to encourage Ontarians to become small landlords providing them

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		with relevant resources and financial incentives such as tax incentives.
Lapsing of Approvals of Plans and Drawings Approval authorities can provide for the lapsing of a draft plan of subdivision with a prescribed time set by regulation (default of no less than 3 years if a regulation does not apply). A new subsection 41 (7.1) permits authorized persons referred to in subsection 41 (4.0.1) to provide for the lapsing of approvals of plans and drawings referred to in subsection 41 (4). 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.	• Staff would need to update the development application process to reflect this proposed change	• The City is supportive of this change, but this change on its own may be insufficient to achieve the desired objectives. • There may be cases where an extension to timelines for lapsing of approvals would be preferred and much simpler than requiring a new application. **Request to the Province:** • Consider additional tools to expedite timelines between planning approvals and construction starts. • Municipalities should be allowed to extend timelines for the lapsing of approvals.
Non-Application – Houses & Ancillary Structures A new section 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	• See comments under "Additional Residential Unit Requirement and Standards"	• See comments under "Additional Residential Unit Requirement and Standards"

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to its application, to houses and ancillary structures meeting prescribed criteria.		
Lapsing of Approvals of Draft Plan of Subdivision Approval authorities can provide for the lapsing of a draft plan of subdivision with a prescribed time set by regulation. Where draft plans of subdivisions were approved on or before March 27, 1995, they will lapse within 3 years of the passing of the Bill. Subsection 51 (32) is re-enacted to, among other things, require approval authorities to provide for the lapsing of an approval to a draft plan of subdivision. 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.	• See comments under "Lapsing of Approvals of Plans and Drawings"	• See comments under "Lapsing of Approvals of Plans and Drawings"
Post-Secondary Institution Exemptions A new section 62.0.2 is added to the Act to exempt undertakings of certain classes of post-secondary institutions from the Act and sections 113 and 114 of the City of Toronto Act, 2006.	• The policy would exempt all publicly funded post secondary institution from the Planning Act, for the purpose of developing student housing.	• The City recommends that this policy be refined as the exemptions will challenge the ability to plan for future infrastructure and growth needs.

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	• The City's Parkland Conveyance By-law applies to post-secondary institutions. These exemptions would impact the cash-in-lieu (CIL) and parkland dedication that the City is currently negotiating with University of Toronto Mississauga (UTM). • The City is generally support an expedited approvals process, but have concerns if a municipal role is not maintained to address potential issues (e.g. water and wastewater capacity and design). Improvements to infrastructure may be difficult to secure. • Post-secondary institutions in Mississauga, particularly UTM, are adjacent to some of the city's most significant natural areas. Exemptions from the Planning Act removes the ability to ensure that the natural heritage system is protected, enhanced, restored, and expanded. • The City's OP has special policies for UTM that allows for broad permissions while having regard for minimizing adverse effects on adjacent areas. Blanket exemptions could have unintended consequences to surrounding residential areas and infrastructure.	• The proposed exemptions are overly broad, particularly where development is proposed private land or in combination with other private developments (e.g. a campus in a mall or a mixed use residential building). **Request to the Province:** • The Province is urged to retain Planning Act processes for post-secondary institutions proposing development on private land. • Prescribed requirements should continue to include parkland dedication. • Clarify what is meant by "publicly-assisted university."

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Non-Application – Community Service Facilities Exemption for community service facilities (schools, hospitals, long-term care homes) from the Act that meet prescribed requirements. 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.	• The policy would exempt all community service facilities (schools, hospitals and long-term care homes) from the Planning Act. • The City's Parkland Conveyance By-law applies to schools, hospitals, and long-term care homes. These exemptions would impact the cash-in-lieu (CIL) and parkland dedication. • Schools in Mississauga that are adjacent to parks have been well used. Exemptions for community service facilities from the Act would add increased pressure to the City's park system. • Exemptions from the Planning Act will hinder the City's ability to regulate the Natural Heritage System and Urban Forest.	• The City recommends that this policy be refined as the exemptions will challenge the ability to plan for future infrastructure and growth needs. • There is also concern that the development of community service facilities does not take into consideration the provision for an urban (e.g., schools situated within a tower podium, or high-rise long-term care homes). • The City would support the ability to retain review of these developments but agree that an expedited review process is appropriate. The province should still have the ability to issue site-specific MZO's where warranted and allows for a municipal role in implementation. **Request to the Province:** • A municipal role should be maintained in the review of applications for community service facilities. This would ensure issues are addressed through the appropriate process and early in the design of such facilities, avoiding costly delays • Prescribed requirements should continue to include parkland dedication.

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Repeal of By-Laws to Establish Water and Wastewater Allocation System 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.	• Currently, this is a Region of Peel program. The transfer of responsibilities will determine the arrangements for water and wastewater servicing. The City would need to coordinate with the Region on servicing allocations.	