

**RE: Environmental Registry of Ontario Posting 019-8369 – 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)**

**From: Steve Ganesh, Commissioner – Planning, Building and Growth Management Department, City of Brampton;**

---

To Whom It May Concern,

The City of Brampton (hereinafter referred to as 'the City') appreciates the opportunity to provide comments on the proposed changes outlined in the Environmental Registry of Ontario posting 019-8369 – 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).

The City is supportive of efforts by the Province to address housing supply and development challenges, and remain committed to working with the Province towards their ambitious goal of delivering more housing. However, the City provides a number of recommendations below in response to the proposed changes.

**Please see below specific comments on individual aspects of the proposed legislative changes:**

**1. Reducing parking minimums**

**City Comment:** The City is supportive of the changes within the Planning Act as this would remove the requirements for parking facilities, other than bicycle parking, within Major Transit Station Areas. This change is generally consistent with By-law 45-2021 where the City removed parking requirements for specific uses within key strategic growth areas. It is also consistent with the Brampton Parking Strategy that recommends the elimination of parking requirements in intensification areas (i.e. MTSAs).

The City has no additional comments.

**2. Enhancing the framework for additional residential units (ARUs)**

**City Comment:** The City recognizes the changes made to the Planning Act to support the implementation of Additional Residential Units (ARUs), particularly during a time where housing needs are higher than previous years. However, the City believes that infill projects such as these should aim to solidify and be complementary to both established and new communities. ARUs should fit into the context of mature and upcoming neighbourhoods while providing alternative, and generally more affordable, housing options to current and future residents.

The City proposes that the Province further consult municipal partners on any potential regulations being considered by the Minister in order to provide clear rules of engagement while also allowing for flexibility to an incredibly diverse housing landscape across the province. Any proposed changes to the existing framework within the Planning Act could lead to potential economic, social, and environmental impacts.

**City Recommendation:** It is recommended that the Province continue further dialogue with municipal partners like the City of Brampton prior to final approval of the proposed legislative changes. The City also recommends that the Province contemplate different rules and regulations for ARUs within primary dwelling units versus ARUs outside of the primary dwelling unit. In addition to these, setting clear expectations based on housing typology (detached, semi-detached or row) may also prove beneficial as each will have varying lot sizes available to them for both internal and external ARUs. This would likely result in a more balanced and strategic plan that aligns provincial and municipal goals and outcomes.

### **3. Community Infrastructure and Housing Accelerator (CIHA)**

**City Comments:** The City is supportive of this amendment as the change represents a consolidation of prior authority. The authority for the issuance of Ministerial Zoning Orders remains, with the ability for municipalities to request an order. The city also recognizes that the Province has also provided a new framework for Ministerial Zoning Orders with a focus on increased transparency.

The City is not anticipating this change in legislation will impact the municipality and has no additional comments.

### **4. “Use it or lose it” tools**

**City Comments:** The City is generally in support of the proposed amendments. The City is cautiously optimistic given the new, or expansion of existing, tools – while also seeking further clarification on the exemptions being explored by the Ministry.

Firstly, in the City recognizes the efforts by the Province is making to provide more autonomy to the municipalities as it relates to water supply and servicing capacity.

The City notes that this amendment should also take into consideration the changes made as per Bill 112 (and the related restructuring changes in Bill 185) with feedback from the Transition Board regarding the City’s final state post July 1, 2024.

Secondly, the City anticipates that additional consultation with municipal partners would occur as discussions move forward relating to the exemption of individual and/or classes of approved developments.

Thirdly, the City applauds the efforts of the province in enhancing lapsing authority for approvals of draft plans of subdivision/condominium (to be mandatory) and now site plan applications.

**City Recommendation:** With regards to the exemptions specifically, it is recommended that the Ministry further consult municipalities on all regulations prior to their enactment to ensure that appropriate measures are being taken to prevent or mitigate any potential negative impacts by exempting these forms of development.

## **5. Third party appeals**

**City Comment:** The City recognizes the Province's efforts in attempting to streamline the development process by way of limiting third party appeals that may slow down the process.

However, the City notes that through various changes proposed in Bill 185, as well as Bills prior to, there have been significant amendments to legislation to expedite the planning application process at the cost of established planning principles, including but not limited to, public engagement and conflict resolution.

The City is seeking clarification on whether the timelines for a municipal non-decision will be relaxed in order to account for appropriate time to consolidate concerns for the development project and reach solutions to eliminate or mitigate those concerns. Doing so may further bolster the rationale for limited third party appeals.

**City Recommendation:** It is recommended that the Province consider scoping the limitations and restrictions to still allow for some form of third-party appeals as it relates to the adjacent community. Perhaps limiting it to the public notification area as specified in the Planning Act, or the Municipal Official Plan if it is greater.

Alternatively, the Province may consider increasing the timelines for a municipal non-decision in order to allow for fulsome planning application reviews and further eliminate the need for third party appeals.

## **6. Fee refund provisions**

**City Comment:** The City applauds the Province for the proposed change to the Planning Act. This amendment removes the risk of revenue loss and allows for time to appropriately review the development application in a fulsome manner.

The City has no additional comments.

## **7. Municipal pre-application process**

**City Comment:** The City has concerns with the proposed amendment. The City's Official Plan has included a requirement for mandatory pre-application consultation since 2008 and is brought forward in the new Brampton Plan which is currently under review with the Region of Peel. Requiring pre-application consultation is a key element for a fast and efficient approval process as it provides for early feedback on a proposal and reduces uncertainty for applicants. There are concerns with making it voluntary as it could have the unintended consequence of making the approval process slower and less efficient.

This change has the potential to result in increased timelines for planning applications as technical staff will still be required to assess and evaluate development proposals based on their merit and viability. The pre-application consultation process allows staff to review the proposal and determine all required documentation and reports by the applicant/owner and allows them to get a better understanding of the both the opportunities and constraints of the project thus allowing them to make better informed decisions.

**City Recommendation:** It is recommended that the Province reconsider this amendment as the pre-application consultation serves as a pivotal juncture in the development process that provides a starting point for owners and applicants to assess what will be required throughout the life of the development.

#### **8. Settlement area boundary expansion**

**City Comment:** This City takes a neutral stance on this proposed amendment. The City has established development boundaries and shares borders with several other municipalities and this change is not anticipated to impact Brampton.

The City has no additional comments.

#### **9. Facilitating standardized housing designs**

**City Comment:** The City is generally in support of this proposed amendment. Given the current landscape around housing and housing affordability in Brampton, there is value in determining how standardized housing types can be streamlined through the development process. The City seeks clarification on how the development process would be impacted by these changes and how the City is meant to notify residents of these developments when it appears that standardized housing may be exempt from the entire administration of land use controls, depending on the details of any future regulations enacted under this new authority.

**City Recommendation:** It is recommended that the Province further consult municipalities on all potential regulations to ensure that appropriate measures are being taken to consider what type of housing form is exempt from Part V of the Planning Act and how municipalities are meant to deal with potential impacts of exempting these housing forms from the development process.

#### **10. Upper-tier planning responsibilities**

**City Comment:** The City supports this proposed amendment. This change aligns with the City's efforts with the Transition Board and reflects the City's preparedness to take on the planning responsibilities currently managed at the Region of Peel. This transfer is anticipated to further reduce red tape, duplication of work and unnecessary delays.

Any additional comments the City may have will be brought forward to the Transition Board.

## **11. Expedited approval process for community service facility projects**

**City Comment:** The City is generally in support of this proposed amendment. However, the City seeks clarification on the language being used in the proposed legislation.

The legislation can be interpreted to allow “community service facilities” to be exempt from the entirety of the Planning Act. While the Province’s intent may be to use it in a more targeted way, this may raise concern as these developments may still result in negative impacts to the community. Primary concerns could be the permissions of unlimited height and density where not appropriate.

**City Recommendation:** It is recommended that Ministry further consult municipalities on all potential regulations prior to their enactment to ensure that appropriate measures are being taken to ensure any potential negative impacts are being addressed by way of exempting these undertakings from the development process.

## **12. Exempt universities from planning act**

**City Comment:** The City has concerns with this proposed amendment. The way the proposed legislation is framed can be interpreted that all undertakings by a publicly-assisted university are exempt from the entirety of the Planning Act.

Similar to the previous amendment, this raises concern as undertakings by these bodies may still result in negative impacts to the community if permitted to be exempt from the development process. Primary concerns could be the permissions of unlimited height and density where not appropriate.

**City Recommendation:** It is recommended that the Ministry further consult municipalities on all potential regulations prior to their enactment to ensure that appropriate measures are being taken to prevent or mitigate any potential negative impacts by exempting these undertakings from the development process. The Province may also consider scoping, or placing limitations and restrictions with the amendments that take into consideration best practices related to planning and design.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,



Steve Ganesh  
Commissioner  
Planning, Building & Growth Management