

May 10, 2024

**Re:** St. Catharines response to Bill 185  
(Cutting Red Tape to Build More Homes Act, 2024)

On April 10, 2024 the Province of Ontario released a package of proposed Provincial legislation with the announcement of the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185), proposing amendments to 15 Acts, including the Planning Act, Development Charges Act, and Municipal Act. The Province has also indicated intention to amend various regulations, and released an updated proposed Provincial Planning Statement (PPS), following previous consultation in 2023 (ERO [019-6813](#)).

The City is supportive of the stated goals and has been continuously working to ensure St. Catharines is well situated to support infill, intensification, and growth within the built boundary and will continue to do so. Staff have concerns that the proposed policies related to growth are not adequate to guide appropriate development and land use planning in the Province and policies related to pre-submission consultation and appeal rights will lead to processes and developments that are unsustainable and will have detrimental effects in the long term.

Detailed comments are provided in Appendix 1 and have been organized into the following themes:

- Housing Supply and Growth
- Settlement Areas and Boundary Expansions
- Expediting Timelines
- Appeals and Public Process
- Municipal Responsibilities
- Previous draft new PPS Comments

The City of St. Catharines has been assigned an aggressive growth target of 11,000 housing units by 2031 which exceeds the City's historical growth rates. The City is committed to making every effort within its control to accelerate the construction of housing units to meet this target. The City has undertaken many progressive policy, process, and technology investments to position St. Catharines to be able to accommodate the processing of development applications to assist the Province in meeting its housing goals.

If you have any questions, please contact Taya Devlin, Senior Planner at [tdevlin@stcatharines.ca](mailto:tdevlin@stcatharines.ca) or 905.688.5601 extension 1709.

## Housing Supply and Growth

Proposed	Impacts and Considerations
<p>Use of Ministry of Finance 25-year projections to inform population and employment growth forecasts.</p>	<p>Existing growth targets established in Provincial Growth Plan to be removed.</p> <p>The existing Ministry of Finance projections appear to be provided at a regional scale. Staff question whether the numbers will be revised to a format reflecting municipal forecast or if they will continue to be provided at a regional scale. While the timeline is unknown, Niagara Region has been identified as an upper tier without planning responsibility. Staff are unclear who will conduct the allocation if regional data is provided.</p> <p>Staff also note that the existing projections do not appear to extend to a 30 year horizon.</p>
<p>The existing growth time horizon is for a period of up to 25 years. The proposed time horizon is to be of at least 20 years but not more than 30 years.</p>	<p>The flexibility provided for in the growth time horizon is supported by staff.</p>
<p>When establishing minimum targets for intensification and redevelopment within built up areas, the policy language is proposed to change from “Shall establish” to a weaker phrase, “are encouraged to establish”</p>	<p>The use of language “are encouraged” in combination with a relatively low density target of 50 residents and jobs per hectare for designated growth areas in the largest and fastest growing municipalities in Ontario, is of concern, as it will lead to variation and inconsistencies in the approach to and accommodation of growth in the Province.</p>
<p>Large and fast municipalities, including St. Catharines, are encouraged to plan for a minimum target of 50 residents and jobs per</p>	<p>Only 19 detached dwellings (2.7 ppl/unit) or 28 apartment units (1.8 ppl/unit) would need to be provided within a one hectare land area to achieve the target of 50 residents and jobs per hectare. With this target being applied specifically to large and fast municipalities, it represents underutilization of land and does not provide support to staff when reviewing and presenting recommendations for intensive</p>

## Appendix 1

<p>hectare in designated growth areas.</p>	<p>housing and development projects.</p> <p>Staff suggest consideration for bolder and higher reaching policies that will lead to stronger municipal policy and support significant growth in designated growth areas.</p>
<p>Direction to eliminate parking minimums in Major Transit Station Areas (MTSAs).</p>	<p>Staff support the elimination of parking minimums in Major Transit Station Areas (MTSAs) and are generally supportive of the direction for parking reductions in other parts of the City, where it can be demonstrated to be appropriate. The City of St. Catharines has had longstanding parking exemptions in place for the Downtown (Urban Growth Centre).</p>
<p>Establish Minister's Authority to:</p> <ul style="list-style-type: none"> <li>• Enhance ability to remove zoning barriers to building small multi-unit residential</li> <li>• Develop criteria to facilitate planning approvals for standardized housing</li> </ul> <p>Enable parking reductions for additional prescribed areas beyond MTSAs</p>	<p>Additional information required to better understand the extent and nature of potential changes.</p> <p>Some concern that these issues are more appropriately addressed at the local level.</p>

## Settlement Areas and Boundary Expansions

Proposed	Impacts and Considerations
<p>New Settlement Areas and Settlement Area Boundary Expansions can be proposed at any time, and no longer require a municipal comprehensive review.</p>	<p>There is concern this change will result in increased pressure on all local planning authorities to consider expansions.</p> <p>While St. Catharines currently enjoys protections associated with the Greenbelt, the implications with this change could result in piecemeal expansions throughout the Region.</p>
<p>Weakening of policies that prohibit settlement areas and boundary expansions, including into speciality crop areas and the natural heritage system (identified in the Greenbelt Plan)</p>	<p>The policy for establishment of a settlement area or boundary expansion contains loose language “shall consider” rather than a stronger statement of “shall ensure”. This will further increase pressures for growth beyond existing settlement area boundaries by weakening the criteria.</p> <p>The reduced protections for prime agricultural lands, including speciality crop, as well as natural heritage features, will threaten agricultural lands, resulting in adverse impacts on the agricultural economy and the potential proliferation of sprawling, unsustainable land use patterns.</p>

## Expediting Timelines

Proposed	Impacts and Considerations
<p>Municipalities may no longer pass a by-law requiring pre-submission consultation prior to submitting an application for Planning Approvals (e.g. Subdivision, Official Plan Amendment, Zoning By-law Amendment, Site Plan)</p>	<p>Removing the requirement for pre-submission consultation will create challenges for achieving positive outcomes. Without initial consultation, the list of requirements for a complete application will not be determined, which is likely to fuel more disputes, time delays, and potentially overload the Ontario Land Tribunal (OLT). The pre-consultation process is critical in ensuring a collective understanding of the path forward and collaboration to achieve best outcomes.</p>
<p>Impose time limits/lapsing (“use it or lose it”) condition for draft plan of subdivision/draft plan of condominium and Site Plan Approval. A Municipality may adopt a policy providing for the allocation of water supply and sewage capacity, including the reallocation of capacity from an approved project after having its allocation withdrawn.</p>	<p>Generally supportive of encouraging project progress with timeframes for obtaining building permits.</p> <p>The ability to reallocate servicing from projects that have stalled, delayed or withdrawn altogether will be helpful to ensure that projects proceeding to construction have access to available capacity and it does not remain tied up with projects with no progress after multiple years.</p>
<p>Ability for applicant to appeal at any time regarding applications deemed complete/incomplete and materials required for application to be complete. An appeal can be filed at any time following pre-consultation request or payment of an application fee.</p>	<p>Unsure how this will help expedite matters when combined with no longer requiring pre-consultation.</p>

## Appendix 1

<p>Repeal of refunds for Zoning By-law Amendment and Site Plan Approvals when not approved within legislated timelines</p>	<p>Staff are supportive of this change and the return towards a more collaborative, results focused, approach to the review of development applications. This change reduces financial risk to the municipality.</p>
<p>Municipalities to include a summary table in quarterly Municipal Data reports, to be posted publicly on municipal website</p>	<p>No concerns.</p>
<p>Post secondary institutions (College/University) to be exempted from the Planning Act</p>	<p>Questions: Would these exemptions apply to land owned by an institution or land to be used for institutional use only?</p>
<p>New Minister's Authority</p> <ul style="list-style-type: none"> <li>○ Identification of elements of the Planning Act that could be overridden and/or certain planning barriers that could be removed if the criteria are met</li> </ul> <p>Enable streamlined approvals for prescribed community service facility projects (e.g. Hospitals, Long-term Care, Board of Education)</p>	<p>Are the exemptions intended to only apply to provision of housing? Or any use?</p>

## Appeals and Public Process

Proposed	Impacts and Considerations
<p>Only a specified person may appeal the adoption of Official Plan or Zoning By-law, a decision regarding an Official Plan Amendment or the passage of a Zoning By-law Amendment</p>	<p>Currently, decisions regarding Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments can be appealed by any person or public body who made oral submissions at a public meeting or written submissions to the Council before a decision was made. The proposal to remove these rights and limit the right to appeal to only a specified person (a defined list of agencies and utility companies), the approval authority, and the applicant, would eliminate a fundamental component of planning in Ontario.</p>
<p>Remove third party appeals for Official Plan Amendment and Zoning By-law Amendment</p> <p>Permit applicants to appeal a municipality's refusal or failure to make a decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an "area of settlement", outside of the Greenbelt Area.</p>	<p>The modification does not appear to provide any right for a resident to appeal the decision of Council that could have a direct impact on them. There are many concerns with this, as the City establishes City wide planning policy through the Official Plan and Zoning By-law. Public consultation is considered in the creation of these policies, however the ability for a resident to appeal a decision of Council has existed to provide residents, landowners, businesses, and organizations the opportunity to challenge Municipal decisions.</p> <p>The defined term "Specified Person" does not include the property owner, whose property is subject to amendment. For example, if a municipal decision on a City wide policy amendment results in the change of land use designation for a property from Commercial to Residential (one of many potential scenarios), the owner/tenant/business operator would have no recourse to dispute this change. While the public may still attend public meetings and participate in the process, their right to appeal has been removed, and they have no recourse to challenge that decision.</p> <p>With the introduction of strong mayor powers in Ontario, decisions can occur with a smaller ratio of votes. This combined with planning decisions no longer being</p>

## Appendix 1

	appealable consolidates significant power with one individual, removing balance and accountability in the process.
--	--



## Municipal Responsibilities

Proposed	Impacts and Considerations
Niagara Region continues to be identified as an Upper Tier without Planning Responsibilities.	No date has been provided to indicate when Regional Planning Responsibilities will be transferred to the City.
The City of St. Catharines, as an identified Large and Fast Municipality, would be required to undertake Watershed Planning.	<p>The City currently relies on the Conservation Authority to undertake Watershed Planning and identification of hazard lands.</p> <p>Staff have some concern that Watershed Planning rarely follows municipal boundaries. Requiring this work to be completed at a municipal level, will pose challenges to ensure broader watershed implications are considered and implementation is consistent. If passed as proposed, there will be financial and organizational impacts for the City to pursue this work.</p> <p>This is a downloading of responsibilities to local municipalities, many of which will not have existing staff with the necessary knowledge and expertise to complete this work. It's also anticipated to be challenging for each municipality to secure the necessary staff/expertise to fulfill this work.</p>
Planning authorities (the municipality) shall be responsible for identification of hazardous lands and sites (e.g. flooding hazard, erosion hazard, unsafe soils).	The proposed policy encourages municipalities to collaborate with applicable conservation authorities, however the ultimate responsibility would shift to the municipality.

## Previous Draft New PPS Comments

<p><b>Employment Areas</b></p> <p>The Planning Statement proposes to eliminate employment targets and to no longer require a municipal comprehensive review to consider removal of lands from an employment area. The Planning Statement proposes a new definition of employment areas, which places more focus on uses that cannot locate in other zones, such as heavy industrial, manufacturing and warehousing. Retail and office uses would now be prohibited in an employment area, unless associated with the primary employment use. Similar to the approach with settlement areas and boundary expansions, the removal of the municipal comprehensive review will mean that conversion or removal of land from the employment area can occur at any time.</p> <p>The policies for major office and major institutional are proposed to now include supportive language “should” rather than the stronger term “will”. Where the policies currently require that major office and major institutional uses <i>will</i> be directed to urban growth centres, major transit station areas or other strategic growth areas, the proposed policies state these uses <i>should</i> be directed to major transit station areas or other strategic growth centres. This could lead to more employment sprawl, in addition to housing sprawl.</p>	<p>Comments maintained from previous submission (019-6813).</p>
<p><b>Heritage</b></p> <p>The Policy Statement requires that significant built heritage resources and cultural heritage landscapes be conserved, which could refer to properties that are listed or designated under the Ontario Heritage Act. The Planning Statement proposes use of the term “protected” in place of “significant”, referring to designated properties, properties with a heritage conservation easement, properties identified by the province, properties with known archaeological resources (covered under Part VI of the Ontario Heritage Act), properties protected under federal legislation and UNESCO World Heritage Sites. While the list of possible ways that a property may be considered “protected” appears to have been expanded, it actually refers to far fewer properties than the Policy Statement. This is because of the omission of properties on Heritage Registers, which have not been designated. These properties will lose their status at the end of 2024 unless they are designated.</p>	

<p>As such, in St. Catharines, the approximately 150 properties that are currently on the City’s Heritage Register would not be covered by the language used by the proposed Planning Statement unless those properties are individually designated before 2024 or designated as part of the Downtown Heritage Conservation District Study that will begin in 2023.</p>	
<p><b>Definitions</b></p> <p>The Planning Statement includes amendments to various defined terms from both the Policy Statement and Growth Plan. Recent amendments to the Planning Act have made reference to both affordable and attainable dwelling units. The proposed Planning Statement includes a definition for the term “affordable” but does not include a definition for the term “attainable”.</p> <p>Staff are concerned that the amended definition of “housing options” introduces housing for identified individuals, which may violate human rights and contradict the long-accepted understanding that land use planning is intended to establish how land may be used and not who can use it. For example, the amended definition expands on housing arrangements and is proposed to include student housing, multi-generational housing, and culturally appropriate housing, amongst others. While staff are supportive of providing housing for all, the inclusion of language that identifies specific individuals or groups could be implemented contrary to the spirit and intent and misused to exclude specified individuals or groups from access to residential units</p>	