



Regional Planning Commissioners of Ontario

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Ms. Hannah Evans, Assistant Deputy Minister
Mr. Sean Fraser, Assistant Deputy Minister
Mr. Caspar Hall, Assistant Deputy Minister
Ontario Ministry of Municipal Affairs and Housing
777 Bay Street
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Re: Response to Bill 185 and Related Issues (ERO Posting Numbers 019-8365, 8366, 8369, 8370, 8371, 8492 and related Provincial initiatives/proposals)

Dear Colleagues:

On behalf of the Regional Planning Commissioners of Ontario (RPCO), please accept this submission to the above-noted ERO Postings and any associated Provincial directions and decisions.

The proposed sweeping changes will profoundly affect the way planning is practiced across Ontario, and must be thoroughly and completely considered. The RPCO membership has made best efforts to review and respond in the extremely short timeframe provided.

RPCO is an organization made up of senior planning officials from Ontario's largest single tier Cities and Regional municipalities. Members of RPCO provide planning services and planning advice to municipal Councils representing approximately 80% of Ontario's population, and are amongst the most senior, experienced and seasoned planning professionals in Ontario. RPCO members are fully engaged daily in matters which are urban and rural; northern and southern; small town and big city.

The importance of having a healthy development industry to support community vitality across Ontario is well understood and supported by our members. We acknowledge and share your objective of building more homes faster, and a policy-led land use planning system in Ontario, and we trust you will find our comments to be both informed and relevant. RPCO's web site rpco.ca has a variety of information and analysis that you may find helpful.

RPCO and all municipalities are charged with the protection of public interests in many different ways. Our comments are focused on those public interests, while we continue to respect other major influences on our Province, including open market dynamics of housing supply and demand, major Federal-level regulatory tools (like the Prime Lending Rate), and investment opportunities that can advance Ontario's economy in environmentally sustainable ways. Public interests may be more or less aligned from the perspective of sitting Governments compared to other bodies that also have public interests.

This submission highlights common themes we have heard from RPCO members, having direct and material bearing on the prosperity of Ontario communities. Our member municipalities will be making their own submissions, which may be more detailed and specific to their communities.

We offer the following detailed comments for your consideration:

1. **Removal of Third-Party Appeals** – This is a proposal with very material and harmful implications, including significant unintended consequences. RPCO maintains support for public access to participate in the development review and decision-making process as a means of shaping their communities. As it is currently written, RPCO understands that businesses (including major employers) would also be precluded from making appeals relating to development that could affect both their existing operations and any plans for new investment. If the Province is going to proceed to remove appeal rights for Ontarians, the only instances should pertain to cases such as zoning by-laws and secondary plans that specifically and directly implement Official Plans (or amendments), and where public participation and appeal rights already exist (in this example, at the Official Plan level). Another approach might be to ensure that most public engagement occurs at the earliest stages of a development application and under defined timelines.

Regional municipalities need to continue to have the opportunity to make appeals, especially given the major and essential infrastructure that they build and operate to support development. The inclusion of utilities and the exclusion of Regions (as appellants) is inconsistent and counterproductive, and may further compromise the quality and timing of new development. RPCO members urge the Province to reconsider this proposal.

As an alternative to third party appeal rights being removed, we recommend a complete review of the Provincial development appeal process, as the status quo takes too long and is too costly. Improvements to the current appeal process have been dealt with iteratively, and a wholesale process review is warranted that explores substantially different models of supporting natural justice. Part of this review should be to better determine whether an appeal to the Ontario Land Tribunal (and to other Provincial tribunals) is frivolous, vexatious or for the purposes of delay in a more defined and faster way.

2. **“Big” planning and Infrastructure** – We understand that in three Regional municipalities (Halton, Peel and York), planning approval roles will be shifted to Local Municipalities as of July 1, 2024. Other planning-related roles will remain in place. RPCO remains concerned as to how big infrastructure (especially serving multiple municipalities) will be planned to align with growth, financed and built, given the Province’s intention to phase out statutory Regional Official Plans. We anticipate major unintended consequences of competing growth pressures, unanticipated urban expansion and employment conversions impacting services. Ultimately, this is expected to slow the construction of growth-dependent municipal infrastructure. RPCO recommends that some kind of statutory legal tool be put in place if Regional Official Plans are to be phased out, like *Growth Management Infrastructure Master Plans*.
3. **Removal of Mandatory Pre-consultation** – This process has become a municipal staple, especially in the fastest growing municipalities, and we strongly oppose the removal of this important step. It significantly reduces the number of iterations and resulting delays beyond municipal control that must occur through the development review process to ensure report completeness. Municipalities have developed template terms of reference for many studies to support greater submission efficiencies as well. It would be counter-productive to revert to a system that existed prior to Bill 51, when complete application requirements were relatively inconsequential.
4. **Repeal of Five-Year Development Charge Phase In and Associated Development Charge Adjustments** – RPCO strongly supports these measures as an important first step to make municipalities financially whole. We note the Association of Municipalities of Ontario has estimated this will reduce revenue shortfalls over the next ten years by 60% (i.e. an estimated \$10B municipal

infrastructure funding gap being reduced to a \$4B municipal infrastructure funding gap). However, the remaining gap needs to be addressed if municipalities are to have a sustainable fiscal program dedicated to supporting growth, and with the requisite infrastructure that does not make the shortfall the responsibility of municipal taxpayers. This could include the exploration of other funding tools that support a broader range of public needs, including schools and hospitals.

5. **Affordable Housing Relief from Development Charges** – RPCO supports the need to create more affordable housing using a variety of tools, including financial relief for organizations like *Habitat for Humanity*. However, this measure will continue to provide a major and problematic funding shortfall for municipalities that provide growth-dependent infrastructure. The resulting funding gap needs to be addressed to make municipalities fiscally sustainable.
6. **Reinstatement of Background Studies as Development Charge Eligible Expenses** – RPCO supports and appreciates this measure, as it is essential to enable efficient infrastructure planning and design.
7. **Parkland dedications** – We continue to be concerned that Ontarians will not have adequate parkland, and that the quality of parkland is also being diminished, especially as a result of Bill 23. More specifically, we are concerned about parkland being adequate in size and configuration, and accessible to all Ontarians, a measure espoused in the Province’s AODA legislation, regulations, policies and programs. Reinstatement of former parkland and associated dedication requirements is necessary and possible through Bill 185, or a legacy of underserved communities across Ontario will result. This is only exacerbated by the parkland requirements of households occupying accessory residential units. We are aware of instances where accessory residential units are being created (in large numbers) in areas already experiencing parkland deficiencies.
8. **Balanced Economic Strategy** – It is critical that Ontario’s economic prosperity not be compromised, and we offer two examples. First is the need to build complete communities, and the impact of growth revenue shortfalls on achieving this objective. As Ontario works toward being in a strong competitive position, it is essential that people enjoy and benefit from the communities in which they live. Secondly, it is essential to ensure employment areas and future employment lands not be compromised in such ways as land use incompatibility and the widespread conversion of employment lands for housing.
9. **Use it or Lose It** – Important new municipal tools are proposed to be put in place to permit development-related approvals to be time-limited. We expect these tools would be used judiciously, as municipalities appreciate the need to maintain a shovel-ready inventory of new homes, and that servicing infrastructure and allocations cannot always be readily “moved” (e.g. in cases of proposed

developments in different servicing zones). “Use it or lose it” is an important way of ensuring that one developer cannot prevent another from proceeding. For example, this tool might be used by a municipality where a development has not proceeded for a number of years, despite favourable market conditions, or a development is not proceeding for other reasons (e.g. contractual or ownership arrangements amongst developers), thereby precluding adjacent development from moving ahead. We expect municipalities will be held harmless or otherwise legally protected by the Province to the extent possible.

10. **Refunds for development applications** – We are grateful to see this measure, proposed under Bill 109, now intended to be withdrawn. Municipalities will continue to implement improvements to streamline development review systems, facilitated in part by the Province’s past *Streamlining Development Approvals Fund*.
11. **Intensification and As-of Right-Units** – We appreciate the considerable debate that has occurred. We encourage the Province to continue to work with municipalities and other key stakeholders in finding ways to achieve small scale intensification in much larger numbers.
12. **Development in Transit Corridors** - We continue to encourage strategies that support transit-oriented development. However, it should also be noted that transit corridors are quite variable across Ontario communities, with different levels of transit service and ridership, and in many cases, a continued need for parking, including accessible parking. The removal of any parking requirements at all is particularly problematic as municipalities attempt to increase the number of accessible parking spaces (dedicated and designated). Finally, we appreciate that many discussion tables exist to understand such opportunities, but we would encourage more collaborative idea and implementation exchanges that include the development industry, financial institutions, municipalities, and transportation experts.
13. **Provincial planning responsibilities currently undertaken by municipalities** – Clarification is required as to whether these functions (and any associated agreements) will remain in place.
14. **Removing Universities/Colleges from Planning Processes** – RPCO supports expediting the development of new student housing if it is undertaken in a coordinated fashion with municipalities. This is a large concern, especially for town and gown communities, as new developments supporting academic institutions can drive unfunded or underfunded community demands, such as dramatically increased municipal transit costs. As currently proposed, projects may also be delayed due to unresolved servicing and planning issues that would have been identified and addressed through the municipal planning process.

15. Ministerial Zoning Orders (s.34.1) - MZOs should include conditions to provide community benefits such as affordable housing that are significantly beyond what can be secured through the existing planning framework.

RPCO member municipalities, and all municipalities in Ontario, have been faced with a wide range of proposed and effective Provincial changes to legislation and policy (a new PPS, and Bills 23,108,109,150,162 and 185 to name a few). These changes have been swift, and in some cases, have resulted in unintended consequences. The Province has “walked back” some of its proposed changes, creating even more instability and uncertainty, as municipalities make best efforts to fulfill their varied roles (especially as implementors of Provincial direction). We see this working environment as unsustainable and not in the best interests of Ontarians and prospective investors.

Thank you for the opportunity to provide our input. We trust these comments are helpful, and we invite you to call on RPCO as a resource to help address our mutual planning challenges.

Sincerely,



Thom Hunt, Chair
Regional Planning Commissioners of Ontario

cc.

RPCO Members
Association of Municipalities of Ontario