



LONDON DEVELOPMENT INSTITUTE

May 9, 2024,

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch

ERO: 019-8369

Dear Ministry Staff,

The London Development Institute (LDI) is a member-based organization representing most land developers in the London area. LDI has been the leading voice on development issues in our city for more than 40 years. Our goal, working with our partners in local government and the community, is to build a better London.

LDI wants to thank the Provincial Government for their commitment in supporting housing supply in Ontario. Your efforts will provide housing availability and affordability for all.

LDI is **supportive** of the following proposed changes to the Provincial Planning Act that effect our industry in the City of London:

Reduced Parking Minimums:

LDI is supportive of the removal of the parking minimums within a PMTSA. This proposed change is already in place in the City of London.

Enhancing Framework for Additional Residential Units (ARUs):

LDI is supportive of enhancing the framework for ARUs. A new permissive by-law for ARUs is already in place in the City of London but is under appeal to the OLT. Industry is supportive of London's approach to ARUs and is not the appellant.

Community Infrastructure and Housing Accelerator:

LDI is supportive of the repeal of the CIHA. The appropriate use of the MZO tool is supported by the industry.



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Fee Refund Provisions:

LDI is supportive of the repeal of the fee refund provisions as it required City Council to consider planning application approvals not on planning issues but on financial implications to the municipality.

Municipal Pre-Application Process:

LDI is supportive of making the pre-application process voluntary and the “complete application” determination being appealable to the OLT anytime during the application process.

Settlement Area Boundary Expansions:

LDI is supportive of appeal rights for settlement boundary decisions or non-decisions of a municipality.

Facilitating Standard Housing Design:

LDI is supportive of allowing planning approvals for standardized housing designs. This should allow the standardized housing unit to be built sooner without the planning bureaucracy slowing down the process to obtain a building permit.

Expedite Approval Process for Community Service Facility Projects:

LDI is supportive of an improved process for approval of community facilities. The current system can hold up residential development until the community facilities approval process is complete.

LDI is **NOT supportive** of the following proposed changes to the Provincial Planning Act that effect our industry in the City of London:

Third Party Appeals:

LDI does not agree with the proposed changes to limit third party appeal rights for official plans, official plan amendments, zoning by-laws and zoning by-law amendments.

The proposed list of appellants being limited to the applicant, minister, public bodies, and specified persons, eliminating third party appeals, has unintended consequences that are detrimental to the development and building Industry.



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First, the proposal would abolish the right of the industry to appeal municipal initiated changes to new Official Plans, new Zoning by-laws and OP and ZB amendments. This would eliminate the industry's ability to challenge, on planning grounds, changes to these fundamental policies that have a direct impact on our ability to build more homes in our community. A municipal council's ability to change Official Plans and Zoning policies, without our ability to challenge them at the OLT, will result in less housing being built, not more.

Secondly, the proposed changes to third party appeal rights of new Official Plans and Zoning by-laws will eliminate industry associations such as the London Development Institute's ability to challenge unworkable land use policies that are detrimental to our industry and will result in less homes being built.

As a concrete example, LDI was the major appellant of the London Plan (City of London's Official Plan) which was passed in 2016. Our organization working collaboratively with our members and pooling our resources appealed hundreds of the clauses, maps and tables contained in the new OP. Through the appeal process at the OLT, we were able to work with the City to organize our appeals into three phases with phase 1 going to a hearing and phase 2 and 3 being able to be resolved through settlement talks. The ability to be a third-party appellant worked for the industry and under the current recommendation this would not be possible.

Clearly, the intention of eliminating third-party appellants is an attempt to reduce the number of appeals not based on planning principles and good planning and therefore speed up the development of more homes. Unfortunately, this puts more power in municipal Council's hands and eliminates industry's ability to affect change to Official Plan and Zoning by-laws.

Our recommendation is to withdraw the proposed changes to third party appeal rights.

“Use it or Lose It” Tools

LDI does not agree with the new Water Supply and Sewage Capacity by-law and additional “lapsing” tools for approved applications without the appropriate protections for the developer.

There needs to be protections built into the legislation that will prevent the developer's approvals being deemed to be “lapsed” for reasons that are beyond the developer's jurisdiction. The delay in moving forward on a housing project can be attributed to many influences outside the control of any development. Market conditions, interest rates, third party review of applications, adjacent land use and labour availability, just to name a few, will have a direct impact on the timing of a development project.

In addition, our industry does not work in a “just in time” environment which makes “lapsing” tools a challenge. The City of London's staff recently reported to the Council on the development process indicating it can take up to 10 years from initial application to the issuance of a building permit. The developer needs the ability to “bank” approvals as they do not know how long future development application processes will take. Lapsing provisions may have the reverse effect of creating more homes. If a housing project lapses, the developer will have to start over. This will add more time and cost to a project, which is exactly the opposite we need to happen.

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Finally, a Water Supply and Sewage Capacity by-law needs to be appealable to the OLT. A by-law that cannot be challenged provides municipalities an opportunity to develop and pass a by-law that may actually slow development down by adding layers of red-tape and obstacles. The development community should have the right to challenge the substance of the by-law on planning grounds at the OLT.

Our recommendation is to withdraw the proposed "Use It Or Lose It" tools and work with industry to develop solutions that will incentivize development to proceed without the punitive measures being considered.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Mike Wallace". The signature is fluid and cursive.

Mike Wallace
Executive Director