

Federation of Urban Neighbourhoods (Ontario)
Submission to the Environmental Registry of Ontario
ERO number 019-8369

Bill 185, Cutting Red Tape to Build More Homes Act, 2024
May 10, 2024

The *Federation of Urban Neighbourhoods* (“FUN”) is an umbrella organization representing residents’ associations in urban centres across Ontario which are engaged in planning and development issues. FUN advocates for legislation and policies that not only protect but also empower all residents.

Bill 185, released on April 10, 2024 affects 17 acts, including the Planning Act, City of Toronto Act, Development Charges Act, and others. Bill 185 has reached second reading and was referred to the Province’s Standing Committee on Finance and Economic Affairs. On April 10th, the Province also released a revised Provincial Planning Statement, 2024 (the "Planning Statement") and a new Minister Zoning Order (MZO) framework. The Planning Statement, which if adopted, will replace the existing Provincial Policy Statement, 2020 (the “PPS”) and include some policies from A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”). The Growth Plan is proposed to be repealed.

Our comments are summarized as follows:

Issue	Impact
A. Planning Act	
<p>1. Third Party Appeals</p> <p>Removes 3rd party appeal rights to the Ontario Land Tribunal on official plans/amendments and zoning by-laws – including on settlement expansions – but allows developers to appeal their own applications for settlement expansion.</p>	<p>Coupled with the PPS proposal to allow settlement expansions at any time without any comprehensive review – this facilitates developer led settlement expansions and developer appeal resulting in the OLT being primarily a developer only adjudicative tribunal.</p>
<p>2. Planning Authority</p> <p>Formalizes removal of planning authority. from the Regions of York, Peel and Halton while setting the stage for the removal of planning authority from all upper tiers in the Greater Golden Horseshoe – including the ability to appeal lower tier official plans and</p>	<p>Results in a highly fragmented and inefficient approach to land use, natural resource and infrastructure planning. Eleven upper tier governments are replaced with 89 lower tier ones. Most lower tiers do not have the expertise while upper tiers also have</p>

Issue	Impact
other planning instruments.	jurisdiction over sewer, water, major transportation, transit and affordable housing. This will slow down housing construction.
<p>3. Pre-Application Consultation</p> <p>Removes ability for municipalities to require developers to pre-consult with them prior to submitting an application.</p>	<p>Will lead to submission of less robust/incomplete applications/studies and pressure on municipalities to make decisions or face appeals to the OLT.</p>
<p>4. Lapsing Approvals</p> <p>(“Use it or lose it”)</p> <p>Approval authority able to set an “expiry date” for Site Plans and Plans of Subdivision (minimum of three years)</p>	<p>Will encourage applicants to act on their permissions.</p>
<p>5. Fourplexes</p> <p>Does not require municipalities to allow fourplexes</p>	<p>Permitting fourplexes has a long history and they are found in many older and newer parts of cities – providing more affordable housing forms.</p>
<p>6. Application Fee Refunds</p> <p>Eliminates application fee refunds introduced by Bill 109</p>	<p>Eliminates a type of financial risk that was introduced by Bill 109.</p>
<p>7. Student Housing Approvals</p> <p>Exempts “undertakings” of post-secondary institutions and affiliated institutions from the Planning Act and parts of the City of Toronto Act</p>	<p>Limit municipalities’ ability to plan infrastructure for post-secondary institutions and address critical and technical issues through Site Plan Control.</p>
<p>8. CIHA to MZO</p> <p>Replacing the Community Infrastructure and Housing Accelerator (CIHA) with an MZO framework</p>	<p>The MZO framework provides more clarity regarding submission requirements including rationale for why an MZO is being requested and a description of any endorsements undertaken.</p>

Issue	Impact
B. Development Charges Act	
<p>1. Reverse some but not all Bill 23 changes.</p> <p>Changes reversed include:</p> <ul style="list-style-type: none"> • Reinstating studies as an eligible cost • Repealing the 5-year phase-in • Reducing the time limit on DC freeze from 2 years to 18 months • New streamlined process for scoped bylaw amendments 	<p>Bill 185 changes are estimated to reduce Bill 23 impacts on Toronto (estimated previously at \$2.3 billion over 10 years) by approximately \$144 million over a 10-year period (i.e., 5%)!</p>
<p>2. Affordable and Attainable Unit</p> <p>Exemptions are proclaimed into force on June 1, 2024.</p>	

Based on the issues and impacts, especially those which amount to a loss of our democratic rights as citizens, we strongly oppose the legislation, with the exception of Planning Act changes:
Issue 4 – Lapsing Approvals
Issue 7 - CIHA to MZO Framework
and
Development Charges Act changes.

However, we note that additional measures are needed to support fiscal sustainability of growth, such as

- the Province fulfill its commitment to “make the City whole”
- additional changes to support longer term supply of affordable, attainable, non-profit and rental housing
- The Province provide direct incentives instead of discounts and exemptions to municipal growth funding tools

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