



May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

RE: Conservation Ontario's Comments on the "Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units" (ERO# 019-8366);

"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)" (ERO# 019-8369); and the,

"Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes" (ERO# 019-8370)

Thank you for the opportunity to comment on the proposed legislative and regulatory changes as part of "Bill 185, the proposed *Cutting Red Tape to Build More Homes Act, 2024*". Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs.

To support the Province in reaching their goal to build more homes in a safe and expedited manner, Conservation Ontario offers two key recommendations from a natural hazard and source water protection perspective.

- 1. Protect people and property from natural hazards and protect sources of drinking water.** Amend Bill 185 to clarify that proposed expedited development (i.e., Additional Residential Units (ARU's), institutional uses and student housing, standardized housing,) and settlement area boundary expansions are excluded from hazardous lands and hazardous sites, areas where safe access through a natural

hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies.

- 2. Maintain legislation that enables councils and planning authorities to pass by-laws requiring pre-application consultation;** and allow time to complete the consultation process to enable planning authorities to make complete application decisions, prior to allowing applicants to appeal to the OLT.

In the context of increasing risks due to climate change and the reduced availability of commercial/home insurance products to mitigate financial risks and losses associated with the impacts of natural hazards, we ask the Province to strongly consider the above recommendations. This will **avoid siting development in areas where there is an increased risk to public health and safety and to property damage from natural hazards (e.g., flooding and erosion), and to ensure the ongoing protection of Ontario's sources of drinking water.** The following paragraphs elaborate on the above recommendations.

Enhancing the Framework for Additional Residential Units (ARUs)

This proposal would enhance the Minister's authority to make regulations that could remove elements of municipal zoning by-laws (e.g., maximum lot coverage, limits on bedrooms allowed per lot) for the purpose of facilitating the development of ARUs, such as basement suites.

Conservation Ontario understands the importance of increasing availability of residential units in existing and proposed residential neighbourhoods to achieve the shared goal of building 1.5 million homes in a safe and expedited manner. Equally important to increasing the supply of housing is maintaining the health and safety of people, property and infrastructure, while safeguarding the natural environment. Under the *Planning Act*, the Minister shall have regard to matters of provincial interest, including the protection of public health and safety. Where the Minister considers using the new regulation-making authority, due consideration must be applied to ensure ARUs are not located in areas susceptible to natural hazards and where safe access through the hazard cannot be achieved, in accordance with Provincial standards. Furthermore, the Province should consider the potential cumulative impacts of locating ARUs on existing lots, including increased needs for stormwater management and the potential for localized flooding during storm events, resulting from increased impervious surfaces.

Recommendation

Clarify the proposed Minister's regulation-making authority that would not allow the Minister to remove elements of municipal zoning by-laws that would direct ARUs outside of hazardous lands and hazardous sites and where safe access through the hazard is not achieved. Continue to empower municipalities to regulate lot coverage where there is a higher possibility that stormwater infrastructure could be overwhelmed.

“Use It or Lose It” Tools

Conservation Ontario supports the Province’s proposal to enhance lapsing authority for approvals of draft plans of subdivision/condominiums and site plan control approvals. This proposal would help address outdated approvals that do not meet modern planning standards and would allow for the impacts of natural hazards to be reassessed upon lapsing. Natural hazards are dynamic and variable [especially in a changing climate] and the proposed tool would ensure that approvals reflect the current state of natural hazard features and associated risks; to reduce potential risks to public health and safety, and to property damage.

Municipal Pre-Application Process

The Province proposes to make municipal pre-application consultation voluntary at the discretion of the applicant and to allow an applicant to challenge complete application requirements to the Ontario Land Tribunal (OLT) once a fee has been submitted or pre-consultation has begun. This proposal will revoke the existing-time-limited window once a municipality rejects an application as not being “complete”.

The pre-application process provides the applicant and municipality an opportunity to develop a comprehensive understanding of the site-specific application requirements for a project. Integrated pre-consultation with applicable regulatory agencies, such as CAs, is strongly encouraged as an effective process for scoping natural hazard technical studies that establish clear submission requirements. Pre-consultation also enables CAs, acting as Source Protection Authorities, to identify whether the proposal relates to a significant drinking water threat or its potential impact on any drinking water sources protected by a Source Protection Plan. Pre-application consultation frequently streamlines the applicant’s time and resources needed for a complete application and ensures natural hazard and drinking water source protection constraints are appropriately addressed. Furthermore, reasonable time should be allowed to complete the consultation process, before allowing an applicant to appeal to the Tribunal.

Should this proposal be enacted and where CAs are not included in pre-application consultation, the opportunity to address natural hazard impacts or potential impacts on drinking water sources protected by a Source Protection Plan could be missed. This may result in further delays as these impacts will need to be addressed later in the process.

Recommendation

Maintain the ability for councils and planning authorities to pass by-laws requiring pre-application consultation; and allow time to complete the consultation process to enable planning authorities to make a complete application decision, prior to allowing an applicant to appeal to the OLT.

Expedited Approval Process for Community Service Facility Projects and Exempting Universities from the Planning Act

A new section of the *Planning Act* is proposed that will enable regulations to provide for the

non-application of any provision of the Act, or a regulation made under the Act, or for setting out restrictions or limitations, to prescribed classes of community service facilities that meet prescribed requirements. The proposal would apply to community service facilities, including an undertaking of a board defined under the *Education Act*, a long-term care home, and a hospital. Similarly, publicly assisted colleges and universities are proposed to be exempt from the *Planning Act* and planning provisions of the *City of Toronto Act, 2006* for university-led student housing projects on- and off-campus.

The Provincial Policy Statement, 2020 strictly prohibits institutional uses, including long-term care homes, hospitals, and schools, from being located in lands affected by natural hazards and where safe access through the hazard cannot be achieved. Any proposed regulatory exemptions or expedited approval processes must consider the Province's direction regarding natural hazards to ensure vulnerable populations or sensitive uses are not located in areas that pose an increased risk to life and property.

Recommendation

Amend the proposal to ensure any new regulation excludes institutional uses and student housing from hazardous lands and hazardous sites and where safe access through the hazard cannot be achieved, in accordance with provincial standards.

Facilitating Standardized Housing Designs

A new section of the *Planning Act* is proposed that will enable regulations to establish criteria to facilitate planning approvals for standardized housing. The proposed changes would only apply to certain specified lands and would identify elements of the *Planning Act* and/or *City of Toronto Act, 2006* that could be overridden and/or certain planning elements that could be removed if the criteria are met.

Conservation Ontario recognizes the importance of establishing an expedited process for undertaking development of standardized housing; however, it must be provided in legislation that these projects be excluded from hazardous lands and hazardous sites, and in areas where safe access through the hazard cannot be achieved. This would further expedite approvals by only including sites that are safe to develop from a natural hazard perspective.

Recommendation

Amend the proposed legislative change so that any new regulation include criteria that standardized housing shall not be permitted in lands affected by hazardous lands and hazardous sites, and where safe access through the hazard cannot be achieved.

Settlement Area Boundary Expansions

The Province proposes to allow applicants to appeal a municipality's refusal or failure to make a decision on privately requested official plan or zoning by-law amendments that would change the settlement area boundaries, outside of the Greenbelt Area. Conservation Ontario is concerned that proposals for settlement area boundary expansions would disregard or underestimate natural hazards, safe access, and sustainability of municipal

sources of drinking water; resulting in a lengthy appeal process initiated by municipalities or CAs.

Recommendation

That the proposal be amended to require expansion of settlement area boundaries to exclude hazardous lands and hazardous sites, lands where safe access through the hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies, in particular if impacting sustainability of municipal sources of drinking water.

Thank you for the opportunity to review and provide comments on Bill 185. Should you have any questions regarding the comments and/or recommendations in this letter, please contact Brandi Walter at bwalter@conservationontario.ca.

Sincerely,

Brandi Walter

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c.c. Conservation Authority CAOs / GMs