

# **GREENBELT FOUNDATION**

**Response to ERO # 019-8369**

**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)**

**Ministry of Municipal Affairs and Housing**



Possibility grows here.

Date: May 10, 2024

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[www.greenbelt.ca](http://www.greenbelt.ca)

**Greenbelt Foundation Submission**  
**Proposed *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185)**  
**ERO posting #019-8369**

**Introduction**

The Greenbelt Foundation supports the government's goal to build homes in Ontario and appreciates the opportunity to provide our comments and input on Bill 185, *Cutting Red Tape and Build More Homes Act, 2024*.

The Greenbelt Foundation is a charitable organization and long-time partner of the Province, dedicated to ensuring Ontario's Greenbelt remains permanent, protected, and prosperous. Our aim in this submission is to highlight some highly problematic, if unintended, consequences that will have significant impact to the Greenbelt and the critical systems it protects within Ontario.

The Greenbelt Area plans (Protected Countryside, Oak Ridges Moraine, and Niagara Escarpment) are part of the framework for growth management and resource protection in the Greater Golden Horseshoe (GGH) region. The Greenbelt protects critical agriculture, natural and water resource systems that provide key services that support growth and economic prosperity and maintain a high quality of life for residents. Finite prime agricultural lands provide Ontario with the ability to grow food, and rural jobs and economies. Natural features and systems provide clean drinking water supplies and greenspace, support commitments to halt and reverse biodiversity loss, and support climate resilient communities by regulating temperatures, storing water, and managing stormwater.

The Greenbelt is not an isolated geography. The Foundation has an interest in understanding and commenting on how planning policies that apply to the GGH impact the Greenbelt and the surrounding and interconnected natural and agricultural systems.

**Greenbelt Foundation's Comments and Recommendations**

The Foundation supports aspects of Bill 185 that minimize delays in building homes while also promoting intensification, density, and affordability such as actions including removing zoning barriers for small unit multi-residential dwellings and parking minimums in major transit station areas. Final details for these policies should consider community and municipal perspectives received through consultations to ensure implementation won't cause unintended delays or other issues. The Foundation also urges the Province to fully support four-plexes 'as-of-right' as an effective solution to address the housing crisis, enable access to federal funds, and to further the government's housing and development goals.

The Foundation is, however, concerned that other components of Bill 185 will perpetuate the problems associated with proposed 2024 Provincial Policy Statement (PPS) policies, resulting in inefficient and unmanaged growth, and further erode protections for prime agricultural areas and natural heritage and water resource systems. Instead, protection of these critical assets that both enable growth and support community well-being, such as the Greenbelt, need to be a priority for the Province when considering how to build more housing for Ontario residents. Furthermore, the proposed legislation will have detrimental

effects, while not supporting the government's clear objectives around providing housing quickly and accessibly within key areas of Ontario.

Given the tight timeframe to review and analyze very broad reaching, complex, overlapping, and cumulative policy and legislative changes to the land use planning system, the Foundation's key comments and recommendations focus on three main areas to further address the points above:

- 1. Loss of Regional Municipalities' Planning Responsibilities,**
- 2. Removal of Third-Party Appeals at the Ontario Land Tribunal (OLT),**
- 3. Reinstate Former Parkland Dedication Provisions.**

### **1. Loss of Regional Municipalities' Planning Responsibilities**

The removal of upper-tier municipalities' planning authority, coupled with the loss of A Place to Grow, which provides strong provincial policy direction, represents a significant loss of regional land-use planning in the GGH region.

Regional planning ensures increased co-ordination between municipalities around cross jurisdictional services. It is the appropriate scale to plan for residential and economic growth in the concentrated GGH area, including planning for investments in major infrastructure projects (that attract and steer population growth); major employment areas; ecosystem functions and services; and the protection of important land use economies such as our critical agri-food sector. A fragmented approach jeopardizes key contributors to Ontario's economy and may threaten critical assets that cross municipal boundaries such as water systems and interconnected working farms.

Regional municipalities are also an efficient model to provide staff resources and expertise currently relied on by lower-tier municipalities. A 2021 report on municipality capacity to support agriculture in the Greenbelt shows the potential impact of the loss of these planning responsibilities on the agricultural sector.<sup>1</sup> Upper-tier municipalities have more staff specifically dedicated to agriculture and rural issues, more financial resources, and have agricultural advisory committees, and agri-food strategies. Upper-tier municipalities will also have more staff and resources devoted to environmental protection and climate change action. This proposed change will, therefore, result in the loss of support for effectively implementing an agricultural and natural heritage system, and support for protecting agriculture and natural areas inside and immediately adjacent to the Greenbelt.

Regional planning and A Place to Grow fixed problems within the GGH region that should not be repeated. For example, before A Place to Grow was introduced, 100+ municipalities in the GGH region all did their own population forecasting resulting in a situation where the total of these municipal forecasts vastly exceeded any reasonable cumulative forecast for the area. This resulted in a loss of farmland and natural areas, and municipalities budgeting for capital works and adopting development charge frameworks leading to major fiscal pressures that persist to this day.

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<sup>1</sup> Caldwell, W., Geschiere, E. Sousa, E., Zink., R. (2021). Enhancing Municipal Capacity to Support Agriculture in the Greenbelt. Greenbelt Foundation. Retrieved from [https://www.greenbelt.ca/municipal\\_capacity](https://www.greenbelt.ca/municipal_capacity).

Ontario's own land use planning history would suggest that with reduced regional coordination, lower-tier municipalities will compete more for limited resource investments and planning for infrastructure and services can be expected to become fragmented across the GGH region.

Population forecasting and housing strategies completed at this lower-tier level will likely result in greater and unanticipated settlement area boundary expansions, delivery of fewer housing types, with single family homes continuing to dominate, and insufficient delivery of the housing supply mix that Ontario desperately needs.

*Recommendations:*

- Rescind Bill 185 provisions that propose to remove planning responsibilities from upper-tier municipalities.
- If the Province proceeds with the removal of upper-tier municipal planning authority:
  - Provide clarity in Bill 185 and/or regulation measures with respect to the scope of what the planning responsibilities would be for affected upper-tier municipalities. This includes whether affected upper-tier municipalities continue to be responsible for infrastructure (e.g. sewer, water, transportation planning).
  - Provide strategic phasing that sets out clear roles and responsibilities and support is needed for regulatory measures to facilitate the transition to these new responsibilities. Upper-tier municipalities will continue to play an important and integral in land use planning through the planning and delivery of regional infrastructure that is needed to support managed growth.
  - Commit to ensuring that resources are in place to maintain robust supports for regional agricultural and agri-food sectors, as well as similar resources for coordinated climate action.

## **2. Further limiting third party appeals at the Ontario Land Tribunal (OLT)**

The Foundation has serious concerns with the provisions of Bill 185 which propose to limit appeals of municipal decisions on official plan amendments and zoning by-law amendments and conversely, re-instate the ability of the applicant to appeal the approval authority's refusal or non-decision on a settlement area boundary expansion (provided it does not include any lands within the Greenbelt area).

Among other effects, we believe the constant changes and uncertainty of settlement area boundaries will undermine investment conditions for public infrastructure and community service facilities as well as for businesses including agri-food operators, various commercial and industrial entities.

In addition, the proposed changes would appear to apply to all official plan and zoning by-law amendments, including those that range in scale and scope and have far reaching implications. These could be large and comprehensive amendments such as a municipal update to a major policy area (urban/environmental/agricultural, etc.) and a secondary plan for a new development.

The proposed changes effectively remove control over urban boundaries from municipalities and would open the door to constant expansions without proper planning oversight. Community members would be prevented from intervening to protect public safety or ensuring community assets such as farmland and natural areas are adequately protected. There will always be instances where a greater consideration of the issues is needed before decisions are final.

The proposed provisions are too far reaching and run contrary to long-established land use planning principles in Ontario, which are based on a public process that allows (and encourages) appropriate involvement and participation especially at key stages of major processes such as settlement areas expansions so that the community has a say and is invested in how it grows.

Without the option for an OLT appeal, there is the potential for more litigation in courts, which could have the consequences of delaying development and high costs for all parties involved.

*Recommendations:*

- Remove Bill 185 provisions that restrict third party appeals to the Ontario Land Tribunal.
- Strengthen any provisions that would permit settlement area expansions such as that they are only undertaken as a last resort for compelling public interest purposes.

### **3. Reinstate Former Parkland Dedication Provisions**

The Covid-19 pandemic underscored the importance of parks and natural areas for residents' physical and mental health. Municipalities, however, are struggling to keep up with the rising land and construction costs to meet parkland needs, in particular in communities experiencing rapid population growth.<sup>2</sup>

A 2022 report on large parks shows that the GGH region needs to create 32,000 hectares of parkland over the next 30 years to maintain the current per capita provision of parkland for residents, based on population growth projections.<sup>3</sup> In addition, two million people in the GGH region are living in neighborhoods with low accessibility to parks and that distribution within the region is not equitable. Thirty percent of visible minority and low-income neighborhoods and fifty-five percent of neighborhoods with high ratios of Indigenous populations have low access to large parkland.

Bill 23 made significant changes to reduce or establish maximums for parkland dedication requirements (e.g., capping the amount developers are required to pay for new parkland, reducing the maximum parkland dedication rates in half for land and cash-in-lieu, and requiring municipalities spend or allocate 60% of development charge and parkland funds on an annual basis).

The Foundation is concerned that Ontario residents are losing adequate access to parkland and that high quality parks continue to be diminished. Bill 23 worsened this decline. The cumulative impact of recent

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<sup>2</sup> Park People. (November 18, 2022). Parks Matter in Ontario: Protect Parks from Bill 23. Retrieved from <https://parkpeople.ca/blog/parks-matter-in-ontario-protect-parks-from-bill-23>

<sup>3</sup> Green Infrastructure Ontario Coalition (GIO) and Re:Public Urbanism. (2022). Improving Access to Large Parks in Ontario's Golden Horseshoe. Policy, Planning and Funding Strategies. Greenbelt Foundation. Retrieved from [https://www.greenbelt.ca/improving\\_large\\_parks\\_access](https://www.greenbelt.ca/improving_large_parks_access)

provincial legislative changes will significantly decrease municipalities' park budgets, increase pressure on the local property tax base hindering municipalities' plans to expand parkland, and reduce the amount of parkland created to support new growth.<sup>4</sup>

Parks are essential and municipal park budgets cannot be seen as discretionary and need to be recognized as a critical investment for sustainable, equitable and complete communities for Ontario residents.<sup>5</sup> As Bill 185 reverses previous decisions affecting changes to development charges made in Bill 23, we ask the Province to do the same for parkland dedication and ensure Ontarians have the access they want and need to public greenspaces.

#### Recommendations:

- Reinstate former parkland dedication requirements that were removed under Bill 23.
- Ensure greenspace and parkland areas are provided for within municipal settlement areas immediately adjacent to new developments and not, for example, sited outside settlement areas in sensitive Greenbelt areas.

#### **Conclusion**

The Foundation is concerned that certain proposed policies outlined above, along with the weakened policies for development and resource protection in the proposed 2024 PPS, will result in unmanaged growth and increased degradation of agricultural, natural heritage and water resource systems. We ask, therefore, that the Ministry revise the proposed changes in Bill 185 based on these outlined recommendations:

1. Retaining the current planning responsibilities for upper-tier municipalities.
2. If the Province moves forward with the removal of these responsibilities, then:
  - a) Clarity needs to be provided in Bill 185 and/or other regulatory measures about what planning responsibilities would be for the affected upper-tier municipalities.
  - b) Strategic phasing needs to be provided which outlines clearly the role and responsibilities and the support needed for regulatory measures to facilitate this transition.
  - c) Commitment to ensuring resources are available to maintain strong support for regional agriculture and agri-food sectors, and for coordinated climate action.
3. The Bill 185 provisions that restrict third party appeals at the OLT should be removed.
4. Strengthen any provisions that would permit settlement area boundary expansions.

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<sup>4</sup> Dillon, M. (April 2, 2024). That dream dies on paper: Bill 23 throws a wrench in Clarington park plans. Durhamregion.com. Retrieved from [https://www.durhamregion.com/news/that-dream-dies-on-paper-bill-23-throws-wrench-in-clarington-park-plans/article\\_eac5cc9f-83c4-5bb2-b26b-66e623810af1.html](https://www.durhamregion.com/news/that-dream-dies-on-paper-bill-23-throws-wrench-in-clarington-park-plans/article_eac5cc9f-83c4-5bb2-b26b-66e623810af1.html)

<sup>5</sup> Park People. (November 18, 2022). Parks Matter in Ontario: Protect Parks from Bill 23. Retrieved from <https://parkpeople.ca/blog/parks-matter-in-ontario-protect-parks-from-bill-23>

5. The former dedication requirements for parkland that were removed under Bill 23 should be reinstated.
6. Ensure that greenspace and parkland areas are provided for within municipalities' settlement areas immediately adjacent to new developments and are not planned for outside settlement areas in Greenbelt areas.

Our recommendations are based on the necessity of protecting critical assets within the Greenbelt and across the interconnected agricultural, natural heritage and water resource systems for a variety of reasons including that they are enablers of successful and sustainable growth.

In order to enable successful growth in the province, we must balance the need for new housing with the need to provide a high quality of life for residents. Policies which threaten our water systems, our agri-food sector and our access to nature should be re-examined.

Ontario can absolutely achieve its housing goals and plan for economically strong, climate resilient communities in the future without jeopardizing our most critical assets. Achieving this balance will create a thriving Ontario for all. We look forward to continuing to work with the Province to protect the Greenbelt as a critical asset to enable successful growth in Ontario.