



Friday May 10, 2024

Ministry of Municipal Affairs and Housing

Provincial Land Use Plans Branch

13th Floor, 777 Bay St

Toronto, ON M7A 2J3 Canada

RE: ERO File No: 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)

On behalf of Cachet Homes Corporation, we are pleased to submit this letter in response to the Ministry of Municipal Affairs and Housing regarding the review of proposed policies for the new Provincial Planning Statement Policy. Cachet Homes is a fully integrated developer and homebuilder with a pipeline of approximately 8,000 housing units in several communities throughout Southwestern Ontario including the City of Brantford, City of Hamilton, County of Wellington, Region of Waterloo, Oxford County and the City of Stratford. Our purpose is to make the dream of homeownership a reality for Canadians.

We understand that ERO File No. 019-8369 is seeking additional comments on the updates and revisions to the Planning Act, Development Charges Act and Municipal Act. As such, Cachet Homes wishes to submit the following comments and concerns in response to the ERO posting and for consideration in future revisions to the legislation.

Comments and Concerns:

1. *"Use it or Lose It" Tools*

Through Bill 185, a series of "use it or lose it" tools have been proposed. Included within this are mandatory three-year lapsing period for draft plans of subdivision or condominiums and similar lapsing periods as a condition of site plan approval. Obtaining engineering approvals is an intricate and complex process that requires input and clearance from municipal departments, and external agencies such as public utilities and telecom providers, conservation authorities, and rail/airports. Each commenting agency is trying to satisfy their own regulations, policies and criteria – the complexities that each presents leads to an uncertain timeline as it relates to putting shovels in the ground.

Unless there is a timeline established, similar to that established by the Planning Act for draft plan approvals, where commenting agencies and approval authorities have a set period of time to review and provide their approval (i.e. 90 days, 120 days, etc.), the inclusion of this lapsing provision could put thousands of housing units at risk, and force them to restart a planning process they had otherwise completed. This type of action is the opposite of the provincial goal of increasing supply and housing availability for Ontario.

Cachet is well aware of the complexities noted above, and is not supportive of losing the ability to extend draft approval periods without other mechanisms being put into force and effect to govern the engineering review and approval process.

2. Limits on Third Party Appeals

While we support the notion of limiting third party appeals from the perspective of reducing “NIMBYism” within the planning process, it is our opinion that the section on third party appeals needs to be refined. Additional considerations need to be given to protect applicants and property owners that are directly impacted by a municipal process or decision. A landowner that is impacted by a municipally driven process should have the ability to appeal that process provided they have made written or oral submissions. It may be appropriate that the definition of “specified persons” within the Act be extended to include property owners that are directly within, and/or immediately adjacent to municipal initiatives, or that have a particular interest in the proposed initiative for its future impacts to infrastructure availability.

3. Municipal Pre-Application Process – The ability for pre-consultation applications to be voluntary is supported as the proposed change will allow the applicant to challenge the requirement should it be found to not be beneficial or that it will result in an unnecessary delay to the processing of the associated land use planning applications. While we see benefit to having pre-consultation meetings in all of our developments, there are times where the process is time consuming and can result in months of delay.
4. Appeals on Settlement Area Boundary Expansion – The removal of the maximum limit on settlement boundary expansions beyond 40 hectares and the ability to appeal a municipality’s decision to change the boundary of an “area of settlement” is supported.
5. Appeals of Employment Conversion Requests – The repeal of the Growth Plan and refinement of the employment area policies in the PPS will allow employment conversion requests to be submitted at anytime outside of a Municipal Comprehensive Review (MCR) process. While this is a positive step, the inability to appeal a conversion application poses risks and challenges to the applicants involved in this process. Without the elimination or repeal of Section 22(7.3) of the Planning Act, an applicant who files a conversion application and is faced with a non-decision or refusal of their application, would have no recourse. Particularly in the case of a non-decision, an application could very well sit in limbo without any mechanism to bring the application forward. We suggest repealing the sections of the Planning Act that apply to the restriction of appeals on Employment Conversions, and having them treated no differently than a typical Official Plan Amendment with appeal rights and planning timelines.
6. Development Charge Act – “Freeze” of Development Charges, is currently set at two years from the date of an approval. While we support the province’s direction in encouraging proponents to use their approvals to bring on housing, the two year timeframe between draft approval and permit issuance for housing is already challenging, given the delay in the engineering approval process as noted above. We recommend maintaining the 24 month timeframe and introducing mechanisms to encourage quicker turnaround time for detailed engineering design approval to support faster building permit issuance as noted above.
7. Municipal Act – Allocation of Water and Wastewater. In the spirit of “use it or lose it” a municipality should be able to create their own water and wastewater allocation policies and by-laws, however, where allocation exists, a municipality should not have the freedom to restrict

development or growth. If allocation exists, it should be allocated on a first come first serve basis upon the issuance of draft approvals, with those allocations tied to similar timelines of the development charge freeze to ensure the allocations are being used within an appropriate timeframe.

Conclusion

On behalf of Cachet Homes, we applaud the Province for many of the provisions proposed within Bill 185. We believe the proposed changes will bring about positive changes to the planning approval process and support homebuilders in bringing on more housing faster in the province of Ontario.

We thank the Province for the opportunity to provide commentary on Bill 185. Should you have questions or require any additional information, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, reading "M Gagliardi".

Marcus Gagliardi
Senior Land Development Manager
Cachet Homes Corporation