**PLANNING ACT**

On behalf of the County of Middlesex, I thank you for the opportunity to provide input on the proposed More Homes Built Faster Act and related Provincial changes. This submission relates to the proposed changes to the Planning Act through Bill 23.

It is acknowledged that the provision of housing is important and that municipalities play a key role in increasing the supply of housing while building complete and sustainable communities. Even a few years ago the question of housing affordability would have been a low priority for our community as this challenge was largely an issue for our large urban neighbour. This is no longer the case as our rural and small urban County has significant housing affordability and attainability challenges that in many respects have outpaced our urban neighbour.

The proposed changes to the Planning Act that are most consequential to the County of Middlesex are the removal of third party appeal rights for all Planning Act applications and the proposed changes to the regulations concerning Additional Residential Units. The removal of third party appeal rights may reduce uncertainty for developers and reduce delays in development approvals. However, this may also place additional pressure on councils to deny applications on behalf of constituents in the absence of appeal rights, which could lead to an increased number of developer-initiated appeals.

The proposed changes to the Planning Act provisions and associated regulations concerning Additional Residential Units (ARUs) would not allow any official plan or zoning by-law to prohibit the use of up to three residential units on a ‘parcel of urban residential land’. The proposed changes define a ‘parcel of urban residential land’ as a parcel of land that is within an area of settlement on which a residential use, other than an ancillary residential use, is permitted and that is served by municipal water and sewage services. Additionally, municipal planning documents would be prohibited from setting minimum floor area requirements for such units and requiring more than one parking space per unit. Appeal rights concerning any proposed official plan policies or zoning provisions to authorize ARUs would be removed.

The County of Middlesex and several local municipalities recently undertook official plan amendments to address ARUs however those policies reflect the previous ‘two plus one’ direction from the Province. The proposed changes maintain the current maximum of three units per lot, but would allow for all three of the units to be located in the primary dwelling. With the addition of the reference to a ‘parcel of urban residential land’, it would appear that municipalities would no longer be required to provide for policies and zoning to authorize ARUs on lots outside of fully serviced settlement areas. Additionally, the reference to ‘other than an ancillary residential use’ within the definition suggests that ARUs may not be permitted on lots where residential is not the primary use.

The County and local municipalities will have to review current official plan policies and revise them to provide for three units within the principal dwelling and remove any policy direction that could prohibit the establishment of ARUs in fully serviced settlement areas. Municipal councils may have to decide whether and how ARUs will be permitted in agricultural areas. Further clarification with regards to any necessary amendments to appropriately implement these changes would assist municipalities in determining where ARUs will be permitted as well as whether official plans can contain more specific development criteria such as the requirement for servicing capacity, compliance with MDS if applicable, maximum separation distances between the primary dwelling and an ARU in an ancillary structure, maximum floor areas, etc.

Yours truly,



Bill Rayburn

 Chief Administrative Officer