**Comments on the Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed *More Homes Built Faster Act, 2022*)**

[**https://ero.ontario.ca/index.php/notice/019-6163**](https://ero.ontario.ca/index.php/notice/019-6163)

Bill 23 is not needed to build more homes quickly. Approvals are not the issue. Strategy Corporation reports that the GTHA (Greater Toronto and Hamilton Area) already has over 200,000 approvals for housing that are not being built. Environmental Defence has documented that the GTA already has over 80,000 acres of land designated for development within existing municipalities, without taking 7,400 acres away from the Greenbelt, as proposed.

If the Province urgently wants more housing than the private sector is building on already approved land then the Provincial government should step up and build it through public institutions without contracting it to for -profit developers, or partner with not-for-profit corporations.

After the last three years and probably over 1,500 hours of being involved in trying to provide input and constructive suggestions for local development projects I have concluded that there is no need for the extent of the widespread changes proposed in this Bill. Instead, narrowly scoped changes to the existing Planning Act and its Schedules would assist getting approvals for new housing but without having negative environmental and infrastructure impacts.

I found that the problem of slow development approvals is only partly caused by the pace of municipal approvals and mainly by:

* Incomplete submissions
* Submissions that are multiples of the height and built form standards in the local Official Plan, leading to extra time for comments and reviews.

For the following reasons then, I object to the government’s proposed Bill:

The ERO posting says the focus of the changes to the Schedule is to change new housing from single family homes to townhomes and mid-rise apartments. My experience is that this is not what developers want to build. They want high-rises with more than the low-rise to mid-rise focus that is the focus of supporters of the Bill. At least in Toronto. High rises will little parkland for the number of residents and allow shadowing of neighbouring buildings which then shut out the sunlight. **The Bill should be changed to allow municipalities more flexibility in how to implement the Province’s “gentle density” strategy.**

One size does not fit all. The proposed changes “would supersede local official plans and zoning to automatically apply province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands)”. **Subject to some amendments to the Planning Act, but with less oversight than is in the Bill, municipalities should retain the right to develop their municipality the way they want and in lock step with the wishes of their residents, their natural topography, and their natural resources, and not have that level of detail replaced by central decision making by the Provincial government.**

Development Charges

**To prevent significant property tax increases, compensate cities for loss of revenue from reduced or eliminated Development Charges, Community Benefit Charges and Parkland Dedications.** In Toronto, this loss will reduce annual revenues by an estimated $200 million per year. These costs will be downloaded on top of Toronto’s current shortfall of over $800 million.

Favour Low-Rise And Mid-Rise Developments Next To or Within “Neighbourhood” Zoning

Developers want high-rises more than mid-rise or low-rise buildings. The Bill should not allow high-rises at the expense of development that complements existing housing. “Gentle Density” mid-rise and low-rise building should be the target for the “missing middle” and not the high rises placed adjacent to houses neighbourhood zoning that developers want.

Parkland and Open Spaces

The proposed changes would “ prohibit municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements”. **Residents in new housing deserve access to the fresh air and green spaces that existing residents enjoy, and that right should not be diminished by reduced parkland dedication.** Developers and municipalities both face the challenge of finding and funding suitable parkland. Developers should not be allowed to provide “scrap” land as their parkland commitment such as land encumbered by easements that may require frequent access for repairs.

**To replace the proposed 50% parkland designations reduction in higher density residential developments, retain the ability of the City of Toronto 2022 Official Plan proposal of a fairer system of Parkland Dedication calculations. To ensure a comprehensive municipal parkland strategy, allow cities to accumulate reserves year-over-year for larger projects but require public reporting of costing and project reserve totals.**

Third Party Appeals

Changes are proposed to limit third party appeals for all planning matters (official plans, official plan amendments, zoning by-laws, zoning by-law amendments, consents, and minor variances).  In public speeches and press releases the government feels that appeals are launched only by anti-development groups. Having spent the hundreds of unpaid hours time required to participate in appeals for two local large-scale development applications I can honestly say that this is not the case. Residents rightly worry about negative impacts on their neighbourhoods but are supportive of development that complements or harmonizes with their neighbourhoods.

**The Bill should allow appeals by third parties against developers or municipalities under a pre-defined set of conditions that should be provided as part of the Bill. For Committees of Adjustments (CofAs) the definition of what constitutes a ”minor” variation** **should also be defined, including what would be the cumulative impact of several variances in the same appeal**. I took part in one CofA appeal that had 10 variances and there was no definition provided by the Committee on why the cumulative impact was only “minor”.

The right of appeal is proposed to be allowed for only a few participants “(e.g., applicants, the Province, public bodies including Indigenous communities, utility providers that participated in the process), except where appeals have already been restricted (e.g., the Minister’s decision on new official plan)”. **If maintaining the right of appeal at the Ontario Land Tribunal (OLT) or Committee of Adjustment (CofA) is to include indigenous communities, then all communities should be included, not just indigenous ones.**

**Eligible public bodies should include incorporated bodies representing citizens such as churches, resident associations and service organizations and charities, if the nature of the appeal meets one or more predefined criteria. Mediation should be a requirement before a formal appeal.** My experience is that utilities don’t appeal planning decisions (only providing mostly “boiler-plate” comments to municipalities) and do not ask for the right to appeal. **Residents and municipal Councils should have a right to told what real estate developments are being proposed for their communities. Restore the rights of third parties to appeal to the OLT, but reform the process to moderate third-party participation by using education, pre-hearing mediation, higher but not prohibitive fees, and establish set costs for delays and lost appeals.**

Notification of Plans of Subdivision

The Bill removes the right of existing residents to be notified of draft plan of subdivision development proposals. This part of the Bill is just undemocratic. **Residents should have a right to told what real estate developments are being proposed for their communities and municipalities or developers should be required to notify local residents.**

Architectural Standards

Changes are proposed to limit the scope of site plan control by removing the ability for municipalities to regulate architectural details and landscape design. **No one wants to look at, for example, a plain concrete block or plain steel cladding building.** The reason for removal of the ability of local planners and residents to be involved in setting the external style of buildings is not clear. Not having some minimal standard would not likely be supported by municipalities and their residents. **Please** r**emove the elimination of aesthetic architectural requirements for new buildings in the Bill. There should be minimal, aesthetically pleasing, architectural treatment standard for new buildings, beyond the basic structural requirements of Ontario’s Building Code.**

Green Standards

The Bill also takes away the ability of municipalities to enact and maintain Green Standards to provide environmental benefits from new developments for their residents and community benefits by requiring reduced surface runoff, sewer discharge standard and green roofs to reduce the urban heat sink effect and to help mitigate climate change effects. **The Bill should be amended to retain municipalities’ ability to set green standards that include limits on energy intensity and greenhouse gas emissions for new buildings to help Ontario and Canada meet our climate change mitigation/reduction targets.**

**Amend Bill 23 by deleting in Schedule 1 “(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed” and delete in Schedule 9 “(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed”. Replace those two sections with the following wording in both Schedules:**

* + **(d) matters relating to sustainable design if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality.**

Role of Conservation Authorities

Changes are proposed to limit the authority of Conservation Authorities (CAs). **While some authority could now be reduced for minor development applications, where a municipality could provide this against set criteria through their existing building departments, CAs should be allowed to protect and designate wetlands and formally provide advice to Municipalities through agreements for CA services.** Not providing this expertise through a CA will likely require the municipalities to increase property taxes to pay for more staff and the loss of environmental protection expertise.

Sharing of Costs Resulting from Bill 23

The ERO posting says there may be direct compliance costs to municipalities as a result of changes proposed in Bill 23, including lower-tier municipalities having to revise administrative and financial processes and to shift resources accordingly. Any additional costs associated with planning responsibilities would be taken on by theses lower-tier municipalities. These municipalities’ revenue sources are limited, and I expect that such changes require significant property tax increases. **Money for Bill 23 compliance costs Bill should be provided by the local real estate developments or the Province, rather than being added to the residential tax base.**

Rental Replacements

The Bills Schedule 1, City of Toronto Act, 2006, appears to allow the Province to regulate demolitions and rental replacement requirements. **New developments should be required to provide equal cost rental replacement units for people displaced by a demolition.**

Public Education About Development Rules

**Create clearer planning ground rules to educate residents groups about the Government’s development goals.**