



Greater Ottawa Home Builders' Association
Association des constructeurs d'habitations d'Ottawa

#108 – 30 Concourse Gate, Nepean, ON K2E 7V7
Tel: (613)723-2926 Fax: (613)723-2982

December 6, 2023

Minister Paul Calandra
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th floor
Toronto, Ontario M7A 2J3

RE: Comments on ERO #019-7885 Planning Statute Law Amendment Act

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as a submission to the government's request for feedback on the *Planning Statute Law Amendment Act* (ERO #019-7885).

GOHBA supports the provincial government taking the steps it feels necessary to rebuild public trust in the provincial planning process. Our Association supports a land use planning system and process that is accessible to all and administered in a transparent manner.

At the same time, we urge you not to relinquish or limit the government's ability to improve a municipality's Official Plan as we collectively work to increase housing affordability and supply across the province.

Ontario is facing a housing crisis – across all incomes and housing types – and everyone who has a role to play in addressing this crisis needs to act accordingly.

In addition to our comments, we support those submitted by the Ontario Home Builders' Association and our fellow municipal HBAs across the province.

How Housing Deficits in Ottawa's Council-approved Official Plan Were Addressed by the Province

As per our submission to ERO #019-4968 (the public consultation on Ottawa's Official Plan), GOHBA requested changes to specific language within Ottawa's Official Plan in order to remove barriers to building homes, maximize development potential, and help the City and Province achieve its housing goals.

The draft Official Plan that Ottawa City Council approved did not recognize the cumulative impact of its policies or how the development requirements it imposed worked against being able to provide housing that is affordable.

In particular, Council reduced height limits for minor corridors in the downtown and inner urban transects to 4 storeys (they were originally 9 and 6 storeys respectively). That decision was made without any consideration of the number of homes that the Official Plan relied on to be built on those wider roads as part of its intensification strategy. These homes, which would have been served directly by transit, were summarily removed without discussion about how or where they would be made up elsewhere.

As well, the Council-approved Official Plan did not offer a credible solution to Ottawa's identified population and housing needs because it relied on assumptions and the provision of a type of housing that is not currently produced or demanded ("613 Flats").

Therefore, we recommended that the Ministry of Municipal Affairs and Housing revise the Council-approved Official Plan to include additional lands to total 3,250 hectares to accommodate a market-based supply of housing and modify the intensification targets to reflect an average intensification target of 41% over the 25-year horizon of the Official Plan.

The previous Minister was able to partially address the housing deficits in the Council-approved Official Plan by reversing Council's decision to limit minor corridors across the City and expanding the urban boundary by an additional 650 hectares. These were necessary and welcome moves to increase Ottawa's housing supply to help address the local housing crisis.

GOHBA expressed its support for the amendments to the Official Plan introduced by the Minister, and continues to support those changes today.

Our comments for the particular proposals contained in this ERO complement and reinforce our original comments on Ottawa's Official Plan. Credible solutions are needed to address Ottawa's identified population and housing needs.

Specific Proposals under the *Planning Statute Law Amendment Act, 2023*

- *Enact the Official Plan Adjustments Act, 2023, which would:*
 - *reverse provincial decisions on Official Plans affecting 12 municipalities, comprising those issued on:*
 - *November 4, 2022, regarding: ... City of Ottawa Official Plan ...*
 - *approve the municipally-adopted Official Plans, retroactive to the date of the provincial approval (November 4, 2022 or April 11, 2023);*
 - *modify limited portions of the council-adopted Official Plans to address potential conflicts with legislation/regulations; and*
 - *outline transition rules that would apply to applications made since the official plans were approved ...*

We note that at its November 22, 2023 meeting, Ottawa City Council approved a motion to "request that [the province] retain Minor Corridor permissible heights in accordance with the November 2022 Ministry approval of the City's new Official Plan."

GOHBA fully supports the retention of the province's revision of Minor Corridor permissible heights as follows:

- Downtown Minor Corridors, from 4 to 9 storeys;
- Inner Urban Minor Corridors, from 4 to 6 storeys;
- Outer Urban Minor Corridors, from 4 to 6 storeys; and,
- Suburban Minor Corridors, from 4 to 7 storeys.

More flexible building height regulations will facilitate better urban development and will help to address Ottawa's housing goals, especially when it comes to intensification.

- *Enact the Official Plan Adjustments Act, 2023, which would: ...*
 - *introduce immunity provisions to help mitigate legal risk resulting from this legislation.*
- *Amend the Planning Act to introduce immunity provisions to help mitigate legal risk related to the making, amending or revoking of Minister's Zoning Orders (MZOs). While no specific changes to MZOs are currently being made, this provision would help mitigate risk should revocations be necessary as the ministry reviews a use it or lose it policy.*

Section 4(2) of the Bill immunizes the government from government actions in misfeasance and bad faith. This level of immunity is not consistent with a fair and democratic society. It suggests that government (and those who work in government) are above the law. We implore the government to reconsider these immunity provisions.

At the same time, the proposal references the possibility of a "Use It or Lose It" policy.

While we appreciate that introducing such a policy would likely have its own consultation process, GOHBA must express its strong concern at this time. Jurisdictions that have attempted to impose this type of policy have found that there are too many factors that are out of a builder's control to make the policy reasonable or effective.

Factors such as interest rates, economic conditions, labour and material supply, and municipal approval processes - to name a few - are too broad and unpredictable to manage. There would be no way for the province to introduce timelines (thresholds) that were reasonable under constantly-changing economic circumstances.

Ensuring Municipal Official Plans Align with Provincial Policy

In order to "build the homes the people of our province need and deserve" GOHBA strongly encourages you to ensure that the government continues to have a mechanism to carry forward justifiable and correct modifications to Official Plans.

To ensure that the final versions of municipal Official Plans align with provincial policy, and appropriately address the urgent need for increased housing supply and affordability, the Minister of Municipal Affairs and Housing should retain authority to deal with the various OPs under Section 17 of the Planning Act, rather than having a final decision on the OPs made by the Bill 150 legislation.

We fully endorse the Ontario Home Builders' Association suggested amendments to Bill 150 that would provide the Minister with appropriate authority to make decisions on OPs under existing powers pursuant to Section 17 of the Planning Act, as communicated to you on November 27, 2023.

Ensuring Ottawa's Official Plan Aligns with Provincial Policy

The Ministry of Municipal Affairs and Housing has an obligation to review, assess and make changes to municipal official plans to ensure compliance with the Provincial Planning Statement. The provisions of Bill 150 remove the ability for proper MMAH scrutiny of municipal Official Plans and Growth Management Strategies (like Ottawa's) to be able to accommodate housing needs to meet future population growth. Moreover, the provisions allow a municipality discretion to limit appropriate housing opportunities and supply.

We respectfully submit that MMAH undertake a fulsome review of Ottawa Official Plan and land supply to ensure compliance with the PPS for land needs and growth management policies.

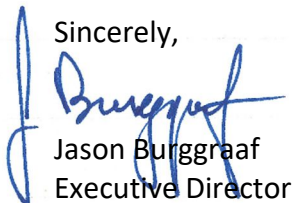
The provincial government's reversal of its modifications to Ottawa's Official Plan puts its compliance with the PPS into jeopardy. Due to increased population and the removal of 650 hectares of expansion land, conforming with the 15-year land supply requirement may not be achievable.

In simple terms, the Ottawa Official Plan, including infrastructure and zoning by-laws, are not aligned with the PPS and will restrict and oppose the urgent requirement to create more housing supply.

Thank you for the opportunity to provide comments on the government's proposals.

We are pleased to answer questions or provide further information as requested.

Sincerely,



Jason Burggraaf
Executive Director