**May 4, 2024**

**COMMENTS REGARDING POTENTIAL CHANGES TO REGULATIONS UNDER THE PLANNING ACT**

**INTRODUCTION:**

My name is Barry Waitt and I was a public sector City Planner in western Canada for thirty years. Since I moved to Ontario three years ago, I have been working as a planning clerk for a law firm, assisting clients on planning applications. The work I have done has mostly been on applications for Consent, but I have also worked on one rezoning, submitted one appeal to the Ontario Land Tribunal and convinced a number of townships to delete certain requirements.

Through carrying out my work I have discovered several requirements which do not appear to provide any benefit to the province as the regulatory body, as well as numerous regulations and parts of application forms which appear unnecessary or confusing. These items do not relate directly to newspaper notice requirements, but they definitely relate to cutting red tape and in conversations with MMAH staff, I have been encouraged to submit them as part of this public consultation process.

I am not going to attempt to quote the section(s) that the issues that I am bringing up fall under in every case. You will know the relevant sections better than me.

1. **Consent Required for Sale of Property**

I am working on a number of applications where a Consent is required in circumstances where I cannot understand what the purpose of this is. I am speaking of the requirement for Consent to be able sell ones’ property, and particularly when the property is a small property located in a very small community. such as King Kirkland. In my experience, it takes at least nine months to have a Consent granted and will cost at least $2,000. and usually much more. That is the cost on the private side. Perhaps, more importantly, what is the cost on the public side, for the province and municipalities, in terms of staff time and other resources? That is the cost side, but what is the benefit? Under these circumstances, this appears to be a requirement that has no benefit to the province. The land use does not change, another residential parcel is not created, and property lines are not changed.

I am aware that King Kirland is not a municipality and that a prime focus of the Provincial Policy Statement (PPS) is to not encourage new residential lots and residential development outside of a municipality. But unless I am missing something, I can not see how requiring a property owner to go through the Consent process to sell their property in locations like this helps this objective.

Assuming that this is a requirement which could use some refinement, I would suggest one or some combination of the following regulatory solutions. Create an exception to this requirement which deletes the necessity of Consent when:

* the subject parcel is part of a contiguous string or block of ## (10 for example) parcels all under ## (6,000 sq ft. for example).
* the subject parcel is the centre point of a circle with a radius of .5 or 1 kilometer in which there is a units per acre above ## (10 or 20 up for example).
* the subject parcel is under one or half a hectare (for example) in size. I am aware that the use of this exception would have ramifications outside of small communities and on agricultural land, but this should not take away from the general conclusion.

These are just off the top of my head ideas that are meant to outline situations where I do not believe requiring a Consent is beneficial. I would welcome other solutions to this problem.

If this is not considered helpful, I would be very interested to hear how requiring an application for Consent in these circumstances is beneficial for the province.

1. **Consent Required for an Easement**

I am also not clear what the purpose is to require a Consent when someone wants to register an easement. This also appears to fall under the category of red tape.

1. **#18 of Schedule 18 of Regulation 545/06 of the Planning Act**

This schedule requires extensive information to be submitted as part of a rezoning application. Thanks to discussions with MMAH staff in Toronto I now understand the necessity of this in general, as the province and municipalities are obligated to provide a response to applications within a prescribed time frame and, therefore, full information is required. However, by adopting such a broad regulation on both the scope of the information required and the scope of the types of applications it is required for, unnecessary red tape is created. This is the situation I have dealt with.

A client has asked me help process a rezoning application for a change of use. The application does not involve any new building construction. However, the property contains over ten existing buildings and structures. As per #18 of schedule 18, I will need to attempt to determine the height of all the buildings, the dimensions or floor area of all the buildings and their setbacks from all the property lines and provide this information to the township. All of this takes time and therefore, costs the client money, while also taking time for the township, through their planning consultant, to process this information, thereby costing both the private sector and the public sector. I am happy to support this requirement and do the required research if it results in information that is helpful in assessing the application. However, under this circumstance it appears that this regulation is unnecessary red tape.

1. **Application for Consent Form**

I know that this does not relate to newspaper requirements, but I feel that anything provided by the Ministry, which is incomplete, redundant, or simply confusing, contributes to “red tape” and gets in the way of the efficient use of staff resources and potentially the construction of new houses.

Let me start by saying that it is not just myself who has concerns about this form. MMAH staff have commented to me multiple times that the form is not easy to follow and / or unclear. I also acknowledge that there have been improvements to the form since I started working with it. Here are sections I believe could use some improvement:

* Drop down menus not including an important category. For example, section 2.1 and 2.2 do not include the sale of a property (see #1 in this brief).
* Sections do not include all categories, leaving it confusing for applicants to fill out. For example, section 3.4 and 5.1 have columns for Severed and for Retained, but not one for “Benefitting Parcel” in the case of a lot addition.
* Sections 6.1 – 6.4, 8.1 and 8.2 provide “Unknown” as a possible answer. A property owner may not know whether a planning application has been submitted under sections 8.3 – 8.8, but unknown or “Don’t know” is not provided as an option. There is a similar conundrum for the questions under section 9.3. There are many property owners who do not know if their property is located near significant coastal wetlands, significant wildlife habitat, crown land or areas of archeological potential, especially when the category includes the word “significant.” This seems to imply it is the applicant who determines if it is significant, which is puzzling.
* Section 13.2 (Other Services) is a great example of a standard section requiring applicants to provide information, regardless of how applicable it is to their application. While the usefulness of this information is clear if the creation of a new lot is involved, I fail to understand how it is relevant for say, an easement or the sale of a parcel.
* Section 14: The sketch. Once again, this relates to the question: Is it necessary to ask for all this information for *all types of Consent applications?*

1. The second bullet: I am uncertain as to whether all this information is necessary; especially the information about setbacks, as in many cases, there is no Zoning Bylaw to adhere to. This is especially questionable for the sale of a property where there is no development and no change to the property lines.
2. The fourth bullet: Is this necessary when the applicant has provided a PIN and the legal description?
3. The sixth bullet: I am not sure it is useful to include the phrase “in the opinion of the applicant.” Applicants will generally want to simplify the application and it is then somewhat frustrating to be told by MMAH staff to add one of these elements to a sketch later. With regards to the wells and septic tanks, is it necessary to provide both this information on a sketch *and* get a signoff from the local public health unit? Perhaps the requirement should be one or the other.
4. The eighth bullet: I have never provided the width of the road in an application and never been asked to do so. This makes me wonder if this requirement is needed.
5. The eleventh bullet: I think that the date of transfer and the name of the transferee is more appropriate to put into the application form than on a sketch. Everything else on the list in section 14.1 has a mapping / geographic orientation, except these two pieces of information.

Thank you for your consideration. I hope my comments are taken seriously and improvements can be made to planning processes for both those in the private sector and those in the public sector.