



Subject:	Summary of Bill 185 Proposed Policies and the Draft Provincial Planning Statement
To:	Committee of the Whole – General Business & Finance
From:	Planning and Development Department

Report Number:	PD-20-24
Wards Affected:	All
Date to Committee:	May 6, 2024
Date to Council:	May 15, 2024

Recommendation:

That Committee receive and file for information Report PD-20-24 regarding Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* and the draft Provincial Planning Statement 2024 and;

That Committee direct Planning Staff to submit comments regarding Bill 97 and the Provincial Planning Statement which are due to the Province by May 10, 2024.

Purpose:

The purpose of this report is to provide the Committee and Council with a summary of the proposed Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* and the updated draft Provincial Planning Statement. This report also provides a summary of the impacts that the proposed legislature will have on the Town and constitutes staff comments to be submitted to the Province.

Background:

The Ministry of Red Tape Reduction has introduced Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* to the Ontario legislature on April 10, 2024, as part of its ongoing commitment to cut red tape, speed up government processes and build at least 1.5 million homes by 2031.

As part of the bill and the broader Spring 2024 Red Tape Reduction Package, the Ministry of Municipal Affairs and Housing is proposing a suite of legislative, regulatory and policy initiatives. This includes initiatives to:

- build homes cheaper and faster;

- prioritize infrastructure for housing projects that are ready to go;
- improve consultation processes and provide greater certainty once a decision is made; and
- build more types of homes for more people.

In addition, on April 6, 2023, the Province introduced the proposed new Provincial Planning Statement (PPS) 2023 to further address the province's goal of expediting housing in Ontario.

The Provincial Policy Statement is issued under the *Planning Act* and is the primary provincial land use planning policy document, applying across Ontario. A Place to Grow is a growth plan issued under the *Places to Grow Act, 2005*. It provides a more detailed framework for where and how growth should be accommodated in the Greater Golden Horseshoe and it works with the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. All provincial plans are to be read in conjunction with the Provincial Policy Statement.

Under the *Planning Act*, planning decisions shall be consistent with policy statements such as the Provincial Policy Statement and shall conform with provincial plans like A Place to Grow.

In 2022, the province initiated a review on approaches for leveraging the housing supportive policies of the Provincial Policy Statement and A Place to Grow, removing barriers and continuing to protect the environment through a streamlined province-wide land use planning policy framework that incorporated the housing-focused policies of the Provincial Policy Statement, 2020 (Provincial Policy Statement) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (A Place to Grow).

The new Provincial Planning Statement is proposed to combine the existing Provincial Policy Statement (2020) and the Growth Plan (2020) to create a single provincial land use planning document. Staff provided commentary on this document during the initial comment period as summarized in [Report PD-21-23](#) (Appendix A). Since that time, considering comments received, as summarized later in this report, the Province has released an updated draft document with the commenting period ending on May 10, 2024.

Report:

Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*

Bill 185 proposes to repeal a number of the government's previous legislative changes that were introduced in Bill 23 as summarized in [Report PD-02-23](#). It also proposes to repeal the *Planning Act* application fee refund provisions introduced in Bill 109, as summarized in [Report PD-09-23](#).

Below is a high-level summary of the proposed changes, some of which are in the legislation, and some in government releases advising of proposed approaches to non-legislative matters.

Item	Bill 185 Proposed Change	Staff Comments
Ontario Land Tribunal Appeals	<p>Private sector applications for urban boundary (settlement area) expansions can now be appealed to the Tribunal.</p> <p>Prohibition on third party appeals of official plan amendments and re-zonings. Appeals are proposed to only be able to be filed by the applicant, minister, public bodies and specified persons (generally utility companies that made submissions). The goal of this is to help communities get quicker planning approvals for housing projects and reduce building costs and delays.</p> <p>Third party appeals filed prior to the legislation coming into force and where the hearing has not been scheduled before April 10, 2024, will be dismissed.</p>	<p>This change is not applicable to proposed settlement area boundary expansions within the Greenbelt area, and therefore has little impact to the Town since our urban areas are surrounded by Greenbelt lands.</p>
Planning Application Fee Refund Provisions	<p>As noted in previous staff reports, Bill 109 introduced processing timelines for planning applications and associated refund requirements if these timelines were not met.</p> <p>Bill 185 proposes to remove the fee refund provisions from the <i>Planning Act</i> and <i>City of Toronto Act, 2006</i> for zoning by-law amendment and site plan control applications to speed up local decisions that support more housing</p>	<p>Although staff have yet to encounter a circumstance where an application refund was requested, this update is well received.</p> <p>While staff remain diligent to work through planning applications as expediently as possible, this enables staff to work through complex issues that can be associated with infill proposals.</p>
Development Charges	<p>The five-year phase in of increased development charges introduced in Bill 23 is proposed to be revoked.</p> <p>Bill 23 eliminated the ability of municipalities to recover the cost of development charge background studies through development</p>	<p>These updates provide increased opportunities for municipalities to recover costs associated with growth.</p> <p>The Town's DC By-law, recently passed on April</p>

Item	Bill 185 Proposed Change	Staff Comments
	<p>charges. Bill 185 reinstates this opportunity.</p> <p>Please refer to Appendix B of this report more detail in this regard.</p>	<p>15, 2024 would require a minor amendment within 6 months of Bill 23 taking effect to implement these proposed changes.</p>
Voluntary Pre-Consultation	<p>Pre-application consultations with municipalities are proposed to be voluntary and not mandatory.</p> <p>Applicants can bring a motion to the Tribunal at any time during pre-consultation for a determination as to whether the requirements for a complete application are reasonable or have been met.</p>	<p>This is likely in response to the trend for municipalities to take a much more detailed oriented approach to pre-consultations due to the application processing timelines introduced by Bill 109.</p> <p>Staff require pre-consultations for the majority of planning applications as it is an integral and early component to discuss and refine concepts. The ability to require or not require pre-consultations should be left up to the local municipality.</p> <p>Likewise, scoping as to what constitutes a complete application should also be a local responsibility.</p>
Parking Standards	<p>Parking minimums in protected major transit station areas (MTSA's) to be prohibited, as well as in areas surrounding higher-order transit where minimum densities are required by official plans or provincial policies.</p>	<p>Staff do recognize the need to maximize efficient utilization of lands and to encourage transit-oriented development that looks to reduce dependance on personal vehicular travel, especially in MTSA's like we have in Beamsville.</p>

Item	Bill 185 Proposed Change	Staff Comments
		However, setting parking standards to reflect local conditions should be left up to local municipalities who have a ground level knowledge of the community in question.
Minister's Zoning Orders/Community Infrastructure Housing Accelerator	<p>Proposed integration of a new framework for requesting an MZO, including criteria that will consider whether an MZO delivers on provincial priorities, and whether it is supported by a municipal council or a mayor with strong mayor powers.</p> <p>The requirements include demonstrating why the normal municipal process cannot be used, as well as information on Indigenous engagement and public consultation.</p> <p>The Community Infrastructure Housing Accelerator process introduced by Bill 23 allowed a local council to request a community infrastructure and housing accelerator order to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development.</p> <p>Bill 185 proposes to repeal this item to avoid unnecessary duplication with a revised and transparent process for requesting and issuing minister's zoning orders.</p>	No direct impact on the Town at this time but the inclusion of a network that better analyzes requests based on Provincial policy framework in conjunction with consideration of local Council input is viewed as a positive change.
"Use it or lose it" tools	New proposed policy concerning developments with approved site plans which do not pull permits within a period of time. Specifically, in these circumstances, approvals are withdrawn due to inactivity. The time period will be set by regulation, with	While there are not many applications that are building permit ready without activity for the prescribed length of time, this proposal is viewed positively to ensure that approvals provided are in direct

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	<p>a default of no less than three years if a regulation does not apply.</p> <p>Draft plans of subdivisions/condominiums also will have mandatory lapsing provisions, with the time frames to be set by regulation.</p> <p>Municipalities will be given the authority to enact by-laws under the <i>Municipal Act</i> to track water supply and sewage capacity, and to set criteria for when an approved development can have their allocation withdrawn.</p> <p>Draft plans of subdivisions that were approved before March 27, 1995 will lapse if not registered within three years of the bill passing.</p>	<p>correlation to housing stock improvements.</p>
Upper tier municipalities	<p>This proposed update is further to Bill 23 legislation indicating upper tier municipalities including Niagara, would no longer have planning responsibilities.</p> <p>Halton, Peel and York no longer will have planning responsibilities as of July 1, 2024. The dates for Simcoe, Durham, Niagara and Waterloo have not been set.</p> <p>The government intends to move forward with bringing the changes into effect for the remaining upper-tier municipalities by the end of 2024.</p>	<p>Staff have previously outlined input on this aspect in PD 02-23 pertaining to Bill 23 updates.</p>
Public Notices	<p>Changes are proposed to the regulations that govern how notice is given by a municipality to reflect current practices of most municipalities, including on a website if local papers are not available.</p>	<p>The Town has been impacted by the elimination of paper circulation of local newspapers as they move to digital platforms only. Therefore, this update is viewed as positive as it reflects these constraints and</p>

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		clarifies how to provide notice in conformance with the <i>Planning Act</i> .
Enhancing Framework for Additional Residential Units (ARUs)	Enhance the Minister's regulation-making authority to remove other zoning barriers to building additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.	Although it is commendable to provide opportunities for more housing through forms that could be considered more gentle intensification, there should be an ability for municipalities to consider proposals in the local context.
Datapoints and Frequency of Reporting	Bill 185 proposes to increase frequency and provide more detailed parameters of reporting of data specific to status of planning applications for a list of municipalities that have specific Provincially assigned housing targets. The list of municipalities is proposed to be expanded from 29 to 50.	Currently no impact to the Town as we are not on the list of proposed municipalities. Within Niagara Region, Niagara Falls and St. Catharines are on the current list.
Facilitating Standardized Housing Designs	<p>Create regulation-making authority that would enable:</p> <p>The establishment of criteria to facilitate planning approvals for standardized housing.</p> <p>The proposed changes would only apply to certain specified lands, of a minimum lot size, such as urban residential lands with full municipal servicing outside of the Greenbelt Area.</p> <p>The identification of elements of the <i>Planning Act</i> and/or <i>City of Toronto Act, 2006</i> that could be overridden and/or certain planning barriers that could be removed if the criteria are met.</p>	No specific impact to the Town other than potentially urban design considerations.

Item	Bill 185 Proposed Change	Staff Comments
Settlement Area Boundary Expansion	Combined with the proposed changes to the Provincial Policy Statement, private sector applications for settlement area boundary expansions now can be made at any time and appealed to the Ontario Land Tribunal.	This change is not applicable to proposed settlement area boundary expansions within the Greenbelt area, and therefore has little impact to the Town since our urban areas are surrounded by Greenbelt lands.

Draft Provincial Planning Statement

As previously noted, the draft Provincial Planning Statement was initially released for input by the Province from April 6 to August 4, 2023 to seek input on the creation of a streamlined province-wide land use planning policy framework. The Town of Lincoln provided comments as noted in [Report PD-02-23](#).

Engagement with Indigenous communities, and the input and recommendations received from the public, municipalities, stakeholders through consultation informed an updated proposed Provincial Planning Statement. This latest version includes new and updated policies supporting increased intensification around transit, scoping protections for employment areas, and promoting a range and mix of housing options, including housing for students and seniors.

The Ministry of Municipal Affairs and Housing received a total of 1,581 comments that touched on a range of issues. There was general support for the proposed approach to infrastructure and concerns around the approach towards managing growth, including through settlement area boundary expansions, and protecting agricultural lands. The feedback is organized into five main categories as outlined below:

1. Generate an appropriate housing supply
 - Municipal, agricultural, environmental and industrial sectors were concerned about decreased emphasis on intensification, with some requesting specific intensification targets for large and fast-growing municipalities. The development sector supported the proposed policy direction that decreased the emphasis on intensification, with the removal of references to minimum targets within settlement areas.
 - There was concern from Indigenous communities as well as the municipal, non-profit housing and development sectors that the absence of the affordable housing definition and specific targets would result in a loss of affordable housing units and inconsistency in affordable housing planning.
 - All sectors supported the proposed major transit station area density target requirements, with some members of the development sector requesting higher minimum density targets for large and fast-growing municipalities.

2. Make Land Available for Development

- The development sector and most municipalities in the Greater Golden Horseshoe raised concerns about eliminating the requirement to use provincially issued growth forecasts and a standard provincial land needs assessment methodology.
- Municipal, agricultural and environmental sectors and Indigenous communities were opposed to the settlement area boundary expansion policies. The development sector supported the added flexibility of the settlement area boundary expansion policies.
- Concerns were raised by the industrial sector that allowing employment conversions at any time could result in uncoordinated decision-making and consequential industrial land shortages.

3. Provide Infrastructure to Support Development

- Municipal, environment and building sectors recommended adding the requirements for developing water, wastewater and stormwater master plans.
- Many sectors expressed concerns regarding the potential for inefficient use of land and misalignment between growth and infrastructure planning and requested stronger direction from the province regarding availability of infrastructure to support development.

4. Balance housing with resources

- Environmental sector and some municipal sector respondents expressed concerns about the elimination of the requirement to incorporate the provincially mapped Natural Heritage System in the Greater Golden Horseshoe into official plans.
- Stakeholders in the cultural heritage sector were concerned that the proposed policies would not provide protection for potential heritage resources not yet known or evaluated, including sites that may be of value to Indigenous communities.
- Municipal, environmental and agricultural sectors and the public were critical of the proposed lot creation in prime agricultural areas, citing significant impact on agricultural viability. In May 2023, the government announced that it would not be carrying these policies forward. Municipal and agricultural sectors are largely supportive of proposed additional residential unit policies to meet on-farm housing needs, with some seeking stronger policy direction.

5. Implementation

- Municipalities supported policies clarifying the need for early engagement with Indigenous communities but identified that provincial guidance is needed to inform how to do so meaningfully.

- Indigenous communities expressed concern about their capacity to participate in planning processes with municipalities.

Based on the feedback received, the province is now seeking input on an updated proposed Provincial Planning Statement that includes a number of responsive changes such as:

- Planning for land needs for at least 20-years but not more than 30-years; using Ontario Population Projections as a base for long-term planning.
- Updated policies supporting increased intensification (e.g., around transit and redevelopment of low-density commercial plazas and strip malls)
- Scoping protections for employment areas
- Promoting a range and mix of housing options, including housing for students and seniors.
- A stronger test and additional criteria related to settlement area boundary expansions.
- Reinstated definitions for affordable housing and low- and moderate-income households
- A requirement to use an agricultural systems approach, and removal of policies that would allow lot creation in prime agricultural areas.

The updated proposed Provincial Planning Statement consists of policies grouped under five pillars:

1. Generate increased housing supply
 - Maintain previous policy to require municipalities to provide a range and mix of housing options but with an expanded definition to include multi-unit types (laneway, garden suites, low and mid-rise apartments) and typologies (affordable, multi-generational, seniors, student housing)
 - As with the previous version, require municipalities to support general intensification (e.g., through the redevelopment of plazas and shopping malls for mixed-use residential development) and also new to this proposal, encourage municipalities to establish and implement minimum targets for intensification in built-up areas.
 - Identify large and fast-growing municipalities and encourage them to plan for 50 people and jobs per hectare in designated growth areas.
 - New policies to encourage municipalities to establish phasing strategies to align growth with infrastructure needs in designated growth areas.
 - Carry forward direction for municipalities to meet minimum density targets for all MTSA's with encouragement to promote supportive land uses and built forms, including affordable, accessible, and equitable housing.
 - New policies to require municipalities to plan for intensification on lands that are adjacent to existing and planned frequent transit corridors.

- Continue to encourage all municipalities to focus growth and development in strategic growth areas to achieve higher density outcomes.
- Require municipalities to collaborate with housing service managers to ensure land use policies and housing policies are aligned, including addressing homelessness and facilitating development of a full range of housing options and affordability levels to meet local needs, including establishing local targets for affordable housing.
- New policy to require municipalities to collaborate with publicly supported post-secondary institutions on early and integrated planning for student housing and encourage collaboration on the development of student housing strategies.

During the 2023 consultations on the proposed Provincial Planning Statement, the government heard concerns from agricultural stakeholders regarding the proposed policies that would allow severances on farmland, and have proposed the following to protect agricultural viability:

- Not carry forward proposed policies permitting lot creation in prime agricultural areas
- Require municipalities to direct development to rural settlement areas and provide more flexibility for municipalities to service residential development in rural settlement areas.
- Permit more housing on farms to support farmers, farm families and farm workers without creating new lots, through enhanced policy and criteria supporting additional residential units.

2. Make land available for development.

- New policy to require municipalities to base growth forecasts on Ministry of Finance population projections with transition for municipalities in the Greater Golden Horseshoe to continue to use forecasts issued by the province through Schedule 3 of A Place to Grow until more current forecasts are available to 2051, as informed by guidance provided by the Province.
- In addition to requiring municipalities to plan for a minimum 20-year horizon but not more than 30 years, maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units.
- Maintaining policy from the previous draft to provide a simplified and flexible approach for municipalities to undertake settlement area boundary changes at any time, with requirements to consider additional criteria related to need (i.e., to accommodate growth), infrastructure capacity, phasing of growth, achievement of housing objectives, consideration of alternative locations to prime agricultural areas, and impacts on agricultural systems.
- New policy to permit municipalities to identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities needed to support development are planned or available.

- Require municipalities to plan for and protect employment areas based on a definition of employment areas that would align with the *Planning Act* definition of “area of employment” amended through Bill 97 but not yet proclaimed.
- Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries.
- Allow municipalities to consider employment area conversions at any time to support the forms of development and job creation that suit the local context, under the condition that sufficient employment land is available to accommodate employment growth.

3. Provide infrastructure to support development.

Policies in this grouping were largely carried forward from the previous draft and include:

- Requiring municipalities to plan for water and wastewater infrastructure, and waste management systems and consider watershed planning.
- Requiring all municipalities to consider allocation/reallocation of unused servicing capacity to accommodate projected needs for housing.
- Municipalities are to protect corridors for major infrastructure, such as highways, transit and transmission systems and encourage municipalities to provide opportunities for the development of energy supply and storage to accommodate current and projected needs.
- Require municipalities and school boards to integrate planning for schools with planning for growth and promote opportunities to locate schools near parks and open space.

4. Balance housing with resources

- Require municipalities to use an agricultural systems approach and to designate specialty crop areas and prime agricultural areas.
- Require municipalities in central and southern Ontario to identify natural heritage systems and require municipalities across the province to protect provincially significant natural heritage features and areas.
- Require municipalities to protect water resources and features and require large and fast-growing municipalities and encourage others to undertake watershed planning in collaboration with conservation authorities.
- Require municipalities to conserve cultural and archaeological resources and promote proactive strategies for conserving built heritage resources.
- Require municipalities to direct development outside of hazardous lands and sites in collaboration with conservation authorities.

- Require municipalities to prepare for the impacts of a changing climate through land use planning, develop approaches to reduce greenhouse gas emissions, improve air quality.
- Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources.

5. Implementation

- Align the Provincial Planning Statement with recent legislative amendments including Bill 185
- Require municipalities to undertake early engagement with Indigenous communities and coordinate with them on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.

The Province is also proposing an approach to implementation of the new document, if approved. These include the proposed approach to the following:

The effective date would be the date specified under the *Planning Act*. To provide municipalities and other planning authorities an opportunity to understand and adapt to the policy changes, the ministry is proposing to release the final policies for a short period of time before they take effect. The *Planning Act* requires official plans to be revised every five years (or every ten years after a new official plan). The intention is that official plans would be updated as necessary to implement these new policies at the time of their ordinary review cycle.

Should the province adopt the policies, the province would consequentially revoke the Provincial Policy Statement and A Place to Grow, as well as amend regulations under the *Places to Grow Act, 2005*.

Staff Comments:

Many of the staff comments in [Report PD-21-23](#) (Appendix A) remain relevant and are therefore recommended by staff to be carried forward. There have been a few positive refinements including the reduced potential for severing agricultural lots compared to the initial draft. Also, this version does include minimum density targets within MTSA's which is something staff were seeking clarification on. There is also clarification provided with respect to strategic growth areas in that the definition more broadly includes areas where municipalities have identified it as an area of focus for here density mixed uses in a more compact built form.

Planning for growth is proposed to be informed by Ministry of Finance 25-year projections but there is also flexibility for municipalities to continue to forecast growth using population and employment forecasts previously issued by the Province. There is also some flexibility implemented for municipalities as the plan to accommodate a range and mix of uses to meet projected needs in terms of the time horizon being between 20 and 30 years, to allow for some inclusion of local context.

There does appear to be a framework in place for coordination and integration amongst the Province, municipalities, agencies, boards and service managers as there seems to be thought given to the provision of a range of support services while planning for growth. For example, there is clear direction for municipalities to collaborate with local school boards

Financial, Legal, Staff Considerations:

Financial:

The proposed changes resulting from Bill 185, if proclaimed will restore some of the ability for municipalities to recover the costs associated with growth through development charges. In addition, repeal of the planning application processing timelines associated with Bill 109 will reduce potential risks to loss of revenue associated with application fees.

Staffing:

N/A

Legal:

N/A

Public Engagement Matters:

Comments on the legislative changes on both Bill 185 and the updated draft Provincial Planning Statement are open until May 10, 2024.

Conclusion:

There are a number of positive changes proposed because of Bill 185. Specifically, there is some restoration of certain abilities of municipalities to address some of the costs of growth through changes to the development charges piece. Further, there are clarifications provided as they pertain to providing public notice which are helpful. While staff have identified a few concerns, largely around the proposed voluntary pre-consultation approach. This has been an essential component for staff to work towards expediting planning applications and an effective tool in identifying any potential issues early. The new PPS includes some foundational changes to how long term growth planning is conducted in Ontario. Staff have concerns with respect to a few of these changes. Specifically, that the new PPS 2024 will require that Town staff prepare population and employment forecasts which may be onerous on the Town. Further to preparing future forecasts, the legislation now creates an easier and simplified process for converting employment lands.

Respectfully submitted,

Matt Bruder, MCIP, RPP
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Appendices:

Appendix A Report PD 21-23: Review of proposed Provincial Planning Statement (2023) and Bill 97

Appendix B Watson Letter regarding Bill 185 and Development Charges

Appendix C Bill 185 Proposed Policies Presentation

Report Approval:

This report has been approved by the Chief Administrative Officer.