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and

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and

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Re: **Feedback on Bill 185 (the Proposed Cutting Red Tape to Build More Homes Act, 2024) and Related Changes to the Planning Act, Development Charges Act, Municipal Act (ERO 019-8370) and associated Supporting Regulations together with and Review of Proposed Policies for a New Provincial Planning Instrument (ERO 019-8462)**

On behalf of the Simcoe Muskoka Catholic District School Board, we are writing to provide our feedback on the Environmental Registry of Ontario postings pertaining to changes to various land use planning instruments.

The Simcoe Muskoka Catholic District School Board currently serves over 23,000 students in 51 school locations in one of the highest growth jurisdictions in the province.

The Simcoe Muskoka Catholic District School Board supports the province's efforts to respond to the current housing crisis through streamlining land use planning approvals. Together with the current focus on delivering more homes faster for Ontarians, there is also the need to expedite school construction to keep pace with the growth of our communities.

In fall 2023, a new framework for school board capital priorities submissions guided school boards' requests for capital funding for new schools and additions. The focus on "shovel ready" applications is testament to the need to speed up school construction projects. However, in certain jurisdictions some of the most significant delays facing school boards are in the same land use planning approvals that the province is proposing to streamline to benefit the development of student housing.

*Our Mission: Faithfully, inclusively and equitably, we inspire every student to realize their God-given potential.*

The Ontario Association of School Business Officials (OASBO) has been advocating on behalf of school boards for changes to the land use planning regime in Ontario to secure the priority of school sites as part of complete communities and simplifying approvals to construct schools. Many of the changes proposed by the various amendments to the Planning Act and new Provincial Planning Statement advance those objectives. A fulsome list of comments and suggestions with respect to various matters currently being considered by the province are attached hereto.

Notably, the proposal to consider offering an exemption to community service facilities, such as schools, from *Planning Act* requirements is an area of interest to the Simcoe Muskoka Catholic District School Board. While school boards are contemplated as being exempted from the *Planning Act* and its regulations in the future, only post-secondary institutions are being offered this immediate benefit.

Unlike almost any other community service facility or provincially funded infrastructure, there is already significant provincial oversight in the school siting and construction processes.

- Education Development Charge Background Studies, which confirm the need for school sites for eligible school boards, are reviewed and approved by the Ministry of Education.
- New construction funding requests are reviewed and approved by the Ministry of Education.
- The Ministry of Education must approve school board requests to acquire land. These reviews are undertaken in consultation with the Ministry of Municipal Affairs and Housing. The Ministry of Education also has a role in the disposition of surplus school board properties.
- School design and funding proposals are reviewed by the Ministry of Education before funds are allocated for tendering the construction of new capital projects.

These provincial level reviews and approvals are in addition to the often extensive local planning processes that school boards engaged in with municipal partners from the secondary/district plan process, through draft plans of subdivision, and site plan approvals.

School boards expect to continue to be engaged in those secondary/district plans and draft plans of subdivision and collaborate with planning authorities as directed by section 6.2 of the draft Provincial Planning Statement. However, there is also an opportunity to deliver shovel ready school sites more efficiently and support Provincial objectives to expedite school construction by allowing the development of public service facilities (schools) as-of-right in more land use designations and zone while at the same time exempting school boards from site plan control (Section 41 of the *Planning Act*).

Like the Crown and colleges, school boards are consolidated on to the government's financial statements. All capital and operating funding comes from the government. Delays in projects translate into cost escalations that become a direct pressure on the government. Site plan approvals for schools seem to take longer than those of the postsecondary sector (a more dire problem).

Plans developed by school boards are prepared and signed off by accredited professional engineers and other specialists who are required to follow all applicable laws, including the Ontario Building Code.

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Similar to the current approach taken with the Crown and Colleges, and now Universities, we are asking for the province to support the timely delivery of school sites by exempting school boards from Planning Act approvals by establishing the following:

- **That publicly funded school boards in Ontario be given exemptions from the Planning Act and the planning provisions of the City of Toronto Act, and any applicable/corresponding changes considered in the Municipal Act.**
- **That if a full exemption is not granted, a separate, expedited approval process be established for school board capital projects. The process would include a standard process containing minimum project requirements and appropriate approval timelines. These would include clear requirements for transparency of the overall process.**

Further,

- That publicly funded schools be permitted in any residential land use designation, and in non-residential designations outside of Employment Areas, that are located in Designated Growth Areas and Settlement Areas as defined by the Provincial Planning Statement;
- That publicly funded schools be permitted, as of right, in any zone allowing residential, commercial, or mixed-use development in Designated Growth Areas and Settlement Areas as defined by the Provincial Planning Statement; and
- That all temporary accommodation (portables) be exempt from Site Plan Approval. Currently, site plan exemptions for portables only apply to schools in existence on January 1, 2007. Site plan approvals, amendments and other approvals can create a challenge for the timing of the delivery of temporary accommodation which is necessary to respond to fluctuating enrolment. Matters pertaining to siting etc. are otherwise within the purview of the Ontario Building Code.

We thank you for considering these requests and continuing to recognize that efforts to deliver more housing in Ontario by streamlining planning approvals also requires supporting school boards' collective ability to advance the construction of new schools, additions, and temporary accommodations more quickly.

Sincerely,



Frances Bagley  
Director of Education  
Simcoe Muskoka Catholic District School Board

**Attachment:**

Bill 185 (the Proposed Cutting Red Tape to Build More Homes Act, 2024) and Related Changes to the Planning Act, Development Charges Act, Municipal Act (ERO 019-8370)

***Pre-Consultation***

Bill 185 would eliminate pre-application consultation requirements with municipalities. School boards are increasingly challenged by applicants when requesting school sites within new developments. Without having the ability to provide comments prior to the submission of a complete application, boards expect to receive significant resistance to school block requests from developers because detailed plans and supporting studies would have already been completed by the time comments are received.

It will become increasingly difficult to secure sites in areas where the predominant form of development is multi-storey residential. Despite the goodwill of some municipal jurisdictions to include school boards in the site plan review process, school boards are not statutory circulation agencies for applications under Section 41 of the *Planning Act*. Further, there is no legislative authority that would authorize a requirement for a school site to be provided via site plan approval. We respectfully request that the same rights enshrined in legislation under Section 51(24), ensuring the adequacy of school sites, be extended to Section 41.

***MZO Framework***

The defined framework for requesting MZOs should include the ability for school boards to react to plans and address school accommodations as a provincial interest.

***Regional Planning Authority***

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. Regional level planning creates continuity throughout the corresponding jurisdictions of school boards. Without coordinated planning that addresses cross-boundary municipal matters, data collection, and information sharing, there are concerns that accommodation planning will become increasingly challenging. There are also concerns that municipal services such as water, sewage, roads, and transit may not be efficiently coordinated, which could lead to delays in developing land that is required for new schools.

***Lapsing of Subdivision Approval***

Bill 185 stipulates that subdivision and site plan approvals issued on or before March 27, 1995, would lapse on the 3<sup>rd</sup> anniversary of Bill 185 coming into effect. On a go-forward basis, approvals would lapse after three years. Where a school site has been identified in an approved plan, or in a future plan, and the approval lapses, this could significantly impact comprehensive planning and the timing of the delivery of the schools. It is recommended that where public service infrastructure, such as school sites, are provided by a draft plan scheduled to lapse, that alternative measures are put in place to ensure that the sites are available.

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### ***Provincial Planning Statement***

On April 10, 2024, the province released an updated draft of the proposed Provincial Planning Statement (PPS). This release comes one year after the original draft of the PPS was issued for public comment. If the draft PPS is adopted by the province, it will replace A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, 2020.

The proposed PPS includes a focus on the creation of complete communities by planning authorities. The Simcoe Muskoka Catholic District School Board supports this as the notion of complete communities has been a tenant of planning policy for over 10 years and reflecting this concept in the PPS may assist school boards with securing school sites, which contribute to the “completeness” of a community.

The PPS is proposed to include a new policy that would support the development of underutilized commercial and institutional sites for residential uses. Ensuring that there is comprehensive planning of these conversion lands is necessary to ensure that school boards can effectively plan to accommodate future students from these areas, which are often disconnected from existing communities or were otherwise never contemplated for residential development with the potential to yield students.

A new policy in the PPS would direct the establishment of phasing policies to ensure orderly development that aligns with the provision of infrastructure and public service facilities. The new policy direction is supportive of school board needs by providing clearly planned phasing tied to infrastructure and public service facilities will help ensure that there is sufficient capacity in existing or planned schools in advance of the approval of new development.

Unlike the 2023 draft of the PPS, the current draft does not permit multi-lot residential severances from agricultural properties. Directing residential development to settlement areas designates growth to locations most likely to have public service facilities, such as schools.

The draft PPS includes provision for public services facilities as permitted uses on “lands for employment outside of employment areas” to support the achievement of complete communities. Recognizing the need for flexibility in the location of future schools is an important change that supports siting schools near areas of intensification and in other areas of a community that may not be exclusively residential. It is further recommended that additional flexibility be provided to school boards for siting new schools in employment areas, which may be appropriate in certain circumstances.

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