



April 29, 2022

Ministry of Municipal Affairs and Housing

Via: PlanningConsultation@ontario.ca

Re: **Conservation Ontario's Comments on the "Proposed Planning Act Changes (the proposed More Homes for Everyone Act, 2022)" (ERO #019-5284)**

To Whom it May Concern:

Thank you for the opportunity to provide comments on the "Proposed Planning Act Changes". Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit consideration of comments submitted individually by CAs through this consultation.

It is understood that Bill 109, the *More Homes for Everyone Act* includes amendments to the *Planning Act* as part of Schedule 5. This Bill received Royal Assent on April 14, 2022. Key amendments to the *Planning Act* include the establishment of a new Community Infrastructure and Housing Accelerator (CIHA) tool; requiring decisions on site plan applications to be delegated to staff; establishing regulation-making authority to prescribe complete application requirements for site plan applications and what cannot be required as a condition of subdivision approval; and requiring municipalities to partially refund application fees to applicants who do not receive a decision on certain types of *Planning Act* applications within legislated timeframes. Conservation Ontario has had an opportunity to review the [remarks](#) made by the Association of Municipalities of Ontario to the Standing Committee on the Legislative Assembly on Bill 109 on April 11, 2022 and are generally supportive of them.

Conservation Ontario offers the following comments on the changes to the *Planning Act*.

Require Municipalities to Partially Refund Application Fees to Applicants

Conservation Ontario is concerned that the new requirement to partially refund application fees to applicants who do not receive a decision within legislative timeframes may have a series of unintended consequences and not contribute to the faster delivery of housing. The review process is a fundamental component of the planning system in Ontario, providing necessary and value-added oversight to ensure such matters as the protection of human health and safety and the protection of sources of drinking water are considered. These reviews provide value to all Ontarians and help us to collectively maintain the high standard of living that we enjoy in this province.

Requiring municipalities to partially refund application fees to applicants may encourage rushed reviews leading to potential errors. Given that the *Planning Act* requires the approval agency to have regard to matters of provincial interest, careful consideration of applications is warranted. It is anticipated that this new requirement may result in stricter requirements for a municipality to consider an application complete, which Conservation Ontario supports. It is recommended that municipalities work closely with other approval agencies, including conservation authorities, to solidify their complete application requirements. Additionally, the province should consider future *Planning Act* amendments which will remove the requirement to refund application fees where applications are particularly complex. There should also be an onus put on the applicant to ensure a high-quality submission. The detailed review of supporting technical studies may take longer than the prescribed timelines when there are issues with submission quality.

The collection of application fees helps to offset the costs of review. There are existing legislative provisions within the *Planning Act* which prevent a municipality from charging a fee that exceeds the cost of processing an application. Prospective refunds will require a plan for dealing with revenue shortfall. Reducing fees collected by under-serviced planning departments may result in further delays in future approvals.

Establish a new Community Infrastructure and Housing Accelerator (CIHA) Tool

Conservation Ontario provided detailed comments on the “Community Infrastructure and Housing Accelerator – Proposed Guideline” (ERO #019-5285).

The fundamental principles of good land use planning are established within the Provincial Policy Statement. These principles should apply across the province as was originally intended by the *Planning Act* and not be limited in application to the Greenbelt Area. Conservation authorities provide mandatory programs and services and have a responsibility to address risks related to natural hazards and fulfilling their roles as source protection authorities under the *Clean Water Act*. It is therefore respectfully requested that the Minister continue, at minimum, to be in conformity with sections 2.1.4, 2.2.1 (f) and 3.1 of the Provincial Policy Statement to ensure that public health and safety is protected when issuing Community Infrastructure and Housing Accelerator Orders.

Requiring Delegation of Site Plan Applications to Staff

Conservation Ontario is supportive of the delegation of decisions on site plan applications to staff as a mechanism to expedite review and decision-making. Conservation authority staff will continue to provide comments on these applications to their municipal partners.

Extending site plan application review from 30 to 60 days

Conservation Ontario is supportive in principle of extending the timeline for reviewing site plan applications. It is noted that this extension is directly tied to the new requirement to refund fees should timelines not be met. Conservation Ontario has identified a number of concerns that the requirement to refund fees will not improve the timeliness of reviews nor will it result in the faster delivery of housing. It is recommended that future amendments to the *Planning Act* tackle issues regarding the quality of application submissions and include increased timeframes for complex applications.

Establish Regulation-Making Authority to Prescribe Complete Application Requirements for Site Plans and What Cannot Be Required As a Condition of Subdivision Approval

Conservation Ontario supports the proposal to prescribe complete application requirements for site plans as a mechanism to provide more certainty in the site plan process for the applicant, municipality and commenting agencies. It is noted that some site plan applications require critical technical studies to demonstrate how the proposed development can proceed in accordance with the legislative and regulatory requirements of the review agencies. For this reason, when complete application requirements for site plan applications are developed, conservation authorities should be directly consulted.

With regard to regulation-making authority to prescribe what cannot be required as a condition of subdivision approval, further consultation with CAs is required prior to moving forward with the regulation. Conservation authorities undertake mandatory programs and services at the direction of the province and need to ensure that the ability to request conditions related to those mandatory programs and services is not fettered. It is also noted that conditions of subdivision approval enable the planning authority to address local concerns and site conditions. It is recommended that any regulation made by the Minister include opportunities to include conditions related to natural hazards, water quality and quantity and the protection of sources of drinking water.

Establishing a One-Time Discretionary Authority to Reinstate Draft Plans of Subdivision That Have Lapsed

Conservation Ontario does have some concerns with this revision to the *Planning Act*. In some cases, conservation authorities and municipalities have undertaken updated floodplain mapping which may influence the ability to develop on a property. This discretionary authority should include the ability for municipalities and approval agencies to amend existing or release new draft conditions or request a new application entirely where new hazard information has been released.

Establishing Regulation-Making Authority to Require Public Reporting on Development Applications / Approvals

Conservation Ontario is supportive of transparent service delivery, including public reporting. Should these reports include information regarding the service delivery of commenting agencies, including conservation authorities, then those agencies should be given an opportunity to review and provide input on those reports prior to them being released to the public.

Providing the Minister with New Discretionary Authorities When Making Decisions

Conservation Ontario acknowledges the ability of the Ontario Land Tribunal (OLT) to weigh issues related to Official Plan matters and to make decisions based on principles of good planning when additional support or input is required by the Minister in decision-making. It is unclear if enabling the Minister to make referrals to the Tribunal will create an ability for others to seek party status. It is also noted that the OLT currently has a significant backlog. This may increase the pressure on municipalities and other approval agencies by requiring them to participate in additional Tribunal hearings. It is unclear how this amendment to the *Planning Act* will expedite the Official Plan review and approval process.

Once again, thank you for the opportunity to provide comments on the “Proposed Planning Act Changes (The proposed More Homes for Everyone Act, 2022)”. Conservation Ontario looks forward to engaging

with the province as they move forward with their housing supply action plans to ensure that public health and safety continue to be held to a high degree of importance, while looking towards solutions to deliver housing in a timely matter. Should you have any questions about this response, please contact me at extension 226.

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich, MES, RPP

Policy and Planning Specialist