



May 5, 2023

Ministry of Municipal Affairs and Housing (MMAH)
Submitted via email: PlanningConsultation@ontario.ca

Re: Conservation Ontario's Comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)" (ERO #019-6821)

Thank you for the opportunity to provide comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)". Conservation Ontario is the network for Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the comments submitted by individual CAs.

As part of the "Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023" the Province has introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. If passed, Schedule 6 of the Bill proposes various amendments to the *Planning Act* to provide measures to increase housing supply to reach the goal of building 1.5 million homes by 2031. Schedule 6 includes six substantive proposed changes including fee refund provisions; consequential changes to support implementation of the *More Homes Built Faster Act*; Regulation-Making Authority for Site Plan Control for 10 Units or Less; Appeals of Interim Control By-Laws; New Authority for Minister's Zoning Orders; and Ministerial Authority to Require Development Agreements. Conservation Ontario provides the following comments on select aspects of the proposal.

1. Fee Refund Provisions

Conservation Ontario supports the proposal to delay requirements for Municipalities to refund zoning by-law and site plan application fees so that it only applies to applications submitted on or after July 1, 2023. This will allow additional time for CAs and Municipalities to continue dialogue and refinement of roles and responsibilities through the Memorandum of Understanding (MOU) process further to the changes brought about through Bill 229, Bill 109, and Bill 23.

2. Regulation-Making Authority for Site Plan Control for 10 Units or Less

Conservation Ontario also supports the proposal to create regulation-making authority to prescribe specific circumstances where site plan control could be used for residential developments of 10 units or less. Of particular interest is the complementary proposal (ERO#019-6822) to prescribe any part of a parcel of land that is located within 120 metres of a shoreline for site plan control. Site plan control provides planning authorities with greater ability to regulate detailed site design such as setbacks and the location of buildings and to receive expert feedback from CAs through the planning process. This change will help to strengthen Ontario's approach to keeping people and property safe from the impacts of flooding and other natural hazards, and protection of drinking water sources.

3. New Authority for Minister's Zoning Orders

Schedule 6 also contains proposed amendments that would provide the Minister of Municipal Affairs and Housing (MMAH) with the authority to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders (MZOs) from having to align with policy statements, provincial plans or Official Plans. Conservation Ontario has concerns with this proposal, particularly as it relates to the protection of sources of drinking water and the risk of natural hazards. As proposed, the proposal may have unintended consequences of undermining the protection of sources of drinking water and creating conflict with the *Clean Water Act*.

By exempting certain approvals required to establish uses permitted by MZOs from provincial policy and other requirements, the Province would not benefit from CAs' experience in managing the risks associated with natural hazards. A failure to adequately apply these policies may have the unintended consequence of increasing risk and liability for the Province and Municipalities.

For over 75 years, CAs developed significant expertise in hazard management; something the Province relies on to make sound planning decisions. Conservation Authorities fulfill a critical role in providing expert guidance to Municipalities and to the Province to ensure consistency with provincial natural hazard policies and regulatory issues under Section 28 of the *Conservation Authorities Act*.

This preventative approach is recognized for making Ontario a leader in the management of natural hazards; something that contributes to the prosperity of Ontarians and is service CAs are uniquely positioned to provide. As identified in Ontario's Special Advisor on Flooding Report to Government, "An Independent Review of the 2019 Flood Events in Ontario", on page 62:

Provincial policies have been shown to reduce capital and operating costs associated with managing flooding and other natural hazards, reducing pressure on provincial and municipal infrastructure debts. The existing policies have been estimated to reduce costs associated with ongoing flood and natural hazard management,... by 20 to 80% depending on differences in urban density and property values.

These policies have been credited with keeping losses associated with flooding in Ontario lower than losses seen in other Canadian provinces. Responsibility for keeping development out of floodplains is a shared responsibility between municipalities (enforced through municipal planning) and conservation authorities (enforced through regulations made under Section 28 of the *Conservation Authorities Act*).

These policies will be increasingly valuable in protecting Ontarians from flooding and other natural hazards. Losses associated with flooding and other natural hazards continue to increase because of increasing property values and income levels, urbanization, ongoing loss of wetlands and other green infrastructure, and the increasing frequency and intensity of extreme rainfall events. As these losses rise, so does the value of Ontario's floodplain and broader hazard management policies.

Should the Province proceed with the new authority for MZO's, Conservation Ontario recommends that provisions to manage the risks of natural hazards and to safeguard sources of drinking water are included. Specifically, these should enable comments from CAs within the timeframes requested by the MMAH on applications or other matters under the *Planning Act* as it relates to the risk of certain natural hazards and protection of sources of drinking water.

Once again, thank you for the opportunity to provide comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)". Conservation Authorities and the government of Ontario have a strong track record working in partnership to safely direct development outside of areas at risk due to natural hazards and to protect sources of drinking water. Conservation Ontario and the CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while

maintaining strong protections for public health, safety, and the environment. Please contact me to discuss these comments to ensure, together, that we can meet our shared objectives in a timely, cost-effective, and efficient manner.

Sincerely,

Angela Coleman

Angela Coleman
General Manager

c.c.: All Conservation Authorities' CAOs/General Managers