

Municipality of Chatham-Kent

Development Services

Planning Services

Information Report

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Director, Planning Services

Date: May 27, 2024

Subject: Proposed Planning Act Amendments under Bill 185, Cutting Red Tape to Build More Homes Act, 2024

This report is for the information of Council.

Background

On April 10, 2024, the Government of Ontario introduced Bill 185, the Cutting Red Tape to Build More Homes Act, 2024. The Province communicated this legislation as part of its ongoing red tape reduction efforts¹. Schedule 12 to Bill 185 makes various amendments to the Planning Act. The Planning Act is the statute that primarily deals with land use and development approvals. Several amendments are being debated that are designed to expedite approvals, enhance municipal authority, and encourage more efficient land use.

At the time of writing this report, Bill 185 has received second reading and is referred to a government standing committee. A posting to the Environmental Registry of Ontario (ERO) was open to receive public submissions on the Planning Act changes for 30-days ending on May 10, 2024². Chatham-Kent did not make a submission directly to the ERO posting regarding this Bill. Formal planning related groups in which Chatham-Kent participates made submissions to the proposal. These include the Regional Planning Commissioners of Ontario, which made a submission on May 5, 2024³, and Western Ontario Wardens' Caucus, whose submission is attached as Appendix A, was made on May 9.

¹ <https://news.ontario.ca/en/release/1004422/ontario-cutting-red-tape-to-build-more-homes>

² <https://ero.ontario.ca/notice/019-8369>

³ [Response to Bill 185 and Related Issues \(ERO Posting Numbers 019-8365, 8366, 8369, 8370, 8371, 8492 and related Provincial initiatives/proposals\) - Regional Planning Commissioners of Ontario \(rpco.ca\)](#)

Comments

As drafted, the Cutting Red Tape to Build More Homes Act, 2024 will affect, among others, the following rules around planning decisions:

1. Further Elimination of Third-Party Appeal Rights

The Planning Act was amended in 2022 to limit the right to appeal the approval of a minor variance, a draft plan of subdivision, or a consent to sever to the applicant or parties identified in the Act. In doing so, the Province eliminated appeals by third-party landowners, ratepayers, and other members of the public.

Bill 185 proposes to extend the same limitation on appeal rights to municipally approved official plans, official plan amendments, zoning by-laws and zoning by-law amendments.

2. New Appeal Rights for Settlement Area Expansion Applications

The Planning Act currently provides that an applicant cannot appeal an official plan amendment or a zoning by-law amendment application that would expand or alter a settlement area boundary. Bill 185 proposes a change that would allow a private applicant to appeal a refusal or non-decision.

3. Use It or Lose It

Bill 185 proposes to expand on the existing municipal authority to attach lapsing provisions to approved site plans and draft plans of subdivision. These rules will better enable housing starts match municipal efforts to create the enabling infrastructure.

4. Ending Mandatory Pre-Consultation on Planning Applications

Bill 185 proposes to remove the municipal authority's ability to require pre-consultation for applications for official plan amendments, zoning by-law amendments, site plan approval and draft plans of subdivision. Instead, the Planning Act would be amended to simply permit applicants to seek pre-consultation. What is currently mandatory would become optional.

5. Proposal to Exempt Community Service Facilities from Planning Act Requirements

Bill 185 proposes to add a new sections to the Planning Act, to authorize regulations that provide for the non-application of any provision of the Planning Act to prescribed classes of community service facilities that meet prescribed requirements. Community service facilities currently being contemplated for such exemptions include schools, hospitals and long-term care homes.

6. Proposal to Exempt Post-Secondary Institutions from Planning Act Requirements

Bill 185 proposes a new section to the Planning Act to exempt undertakings of certain classes of post-secondary institutions from the requirements of the Planning Act. These classes of post-secondary institutions include publicly assisted universities, as well as colleges and universities federated or affiliated with a publicly assisted university.

Council Term Priorities

This report supports the following Council Term Priorities:

			
Deliver Excellent Service	Promote Safety & Well-Being	Grow Our Community	Ensure Environmental Sustainability

Consultation

No consultation was required in preparing this report.

Communication

Communication is proposed to be through the inclusion of this report on the Council agenda and related communications.

Ongoing dialogue regarding land use planning issues are occurring with related groups which Chatham-Kent participates, including the Regional Planning Commissioners of Ontario, Western Ontario Wardens’ Caucus Planners Group, and the Rural County Planning Directors Network.

Diversity, Equity, Inclusion and Justice (DEIJ)

This report does not have implications related to diversity, equity, inclusion or justice.

Financial Implications

There are no financial implications resulting from this report.

Prepared by: Ryan Jacques, MCIP, RPP, Director, Planning Services

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Reviewed by: Bruce McAllister, MCIP, RPP, General Manager, Development Services

Attachment:

Appendix A – Western Ontario Wardens' Caucus ERO Submission to the MMAH