



May 9, 2024

By Email: PlanningConsultation@ontario.ca
Provincial Land Use Plans Branch
13th Floor, 777 Bay St
Toronto, ON M7A 2J3

RE: ERO Posting 019-8369

Thank you for providing the opportunity for the Western Ontario Wardens' Caucus to comment ERO Posting 019-8369 on the proposed Planning Act, City of Toronto Act, and Municipal Act changes proposed through Bill 185.

The Western Ontario Wardens' Caucus and our fifteen upper and single tier municipalities are committed to enhancing the prosperity and overall well-being of rural and small urban communities across Western Ontario. The WOWC wishes to express its support for the Province's recent efforts and measures toward increasing housing supply throughout Ontario over the next 10 years.

The WOWC reiterates its commitment and support for the courage to take bold action to increase the supply of housing and to improve housing affordability in Ontario, and notes that Bill 185 is intended to improve service delivery while saving people and businesses time and money.

In our collective efforts to increase our supply and affordability of housing it must be understood that the landscape across rural Western Ontario includes significant swaths of rural and agricultural lands, including prime agricultural areas. The WOWC encourages the protection of Ontario's prime agricultural areas for their long-term agricultural use as a key objective.

The WOWC acknowledges the provincial initiative to enhance certainty for municipalities by revising third-party appeal rights. These revisions aim to support municipalities as they update their Official Plans and Zoning Bylaws, ensuring implementation of guided growth and as-of-right development is not delayed by lengthy and costly OLT processes.

The WOWC has reservations regarding the potential for private applications for settlement area boundary expansions at any time, as well as the restoration of appeal rights following refusal or non-decision on such expansions. These measures may divert municipal resources away from crucial planning efforts aimed at facilitating efficient growth within planned service areas.

Reintroducing appeals for settlement area boundary expansion requests could disrupt community and infrastructure planning conducted through Official Plan processes, destabilizing the certainty that other measures in Bill 185 were meant to accomplish.

If it is the Province's intent to allow adjudication of settlement area boundary decisions through the OLT, we suggest that such appeals should only be permitted at the time a decision is made on new Official Plans or Official Plan Updates. This will provide both municipalities, partner agencies/ministries, developer stakeholders, and the general public with clarity regarding when such matters are to be determined. Once settlement area boundaries are set, all can focus on implementation rather than responding to new requests.

This right of appeal was removed from the Planning Act in 2004 and has since proven to be one of the most important and effective tools for supporting 'good planning' as it ensures municipalities are able to lead, and focus their efforts and limited resources on, planning for the growth of their communities in a comprehensive and coordinated manner (i.e. ensuring logical and cost effective expansions of water and wastewater infrastructure and other public services necessary to support the planned growth, ensuring efficient use of land, supporting/ensuring increased density and intensification, supporting a range of housing options etc.) rather than constantly having to react to one off, privately initiated, settlement expansion proposals.

The WOWC additionally has concerns that limitations on third-party appeals to the might prompt concerned members of the public to exert heightened pressure on, agencies, and First Nations rights. This could potentially lead to alternative avenues pursued by concerned members of the public, such as judicial review, with uncertain costs, timeframes, and procedures.

If the province moves forward with restricting third-party appeals to the Ontario Land Tribunal, there may be benefit to further articulating that decisions that are not appealed, or decisions by the tribunal, are not subject to further review.

The WOWC also acknowledges the province's inclusion of lapsing provisions to encourage swift progression of development proposals towards construction. While we have only a few remaining legacy subdivisions approved by the province before March 27, 1995, without lapsing dates, we are concerned that the inflexibility surrounding these approvals could prompt proponents to appeal conditions, potentially delaying or circumventing their lapsing.

The WOWC proposes a review of provisions allowing proponents to appeal subdivision conditions up to final approval (or lapsing) or an expedited process to prevent municipalities from investing significant resources in addressing such appeals at the tribunal.

Therefore, the WOWC urges the province to prioritize timely and thorough engagement on proposed regulations via the Environmental Registry and stakeholder involvement. We are willing to collaborate with the province in facilitating this process.

Regarding the particular regulation-making authorities outlined in Bill 185, the WOWC acknowledges the provincial initiative to establish suitable standards that can expedite development processes and obviate the necessity for each local municipality to revise plans and by-laws to promote enhanced housing supply or address other shared priorities.

Balancing the need for expediting the approvals process, it's equally crucial to ensure sufficient consideration is given to planning for essential community infrastructure such as schools, long-term care homes, and hospitals. This alignment of resources, systems, and infrastructure is essential for fostering robust, healthy, and cohesive communities.

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Regarding the authority to grant assistance, we recommend that the province offer clearer guidance on whether regulations under this act are expected to be extended to multiple municipalities, potentially creating competition among communities across Ontario to attract investment, or to harmonize incentives for particular initiatives aimed at drawing specific investments to specific communities within Ontario.

As always, the WOWC appreciates the opportunity to provide input on the changes proposed through Bill 185. We look forward to working with the provincial government and our municipal counterparts to protect Western Ontario's agricultural land while sustaining and growing Ontario's housing supply.

When we work collaboratively together our communities reap the rewards.

Sincerely,



Glen McNeil
Chair, Western Ontario Wardens' Caucus

cc.

Minister Paul Calandra
MPPs Western Ontario
Association of Municipalities of Ontario
Western Ontario Municipalities