



Report
Staff Report
 The Corporation of the City of Brampton
 4/22/2024

Date: 2024-04-16

Subject: Information Report – Bill 185 “Cutting Red Tape to Build More Homes Act, 2024”

Secondary Title: Overview of Proposed Policy Changes to Planning and Growth-Related Legislation

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 Commissioner, Planning, Building & Growth Management

Report number: Planning, Bld & Growth Mgt-2024-357

RECOMMENDATIONS:

1. That the report from Steve Ganesh, Commissioner, Planning, Building & Growth Management to the Planning & Development Committee Meeting of April 22, 2024, re: **Bill 185 “Cutting Red Tape to Build More Homes Act, 2024”** be received;

OVERVIEW:

- **Bill 185, *Cutting Red Tape to Build More Homes Act*, was introduced by the Province on April 10, 2024.**
- **The bill proposes changes to 15 statutes, including 5 related to key land-use planning legislation.**
- **The proposed legislative changes are largely in response to stakeholder feedback on issues preventing or delaying the development of housing, including feedback on changes brought forward through Bill 23, *More Homes Built Faster Act*.**
- **The Province is currently conducting public consultation on these proposed changes through the Environmental Registry of Ontario (ERO), with feedback required by May 10, 2024.**
- **The purpose of this report is to provide Council with an overview of the changes proposed to key land use planning-related legislation and to advise on related areas of potential concern with what is proposed in the following legislation:**
 - **Provincial Planning Statement;**

- **Planning Act;**
- **Hazel McCallion Act (Bill 112);**
- **Municipal Act; and,**
- **Development Charges Act**
- **This information report serves as the first step for staff to prepare materials for Council's review and direction in advance of submitting responses to the Province through the ERO.**
- **Staff are intending to report back to Council on May 1 with recommendation reports to meet the provincial commenting deadline of May 10.**
- **The proposed changes would not take effect until Bill 185 receives Royal Assent.**

BACKGROUND:

Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, (Bill 185) is the Province's most recent suite of proposed legislative changes intended to cut red tape, speed up government process and build at least 1.5 million homes by 2031.

The focus of this report is on the changes proposed to land use planning and growth-related legislation, specifically:

- Provincial Planning Statement;
- Planning Act;
- Hazel McCallion Act (Bill 112);
- Municipal Act; and
- Development Charges Act.

The Province is currently seeking feedback through the Environmental Registry of Ontario on their proposed changes. Staff will be bringing reports to the May 1, 2024 Council meeting to seek endorsement of the City's comments and recommendations to the Province as part of the formal response to the ERO postings.

CURRENT SITUATION:

Outlined below is a preliminary analysis of the changes proposed by Bill 185 and possible impacts these changes will have on the City of Brampton.

Provincial Planning Statement

The Province has provided an updated draft of the proposed Provincial Planning Statement which was initially introduced in 2023 by Bill 97: the *Helping Homebuyers, Protecting Tenants Act*. Bill 97 proposed to combine elements of the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe into a single land use policy document.

In response to the Province's 2023 request for comments, the City provided a Council-endorsed submission (PBGM-2023-443, Appendix A) that identified concerns and recommendations for the PPS.

A preliminary review of the revisions in the 2024 Draft PPS reveals that some of the City's concerns regarding policies to plan for and invest in infrastructure and public services to support growth, housing affordability, agricultural lot severances, and planning for complete communities, have been satisfactorily addressed.

Notwithstanding these draft changes, staff note that several significant concerns identified through the City's 2023 submission on the PPS have not been addressed, and further, that new concerns have been identified. This includes proposed changes that impact the City's ability to protect and preserve employment lands and proposed changes that impact overall growth management and forecasting for both population and employment targets (see Appendix A).

Staff are undertaking a fulsome review of the proposed 2024 PPS and will be bringing forward a detailed report to Council ahead of providing comments back to the Province.

Planning Act

Proposed changes to the Planning Act fall into one of three categories:

- Repeal of previous policy provisions;
- New policy proposals; or
- Enactment of previously proposed policy.

The following tables provide a high-level description of the proposed policy change and staff's preliminary assessment.

Repeal of previous policy provisions

Policy Focus	Proposed Policy Change	Preliminary Comments
Reducing Red Tape in Planning Approvals	Repeal the planning application refund provisions from the Planning Act that were enacted through Bill 109.	Staff support this recommendation as it removes risk of revenue loss for the City.
Ministerial Zoning Order Framework	Repeal the Community Infrastructure and Housing Accelerator process.	Staff support this recommendation as it removes duplication with the Ministerial Zoning Order process.

New policy proposals

Policy Focus	Proposed Policy Change	Preliminary Comments
Build More Student Housing	Exempt publicly-assisted universities from the Planning Act for university-led student housing projects on- and off-campus.	Aligns with provisions already afforded to publicly-assisted colleges. City would have little to no input on how these services are planned and developed. Brampton Plan would need to be updated.
"Use it or Lose it" Planning Approvals	"Use It or Lose It" enhancements allowing cities to add lapsing provisions to subdivision and condominium developments.	Staff support this recommendation as it supports the City in meeting housing targets by provided a tool to incentivize stalled developments. Brampton currently has 30,199 residential units in the pipeline for which planning applications have been approved but are waiting for applicants to obtain building permits for the units. If the City were to use a three-year lapsing provision – forcing applicants to pull building permits, approximately 8,000 residential units would come on line.
Getting Shovels in the Ground Faster for Priority Projects	Enable streamlined approvals pathway for "community service facility" projects (e.g. public schools, hospitals and long-term care facilities.	Unclear if the proposal contemplates creation of a new streamlined process or exemption from the Planning Act. Staff require additional information.
Enhancing Consultation Tools	Enable municipalities to give notice on a municipal website.	Staff support this recommendation as it responds to a request initiated by City staff following Brampton Guardian's elimination of physical newspaper distribution.
Streamlining Third Party Appeals	Limit third-party appeal rights related to Official Plan and Zoning By-law Amendments.	Expands appeal limitations introduced through Bill 23. Appeal rights maintained for key

		<p>participants (applicant, Province, public bodies, etc.).</p> <p>Staff noted concern in response to Bill 23 provisions that the list of those with appeal rights is too limited and should be expanded to provide opportunities for community members to be involved, especially when related to comprehensive zoning by-law or fulsome Official Plan update (like Brampton Plan).</p>
Eliminate Parking Minimums	Prohibit municipalities from requiring the provision of parking facilities on land that is within a major transit station area.	Staff support this proposal. Aligns and is consistent with By-law 45-2021 that removed minimum parking requirements in key strategic growth areas.
Reduce Barriers to Additional Residential Units	Prohibit municipalities from setting limits on maximum lot coverage, number of bedrooms and other zoning-related matters.	Municipalities should be consulted on the regulations when they are created to ensure there are not any enforcement, safety, environment or other impacts.
Reducing Red Tape in Planning Approvals	Propose to make pre-application consultation voluntary at the discretion of the applicant.	Staff are concerned with making this voluntary as it could have the unintended consequence of making the approval process slower and less efficient by eliminating opportunities for collaborative discussions and early feedback to applicants.
Standardizing Housing Design	Create a regulation-making authority to exempt standard housing designs from certain sections of the Planning Act.	Staff require additional information from the Province in order to effectively assess potential impacts to the City.
Increase Housing Supply Data Transparency	Require municipalities to report the total number of decisions that took longer than the legislated timelines.	Staff have identified concerns with reporting on data that does not accurately reflect all causes of delay.

Enactment of previously proposed policy

Policy Focus	Proposed Policy Change	Preliminary Comments
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Municipal Planning Responsibilities	Proposed changes, introduced, but not enacted through Bill 23 - More Homes Built Faster Act, 2022, are proposed to be enacted on July 1, 2024. Once in effect, planning policy and approval responsibilities of the Region of Peel will be removed and the lower-tier municipalities will assume responsibility for all planning in their geographies, except for matters requiring provincial approval.	Aligns with staff's efforts with the Transition Board. Brampton is preparing to take on the planning responsibilities currently managed at the Region of Peel, and this transfer will further reduce red tape, duplication and unnecessary delays. Through the work with the Transition Board staff are seeking clarity on funding mechanisms and what is meant by 'matters requiring provincial approval,'
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Hazel McCallion Act (Bill 112, Peel Dissolution)

Introduced in May 2023, Bill 112, *the Hazel McCallion Act (Peel Dissolution)*, contemplated the complete dissolution of the Region of Peel with the transfer of all Regional areas of service and responsibility to the three local municipalities of Caledon, Mississauga, and Brampton, to be guided by an appointed Transition Board.

In January 2024, the Province, through letter to the Transition Board, advised that the scale and scope of Bill 112 was to be recalibrated to focus on the service areas of Land Use Planning, Water/Wastewater, Roads, and Waste Management.

The proposed amendments to Bill 112 will modify the legislation in the following ways:

- Rename the Bill to the *Hazel McCallion Act (Peel Restructuring)*, 2023
- Rescope the limits of the Bill to reflect the contents of the Minister's Letter of January 24
- Re-enacts that all parties act in the public interest, and in a manner that does not unreasonably impact another municipality.

Municipal Act

The Province has proposed changes to the Municipal Act that would enable municipalities to adopt policies setting out how water and wastewater servicing may be allocated and reallocated so that developments ready to proceed encounter fewer barriers and delays prior to construction.

Staff will need to consider this proposed change within the context of the Region of Peel restructuring as noted above.

Development Charges Act

The Province has introduced proposed changes to recalibrate previous amendments made to the Development Charges Act. These changes include:

- Revoking the five-year phase in of development charges that was introduced in Bill 23.
- Proposed reduction to the timeframe for Development Charge freeze from two years to 18 months.

Staff are supportive of these proposed changes. Fulsome commentary and financial impacts will be provided in a future recommendation report.

CORPORATE IMPLICATIONS:

There are no corporate implications associated with this information report.

A future Council recommendation report on proposed changes introduced through Bill 185 will include a detailed assessment of any corporate implications, including financial, legal and communications.

STRATEGIC FOCUS AREA:

This report aligns with the Strategic Focus Area of “Government and Leadership”, which focuses on service excellence with equity, innovation, efficiency, effectiveness, accountability and transparency.

CONCLUSION:

Bill 185 proposed to make a number of substantial changes to legislation governing land-use planning and growth-related matters. This report provides an overview of the key elements of the Bill under the Provincial Planning Statement, Planning Act, Hazel McCallion Act, Municipal Act and the Development Charge Act. In addition, this report flags potential areas of concern for Council’s consideration and awareness in advance of a detailed recommendation report.

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