



Report
Staff Report
 The Corporation of the City of Brampton
 5/1/2024

Date: 2024-05-01

Subject: **Recommendation Report for City Comments on Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

Secondary Title: **Proposed amendments by the Ontario Government to the Planning Act, the Municipal Act, 2001, and the Hazel McCallion Act, 2023**

Contact: Noel Cubacub, Planner III, Integrated City Planning
 Henrik Zbogar, MCIP, RPP, Director, Integrated City Planning

Report number: Planning, Bld & Growth Mgt-2024-396

RECOMMENDATIONS:

1. That the report from Noel Cubacub, Planner III, Integrated City Planning, to the City Council Meeting of May 1, 2024, re: **Recommendation Report for City Comments on Bill 185, Cutting Red Tape to Build More Homes Act, 2024**, be received;
2. That Staff be directed to submit detailed comments based on concerns and proposed recommendations contained in this report to the Province; and
3. That the City Clerk forward this report to the Ministry of Municipal Affairs and Housing; Brampton's Members of Provincial Parliament; the Association of Municipalities of Ontario; and the Region of Peel.

OVERVIEW:

- On April 10, 2024, the provincial government introduced Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, which is an omnibus bill proposing changes to a suite of statutes. Bill 185 builds on Bill 23, the *More Homes Built Faster Act, 2022*.
- Bill 185 proposes significant changes to the provincial planning framework and land use approvals system.

- The provincial government is currently soliciting comments on the proposed legislative changes through 6 postings which the City will be commenting on through the Environmental Registry of Ontario (ERO) prior to their commenting deadlines of May 10, 2024.
- This report focuses on 4 postings that have proposed changes to the *Planning Act* and the *Municipal Act, 2001*. Two additional reports will be presented to Council for the ERO postings soliciting feedback on the changes proposed to the *Development Charges Act, 1997*, with a deadline of April 10, 2024 and the proposed Provincial Planning Statement, with a commenting deadline of May 12, 2024.
- Key proposed changes to the *Planning Act* outlined in this report include limiting third party appeals, introducing new regulatory frameworks for additional residential units (ARUs), new policy tools to expedite the creation of housing, and changes to the “Pre-Application Consultation” process.
- Key proposed changes to the *Municipal Act, 2001*, outlined in this report include a new policy tool, to be implemented via a new by-law, to provide for the allocation of water supply and sewage capacity; and changes to the anti-bonusing, which may provide opportunities to incent investment that have previously not been available to the City of Brampton.
- Key proposed changes to the *Hazel McCallion Act, 2023*, outlined in this report include the transfer of powers and responsibilities or jurisdiction from The Regional Municipality of Peel to the lower-tier municipalities. Such responsibilities include: land use planning; water and waste water, roads and waste.

BACKGROUND:

On April 10, 2024, the provincial government introduced Bill 185 (hereinafter referred to as “the Bill”), the *Cutting Red Tape to Build More Homes Act, 2024*, which is an omnibus of proposed significant changes to the provincial planning framework and land use approvals system in Ontario in addition to changes to a number of different acts. Bill 185 builds on Bill 23, the *More Homes Built Faster Act, 2022*, to meet the Province’s goal of facilitating the construction of 1.5 million new homes by 2031.

The Province of Ontario is currently soliciting comments on the proposed legislative changes through 4 postings which the City will be commenting on, through the Environmental Registry of Ontario and Ontario’s Regulatory Registry, with commenting deadlines of May 10, 2024 (Appendix 1). Two additional reports will be presented to

Council for the ERO postings soliciting feedback on the changes proposed to the Development Charges Act, 1997, due May 10, 2024 as well as the proposed Provincial Planning Statement, with a commenting deadline of May 12, 2024.

The changes proposed through the 6 postings include the integration of the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG) into a single Provincial Planning Statement, and amendments to the *Planning Act*; *Hazel MacCallion Act, 2023*; *Development Charges Act, 1997*; and *Municipal Act, 2001*. Other changes are proposed to statutes the do not impact the City or its services.

CURRENT SITUATION:

This report focuses on the following ERO postings, with commenting deadlines on May 10, 2024:

1. Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units – (ERO No: [019-8366](#));
2. Proposed Amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting (ERO No: [019-8368](#));
3. Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024) (ERO No: [019-8369](#));
4. Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes (ERO No: [019-8370](#))

Outlined below is a summary of the most significant changes proposed by Bill 185.

Brampton's detailed comments and recommendations are included in Appendix 2, Registry responses.

Planning Act (ERO No: [019-8366](#))

Key Changes	City Comments
The proposed amendments are intended to establish a regulation-making authority that would focus on supporting the implementation of Additional Residential Units (ARUs). A proposed enhanced regulation-making authority could help	The City supports this proposed amendment. The City favours the expansion of implementing tools as it relates to ARUs, however, it is imperative that the Ministry have regard for potential issues that the elimination of

create additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on the number of bedrooms allowed per lot.	<p>“barriers” could result in or further exacerbate. Some potential issues to consider could be parking and enforcement should larger ARU sizes be contemplated.</p> <p>The City recommends that the Ministry consult municipalities on all potential regulations prior to their enactment to ensure there are no enforcement, safety, environmental concerns or other negative impacts to the community.</p>
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Ontario Regulation 73/23: Municipal Planning Data Reporting (ERO No: [019-8368](#))

Key Changes	City Comments
The proposed amendments to the Ontario Regulation 73/23 intend to expand the list of municipalities from 29 to 50, by way of including the additional municipalities with provincially-assigned housing targets.	The City supports this proposed amendment. The City is favourable of increased transparency through the addition of the 21 municipalities who also have provincially assigned housing targets.
<p>The proposed amendments to the Ontario Regulation 73/23 intend to increase the datapoints and frequency of reporting related to development.</p> <p>The amendments aim to improve the quality of the information being collected through the regulation by enabling municipalities to report on the status of various planning applications more accurately. Additionally, proposed amendments seek information on proposed and approved housing units.</p>	<p>The City supports this proposed amendment. The City is favourable of increased transparency as it relates to development application data, however, the data being requested does not paint the entire picture of the life of a development application. Without the full picture there is significant opportunity for the data to be misinterpreted and misrepresentative of the City’s efforts to complete the development cycle.</p> <p>The City also generally supports the proposed amendment to post the planning application summary pages online. However, and in the spirit of transparency, the City urges the province to consider expanding the requested data points further based on the below recommendation.</p>

	<p>The City recommends that further consideration be had for the reporting of key milestones based on the application type. The data should be fulsome and contain the appropriate information to effectively communicate the City's efforts to meet housing targets.</p>
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Planning Act, City of Toronto Act, and Municipal Act (ERO No: [019-8369](#))

Key Changes	City Comments
The Province of Ontario proposes to amend the Planning Act with the intention to remove the requirements related to the provision and maintenance of parking facilities, other than bicycle parking, within lands located in a Major Transit Station Area (MTSA), or lands designated in the Official Plan serviced by higher order transit.	The City supports this proposed amendment. It is generally consistent with By-law 45-2021 where the City removed parking requirements for specific uses within key strategic growth areas. It is also consistent with the Brampton Parking Strategy that recommends the elimination of parking requirements in intensification areas (i.e. MTSA's).
The Province of Ontario proposes to amend the Planning Act with the intention to allow the Ministry to further enhance the framework for Additional Residential Units (ARUs). This change is anticipated to help create additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on number of bedrooms allowed per lot.	Please refer to " <u>Planning Act (ERO No: 019-8366)</u> " for City comments.
The Province of Ontario proposes to amend the Planning Act with the intention to remove the Community Infrastructure and Housing Accelerator (CIHA) tool by repealing s. 34.1 of the Planning Act to avoid unnecessary duplication with a revised and transparent process for requesting and issuing minister's zoning orders.	The City supports this amendment. This change represents a consolidation of prior authority. The authority for the issuance of Ministerial Zoning Orders remains, with the ability for municipalities to request an order.
The Province of Ontario proposes to amend the Planning Act with the intention of providing new municipal servicing	The City is generally in support of the proposed amendments. The City is cautiously optimistic given the new, or

<p>management tools via municipal by-law, provide exemptions for individual or classes of approved developments, and introduce mandatory lapsing provisions for draft plans of subdivision/condominium and site plan.</p>	<p>expansion of existing, tools – while also seeking further clarification on the exemptions being explored by the Ministry.</p> <p>Firstly, the City recognizes the efforts the Province is making to empower municipalities as it relates to allocation of water supply and servicing capacity.</p> <p>The City notes that this amendment should also take into consideration the changes made as per Bill 112 (and the related restructuring changes in Bill 185) along with feedback from the Transition Board post July 1, 2024.</p> <p>Secondly, the City anticipates that additional consultation with municipal partners would occur as discussions move forward relating to the exemption of individual and/or classes of approved developments.</p> <p>Thirdly, the City applauds the efforts of the Province in enhancing lapsing authority for approvals of draft plans of subdivision/condominium and site plan applications.</p> <p>The City recommends, specifically for the exemptions, that the Ministry further consult municipalities on all regulations prior to their enactment to ensure that appropriate measures are being taken to prevent or mitigate any potential negative impacts by exempting these forms of development.</p>
<p>The Province of Ontario proposes to amend the Planning Act with the intention of limiting third party appeals.</p>	<p>The City recognizes the Province's efforts in attempting to streamline the development process by way of limiting third party appeals that may slow down the process.</p>

	<p>However, the City notes that through various changes proposed in Bill 185, as well as Bills prior to, there have been significant amendments to legislation to expedite the planning application process at the cost of established planning principles, including but not limited to, public engagement and conflict resolution.</p> <p>The City is seeking clarification on whether the timelines for a municipal non-decision will be relaxed in order to account for appropriate time to consolidate concerns for the development project and reach solutions to eliminate or mitigate those concerns. Doing so may further bolster the rationale for limited third party appeals.</p> <p>The City recommends that the Province consider scoping the limitations and restrictions to still allow for some form of third-party appeals as it relates to the adjacent community. Perhaps limiting it to the public notification area as specified in the Planning Act, or the Municipal Official Plan if it is greater.</p> <p>Alternatively, the Province may consider increasing the timelines for a municipal non-decision in order to allow for fulsome planning application reviews and further eliminate the need for third party appeals.</p>
<p>The Province of Ontario proposes to amend the Planning Act, and the City of Toronto Act, with the intention to repeal the fee refund provisions implemented through Bill 109 for zoning by-law amendments and site plan control applications to speed up local decisions in the support of building more housing.</p>	<p>The City supports this proposed amendment. This amendment removes the risk of revenue loss to the City.</p>
<p>The Province of Ontario proposes to amend the Planning Act with the intention</p>	<p>The City has concerns with the proposed amendment. The City's</p>

<p>to streamline the development process by making the pre-application consultation process voluntary at the discretion of the applicant.</p>	<p>Official Plan has included a requirement for mandatory pre-application consultation since 2008. Requiring pre-application consultation is a key element for a fast and efficient approval process as it provides for early feedback on a proposal and reduces uncertainty for applicants. There are concerns with making it voluntary as it could have the unintended consequence of making the approval process slower and less efficient.</p> <p>The City recommends that the Province reconsider this amendment as the pre-application consultation serves as a pivotal juncture in the development process that provides a starting point for owners and applicants to assess what will be required throughout the life of the development.</p>
<p>The Province of Ontario proposes to amend the Planning Act with the intention to allow applicants to appeal a municipality's refusal or failure to make a decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an "area of settlement", outside of the Greenbelt Area.</p>	<p>The City takes a neutral stance to this proposed amendment. As the City has established development boundaries and borders with several other municipalities this change is not anticipated to impact the City.</p>
<p>The Province of Ontario proposes to amend the Planning Act with the intention to create regulation-making authority that would establish criteria to facilitate planning approvals for standardized housing designs.</p>	<p>The City is generally in support of this proposed amendment. Given issues around housing and housing affordability in Brampton, there is value in determining how standardized housing types can be streamlined through the development process. The City seeks clarification on how the development process would be impacted by these changes and how the City is meant to notify residents of these developments when it appears that standardized housing may be exempt from the entire administration of land use controls, depending on the details of</p>

	<p>any future regulations enacted under this new authority.</p> <p>The City recommends that the Ministry further consult municipalities on all regulations prior to their enactment to ensure that appropriate measures are being taken to consider what type of housing form is exempt from Part V of the Planning Act and how municipalities are meant to deal with potential impacts of exempting these housing forms from the development process.</p>
<p>The Province of Ontario proposes to amend the Planning Act with the intention to provide flexibility for bringing the changes to remove planning responsibilities from specified upper-tier municipalities into force separately (Region of Peel being July 1, 2024).</p>	<p>The City supports this proposed amendment. This change aligns with the City's efforts with the Transition Board and reflects the City's preparedness to take on the planning responsibilities currently managed at the Region of Peel. This transfer is anticipated to further reduce red tape, duplication of work and unnecessary delays.</p>
<p>The Province of Ontario proposes to amend the Planning Act with the intention to create a regulation-making authority to enable a streamlined approvals pathway for prescribed class(es) of "community service facility" projects – community service facilities being defined in the Act as: undertakings of a school board, long-term care homes, and hospitals.</p>	<p>The City is generally in support of this proposed amendment. However, the City seeks clarification on the language being used in the proposed legislation.</p> <p>The legislation can be interpreted to allow "community service facilities" to be exempt from the entirety of the Planning Act. While the Province's intent may be to use it in a more targeted way, this may raise concern as these developments may still result in negative impacts to the community. Primary concerns could be the permissions of unlimited height and density where not appropriate.</p> <p>The City recommends that the Ministry further consult municipalities on all potential regulations prior to their enactment to ensure that appropriate measures are being taken to ensure any potential negative impacts are being</p>

	addressed by way of exempting these undertakings from the development process.
The Province of Ontario proposes to amend the Planning Act, and City of Toronto Act, with the intention to exempt publicly-assisted universities from planning provisions of the acts for university-led student housing projects on- and off-campus.	<p>The City has concerns with this proposed amendment. The way the proposed legislation is framed can be interpreted that all undertakings by a publicly-assisted university are exempt from the entirety of the Planning Act.</p> <p>Like the previous amendment, this raises concern as undertakings by these bodies may still result in negative impacts to the community if permitted to be exempt from the development process. Primary concerns could be the permissions of unlimited height and density where not appropriate.</p> <p>The City recommends that Ministry further consult municipalities on all potential regulations prior to their enactment to ensure that appropriate measures are being taken to prevent or mitigate any potential negative impacts by exempting these undertakings from the development process. The Province may also consider scoping, or placing limitations and restrictions, within the amendments that take into consideration best practices related to planning and design</p>

Planning Act and Development Charges Act, 1997 (ERO No: [019-8370](#))

Key Changes	City Comments
The Province of Ontario proposes to amend the Planning Act with the intention of modernizing public notice requirements, given the changing landscape of media publication, by allowing municipalities to give notice of a planning application on a municipal website, if a local newspaper is not available.	The City supports this proposed amendment. The City of Brampton's local newspaper has ceased print publication and has moved notification online to the municipal website. This change is consistent with the current practice being used.

	The City is also seeking clarification on whether the public engagement best practices as noted in the ERO posting will be in the form of guidelines or if these will be mandated changes. If mandated, the City seeks further clarification on if municipalities will be consulted prior to these changes being made.
The Province of Ontario proposes to amend the Planning Act with the intention of limiting third party appeals	Please refer to “ <u>Planning Act, City of Toronto Act, and Municipal Act (ERO No: 019-8369)</u> ” for City comments.

Corporate Implications:

Economic Development Implications

Economic Development supports the efforts to streamline approvals that will make Ontario municipalities more competitive with other jurisdictions.

In addition, although not part of the ERO, Council should note that Bill 185 also proposes changes to section 106 of the *Municipal Act* as it relates to anti-bonusing. The current language prohibits municipalities from providing assistance, directly or indirectly to manufacturing, industrial or commercial business (for-profit) in the form of lending money, property or exemptions on municipal levy, charges or fees. The new language will allow the province to make regulations authorizing municipalities to grant assistance to a business for a specified time if the province considers it in the provincial interest to attract investment. This could provide opportunities to incentivize investment that have previously not been available to the City of Brampton. Further clarification is required on the forthcoming regulations and set of conditions where this assistance might be applied.

Financial Implications

In 2023, the City generated \$645,000 in pre-consultation revenue. Based on 2023 application volumes, if the Province enacts the provisions to only allow pre-consultations to be held at the applicant’s discretion, the City could potentially realize a revenue loss for this type of application.

In 2023, the City generated approximately \$300,000 in planning application revenues related to “community service facility” projects. Should the Province amend the Planning Act, with the intention to exempt publicly-assisted universities from planning provisions of the acts for university-led student housing projects on- and off-campus, and for prescribed class(es) of “community service facility” projects, it could potentially have an impact to the amount of revenue we receive in the future.

Any potential revenue loss resulted from the proposed changes would be minimized by cost savings created through the elimination/decrease in service provided.

Due to the uncertainty of the financial implications at this time, staff will ensure that any financial impacts as part of Bill 185 *Cutting Red Tape to Build More Homes Act, 2024* will be reflected in future budget submissions, and presented to the Mayor for his consideration.

Other Implications:

The City notes that the impacts of some proposed changes will not be fully understood until further regulatory details are issued.

Strategic Focus Area:

Bill 185 will have impacts upon numerous strategic focus areas, including but not limited to the following:

- Growing Urban Centres & Neighbourhoods – impacts on residents ability to participate in the development process and grow their community
- Government & Leadership – impacts to the City’s development review process

Conclusion:

The City of Brampton supports the provincial effort to reduce red tape and create more housing. As an ongoing partner in supporting the delivery of a full mix and range of housing options, the City continues to implement recommendations from “Housing Brampton” - Brampton’s first housing strategy.

The City is committed to working with the Province to overcome challenges and work towards their ambitious goal of delivering more housing.

Given the potential economic and social impacts coming from Bill 185 it is recommended that the Province continue further dialogue with municipal partners like the City of Brampton prior to final approval of the proposed legislative changes. This will result in a more balanced and strategic plan aligned with provincial and municipal outcomes.

Authored by:

Reviewed by:

Noel Cubacub,
Planner III, Integrated City Planning
Planning, Building and Growth
Management

Henrik Zbogor, MCIP, RPP
Director, Integrated City Planning
Planning, Building and Growth
Management

Approved by:

Steve Ganesh, MCIP, RPP
Commissioner
Planning, Building and Growth
Management

Approved by:

Marlon Kallideen
Chief Administrative Officer

Attachments:

- Attachment 1 – Bill 185 – Postings for Comment
- Attachment 2 – Bill 185 – Posting Response Letters