

RE: Environmental Registry of Ontario Posting 019-6172 - Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges

From: Steve Ganesh, Commissioner (A) - Planning, Building and Growth Management Department, City of Brampton;

Nash Damer, Treasurer – Corporate Support Services, City of Brampton

Rick Conard, Commissioner (A) – Corporate Support Services, City of Brampton

Bill Boyes, Commissioner (A) – Community Services, City of Brampton

To Whom It May Concern,

The City of Brampton has several comments and questions in relation to the Environmental Registry of Ontario posting 019-6172 - Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges. The City of Brampton (hereinafter referred to as 'the City') is supportive of efforts by the Province to address the housing affordability crisis. The City has reviewed the draft legislation and offer the following comments to assist the province. Through our assessment of the proposed changes to the Planning Act and Development Charges Act it is clear that the financial burden of financing growth related infrastructure and studies is proposed to be shifted from proponents of development to the tax base by increasing property taxes or reducing services to make up the elimination of revenue sources. This will ultimately make housing less affordable for existing residents. Additionally, in the absence of provisions to replace the loss in DC revenues, the proposal will erode the ability of municipalities to pay for growth-related infrastructure.

The proposed changes erode the affordability of existing homes and undermines the long-established principle that growth should pay for itself. Without a new revenue stream to offset these foregone DC payments the legislation will hamper the ability of municipalities to fund and deliver growth-related infrastructure. More specifically,

- The significance of this revenue reduction cannot be overstated, as there are no provisions through provincial-municipal revenue sharing, or new revenue raising tools, to make up for the loss. Instead, DC revenue shortfalls will have to be funded through increases in property taxes or reduction in services.
- With the likelihood of additional municipal property taxes being needed to cover DC shortfalls, municipal councils may need to delay the delivery of growth-related infrastructure. Such delays would not be in the interests of either municipalities or the development industry and would be contrary to the government's efforts to spur housing construction.
- The DC reductions may undermine municipal-developer infrastructure cost sharing agreements that facilitate infrastructure in high growth areas of the province. These

complex agreements facilitate infrastructure using DC credits or reimbursement through future DC revenue. They often require the municipality to have DC revenue on hand before issuing reimbursements. In such cases, DC revenue shortfall arising from Bill 23 would delay repayment, to the financial detriment of developers who are parties to such agreements.

The following is a summary of the estimated key financial impacts to the City as a result of Bill 23 based on the current growth projections currently reflected in the DC background study:

- It is estimated that the Bill could **cost the City up to \$709 million to \$1.2 billion over the next ten years**, in development charges alone. Without corresponding provincial grants, the City of Brampton would need to recover that revenue through the tax base or by reducing service levels. In efforts to recover the DC Shortfall, the City could expect an equivalent to a **one-time increase of property taxes by 12%-18.2%**.
- Based on revisions to the Planning Act proposed through this ERO posting, **the potential CIL Parkland revenue loss for the City of Brampton is estimated to be \$700M to \$1.05 billion over the next ten years**. In efforts to recover the CIL Parkland shortfall, the City could expect an equivalent to **one-time increase of property taxes by 14%-21%**. It should be noted that these figures are preliminary projections, and staff require more time to study the consequences of Bill 23.
- In addition to the above the targets set by the Province for the number of housing units will result in additional infrastructure needs beyond what is being described in the current DC background study. This is roughly estimated at over **\$2B beyond the current infrastructure needs equivalent to a one-time 40% tax increase**.
- **If Bill 23 goes through as written, the City in the worst possible scenario could expect a one-time tax increase of property taxes upwards of 80% based on impacts to DCs, CIL Parkland, and additional infrastructure needs.**
- From a financial impact the following are key advocacy points:
 - Additional upper level government funding and or alternative revenue stream such as land transfer tax, sales tax;
 - Lower housing targets to more realistic levels;
 - More realistic targets and discount calculation for affordable/attainable housing;
 - Maintain existing CIL Parkland calculation methods;
 - Scrapping the proposed development charges exclusion categories, specifically, growth related studies land acquisition; and
 - Removal of the Phase-in provision.

	2023-2032 (10 Years)	Annual Impact	Equivalent Tax Increase *
Forecasted Development Charges Revenue	1,182,000,000.00	118,200,000.00	
Less: Lost Development Charges Revenue	442,300,000.00	44,230,000.00	8.8%
Net Forecasted Development Charges Revenue	739,700,000.00	73,970,000.00	
Estimated Impacts of Affordable/Attainable Housing 100% Discount (3 Scenarios)			
25% of New Development meet target of 80%	267,000,000.00	26,700,000.00	5.3%
50% of New Development meet target of 80%	534,000,000.00	53,400,000.00	10.7%
75% of New Development meet target of 80%	800,000,000.00	80,000,000.00	16.0%
Total Estimated DC Revenue Lost (3 Scenarios)			
25% of New Development meet target of 80%	709,300,000.00	59,872,500.00	12.0%
50% of New Development meet target of 80%	976,300,000.00	75,515,000.00	15.1%
75% of New Development meet target of 80%	1,242,300,000.00	91,057,500.00	18.2%

* Property Tax Impact based on approximately \$5M equaling a 1% tax Increase

- Please note all estimates and numbers are preliminary and are subject to change pending additional information and analysis.
- The blanket DC exemption for all affordable, non-profit, and purpose-built rental housing removes control from local councils to determine projects deemed worthy of DC relief based on the municipality's financial situation and housing objectives and places the financial burden back on the existing tax base.
- Finally, because key provisions of the DC Act proposals are unclear, this could lead to unintended outcomes. For example, the exemption for affordable residential units applies when the unit price is no greater than 80% of the "average purchase price". If the average purchase price includes resales as well as new unit sales, then the scope of the exemption is potentially very broad.
 - The average house price (across housing types) in Brampton in 2021 according to TRREB data was \$1,041,639, meaning that applying the affordability rate proposed through this regulatory change would be affordable at a rate of \$833,311. In 2021, Brampton used the income-based approach to identify the affordability rate as \$455,656, aligning with the Provincial Policy Statement definition. The proposed regulatory change leads to a housing price that is almost double what the City currently defines as affordable using the income-based approach. The proposed change to the definition does not reflect the true affordability challenges in the City and does not solve the affordability crisis facing residents in the housing market.

Please see below specific comments on individual aspects of the proposed legislative changes:

1. Provide greater cost certainty of parkland costs to enable housing developments to proceed more quickly

City Comment:

- The City currently has a parkland acquisition objective of 1.6ha/1000 people. Brampton's provision of parkland has historically made it a desired place to live, work and play, and has provided additional buffering to portions of the City's extensive Natural Heritage System. Section 42 previously imposed the alternative requirement caps of 10% and 15% of land area or value, depending on the respective developable land area, for developments only within designated transit-oriented communities. By repealing subsection 42 (3.2) of the Planning Act, these caps would apply to all developable lands under the by-law. The proposal to reduce parkland dedication rates to 1 ha/600 units for land and 1 ha/1000 units for cash in lieu will significantly impact the City's ability to meet this parkland target in new greenfield areas and in rapidly urbanizing areas of the City - placing additional burden on existing parks and recreational assets and reducing the City's ability to provide high-quality parkland in high-density areas. Operationally, the proposed site-based caps would provide an inequitable distribution of parks in a high-density context. The changes to the parkland dedication rate and alternative rate put municipalities in the position of accepting potentially undesirable land identified by developers or accepting half as much cash-in-lieu with which to try to purchase expensive parkland at market value.
- The lowered alternative parkland dedication requirement and imposing caps based on the developable land area will place significant downward pressure on the amount of parkland dedication provided to municipalities. For example, a 5-storey development and a 50-storey development will typically provide the same amount of new parkland. Parkland/CIL in the range of 80% of its parkland goal of 1ha/1000, or alternatively it can be noted that the City would be deficient of 358 acres of Parkland. Assuming a current average land value of \$4M/ac - \$6M/ac would equate to deficit of \$1,432,000,000 - \$2,148,000,000 in 2022 dollars
- The City is concerned with the 50% of shortfall in parkland dedication revenue and how it will affect its delivery of capital programs and acquisition of parkland. The proposed Bill would accelerate the decline in parkland provision and compromise the City's ability to provide sufficient and high-quality parkland and recreation projects that would serve both growing and equity-deserving communities where gaps currently and are forecasted to exist. The proposed changes will make it exceedingly difficult to acquire parkland in intensification areas, where land is expensive and development activity is high, reducing the livability and parkland access to future residents. The proposed legislation will put additional funding pressure on property tax funding sources to make up the difference, or further erode the City's planned level of parks service.
- With regard to Section 42 (2.1) and Section 42 (6.4), there appears to be contradictory requirements for the determination of the financial value of a parkland dedication provided as cash-in-lieu. Section 42 (2.1) states that the amount of payment in lieu would be determined on the day of application for site plan or the day of application for a zoning bylaw amendment whereas Section 42 (6.4) states that the value of the land is to be determined as of the day before the day the building permit is issued. Please clarify.

- The Parkland rate is related to calculated land value at the time of the building permit. Freezing this rate at site plan/re-zoning means the City will lose the appreciated value of the land in the years it takes to execute the relevant agreements. In this time, the City will still have to provide the off-site parkland by the land value of building permit year. This means that if real estate in the City of Brampton appreciates by 5% each year roughly City will lose 10% of the land value. It is unclear how the legislation makes up for the shortfall of this lost revenue stream and how the changes promote the Province of Ontario's desire to create "complete communities".
- Without a corresponding increase in revenue, this will result in a drop in service provision and fewer amenities, particularly for newly developed communities without a corresponding increase in other revenue streams. This would shift the financial burden of growth from developers to taxpayers, feeding into Ontario's affordability crisis.

City Recommendation:

- The City recommends that the existing provisions for parkland dedication and cash-in-lieu of parkland dedication be maintained, and that municipalities retain the flexibility to determine appropriate incentives.
- In the alternative, the City recommends:
 - for land conveyance, the alternative requirement be imposed for densities greater than 30 units per ha.;
 - for sites of 5 ha or less, land conveyance would be capped at 10% of land area at densities greater than 60 units per ha.;
 - for sites greater than 5 ha, land conveyance be capped at 15% of land area at densities greater than 90 units per ha.;
 - for payment in lieu of parkland, imposing the alternative requirement for densities greater than 50 units per ha.;
 - for sites of 5 ha or less, land conveyance be capped at 10% of land area at densities greater than 100 units per ha.;
 - for sites greater than 5 ha, land conveyance be capped at 15% of land area at densities greater than 150 units per ha.;
 - for densities less than 30 units per ha, the standard requirement of 5% of land area for land conveyance and payment in lieu of parkland be imposed.
- Alternatively, the City recommends returning to a parkland contribution rate that is based on population rather than site sizes, to reduce disparities between suburban and urban contexts, and support the creation of complete communities.

2. Support more efficient use of land and provide for more parks quickly:

City Comment:

- The proposed changes will result in:
 - less parkland per development (over 33% less parkland on large sites greater than one hectare);

- poorer quality parkland (100% parkland dedication credit for encumbered parkland and privately-owned publicly-accessible spaces and an applicant's ability to identify park parcels);
- less revenue for parks and recreational facilities (estimated minimum 15% reduction in revenue); less Council and public discretion regarding the provision of suitable parkland (developers/applicants now have appeal right if Council refuses proposed parkland dedication).
- Proposed section 42(4.38) provides extremely limited authority to the Tribunal, which can only find the proposed parkland is suitable for park purposes and order the municipality to accept it, or not.
- Privately owned Public Open Spaces (POPs) do not provide the same level of service as a public park. Hours of operation and maintenance of POPS are subject to an easement agreement with the owner, which may be limiting. POPS have limited programming ability and would rarely, if ever, include playground equipment and other needed park amenities. POPS are also considered more of a maintenance liability as opposed to publicly open parks. POPS for example result in costs to condo corporations, and are more difficult to maintain over the long term, resulting in increasing condo fees for condo residents.
- Strata parks, over private infrastructure in particular, will result in increased costs and reduced usability of parks.
- Allowing developers to determine park location interferes with municipal park delivery programs/park network plans, may result in undevelopable slivers that cannot be maintained or are costly to maintain.
- Orders given to municipalities to accept private ownership of publicly accessible spaces like POPs or to accept Strata parks may limit the legal rights the municipality has to address problems and mitigate risk and liability to the municipal corporation and members of the public with respect to such spaces. Unlike fee simple ownership of the full area of parkland, the municipality's rights and obligations (including regarding maintenance and safety matters) would be subject to easement and related agreements between the municipality and the private owner. The terms of such agreements may not be favourable to the municipal corporation or members of the public, as the private owner is likely to negotiate to protect its own property rights at the expense of public access, and the municipality's ability to negotiate in the public interest may be heavily circumscribed if it has been ordered to accept the privately owned parkland or parkland built into private infrastructure.

City Recommendation:

- The City of Brampton strongly recommends the Province remove 100% credit for POPS and other encumbered parkland or determine a lesser amount to disincentivize developers providing less than a full dedication of suitable parkland.
- The City strongly recommends that municipal discretion to accept parkland, identify that parkland, and to opt for cash-in-lieu be maintained and the proposed appeal right in this regard be eliminated.
- In the event that the Province proceeds with this appeal right, it is recommended that the Tribunal be given broad authority to determine the outcome of disputes between municipalities and applicants.

- The City recommends that the Province provide clarity to the City on how the proposed legislation supports the efficient use of lands for public use, and how the accepting of encumbered lands supports the public interest.
- The City of Brampton recommends that if the proposal to allow developers to choose land for parks is adopted, that criteria for acceptable conveyances be provided including, at minimum, the following:
 - Above top-of-bank of a proximate watercourse;
 - Soil quality that meets Ministry requirements for sensitive land use (ie park use) and possesses an approved Record of Site Condition demonstrating such;
 - Can be conveyed in base park condition such that the land meets Accessibility for Ontarians with Disabilities guidelines (i.e., if a ravine slope or woodlot cannot be graded to facilitate accessibility, it should not be an acceptable parkland dedication conveyance;
 - Sufficiently visible and accessible from adjacent public streets, and adheres to Crime Prevention Through Environmental Design (CPTED) principles to promote community safety;
 - Be of a useable shape and size to functionally expand an adjacent park and/or construct a small recreational facility such as a playground or splashpad or equivalent recreational facility;
 - That encumbered land only conveyed if the servient tenement of a potential easement, utility or infrastructure provider agrees that the use and programming of the land does not impede access or operation;
 - That encumbered land does not pose a threat to human health through the conveyance of environmental features or hazards; and,
 - Land must be outside the limits of any lands identified as Natural Heritage in City's Official Plan.
- Should the legislation be passed, the City requests that development applications submitted prior to Bill 23 coming into effect should adhere to the rates established in the approved municipal By-Law.

3. Reduce development costs to enable more housing to be built faster

City Comment:

- The proposed phase-in is costly for municipalities and taxpayers. While there is little evidence to show that the changes will reduce the price of homes, at the very least in the near-term, the phase-in will mean a loss for the City's DC revenue and a saving for builders and developers, regardless of the type of housing being constructed (market or affordable units).
- The phase-in does not apply only to DC rate increases but rather to the total DC rate. As such, it unnecessarily reduces the City's revenues when the DC rate is stable.
- Although the phase-in is intended to stimulate residential construction, it applies to all DCs, including those imposed on commercial and industrial development. There is no apparent basis to expect that a broad application of the phase-in on non-residential development will increase housing supply.

- The proposed phase in changes result in an average annual impact of \$11.8M or \$118M over the 10 years.
- The requirement to update the DC by-law every 10 instead of every 5 years could benefit the City due to less administration of less frequent updates.
- Based on a historical service level 15 years vs 10 years, the City would see a definite impact as we continue to grow and increase service levels. Based on the trend of our historical service level change, this would have an annual impact of \$3.4M or \$34M over 10 years.
- By making Growth Related Studies and Land Acquisitions ineligible to be funded by Development Charges the tax base would have to incur and an annual impact of \$885K or \$8.8M over the next 10 years to fund growth related studies; and incur an annual impact of \$21M or \$210 over 10 years to facilitate land acquisitions over the next 10 years, based on estimates in 2019 study. It should be noted that land values have increased significantly since the completion of the study in 2019.

City Recommendation:

- Given that the intent of this legislation is to increase density, there will be a corresponding increase in service requirements. Therefore, it is recommended that that the 10-year service level change be maintained, or that it be amended to permit current service levels to better reflect the needs of a growing community and support development of high-quality neighbourhoods.
- That land acquisition and studies continue to be an eligible category to be funded through DC's.

4. Encourage the supply of rental housing

City Comment:

- The City is generally supportive of the proposal to encourage the supply of rental housing, however, the impact of these changes would depend on the number of units being proposed. For example, 1000 apartment units would be a discount of 20% or \$3.7M, and 500 Rowhouses would be a discount of 25% or \$4.3M for a total of \$8M of annual DC revenue forgone. The actual number and types of units are unknown.
- Based on the proposed elimination of legislation that enables municipalities to enact rental conversion and demolition by-laws, the City is concerned that developments that may be approved as purpose-built rental, receiving the benefits of DC relief, may subsequently covert the units to market units after the prescribed period of time.

City Recommendation:

- The City recommends that development charge relief for rental housing be left to the discretion of Council and City-lead incentive programs to provide a managed approach to reducing and mitigating the financial burden to the tax base.
- The Province should not move forward with the proposed changes to limit municipalities' authority to regulate the demolition and conversion of rental properties. If these proposed changes go forward, The City recommends that additional safeguards/alternative

measures be implemented to ensure the long-term protection of purpose-built rental units.

5. Encourage the supply of affordable housing

City Comment:

- Under the proposed changes to the Development Charges Act, municipalities will have to enter into agreements to ensure these units remain affordable over a period, which will increase the administrative burden (and costs) on municipalities.
- Since an agreement does not appear to be required for parkland dedication exemptions, the City is concerned that there would be no requirement to provide payment in lieu if the status of the development changes during the required affordability period.
- Under the proposed changes, all non-profit housing developments are exempt from DCs, CBCs, and parkland dedication requirements. The City requests clarity on how exemption eligibility would apply if non-profit housing developments provided market rate units.

City Recommendation:

- The Planning Act changes should provide for payment of waived cash-in lieu requirements if the status of the development changes during the required affordability period.

6. Gentle Density

City Comment:

- The City is supportive of gentle density, however, is concerned of as-of-right zoning permissions and elimination of site plan control proposed in other ERO postings. The City is concerned about the inability to scale to accommodate the additional density where density was not already contemplated; and the growth-related infrastructure that may be deficient to support the anticipated growth (roads, transit, parking, parks, schools, water/wastewater).
- While reducing municipal requirements for the conveyance of land or payment in lieu of parkland may provide a further margin for builders to create additional housing units, the proposed parkland dedication exemptions will increase the financial burdens on municipalities to fund these exemptions from property tax sources to address shortfalls or erode the City's planned level of parks service

City Recommendation:

- The City recommends that the province not promote as-of-right zoning and leave the identification of appropriate locations to support gentle densification to municipalities to determine which zones can feasibly accommodate three units, while maintaining community character and not over burdening growth-related infrastructure.

7. Encourage the supply of attainable housing

City Comment:

- Regarding Section 42 (1.1) and Section 42 (3.0.3), what is the definition of "attainable residential unit" in the context of the "such other criteria as may be prescribed" identified in the Development Charges Act?
 - The removal of Housing Services as a service eligible for DC funding appears counterproductive to the government's stated objective of promoting affordable housing. It hampers efforts by municipalities and non-profit organizations to provide such housing since Housing Services DCs are used to pay for a portion of municipally constructed affordable units and to provide financial support for third parties to deliver those units. The objection to using DCs to fund social housing and affordable housing overlooks the substantial "benefit to existing" shares of municipal capital expenditures that are paid for by property taxpayers.
 - A full 100% discount of DC's for affordable/attainable developments could have a significant impact on revenue collection. Using a range of 25% to 75% of new developments achieving the distinction of affordable/attainable would result in annual revenue loss of \$26-80M. This by far could have the largest impact on DC revenue.
 - The potential removal of Land Acquisition as a DC eligible cost is of special concern. Land acquisition for new infrastructure and facilities is critical in capital development planning, and acquiring land is often the step that gets infrastructure projects "up and running". Not being able to use DCs to pay for land for some or all DC services will have a negative financial impact on municipalities, resulting in infrastructure delays which will negatively impact housing supply. Removal of land acquisition as a DC eligible cost will cost the taxpayer ~\$21M per year based on the figures for land in the 2019 DC Study (more in today's market). Alternative funding would need to be arranged before moving forward on Land purchases and could create delays in the projects moving forward for any service that land it excluded for.
 - Growth-Related Studies: Another proposed change is to remove the cost to undertake studies from the list of DC eligible costs. Such studies typically include master servicing plans to determine growth-related infrastructure needs. As with land, these studies form the basis of long-term capital programs and, by extension, reflect the intentions of municipal councils in managing long-term growth. Typically, projects are not approved for construction unless appropriate studies have been completed. As the need for studies is largely driven by development, they should continue to be funded from DCs. The removal of studies to support the technical merit of Official Plans, Secondary plans, Transportation Plans, and other growth-related studies will likely delay development as the shortfall otherwise required to fund these studies will have to come from the tax base, with local Councils taking a cautionary approach to impacts to property taxes.
 - 15-Year Service Level: The proposal to change the calculation of historical service levels based on 10 years to one based on 15 years, over the long-term, will erode municipal efforts to use DCs to maintain service levels in the face of rapid growth. This may delay infrastructure and facilities required to build "complete" communities (e.g., fire stations, recreation facilities, libraries).

City Recommendation:

- The City strongly recommends that Province not remove or limit eligibility of “costs to acquire land” for DC collection. Also request that Province restore "affordable housing" and ability to fund "studies" as eligible for DC collection

Conclusion

In summary, the Government’s efforts to promote the construction of new affordable, rental, and non-profit housing through targeted DC incentives will to an extent be supported by the proposed changes to the DC Act. However, in the absence of provisions to replace the loss in DC revenues, the initiative will erode the ability of municipalities to pay for growth-related infrastructure. Additionally, further changes to the Planning Act to reduce parkland requirements will place significant downward pressure on the amount of parkland dedication provided to municipalities and without a corresponding increase in revenue, the proposed changes will result in a drop in service provision and fewer amenities, particularly for newly developed communities without a corresponding increase in other revenue streams. This would shift the financial burden of growth from developers to taxpayers, feeding into Ontario’s affordability crisis.

Sincerely,

Steve Ganesh, RPP, MCIP
Commissioner (A),
Planning, Building & Growth Management

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RE: Environmental Registry of Ontario Posting 019-6177 – Review of A Place to Grow and Provincial Policy Statement

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton

To Whom It May Concern,

The City of Brampton (hereinafter referred to as ‘the City’) appreciates the opportunity to provide comments on the proposed changes outlined through the Environmental Registry Ontario posting regarding the Review of a Place to Grow and Provincial Policy Statement (the “Documents”). The City has provided preliminary comments to the discussion questions provided but recognizes that further information is required. The City requests the Province consult with municipalities on any specific changes to these Documents. The proposal provides high level information only, making it difficult to determine the full extent of the impact of the proposed changes. Additional time and information is required to understand how these would impact implementation of the City’s guiding planning policies.

The City, as a regular user of the Provincial Policy Statement and Growth Plan, does not find that these policies hinder the development of housing. Rather, the Documents consider the greater context in which housing is developed to ensure the creation of vibrant and complete communities for Brampton residents to live, work and play in throughout the ages and stages of life. New housing cannot be developed outside of the context of providing employment options that supports a local workforce, delivering essential community services, providing for a mix of retail and commercial spaces to serve the population, and providing for parks and open spaces that are integral for the health, recreation and enjoyment of residents. Considerations for the realities of a changing climate and reducing the city’s greenhouse gas emissions is critical to the long-term sustainability of our planet, which greatly influences how the City plans and manages new growth. The Provincial Policy Statement and Growth Plan seek to build communities in a manner that considers the holistic context in which planning takes place, while recognizing the unique geographic context of the Greater Golden Horseshoe.

The City appreciates actions that reduce redundancy between these documents. However, this should not be at the expense of recognizing the unique context which the Growth Plan is required to plan for, particularly with the magnitude of growth and development that occurs within this geographic area. Currently, the city has over 19,000 units associated with active applications. There is significant growth occurring in the city and policy plays a key role in guiding how this growth ensure the overall health and well-being of Brampton residents, its economy and environment.



The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the Discussion Questions outlined through the Environmental Registry of Ontario posting and identified through **Appendix 1**. Please let us know if you have any further questions.

Sincerely,

Steve Ganesh, MCIP, RPP
Commissioner (A),
Planning, Building and Growth Management

Appendix 1: Discussion Questions regarding the Proposed Review of a Place to Grow and Provincial Policy Statement

Discussion Questions:

- 1. What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?***

The City has provided preliminary responses to the proposed changes based on the information provided through this posting. Growth management is integral to supporting new housing supply in an effective and efficient manner. Growth management considers not just the building of a new unit, but the importance of local jobs, community services, a healthy-built environment, access to parks and open space and other amenities that Brampton residents use daily to ensure service delivery and a high-quality of life for existing residents and new residents. Protection of Brampton's cultural and natural resources, as well as employment areas are equally as important as the development of new housing to successfully manage growth and make the community liveable for all residents.

Proposed Changes	City Response
Residential Land Supply	
<p>Settlement Area Boundary Expansions – streamlined and simplified policy direction that enables municipalities to expand their settlement area boundaries in a coordinated manner with infrastructure planning, in response to changing circumstances, local contexts and market demand to maintain and unlock a sufficient supply of land for housing and future growth</p>	<p>The City recognizes the important role that regional planning has in managing growth in a coordinated manner. The Region has an important role to play in managing SABE in coordination with infrastructure planning, recognizing the planning horizon in unlocking a sufficient supply of land to support intensification rather than further suburban sprawl. The Province should evaluate how this type of change ensures that growth is effectively managed and considers climate impacts.</p>
<p>Rural Housing – policy direction that responds to local circumstances and provides increased flexibility to enable more residential development in rural areas, including rural settlement areas</p>	<p>The City recognizes the importance of protecting rural lands. They have a unique character that differs significantly from the urban lands. The development of rural lands should be considered cautiously, as they play an important role for conservation, cultural and natural heritage tourism and may provide essential agriculture that supports local food production.</p>
<p>Employment Area Conversions – streamlined and simplified policy direction that enables municipalities to promptly seize opportunities to convert lands within employment areas for new residential and mixed-use development, where appropriate</p>	<p>The City recommends that existing protection for employment areas (through the Municipal Comprehensive Review process) should continue to apply, as there is significant pressure to convert due to the lower cost of land. Brampton is able to meet its population target without the need to convert essential employment areas that provide critical jobs for residents of the City. Although mixed use developments are appropriate in specific transit-oriented areas, low density employment areas need</p>

	<p>to be maintained and protected from sensitive land uses. The loss of these lands would be detrimental to the economic success of Brampton and Ontario. Converting employment land on the promise that mixed-use developments will provide a sufficient number or quality of jobs is often not the outcome of conversions. Significantly more jobs are provided if the lands remained industrial. Ensuring employment land and major office employment that employ a large number of residents, rather than population-related employment that usually are only a small number of jobs, is critical to growth management in Brampton, ensuring that there are sufficient jobs for new residents coming to Brampton. Over 65 % of Brampton’s workforce leaves the City of Brampton to go work elsewhere. Ensuring that Brampton residents can be employed in the city is critically important to support the creation of a great community; as a result, existing employment areas should be protected. Industrial Vacancy rates are less than 1% and despite COVID, office vacancy rates are low especially for 4 & 5 star office buildings. Smaller industrial/ manufacturing companies are finding it harder to find space. Older industrial areas provide cheaper and smaller unit opportunities for new entrepreneurs and small business that provide important jobs for the city.</p>
<p>Attainable Housing Supply and Mix</p>	
<p>Housing Mix – policy direction that provides greater certainty that an appropriate range and mix of housing options and densities to meet projected market-based demand and affordable housing needs of current and future residents can be developed, including ground-related housing, missing middle housing, and housing to meet demographic and employment-related needs</p>	<p>The proposed changes here are quite broad.</p> <p>The City is concerned with this in light of another posting related to Bill 23 that proposes the use of a different definition to “affordable”. The City requests that the existing Provincial Policy Statement definition remain to define “affordable housing”. Defining affordability should be focused on what residents can afford based upon their incomes and not the high price the market has been charging.</p>
<p>Major Transit Station Areas – policy direction that provides greater certainty that major transit station areas would meet minimum density targets to maximize government investments in infrastructure and promote transit supportive densities, where applicable across Ontario</p>	<p>Policy direction providing greater certainty that Major Transit Station Areas will achieve minimum densities is supportable as this will justify infrastructure investment.</p> <p>Although not written, the City assumes this is in relation to updating zoning for MTSA’s within one year. As identified through another posting related to Bill 23, the City is concerned with this reduced</p>

	<p>timeline to effectively study and implement appropriate zoning.</p>
<p>Urban Growth Centres – policy direction that enables municipalities to readily identify centres for urban growth (e.g., existing or emerging downtown areas) as focal points for intensification and provides greater certainty that a sufficient amount of development, in particular housing, will occur</p>	<p>Policy direction enabling municipalities to readily identify Urban Growth Centres is supportable as local municipalities have a better understanding of opportunities and constraints as to where to direct growth. It is important that financial support be provided to municipalities for public transit investment to support the growth of residents, jobs and new housing.</p>
<p>Growth Management</p>	
<p>Population and Employment Forecasts – policy direction that enables municipalities to use the most current, reliable information about the current and future population and employment to determine the amount and type of housing needed and the amount and type of land needed for employment</p>	<p>The City would need additional information to comment, as the information provided is broad. In principle, the use of the most current and reliable information is supportable.</p>
<p>Intensification – policy direction to increase housing supply through intensification in strategic areas, such as along transit corridors and major transit station areas, in both urban and suburban areas</p>	<p>This direction seems to align with how the City seeks to manage growth and direct new housing through intensification, but additional information is required.</p>
<p>Large and Fast-growing Municipalities – growth management policies that extend to large and fast-growing municipalities both inside and outside of the Greater Golden Horseshoe, including the coordination with major provincial investments in roads, highways and transit</p>	<p>Additional information is required to comment.</p>
<p>Environment and Natural Resources</p>	
<p>Agriculture – policy direction that provides continued protection of prime agricultural areas and promotes Ontario’s Agricultural System, while creating increased flexibility to enable more residential development in rural areas that minimizes negative impacts to farmland and farm operations</p>	<p>The City’s position is that the protection of agriculture in both agricultural lands and in rural lands is integral to the long-term sustainability of the agri-food network and to provide locally grown produce to feed healthy and nutrient-rich food to a rapidly increasing population. Consideration of the protection of these lands is integral in light of climate change and impacts to food production internationally.</p>
<p>Natural Heritage – streamlined policy direction that applies across the province for Ontario’s natural heritage, empowering local decision making,</p>	<p>The City has provided extensive comments on these topics through other ERO postings related to Bill 23. The City identified significant concerns with the</p>

and providing more options to reduce development impacts, including offsetting/compensation (Proposed Updates to the Ontario Wetland Evaluation System)	proposed changes and the potential damage this will have on Brampton’s natural heritage system.
Natural and human-made hazards - streamlined and clarified policy direction for development in hazard areas, while continuing to protect people and property in areas of highest risk	The City has provided extensive comments on this topic through other ERO postings related to Bill 23. The City identified significant concerns with the proposed changes and the potential damage this can have on Brampton’s natural heritage system.
Aggregates – streamlined and simplified policy direction that ensures access to aggregate resources close to where they are needed	Additional information is required to comment.
Cultural heritage –policy direction that provides for the identification and continued conservation of cultural heritage resources while creating flexibility to increase housing supply (Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022)	The City has provided specific comments on this topic through the relevant ERO posting. The City is concerned with the loss of valued cultural heritage resources in Brampton.
Community Infrastructure	
Infrastructure Supply and Capacity – policy direction to increase flexibility for servicing new development (e.g., water and wastewater) and encourage municipalities to undertake long-range integrated infrastructure planning	This type of master planning is conducted in alignment with forecasted growth. Additional information is required to provide comments.
School Capacity – coordinated policy direction that ensures publicly funded school facilities are part of integrated municipal planning and meet the needs of high growth communities, including the Ministry of Education’s proposal to support the development of an urban schools’ framework for rapidly growing areas	Throughout Bill 23, the City has identified the delivery of soft infrastructure as a concern, as these services are integral to making communities liveable. This will be critically important to support new growth.
Streamlined Planning Framework	
Outcomes-Focused – streamlined, less prescriptive policy direction requiring fewer studies, including a straightforward approach to assessing land needs, that is focused on outcomes	Additional information is required to comment. In general, through the pre-consultation process, only necessary studies are identified as application requirements.
Relevance – streamlined policy direction that focuses on the above-	Additional information is required to comment.

noted land use planning matters and other topics not listed that are also key to land use planning and reflect provincial interests	
Speed and Flexibility – policy direction that reduces the complexity and increases the flexibility of comprehensive reviews, enabling municipalities to implement provincial policy direction faster and easier	The Planning approval process should not be streamlined at the cost of effective community building.

2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?

The City recognizes that housing policy cannot be approached in a vacuum. It must be considered in the greater context of community building policies. Some of the proposed changes through Bill 23 will have unintended consequences on the creation of complete communities; therefore, housing policies must be considered in the greater context of planning for all residents throughout the various ages and stages of life. Core considerations around community amenities, desirable urban spaces, public transit access and options, parks and recreational space, cultural heritage, arts and cultural events, programming, and the efficient delivery of services are key elements that also attract people to live in these homes. The City is concerned with some of the proposed changes through Bill 23 as they impact the ability of the City to deliver these important elements that make a community a desirable place to live, thereby making it an attractive place for new development and investment to occur. The reduced capacity for site plan control for developments of 10 units or less, parkland dedication, environmental protections, and funding available to municipalities will lead to less desirable places where people would not want to reside.

3. How should the government further streamline land use planning policy to increase the supply of housing?

The City does not agree that planning policy is a major barrier to increasing the supply of housing. A significant number of development applications and approvals have been in the “pipeline”, with policy being used to guide the effective development of these new units into existing and new community areas. Currently, the city has over 19,000 units associated with active applications (14,500 apartment units, 2,800 townhouses, 46 semi-detached, 1,332 single detached units and 253 retirement home units).

The City recognizes that increasing the supply of housing has many barriers, such as expensive building materials, inability to access needed materials, challenges in finding and paying for needed labour to build, and instability in financing these projects. Once those barriers have been overcome, policy provides the context and guide for the successful development of new housing while recognizing the long-term relationship that this new development and subsequent residents, employers or services have to the surrounding context. The City does not find that the policy direction outlined through provincial policy is complex, rather it is robust for the purpose of creating vibrant, healthy, safe and liveable communities.

4. *What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new policy document?*

The Documents provide clear and strong policy direction to increase housing supply through intensification, and this direction should be retained. Effectively integrating land use planning and transportation planning is critical to delivering new housing in a sustainable manner, sustainably moving residents throughout the city. Supporting intensification, compact development, and planning for complete streets are all key elements to delivering more housing in Brampton.

Any updates need to consider that land use planning is critically tied to transit planning and coordination with Metrolinx is important to support higher densities and intensification where higher-order transit is planned. This must be aligned with significant investment in public transit for the City of Brampton. Policies that support a housing mix in communities should provide options for aging in place.

Through the extensive process to prepare Brampton Plan, the City's proposed new Official Plan, the 15-minute neighbourhood concept has been critically important to recognizing how the city needs to grow. This concept calls for delivering more housing where people can live, work, play, and learn within a 15-minute walk, bike or accessible public transit ride. This is an important concept to integrate into any updates to the Documents. In addition, to ensure sprawl does not continue in suburban areas of the Greater Golden Horseshoe, housing policies should be focused on intensification and infill, providing policy direction on missing middle typologies as part of new development so that the need for infill within these lands would not arise in the future. Employment area conversion as a means of increasing residential land supply needs should be avoided as employment areas, once converted, may never be returned to employment uses. It will be worthwhile to first assess how much additional housing can be realised through intensification, when considering employment area conversion. PPS policy 1.4.1 provides strong direction in this regard and should be retained.

5. *What policy concepts in the Provincial Policy Statement and A Place to Grow should be streamlined or not included in the new policy document?*

The City recognizes that there are important elements throughout these Documents that are used by planners in our everyday work and refinements to these planning documents have occurred over the years to reflect updated planning principles. As a result, elements that are currently in the existing Provincial Policy Statement or A Place to Growth should be included in a new policy document. Á

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RE: Environmental Registry of Ontario Posting 019-6216 – Proposed Amendments to the Greenbelt Plan

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton;

Michael Won, Commissioner (A) - Public Works & Engineering Department, City of Brampton

To Whom It May Concern:

The City of Brampton (herein referred to as “the City”) appreciates the opportunity to provide comments on the proposed changes. The City has a number of concerns with the proposed amendments to the Greenbelt Plan and have summarized comments below. Despite not having lands identified for removal, the City recognizes that this sets a precedent for future development pressures to erode protected lands.

City Comment:

- Ontario created the Greenbelt in 2005 to protect agricultural and environmentally sensitive lands from development and to contain urban sprawl within the in the Greater Golden Horseshoe area
- The Greenbelt plays a critical role in protecting the headwaters of 13 major river valleys, significant wetlands and forests and is key tool in Ontario’s efforts to address climate change
- Removing 7400 ha from the Greenbelt will result in additional urban sprawl as municipal infrastructure will need to be expanded further from urban centres.
- The Province has not demonstrated the case for encroaching into the Greenbelt to provide more land for housing. The Province has ignored the advice of its *Housing Affordability Task Force*, which introduced 55 recommendations to increase the supply of market housing in Ontario that explicitly recommended against Greenbelt encroachment.
- A significant portion of the proposed 1:1 mitigation of encroachment into the Greenbelt relies on the inclusion of Urban River Valleys in the Greenbelt. According the *Greenbelt Act*, Urban River Valleys already have significant protection from development through municipal Official Plans and Conservation Authority policies. In addition the policies for the Urban River Valleys only pertain to publically owned lands. As such, adding Urban River Valleys to the Greenbelt falls short of Act’s requirement to achieve a 1:1 mitigation policy.

City Recommendation:

- The City recommends that the Province repeal the proposed change to the Greenbelt Act based on the Province’s inability to meet its 1:1 mitigation policy for removing 7400 ha from the Greenbelt.



- Instead the Province should focus on implementing the recommendations of the *Housing Affordability Task Force* including increasing densities within existing neighbourhoods and transit nodes.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments. Please let us know if you have any further questions.

Sincerely,

Steve Ganesh, MCIP, RPP
Commissioner (A),
Planning, Building & Growth Management

Michael Won
Commissioner (A),
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RE: Environmental Registry of Ontario Posting 019-6141 - Legislative and regulatory proposals affecting Conservation Authorities to support the Housing Supply Action Plan 3.0

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton;

Michael Won, Commissioner (A) – Public Works & Engineering Department, City of Brampton

To Whom It May Concern:

Thank you for the opportunity to provide input on proposed changes to the legislative and regulatory proposals affecting conservation authorities. This letter provides general comments, as well as detailed comments and recommendations for the series of legislative changes being proposed to the *Conservation Authorities Act* and *Planning Act*.

Bill 23 proposes sweeping changes to the regulatory responsibilities of Ontario's 36 conservation authorities that, if passed, will undermine the collaborative and productive changes put forward by the Ministry led Conservation Authority Working Group over the past two years.

The City of Brampton has had a productive relationship with its local Conservation Authorities that balances protecting the natural heritage system while advancing the construction of new homes. At first glance, the proposed changes seem to result in negative consequences (i.e. reduced natural heritage protection and increased flooding and municipal liability), at a time when the impacts of climate change are increasingly prevalent.

Proposed Changes and Detailed Comments

(1) Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario (legislative changes)

The City of Brampton offers the following comments with respect to the following proposed changes to the *Conservation Authorities Act*:

- ***(1a) Proposal: remove the terms “conservation of land” and “pollution” and add the terms “unstable soils and bedrock” while also maintaining “flooding”, “erosion”, and “dynamic beaches” to the matters considered in permit decisions***

City Comment:

- Removing power of the Conservation Authorities to consider mitigation of “pollution” and “conservation of land” would leave large areas of important terrestrial and aquatic habitat largely unprotected if municipalities have not established pollution and land conservation policies and resources.
- With this reduced Conservation Authority mandate it is unclear who will hold responsibility for controlling “pollution” and “conservation of land” in the development review process. This could result in increased workload pressures on the existing City of Brampton staff complement and additional staff resources would be required.

City Recommendation:

- The City of Brampton recommends maintaining the current mandate of the Conservation Authorities by deleting the sections of Schedule 2 that remove the ability of Conservation Authorities to consider factors related to conservation of land and prevention of pollution in their permit decisions under the *Conservation Authorities Act*.
- At the very least, there is a need to identify who will be assigned these vital natural heritage roles in Ontario and how this new role will be resourced by the Province.
- ***(1b) Proposal: require conservation authorities to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order under section 34.1 of the Planning Act and allow the Minister to review and amend any conditions attached to those permits***

City Comment:

- There are concerns that the Minister could make decisions regarding the fate of significant natural heritage features without science-based technical evidence.

City Recommendation:

- The City of Brampton recommends deletion of this proposal. Should it move forward, it is recommended that the Minister consult with the Conservation Authorities, to develop clear environmental, social and economic rationale to be substantiated prior to the Minister amending any conditions attached to permits issued by the Conservation Authorities.

(2) Focusing conservation authorities’ role in the review of development related proposals and applications (comments, appeals)

The City of Brampton offers the following comments pertaining to proposed changes related to restricting conservation authorities’ role:

- ***(2a) Proposal: through amendments to subsection 1 (4.1) of the Planning Act via the Ministry of Municipal Affairs and Housing proposal notice found [here](#), the province is proposing to limit conservation authority appeals, when acting as a public body, other than when acting as an applicant, of land use planning decisions under the Planning Act to matters related to natural hazards policies in provincial policy statements issued under the Planning Act.***

City Comment:

- Conservation Authorities work on a watershed basis across municipal boundaries. This approach to protecting natural heritage is the best management practice to ensure costly planning mistakes are avoided. It takes into consideration a wide range of competing interests and impacts on natural resources and protects the quality of life and ecosystem features and functions. When downloading these kinds of responsibilities to municipalities, will the Province consider how development in one jurisdiction can impact other adjacent or 'downstream' municipalities?
- Brampton does not have the experience to undertake this new role and would need time and resources to hire staff or retain a consultant to conduct natural heritage reviews associated with development related proposals and applications.

City Recommendation:

- Preserve the ability of municipalities to enter into Memorandum of Understandings with Conservation Authorities to provide non-core services within the development review process. Amend Schedule 2 of Bill 23 by removing those sections that would restrict a conservation authority's comments on development and planning applications.
- If municipalities are not permitted to enter into Memorandum of Understandings with the Conservation Authorities, a transition period is requested to allow municipalities the time to establish the resources and protocols to address the natural heritage planning gaps left by the removal of the Conservation Authorities from the development process.
- Provide resources to municipalities to allow them to provide natural heritage services in the development review process to ensure a consistent level of protection to these important natural areas.

(3) Freezing Conservation Authority fees

The City of Brampton offers the following comments pertaining to proposed changes related to freezing Conservation Authority fees:

- ***(3a) Proposal: The Ministry of Natural Resources and Forestry is proposing an amendment to the Conservation Authorities Act to enable the Minister to direct a conservation authority to maintain its fees charged for programs and services at current levels.***

City Comment:

- Conservation Authority fees are based on cost recovery, as development needs to pay for development. If fees are frozen then another mechanism should be suggested to ensure cost recovery.

City Recommendation:

- Identify funding opportunities for conservation authorities to ensure that they can provide natural hazard services within the development approval process.

(4) Identifying conservation authority lands suitable for housing and streamlining conservation authority severance and disposition processes that facilitate faster development

The City of Brampton offers the following comments pertaining to proposed changes related to identifying Conservation Authority lands suitable for housing and streamlining severance processes:

- ***(4a) Proposal: We are proposing to amend the regulation to require the land inventory to also identify conservation authority owned or controlled lands that could support housing development.***

City Comment:

- Conservation Authority lands are made up of important natural systems and biodiversity such as wetlands, forests, moraines, and ecologically sensitive lands. These lands typically have clear functions and purposes. Conservation authority lands are often located in floodplains and help to protect against flooding and erosion. They offer trails and other outdoor amenities that contribute to public well-being, and they protect important sources of drinking water and biodiversity. They also contribute to climate change adaptation measures by capturing emissions, cooling temperatures, and protecting water quality.
- Every potential Conservation Authority property acquisition is evaluated according to a publicly available and provincially approved greenspace acquisition project which is informed by numerous factors including but not limited to: (i) the degree of flood and erosion risk, (ii) the significance of the lands to the greenspace system, (iii) the nature and immediacy of the threat to the greenspace, and (iv) the ability to conserve and maintain the greenspace in the future.
- Selling Conservation Authority lands for residential development could result in the environmental and public safety problems the original acquisition of the lands was meant to avoid.

City Recommendation:

- The City of Brampton recommends requiring municipal approval of any lands sold by the Conservation Authority.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,

Steve Ganesh, MCIP, RPP
Commissioner (A),
Planning, Building & Growth Management

Michael Won
Commissioner (A),
Public Works & Engineering



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RE: Environmental Registry of Ontario Posting 019- 6160 – Proposed Updates to the Ontario Wetland Evaluation System

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton;

Michael Won, Commissioner (A) - Public Works & Engineering Department, City of Brampton

To Whom It May Concern:

Thank you for the opportunity to provide input on the proposed updates to the Ontario Wetland Evaluation System (OWES). The City of Brampton has reviewed the proposed updates outlined through this posting and offer comments and recommendations below.

City Response:

The proposed changes to the OWES, including the removal of wetland complexes and the re-evaluation of previously evaluated wetlands, will lead to a more fragmented and degraded wetland system. Wetlands play a critical role in Ontario by providing protection from impacts such as flooding, drought and other effects of climate change while also providing rich, biodiverse features for local fauna and flora. The loss of smaller wetlands, previously captured under the wetland complex or as provincially significant wetlands, will result in a significant loss of functions and services, leading to degraded water quality, more flooding, loss of species, habitat and biodiversity, etc. These changes may exacerbate future climate change impacts. The proposed changes to the OWES may also result in the loss of species, particularly endangered and vulnerable species. Based on the new evaluation, the number of points designated for the presence of endangered species has been significantly reduced, making it easier to remove the wetland.

The City has concerns around the lack of oversight and changes to the wetland evaluation process. Previously, the Ministry of Natural Resources (MNR) was responsible for leading and providing oversight of the OWES. With the removal of MNR and Conservation Authority involvement, as well as limiting the ability for municipalities to review completed documents, there are concerns around the lack of oversight, expertise, and quality control of these evaluations, particularly when consultants (hired by the developers) are conducting wetland evaluations. As noted in the proposal, once the evaluation is submitted to the municipality, it is 'deemed complete', removing all ability for the municipality to comment on or provide oversight to the evaluation. Additional comments pertaining to the evaluation process include:

- Consultants will not be required to stake the entire wetland, raising concerns that the evaluation will not accurately capture its significance.
- There will be no proper standard or limit for re-mapping of a wetland, allowing re-mapping to be triggered for any reason. This can lead to abuse of the process, purposeful impact to the wetland system, and wasteful use of resources.
- Municipalities do not have expertise to provide the technical review required that was previously undertaken by the CA's and MNR. Municipalities will need additional resources, funds and policy support to be able to undertake the proposed changes in Bill 23.
- Based on the proposed changes to the OWES, there are concerns over a lack of a centralized file system previously completed by MNR. Without a centralized system to store wetland evaluation files, this may limit the information available to the City on wetlands and would make it more difficult to have access to the information.

Overall, the proposed changes will result in a reduction in protection of provincially significant wetlands and other wetlands in Brampton. The changes will remove any oversight of the wetland evaluations and standardizations, relying on developers and their consultants to conduct the evaluation and submit what is assumed (without basis) to be appropriate and reliable documentation. It downloads the remaining responsibilities to municipalities. These changes will result in a conflict of interest for consultants and more work, time and effort for municipal staff to oversee. These changes will require additional staff in the City who are knowledgeable in technical matters with regards to biology, ecology and hydrogeology.

Recommendations:

To address these concerns, we recommend the following amendments to the proposed legislation:

- Appoint a Conservation Authority or municipality as the approval authority for assessments;
- Allow approval authorities to review and comment on assessments once complete;
- Require mandatory credentials for those undertaking assessments to ensure quality control;
- Provide a transition period to allow municipalities the time to adjust to these changes;
- Commit to developing a policy statement that clearly states there will be no net loss of wetlands in Ontario;
- Maintain wetland complexes to ensure smaller wetlands are maintained and protected;
- Provide guidelines on when remapping of PSW wetlands is appropriate; and
- Rescind the reduction of points for endangered species to ensure that provincially significant wetlands are protected.



The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,

Steve Ganesh, MCIP, RPP
Commissioner (A),
Planning, Building & Growth Management

Michael Won
Commissioner (A),
Public Works & Engineering

RE: Environmental Registry of Ontario Posting 019-6167 - Proposed Revocation of the Parkway Belt West Plan

From: Steve Ganesh, Commissioner (A), Planning, Building and Growth Management Department, City of Brampton

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed revocation of the Parkway Belt West Plan. The City recognizes the role this Plan originally held to designate and protect land for large-scale infrastructure corridors, including transit, hydro and electric power facilities. The City has provided more detailed comments to the ERO posting in **Appendix 1**.

In the Brampton context, the Parkway Belt West lands are mainly occupied by the Highway 407 and parallel Transmission Corridor. Aligning with the original intentions of the Plan, the lands within this area have limited developable capacity to support housing. This area is located within the Lester B. Pearson International Airport Operating Area and within Provincially Significant Employment Zones. The Parkway Belt West Plan provided protection to adjacent employment land uses, which play a critical function in providing jobs for Brampton's growing population and supporting the greater economic development of the Greater Golden Horseshoe, Ontario, and Canada.

The original intent of the Parkway Belt West Plan, to provide for a land reserve for future linear facilities, creating links between urban areas for the movement of people, goods, energy and information, as well as providing a system of open space and recreational facilities, is still important to consider based on the local municipal context. If the Plan is revoked, the City recommends that this initial intent for these lands is not lost in other Provincial planning documents.

As these lands play an important function for the City's Employment Areas and connects Brampton to neighbouring municipalities, the City recommends the Province conduct an assessment of the Parkway Belt West Corridor to determine potential investments, such as a multi-modal service road, to support additional transportation infrastructure along the 407 corridor to alleviate local traffic on parallel corridors such as Steeles Avenue. The City also recommends the evaluation of further public transit infrastructure along this corridor to support the movement of people resulting from the addition of 113,000 new housing units in Brampton to 2031.

Thank you for the opportunity to provide comments on these proposed changes.

Sincerely,

Steve Ganesh, MCIP, RPP
Commissioner (A),
Planning, Building and Growth Management
City of Brampton

Appendix 1: Proposed Changes to the Proposed Revocation of the Parkway Belt West Plan

General Proposed Changes	City Comments	Recommendations
<p>Existing Provincial Plans provide an updated policy framework that makes the Parkway Belt West Plan Outdated: The Plan has been successful over the years in protecting transportation and utility corridors for projects (e.g., Hwy 403, Hwy 407, transitway corridors, hydro corridors) that were planned for, and most of which were built decades ago. Over the years, provincial legislation, land use policies (e.g., Provincial Policy Statement) and provincial plans have provided a more modernized and up-to-date policy framework that has resulted in the Parkway Belt West Plan becoming outdated. This includes policies in the Provincial Policy Statement and Provincial Plans related to infrastructure, natural heritage, agriculture, parks and open space.</p>	<p>The City acknowledges that direction regarding transportation corridors is provided in other provincial policies and plans (e.g., PPS Section 1.6.8 and GGH Transportation Plan Section 4.2), particularly the PPS policy direction (1.6.8.1) that planning authorities plan for and protect corridors and rights-of-way for infrastructure. If this wording is seen as equivalent to the “providing space for the movement of people, goods...” and “provide a land reserve for future linear facilities” wording in the PBWP, then the City is amenable to the proposed change.</p> <p>Further to direction in the PPS, staff contend that planned development in the PBWP area should, per Section 1.6.8.3, be compatible with, and supportive of, the long-term purpose of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.</p>	<p>The City recommends the Province conduct an assessment of the Parkway Belt West Corridor to determine potential investments to support additional transportation infrastructure along the 407 to alleviate local traffic on parallel corridors</p>
<p>Goals of the Plan are no longer applicable: The Parkway Belt West Plan and the Minister’s Zoning Orders have been amended over 200 times to make Plan policy changes and re-designate or remove lands from the Parkway Belt West Plan. This has resulted in a 43% reduction in size of the Plan’s original area of 21,350 ha (52,757 acres) in 1978, to its current size of 12,070 ha (29,830 acres). Non-Infrastructure designations have experienced nearly 100% of the Plan’s reduction. Over time, through these amendments, many of the non-</p>	<p>The City contends that the goals of: (2) creating links between urban area by providing space for the movement of people, goods, energy, and information; and (3) providing a reserve for future linear facilities remain applicable and should remain in effect, and the lands protected, until the planned transportation infrastructure (407 Transitway) is constructed. This is supported by the inclusion of this corridor in the GGH Transportation Plan (Section 4.2 / Map 5). The Transitway, with appropriate rapid and local transit connections, also supports the mobility framework outlined in draft Brampton Plan.</p>	<p>The City recommends the Province ensure the goals of the Plan remain and consideration of the protection of these lands be integrated in other Provincial planning documents.</p>

<p>infrastructure policies have been removed from the Plan, resulting in the goals of the Plan that support providing open space, encouraging recreation, institutional and agricultural uses no longer being applicable.</p>	<p>The City notes that much of the PBWP area in Brampton is adjacent to employment lands (including Provincially Significant Employment Zones) and contend that these areas should be retained for employment uses. Providing jobs in these areas, thereby improving the City's activity rate, will help reduce average trip lengths in Brampton and will support the provision of transit service and active transportation infrastructure to these areas, which are key to the City achieving its climate change and sustainable mode share targets.</p>	
<p>Intent to provide clear direction to stakeholders: The proposed revocation of this 1978 Plan is intended to provide greater certainty and clarity on regulatory requirements for the lands subject to the PBWP. Stakeholders (e.g., infrastructure agencies, landowners) would no longer have to apply for Plan amendments (\$6,737 each) to permit uses or remove lands from the Plan</p>	<p>The City has no comments.</p>	<p>N/A</p>
<p>Reduced Amendments: Eliminating the Plan would reduce regulatory and financial burdens by removing the usual need for amendments to this outdated Plan that are administered by MMAH, while making processes more predictable across the fourteen impacted municipalities.</p>	<p>The City has no comments.</p>	<p>N/A</p>
<p>Cost to Municipalities: While there are no new administrative costs associated with this proposal, municipalities may experience some minor administrative costs resulting from the need to update their official plans to remove references to Plan mapping and policies that would no longer exist and may need to fill if there are policy gaps</p>	<p>The City recognizes there would be costs to update Official Plans, as well as conduct a review of these lands in the case the Province does not analyze them for additional transportation options.</p>	<p>N/A</p>

RE: Environmental Registry of Ontario Posting 019- 019-6173 - Proposed Amendment to O. Reg. 232/18: Inclusionary Zoning

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton

To Whom It May Concern,

The City of Brampton has several comments and questions in relation to the [Environmental Registry of Ontario posting 019-6173](#), Proposed Amendment to O. Reg. 232/18: Inclusionary Zoning. Through [Housing Brampton](#), the City's first Housing Strategy, the City conducted significant consultation and engagement with our residents, the development industry, other levels of government, and the non-profit sector to identify how to support the development of a full mix and range of housing options to meet Brampton's housing needs. With growing affordability challenges identified by Brampton residents, the City's objective was to ensure the delivery of a full mix of housing options, including affordable housing options for people based on their incomes rather than market conditions. Market rate housing has become inherently unaffordable to a large portion of households.

Through the Housing strategy, a significant number of actions and deliverables have been committed to that directly align with the stated objective of Bill 23 by supporting the housing of Brampton residents and delivering affordable housing options. Inclusionary Zoning has been identified as a key planning tool to support the development of affordable housing and deliver on one of the Big Moves identified in *Housing Brampton*, "Attainable Home-ownership Options".

The current regulatory framework provides flexibility for local market conditions to be evaluated and for the City to undertake a process to determine an appropriate set aside rate, affordability period, provide relevant incentives to offset impacts for weaker market areas, and set affordability thresholds using an income-based approach for affordable ownership (i.e., determine affordable house prices for households at each income decile, focused on income deciles 4-6) and market-based approach for affordable rental (i.e., use 100% Average Market Rents according to annual CMHC reporting). To date, the City has undertaken significant work to evaluate these factors and have worked to identify a proposed policy framework that represents a made in Brampton approach reflective of current market conditions.

General Comments:

A fulsome response to Bill 23's proposed changes are set out in Appendix 1. Below is a summary of Brampton comments regarding the major proposed changes through Bill 23:

- ***Proposal: Establish an upper limit on the number of units that would be required to be set aside as affordable, set at 5% of the total number of units (or 5% of the total gross floor area of the total residential units, not including common areas)***

City Comment:

- A standardized, Province-wide approach does not consider the viability of Inclusionary Zoning in different market areas of the city or considering the municipal investments in MTSAs to support transit-oriented development. A standardized rate of 5% limits the ability for the City to optimize municipal investment and impacts the number of affordable housing units received through new developments, influencing the achievement of the City's housing targets.
- As part of the Inclusionary Zoning work being completed, the City is undertaking a co-design approach with the development industry, non-profit sector, housing advocates, the Region of Peel, and residents to determine the optimal and appropriate set aside rate for each market area of the city and transitioning this set aside rate over time (allowing the market time to adjust). This is a best practice identified through benchmarking analysis conducted of Inclusionary Zoning policies internationally.
- A flexible, market-based approach maximizes the use of Inclusionary Zoning as a planning tool to effectively deliver more affordable housing to residents. Bill 23's proposal to dictate the set aside rate undermines the proven best practices for Inclusionary Zoning. This also enables the City to effectively use the background work conducted to date, including the Assessment Report, Peer Review, and Additional Analysis, to evaluate development viability with Inclusionary Zoning applied in different market areas.

City Recommendation:

- The City recommends that the current regulatory framework be maintained to enable municipalities to evaluate market conditions, leverage investments, and increase the affordable housing supply through Inclusionary Zoning.
- ***Proposal: Establish a maximum period of twenty-five (25) years over which the affordable housing units would be required to remain affordable***

City Comment:

- The 25-year maximum does not deliver on the objective of maintaining affordability over the life of the unit or increasing the supply of affordable housing over the long-term.

City Recommendation:

- The City recommends a *minimum* period of twenty-five years affordability be identified in the regulation to ensure long-term affordability is maintained.
- ***Proposal: Amendments would also prescribe the approach to determining the lowest price/rent that can be required for inclusionary zoning units, set at 80% of the average resale purchase price of ownerships units or 80% of the average market rent (AMR) for rental units***

City Comment:

- Further details on how an 80% of average resale purchase price of ownership meets the true affordability needs of Brampton residents is required to support a shift from an income-based approach to a market-based approach to defining affordability.

City Recommendation:

- The City recommends maintaining the current Provincial Policy Statement definition of affordable, subject to the revisions proposed in **Appendix 1**.
- The City supports setting the affordable rental unit price at 80% average market rent (AMR) using data from the annual CMHC Rental Market Report.

The City of Brampton would also like to reiterate previous comments provided through past legislation that the Province consider expanding the scope of applicability of Inclusionary Zoning beyond Protected Major Transit Station Areas (PMTSAs). This expansion would provide additional opportunities for the City of Brampton to increase its affordable housing supply across strategic growth areas (as per the Provincial planning documents), which would implement the objectives of Bill 23 better than the limited geographic applicability to PMTSAs that are currently in place.

Questions:

- How did the Province determine a 5% set aside rate as the maximum set aside rate? What process was taken to evaluate market conditions to determine this set aside rate?
- Long-term affordability has been identified as a critical element of Brampton's Inclusionary Zoning policy framework based on consultation conducted to date. The City is interested in understanding the reason for limiting affordability to a 25-year period? Why not set a minimum of 25 years rather than a maximum?
- The City would like to understand the method the Province proposed to use to determine the affordability rate. The City would like to ensure that the definition of affordable remains reflective of the true affordability needs of residents and aligns with the income-based approach in the current affordability definition outlined Provincial Policy Statement.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,

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Steve Ganesh

Commissioner (A),
Planning, Building & Growth Management

Appendix 1: Comment Responses to Proposed Changes Related to Inclusionary Zoning

Proposed Changes	City Comments	Recommendations
<p>Set Aside Rates:</p> <p>establish an upper limit on the number of units that would be required to be set aside as affordable, set at 5% of the total number of units (or 5% of the total gross floor area of the total residential units, not including common areas)</p>	<p>Through the Assessment Report findings and Benchmarking completed evaluating Inclusionary Zoning programs internationally, best practices identify transitioning the set aside rate and allowing the market time to adjust, increasing the set aside rate over time. Through the Assessment Report findings, some markets currently identify pro forma viability for a set aside rate beyond 5%, including Downtown Brampton, Dixie MTSA and Mount Pleasant (note: many were still viable with a 10% set aside rate). The City was considering ways to support viability for weaker or moderate market areas through offsets to ensure that the maximum number of affordable units would be delivered.</p> <p>The City has conducted extensive analysis and consultation to work to identify appropriate set aside rates, which in some instances could be above 5% long-term. As most successful Inclusionary Zoning programs internationally increase their set aside rate over time and “ramp up” their programs, The City was considering a similar approach. In some instances, a 5% set-aside rate is not appropriate, which the City recognizes it may be important to make the set-aside rate 0% and re-evaluate through the next Assessment Report.</p> <p>Why was 5% identified as the standardized maximum approach across the Province of Ontario?</p> <p>The City has found that each Major Transit Station Area is unique and consideration for both local municipal land use planning contexts and the MTSA zoning required as a component of Bill 23 to meet density targets set could be used to identify an appropriate set aside rate for each MTSA. For municipalities that are not able to</p>	<p>The City recommends maintaining the flexibility for local municipalities to identify an appropriate and optimal set aside rate by market area. Significant research and analysis through the support of a reputable development market economist consulting firm, N. Barry Lyon Consultants has validated this approach. Through their analysis, the City has been able to analyze Brampton’s different market contexts to identify an appropriate set aside rate for each MTSA based on current development factors and policy context.</p>

	<p>conduct the detailed analysis for their MTSAs, a 5% maximum may be appropriate in that instance. Where the City has demonstrated a higher set aside rate is viable, this should be allowed through the regulation.</p>	
<p>Affordability Period:</p> <p>establish a maximum period of twenty-five (25) years over which the affordable housing units would be required to remain affordable</p>	<p>Through the Assessment Report findings and additional analysis conducted, modeling showed limited impact to viability of a project through the pro forma analysis between a 25 year compared with an in-perpetuity (99 year) affordability period.</p> <p>Through consultations, the City has heard concerns regarding short-term affordability periods. A number of developers, residents and non-profits voiced concerns that a long-term affordability period is critical, as many identified that a short-term affordability period could lead to the resale of the affordable unit at a market rate price. The intention of Brampton's Inclusionary Zoning policy is not to support wealth generation but provide access for residents to an affordable house.</p>	<p>Establish a <u>minimum</u> period of affordability for 25-years, rather than a <u>maximum</u> period of affordability for the units to meet long-term affordability needs in Brampton and across the Province. This will ensure that affordable units are not re-sold at a market rate quickly after it has been developed.</p>
<p>Affordability Rates:</p> <p>Amendments would also prescribe the approach to determining the lowest price/rent that can be required for inclusionary zoning units, set at 80% of the average resale purchase price of ownerships units or 80% of the average market rent (AMR) for rental units.</p>	<p>Inclusionary Zoning is a key planning tool to support the development of affordable housing for moderate income households (households in income deciles 4-6). In 2021, this is defined as households with a before-tax combined income of approximately \$83,900 to \$115,700.</p> <p>The average house price (across housing types) in Brampton in 2021 according to TRREB data was <u>\$1,041,639</u>, meaning that applying the affordability rate proposed through this regulatory change would be affordable at a rate of <u>\$833,311</u>. This is almost double what we would define by the current income-based approach.</p> <p>In 2021, Brampton used the income-based approach to identify the affordability rate is <u>\$455,656</u>, using the Provincial Policy Statement definition. The proposed change to the definition does not reflect the true affordability challenges facing</p>	<p>Maintain the current Provincial Policy statement affordability definition using the income-based approach, allotting 30% of before tax income to housing.</p> <p>The Province should maintain and potentially consider updating the Provincial Policy Statement approach to defining affordability. Proposed language follows below, e.g.:</p> <p><i>Affordable: means</i></p> <p><i>a) in the case of ownership housing, the least expensive of:</i></p> <p><i>1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and</i></p>

	<p>Brampton residents and does not solve Brampton's housing crisis.</p> <p>The City is in agreement with the shift in defining 80% of average market rent (AMR) using the CMHC Rental Market Report. In 2021, 100% AMR in Brampton was \$1,124 and 80% AMR was approximately \$900. This approach reflects an affordable rental price for Brampton residents.</p>	<p><i>moderate income households; or</i></p> <p><i>2. housing for which the purchase price is at least 40 20 percent below the average purchase price of a resale unit in the regional market area;</i></p> <p><i>b) in the case of rental housing, the least expensive of:</i></p> <p><i>1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or</i></p> <p><i>2. a unit for which the rent is at or below 80 percent of the average market rent of a unit in the regional market area.</i></p>
<p>General:</p> <p>Proposed changes would provide more development cost certainty and establish a more consistent approach to inclusionary zoning requirements across the province. It would also support government priorities to provide housing that is affordable and within reach of more Ontarians</p> <p>Impact of Proposed Changes:</p> <p>The proposed changes are intended to provide greater certainty and clarity on regulatory requirements for development while maintaining municipal flexibility on other elements of the inclusionary zoning framework. The changes will reduce regulatory and financial burdens for the development sector by making</p>	<p>The approach the City took was to provide sufficient time to transition the market and effectively communicate these changes to the development industry to establish a clear path forward for adopting Inclusionary Zoning in Brampton. Through the development of policies, the City has taken a co-design approach to support communication of policy directions, collaborate on drafting and refining the policies, and support developers in understanding the policy framework through an Implementation Guideline.</p> <p>The City has committed to clear communication to effectively transition the policies to help provide clarity on any impacts from Inclusionary Zoning to the development industry.</p>	<p>N/A</p>

<p>processes more predictable across municipalities</p>		
<p>Impact to Municipalities:</p> <p>While there are no new administrative costs associated with this proposal, municipalities who have already developed inclusionary zoning frameworks may experience some administrative burden resulting from the need to update their inclusionary zoning frameworks.</p>	<p>Significant staff resources, time and consultant dollars have been spent to conduct analysis to date. A portion of the work conducted may no longer be relevant based on some of the proposed changes through Bill 23.</p> <p>There are also significant administration costs associated with implementing Inclusionary Zoning. The Province should consider a funding mechanism to support the administration and monitoring of the Inclusionary Zoning program for municipalities.</p>	<p>The City recommends the Province consider additional funding to support the development of an administration framework or formalize an administration program across municipalities, as maintaining a wait list, monitoring the affordability of the unit, and reporting on these units will take significant staff time and require additional resources.</p>
<p>Major Transit Station Areas:</p> <p>Inclusionary zoning is a land use planning tool, authorized under the <i>Planning Act</i>, that municipalities may use to require affordable housing units to be included in residential developments of 10 or more units in identified Protected Major Transit Station Areas (PMTSAs) or in Community Planning Permit System (CPPS) areas ordered by the Minister. The Minister also has the authority to prescribe municipalities to adopt official plan policies authorizing the use of inclusionary zoning. Inclusionary zoning can be a useful tool to facilitate the supply of affordable housing in areas that generally have characteristics such as growth pressures, high housing demand and availability of higher order transit.</p>	<p>As Bill 23 proposed an increase of 113,000 new units across Brampton in the next decade, a significant amount of new housing will be developed. Where developments are proposed in strategic growth areas, the ability to deliver affordable housing is an important component of creating mixed-income, transit supported housing developments. The City is of the opinion that Inclusionary Zoning should be applicable across strategic growth areas to ensure that the City can meet the housing needs of all residents and at all income levels.</p>	<p>The City recommends the Province consider revising the regulation to apply Inclusionary Zoning beyond Major Transit Station Areas to support the development of new affordable housing and increase the City's supply of affordable housing options.</p>
<p>Development Charges Act – Proposed Changes</p>		
<p>Exemption for inclusionary zoning residential units</p>	<p>Although not directly outlined in this proposal, ERO posting 019-6172 outlines the changes to Development Charges for</p>	<p>The City recommends the exemption not be mandatory but provide it as an optional mechanism to be used by</p>

<p>Exemption 4.3 (1) The creation of a residential unit described in subsection (2) is exempt from development charges unless a development charge is payable with respect to the residential unit before the day section 4 of Schedule 3 to the More Homes Built Faster Act, 2022 comes into force.</p>	<p>affordable units through Inclusionary Zoning.</p> <p>The City was considering innovative approaches to offsetting impacts for weaker market areas through non-DC based incentives. An approach that considers each context, such as a bonus density approach used in US cities, is more effective than a mandatory Province-wide incentive framework.</p>	<p>municipalities to offset the impact of Inclusionary Zoning to help support viability in weaker market areas. This should be optional to leave to the discretion of the municipality.</p>
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Heritage Branch, Ministry of Citizenship and Multiculturalism
400 University Avenue, 5th Floor
Toronto, ON
M7A 2R9
Canada

RE: Environmental Registry of Ontario Posting 019-6196 - Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022

From: Steve Ganesh, Commissioner (A) - Planning, Building and Growth Management Department, City of Brampton

Dear Paula Kulpa,

Thank you for the opportunity to provide comments to the Ministry of Citizenship and Multiculturalism on the changes to the *Ontario Heritage Act* and its regulations proposed through Bill 23. Cultural heritage is integral to the City of Brampton. True to its namesake as the Flower City, Brampton recognizes its rich legacy and responsibility to identify, protect, manage and celebrate the city's unique history.

The City is concerned with the proposed changes as a result of the challenges it will pose in heritage conservation moving forward, and the increased workload to meet the prescribed deadlines set forth. The City has categorized and provided comments on all relevant proposed changes, identifying opportunities to provide additional time and financial support to enable municipal staff to ensure the conservation of Brampton's valuable cultural heritage resources. The City estimates that it will cost somewhere between \$500,000 - \$750,000 to complete this work, placing additional burdens on the tax base that compound the impacts of other changes proposed through Bill 23. The City agrees with the intent to increase information sharing and is already in the process of making the Register publicly available and accessible to residents to support knowledge of Brampton's cultural heritage.

The City has provided detailed comments through **Appendix 1**. A few key comments are summarized below:

- ***Proposal: Requiring municipalities to remove a property from the heritage register due to failure to issue notice of intention to designate in a two-year timeframe***

City Comment:

- There are currently 385 Listed Properties that are valuable and should be designated. However, in amongst other requirements through these proposed changes and existing workloads, the capacity to effectively evaluate and designate all properties requires additional time and flexibility to avoid a "designate it or lose it" approach to irreplaceable cultural heritage.
- Requiring a removal of properties from the heritage register because of a withdrawal of notice, failure to pass a designating by-law or re-appeal through an OLT appeal, focuses

on administrative-based criteria rather than protecting the value that such properties hold for the community.

- Listing a property on the register provides Brampton the time to consider its heritage value and allow for other means of conserving and interpreting its heritage and history without going through the formal designation process.

City Recommendation:

- The City recommends maintaining the current regulatory framework for listed properties and not requiring municipal staff to pursue a notice of intention to designate within a two-year timeframe. If the Province decides to put forward a requirement for a NOID, the timeframe should not be limited to two-years.
- ***Proposal: Review the criteria for determining cultural heritage value or interest prescribed in O. Reg. 9/06 to increase the threshold for designation***

City Comment:

- The City is of the opinion that creating a more robust framework is typically a good thing, however, this may have unintended consequences for equity deserving communities, particularly if the heritage value only meets one criterion and not two. Ensuring inclusive cultural heritage planning is critically important across the Province, and especially in Brampton, to reflect and celebrate the City's diverse communities.

City Recommendation:

- The City recommends the Province reconsider these changes and engage with equity deserving communities to ensure locations across the city that hold value to the community are not lost.
- ***Proposal: The designation process would “freeze” once a prescribed event occurs. Municipalities would not be permitted to issue a notice of intention to designate a property unless the property is already on the register when the current 90 day requirement for applications is triggered.***

City Comment:

- The City is concerned that this places immense administrative burdens on staff. In order to meet this requirement, the City would have to have a complete list of all buildings of potential heritage interest already included on the heritage register prior to the revised Act coming into effect. There is insufficient time to conduct a thorough review of the heritage register and evaluate candidates for inclusion in order to effectively anticipate properties that may come up against development pressures but have significant heritage value to the community.

City Recommendation:

- The City recommends the Province support the municipalities financially or review this proposal to ensure that no heritage properties are lost as a result of this change.



City Questions:

- The City seeks clarification on what is defined as a “prescribed event”, as this may provide for a basis for additional comments.
- The City requests clarification regarding property owners who want their property included on the Register but may not want to go through the process of designation. The City is concerned that there is still heritage value, but it is at risk of being lost due to a lack of willingness from an owner to go through the designation process.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,Á

Steve Ganesh, MCIP, RPP

Commissioner (A)

Planning, Building and Growth Management

City of Brampton

Appendix 1: Proposed Changes to the Ontario Heritage Act and its Regulations

General Proposed Changes	City Comments	Recommendations
Changes affecting the Standards and Guidelines for Conservation of Provincial Heritage Properties		
<p>MCM is looking to promote sustainable development that respects the land and buildings that are important to its history and local communities while streamlining approvals and working to support priority provincial projects by proposing changes to the processes and requirements for ministries and prescribed public bodies governed by the Standards and Guidelines for Conservation of Provincial Heritage Properties (S&Gs) issued under the authority of Part III.1 of the <i>Ontario Heritage Act</i>.</p>	<p>Not applicable to the City.</p>	<p>N/A</p>
<p>MCM is proposing to introduce an enabling legislative authority that provides that the process for identifying provincial heritage properties under the S&Gs may permit the Minister of Citizenship and Multiculturalism to review, confirm and revise, the determination of cultural heritage value or interest by a ministry or prescribed public body respecting a provincial heritage property. This process for Ministerial review would be set out through a revision to the S&Gs and may be applied to determinations made on or before the change comes into effect. If Bill 23 is passed, the ministry would develop and consult further on the proposed process under the S&Gs.</p>	<p>This affects only provincially owned properties and does not impact the City. However, there is concern that if the Province acquires properties in the City of Brampton, there is the potential for the loss or substantial negative impacts as a result of this proposal.</p>	<p>N/A</p>
<p>MCM is proposing to introduce an enabling legislative authority so the Lieutenant Governor in Council (LGIC) may, by order, provide that the Crown in right of Ontario or a ministry or prescribed public body is not required to comply with some or all of the S&Gs in respect of a particular property, if the LGIC is of</p>	<p>This affects only provincially owned properties.</p> <p>For the City of Brampton, there would only be implications if the Province acquires a heritage property within the City.</p>	<p>N/A</p>

<p>the opinion that such exemption could potentially advance one or more of the following provincial priorities: transit, housing, long-term care and other infrastructure or other prescribed provincial priorities.</p>		
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New requirements for municipal registers and the inclusion of non-designated properties on the municipal register

<p>MCM is proposing clear and transparent requirements to improve municipal practices around the inclusion of non-designated properties on a municipal register through several changes that would encourage increased information sharing and timely decision making. These proposals include the following legislative changes:</p> <ul style="list-style-type: none"> • Requiring municipalities to make an up-to-date version of the information on their municipal register available on a publicly-accessible municipal website. MCM is proposing that, if passed, proclamation of this amendment would be delayed by six months to allow municipalities time to make the necessary changes to their website. 	<p>The City agrees with the proposed changes, as the City of Brampton is already in the process of making these changes. The City will continue to work on updates to the Register, including improvements to public accessibility.</p>	<p>The City recommends the Province consider providing funding to support the creation of publicly accessible municipal registers and invest in funding for public outreach to promote education to the public on heritage properties and resources in their communities.</p>
<ul style="list-style-type: none"> • Allowing for property owners to use the existing process under the OHA for objecting to the inclusion of their non-designated property on the municipal register regardless of when it was added to the municipal register. 	<p>The City is concerned that this proposed change will substantially increase the number of objections received. In addition, the City would like clarification from the Province on the basis of the request for de-listing. Will it be based on the criteria in O. Reg. 9/06?</p> <p>If so, this would be consistent with the proposal to require an evaluation under the regulation for inclusion on the list.</p>	<p>The City recommends that the objection be based on O. Regulation 9/06 for consistency.</p>
<ul style="list-style-type: none"> • Increasing the standard for including a non-designated property on a municipal 	<p>Over the past several years evaluation under Regulation 9/06 has become a regular</p>	<p>The City recommends the Province proceed with this proposed change.</p>

<p>register by requiring that the property meet prescribed criteria. MCM is proposing to have the criteria currently included in O.</p> <p><i>Reg. 9/06</i> (Criteria for determining cultural heritage value or interest) apply to non-designated properties included on the municipal register and is proposing that the property must meet one or more of the criteria to be included, which would be facilitated through a regulatory change. MCM is further proposing that this requirement would apply only to those non-designated properties added to the municipal register on or after the date the legislative and regulatory amendments come into force.</p>	<p>approach for evaluating buildings for inclusion on the City of Brampton Register. The City recognizes the work required to review the municipal register, as there are older listings that do not have 9/06 evaluations and these will need to be updated.</p> <p>The City does not perceive any issues with the Province including this requirement going forward.</p>	
<ul style="list-style-type: none"> • Removal from the register <ul style="list-style-type: none"> ◦ If council moves to designate a listed property but a designation bylaw is not passed or is repealed on appeal, the property would have to be removed from the municipal register. MCM is further proposing that this requirement would apply where the applicable circumstance outlined in the proposed amendment occurs on or after the legislative amendments, if passed, come into force. ◦ Non-designated properties currently 	<p>There are currently 385 Listed Properties on the City of Brampton Heritage Register. The City recognizes the majority of these are unquestionably worthy of designation but have not been because the current system under the OHA does not require designation unless there is a change proposed for the property, such as demolition, other alterations, or because the landowner requests it. The City is requesting clarification that a designation by-law would have to be unsuccessful based on the findings of the 9/06 evaluation and associated reasons for designation. It should not be based on the inability for the City to issue a NOID in time, but on the findings of the 9/06 evaluation.</p>	<p>The City requests that the Province increase the timeline from two years to allow municipalities time to undertake this work and complete the substantial effort required to address this change.</p> <p>The City requests that the Province consider a provision for retaining Listed properties on the Heritage Register, especially if it is made at the request of the landowner. Listing a property on the register provides Brampton the time to consider its heritage value and allow for other means of conserving and interpreting its heritage and history without requiring a formal designation process. The current process helps the City to explore options for</p>

<p>included on a municipal register would have to be removed if council does not issue a notice of intention to designate (NOID) within two years of the amendments coming into force.</p> <ul style="list-style-type: none"> ○ Non-designated properties included on the register after the proposed amendment comes into force would have to be removed if council does not issue a NOID within two years of the property being included. ○ If removed from the register under any of the above three circumstances, the property cannot be relisted for a period of five years. 	<p>The City identifies two areas of concern regarding this part of the proposal</p> <p>1) It does not address circumstances where property owners have requested that their properties be included in the Register as Listed but not Designated. Automatic removal, and the 5 year prohibition period, would remove these properties from the list automatically. We have three such examples from the last year in Brampton.</p> <p>2) It will place a substantial burden on municipalities both administratively and financially to review and move forward substantial numbers of Designations or de-listings over the prescribed two year period. The City estimates that it will cost somewhere between \$500K and \$750K to complete this work, which places additional burdens on the tax base.</p>	<p>commemoration outside of the OHA designation process.</p>
<p>An increase in the threshold for designation of individual properties and new limitations on designation for properties subject to proposed development</p>		
<p>MCM is proposing to provide further rigour in the designation process by increasing the threshold by requiring that a property meet two or more of the criteria prescribed in regulation. This change would be achieved through a regulatory amendment to <i>O. Reg. 9/06</i> Criteria for determining cultural heritage value or interest. MCM is further proposing that this requirement would apply only to properties where the notice of intention to designate (NOID) is published on or after the date the regulatory amendment comes into force.</p>	<p>The City recognizes this as a requirement to meet two of the criteria will provide “robusticity” to recommendations for Designation. However, the City is concerned that it will be harder to designate properties that lack architectural interest or that are not aesthetically attractive, but that have significant historical associations. In particular, this proposal could have significant harmful impacts for sites/locations of importance to equity deserving groups that meet one but not two or more criteria.</p>	<p>The City recommends the Province abandon these changes and engage with equity deserving communities to ensure locations across the City that hold value to the community are not lost.</p>

	<p>The City requests the Province confirm that the threshold for designation is two of the total of nine criteria identified in O. Regulations 9/06 as opposed to two of the three sets of criteria?</p>	
<p>The <i>More Homes, More Choice Act, 2019</i> amended the <i>Ontario Heritage Act</i> to establish a new 90-day timeline for issuing a NOID when the property is subject to prescribed <i>Planning Act</i> events. This new timeline was intended to provide improved certainty to development proponents and to encourage discussions about potential designations at an early stage, avoiding designation decisions being made late in the land use planning process. MCM is proposing to provide increased certainty and predictability to development proponents by requiring that council would only be able to issue a NOID where a property is included on the municipal heritage register as a non-designated property at the time the 90-day restriction is triggered. Therefore, if a prescribed event occurs with respect to a property, a NOID may only be issued if the property was already included in the municipal register as a non-designated property on the date of the prescribed event. The 90-day timeline for a municipality to issue a NOID following a prescribed event would then apply. This restriction would only apply where the prescribed event occurs on or after the date the legislative amendment comes into force.</p>	<p>The City understands the need for increased certainty relative to the planning approvals process and has been working to streamline the heritage review process to address this prior to the proposed changes through Bill 23. The City also understands that this is included to help bring greater alignment between the Heritage Act and the development approval process timelines under Bill 109. However, this will be challenging for the City. For example, if a property must be on the list prior to the prescribed event, then the City will need to ensure that every property possiblyworthy of Listing/ Designation is on the Register immediately. This would require evaluation of all the properties currently Listed on the Register as well as any additional properties that are worthy of consideration but that have not yet been added.</p> <p>The City is currently engaged in a complete review and update to the Heritage Register and this includes consideration of properties that are not already included but that should be added. That work will not be completed until the end of May, well after the new provisions come into effect. However, there is a large financial and administrative burden placed on heritage staff to pre-emptively examine all potential properties</p>	<p>The City proposes the Province provides a significant transition period to support municipalities in reviewing and updating their Heritage Register, as this requires the City to be pro-active in maintaining their heritage register in order to anticipate future properties coming up for development or it becomes lost. The City recommends the Province support the municipalities financially or review this proposal to ensure that no heritage properties are lost as a result of this change.</p>

	<p>to ensure there is no freeze once a prescribed event occurs.</p> <p>The City also requests clarity on the definition of a “prescribed event” to determine feasibility of the proposed changes.</p>	
Changes to Heritage Conservation Districts		
<p>MCM is proposing to increase rigour in the process of identifying and protecting heritage conservation districts (HCD) by requiring municipalities to apply prescribed criteria to determine a HCD’s cultural heritage value or interest. This would include a requirement for HCD plans to explain how the HCD meets the prescribed criteria. MCM is proposing to have the criteria currently included in <i>O. Reg. 9/06</i> (Criteria for determining cultural heritage value or interest) apply to HCDs and is proposing that the HCD must meet two or more of the criteria in order to be designated, which would be achieved through a regulatory amendment. MCM is further proposing that this requirement would apply only to HCDs where the notice of the designation bylaw is published on or after the date the legislative and regulatory amendments come into force.</p>	<p>The establishment of criteria for evaluating HCDs is a positive approach as it will provide greater transparency and make it easier for the public to understand the reasons for HCD designation. However, they will need to be specific to HCDs as opposed to trying to apply current regulation 9/06 to a collection of resources that sometimes number in the hundreds. The City recognizes there are minimal impacts to the City.</p>	<p>The City suggests that the Province consider a stand-alone set of criteria tailored to HCDs and consult with municipalities on the development of this criteria.</p>
<p>MCM is also proposing to introduce a regulatory authority to prescribe processes for municipalities to amend or repeal existing HCD designation and HCD plan bylaws. The proposal would help create opportunities to align existing HCDs with current government priorities and make HCDs a more flexible and iterative tool that can better facilitate development, including opportunities to support smaller scale development and the “missing</p>	<p>Currently, there are no clear processes for amending a HCD Plan. Greater clarity will help with the management of HCDs over time.</p>	<p>The City suggests It would be beneficial if the Province provided guidance on both the amendment process as well as the approaches/guidance on best practices regarding small scale development within districts. This will help to protect important heritage, while delivering more housing options.</p>

<p>middle” housing. If passed, MCM would consult on the development and details of the amendment and repeal processes at a later time.</p>		
Housekeeping and Commencement		
<p>Schedule 6 of the proposed <i>More Homes Built Faster Act, 2022</i> also includes proposed minor housekeeping amendments. Included among them are repealing the alternative definition of “alter” in subsection 1(2) of the OHA, which was intentionally never proclaimed, and a change within the amended, but not proclaimed, section 42 of the OHA that would facilitate bringing into force the remaining sections of Schedule 11 from Bill 108 that were not proclaimed in 2021. MCM is further proposing a transition provision in regulation clarifying that these amendments to section 42, which would speak specifically to the demolition or removal of an attribute within an HCD, would apply where an application for a heritage permit was received by the council of a municipality on or after the date these legislative amendments from Bill 108 come into force.</p>	<p>The City does not have any specific comments related to this change.</p>	<p>N/A</p>

RE: Environmental Registry of Ontario Posting 019-6163– Proposed Planning Act and City of Toronto Act Changes (Schedule 9 and 1 of Bill 23)

From: Steve Ganesh, Commissioner (A) - Planning, Building and Growth Management Department, City of Brampton

To Whom It May Concern,

The City of Brampton (hereinafter referred to as ‘the City’) is supportive of efforts by the Province to address the housing affordability crisis. The City appreciates the opportunity to provide comment on the Proposed *Planning Act* and *City of Toronto Act* Changes (Schedules 1 and 9 of Bill 23) and offers the following comments to assist the Province. The City’s assessment of these proposed changes indicates that they will have far-reaching social, economic, environmental and financial impacts.

In many circumstances, the City is currently undertaking work to achieve the aims outlined in Schedules 1 and 9, including:

- Working to address missing middle housing typologies and supporting neighbourhood intensification, while considering the design and integration of intensification in a manner that respects the unique context and neighbourhood character. This work is being done through the Official Plan Review and Comprehensive Zoning By-law reviews.
- Supporting higher density around transit, which will be evaluated through the Major Transit Station Area studies being conducted by the City. However, staff have determined that completing a proper analysis will take more than the proposed one-year timeframe. .

Appendix 1 provides detailed comments and questions outlined in the table. There are a number of key comments summarized below:

- ***Proposal: Changes are proposed to exempt all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).***

City Comments:

- Site plan control provides a key opportunity for the City to ensure that the design of new buildings integrates into the existing urban fabric and supports the goals and objectives of the community area. Site Plan also plays a critical role for the City to promote sustainable design (e.g., use of Green Development Standards) and enables the City to take a comprehensive approach to planning and designing sustainable communities.
 - The Urban Design Review Panel, a third-party review process, has been formalized in the City of Brampton to assist the City in its review of new developments. To communicate their role, a letter has been provided to the City of Brampton to submit with its formal comments on Bill 23, and is attached as **Appendix 2.**

- There are neighbourhoods within the City where site plan control plays a critical role, especially where zoning requires updating. Site plan control in Brampton has played an important role to support contextually appropriate gentle intensification in the existing neighbourhood context.
- With the aim to address the missing middle, site plan control ensures that the development of new missing middle housing typologies is appropriately integrated into the surrounding context, while protecting valued natural heritage assets.
- The City is working currently to achieve simplified, more strategic Official Plan policies and Zoning By-law regulation by using site plan control as a tool to protect against potentially negative impacts on the existing community.

City Recommendations:

- The City recommends that the Province not proceed with this proposal. Site plan control plays a key role in determining appropriate infill and gentle intensification in existing neighbourhoods.
- ***Proposal: Changes are proposed to remove the planning policy and approval responsibilities from certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel, Simcoe, Waterloo, York). These proposed changes would come into effect upon proclamation at a future date. The Minister will become the new approval authority for all lower tier official plans and amendments. The Minister's decisions cannot be appealed.***

City Comments:

- The potential removal of upper-tier planning responsibilities places a large burden on local municipalities, with a significant administrative cost, staffing pressures to accommodate the increased workload, and requires local municipalities to overcome knowledge gaps. The coordination and collaboration between regional and local planners have been highly successful.
- Removal of Regional approval of Official Plans, plans of subdivisions, and consents to sever does not eliminate the need for Regional oversight and coordination of major planning issues such as servicing capacity across lower tier municipal boundaries.
- Incorporation of the Region's Official Plan into the Brampton Plan will cost time and money, delaying the implementation of the updated Brampton Plan policies.

City Recommendations:

- The City recommends the Province reconsider this proposal as an actual reduction in costs and time is unlikely given the potential unforeseen impacts and onus now placed on local municipalities.

More generally, the City has concerns about themes in this ERO posting around reduced public engagement, tight timelines to comply with proposed regulations, and the large financial burden



these proposals will place on the City. These administrative costs are compounded with other increased costs to municipalities identified in other Bill 23 registry postings.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,

Steve Ganesh, MCIP, RPP
Commissioner (A)
Planning, Building & Growth Management

Appendix 1: Proposed Changes to the Planning Act and the City of Toronto Act

General Proposed Changes	City Comments	Recommendations
Addressing the Missing Middle		
<p>Increased Gentle Intensification:</p> <p>Changes are proposed to strengthen the existing “additional residential unit” framework. The proposed changes would allow, “as-of-right” (without the need to apply for a rezoning) up to 3 units per lot in many existing residential areas.</p>	<p>The City is generally supportive of gentle density, however, is concerned about the proposed as-of-right zoning permissions and elimination of site plan control. The City is also concerned about infrastructure that may be deficient to support the resultant growth that would come as a result (roads, transit, parking, parks, schools, water/wastewater) and enforcement challenges.</p> <p>The City is aiming to further expand housing choice through gentle densification. However, there is no guarantee that adding to the supply of market units without controls will result in greater affordability. Upzoning detached housing neighbourhoods could lead to even further land price inflation. Increasing land values not only worsen housing affordability, they make it increasingly difficult for developers to produce housing that can be rented at affordable rates.</p> <p>The City is requesting clarification on what “many existing residential areas” means.</p> <p>As a component of its Additional Residential Unit work by the City in relation to Bill 108 and its regulations, consultation revealed significant public concern about allowing additional residential units as-of-right, as required by the amendments to the Planning Act. Implementation of these additional changes at the local level will be challenging (ongoing complaints from neighbours and challenges in enforcement), as experienced through conforming to the Bill 108 changes.</p>	<p>The City recommends the Province encourage municipalities to implement increases in the number of units per lot where determined appropriate through a fulsome zoning review, rather than requiring that it be allowed as-of-right. If the Province decides to pursue, the City recommends implementing a method/framework for achieving densification that ensures and preserves housing affordability and in locations supported by transit to reduce the parking concerns in existing neighbourhood areas of the city.</p> <p>Additional comments on this topic area is provided through the relevant ARU posting related to Bill 23.</p>
<p>The proposed changes would supersede local official plans and zoning to automatically apply province-wide to any</p>	<p>The City is concerned that further consideration beyond servicing is required, as zoning is meant to consider all relevant contextual factors to determine where a particular use is appropriate. Coordination</p>	<p>The City recommends the Province direct local municipalities to implement the ability to allow for up to 3 residential units per lot, where</p>

<p>parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands).</p>	<p>of growth to effectively manage the increased pressures of an additional 58,000 housing units has not been adequately considered in the development of this proposal.</p> <p>The City would like confirmation from the Province that the conversion of additional residential units in existing housing would count toward the 113,000 units Brampton is targeted to add in the next 10 years.</p> <p>The City is currently working through the Comprehensive Zoning By-law Review and has identified addressing missing middle housing typologies as a component of this review process. The City will be identifying appropriate locations for densification based on local conditions and where the relevant community services, parks, open spaces will ensure the health and well-being of residents. The City recognizes the unique context of Brampton, particularly students or low-income residents living in unsuitable or unhealthy living situations. The impacts to the increased workload on enforcement to register these new units and ensure the health and safety of its occupants is a significant issue. The large number of illegal, unsafe second units in Brampton is concerning and additional funding is needed to ensure residents are adequately housed.</p>	<p>appropriate, as per the City's comments on this proposal.</p> <p>The City recommends an increase in funding to support enforcement of safety standards and registration of additional residential units.</p>
<p>To remove barriers and incent these types of units, the proposed changes would also prohibit municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements (<u>Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges</u>), applying minimum unit sizes or</p>	<p>The Province should provide significant additional funding for public and active transportation options across the city to reduce car reliance and the need for parking. Even without provision of additional parking spaces being required, realistically it is possible that a significant number of new additional units will require the parking of a car. This will lead to an increased workload handling complaints from residents confronting illegally parked vehicles.</p> <p>Minimum unit sizes are important for the Zoning By-law to regulate to ensure the health and safety of residents, particularly as overcrowding has been a challenge in Brampton. It is important that minimum unit</p>	<p>As recommended in the Brampton Parking Plan, the Province should consider parking constraints arising from additional vehicles and how they will be addressed through on-street parking permits and significant improvements to transit and active transportation to encourage non-auto modes of transportation. Both require additional funding from the Province.</p> <p>The City recommends amendment of this to allow the Zoning By-law to identify a minimum unit size requirement.</p>

<p>requiring more than one parking space per unit in respect of any second unit in a primary building and any unit in an ancillary structure.</p>	<p>sizes be identified to protect residents from unhealthy living environments.</p> <p>Additional funding is also important to support the delivery of community services and ensure William Osler Health System (Brampton’s hospital system) has the necessary staffing to provide healthcare to this increased population.</p>	
<p>Higher Density Around Transit</p>		
<p>Changes are proposed to require municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit stations, known as “major transit station areas” (MTSAs), and “protected major transit station areas” (PMTSAs) that have been approved by the Minister.</p>	<p>The City supports this change.</p>	
<p>If passed, the changes would require municipalities to update their zoning by-laws to permit transit-supportive densities as-of-right within 1 year of MTSA or PMTSA approval; if zoning updates were not undertaken within the 1-year period, the usual protection from appeals to the Ontario Land Tribunal for PMTSAs would not apply.</p>	<p>The City is concerned that the one year may not be sufficient time to implement detailed zoning in all MTSAs, particularly if timing starts when the Regional OP was adopted (Oct. 2022).</p> <p>This process should be protected from appeal, especially if MTSA studies would need to be approved by the Minister and include relevant zoning in each PMTSA.</p>	<p>The City recommends the Province reconsider timelines to update zoning by-laws beyond 1 year to ensure that all PMTSAs can be effectively evaluated to plan to meet transit-supportive densities.</p>
<p>Streamlining Municipal Planning Responsibilities</p>		
<p>Changes to Ministerial Amendment of Official Plans:</p> <p>Changes are proposed to remove the planning policy and approval responsibilities from</p>	<p>The Region would still be required to provide technical input on planning applications as they relate to or may impact physical assets under Regional ownership (i.e., water/wastewater infrastructure and roads). As a result, the perceived efficiencies to the planning process may not be realized.</p>	<p>The City recommends the Province reconsider this proposal as deeming the Regional OP to be OP of the City will necessitate a planning exercise that will delay the adoption and implementation of Brampton Plan, and the Region plays a key role in the coordination of development and infrastructure across Peel.</p>

<p>certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel, Simcoe, Waterloo, York). These proposed changes would come into effect upon proclamation at a future date.</p> <p>The Minister will become the new approval authority for all lower tier official plans and amendments. The Minister's decisions cannot be appealed.</p>	<p>Clarification of these changes and the transition is required, as this is a large undertaking to now be placed on local municipalities and may delay approval of local Official Plans.</p>	<p>The City recommends the powers of the Minister be limited and/or provide the ability to appeal the Minister's decision. The City recommends that the current process which allows the Minister to appeal municipal Official Plans, be maintained.</p>
<p>Future regulations would identify which official plans and amendments would not require approval by the Minister of Municipal Affairs and Housing (i.e., which lower-tier plans and amendments of the lower-tier municipality would need no further approval).</p>	<p>It is difficult for the City of Brampton to ascertain impacts or any administrative burden associated with the proposal without fully understanding the criteria of which OPA would be exempt from Ministerial approval.</p> <p>The ability for the Minister to be able to modify any Official Plan policy at any time when the Minister considers it to be likely to adversely affect a matter of provincial interest is incredibly broad, as anything in planning could be classified as a provincial interest. The City does not believe this action should be used often, as these decisions are based on local, contextual factors Clarification is required on limiting the scope of these actions, particularly as the Province's decision cannot be appealed.</p>	<p>The City is seeking clarity on the Province's role in identifying which official plans would not require Minister approval, and recommends further engagement be conducted on future regulation when more information is provided.</p>
<p>The proposed changes could also potentially be applied to additional upper-tier municipalities in the future via regulation.</p>	<p>N/A to Brampton</p>	
<p>Third Party Appeals</p>		
<p>Changes are proposed to limit third party appeals for all planning matters (official plans, official plan amendments, zoning by-</p>	<p>The City recognizes the important role that consultation has in the planning field, supporting an open and democratic process to decision making that provides the opportunity for the community to participate.</p>	<p>The City recommends an approach that does not limit third party appeals, providing criteria that define potential interests in the planning matter that would enable the individual to have appeal rights.</p>

<p>laws, zoning by-law amendments, consents and minor variances). Third party appeals are generally appeals made by someone other than the person who made the planning application.</p>	<p>Third party appeal rights:</p> <ul style="list-style-type: none"> • provide citizens with a voice in a political and regulatory field that can be challenging to navigate; • protect the public interest as it may relate to the environment, social circumstances of Bramptonians, and economic and cultural prosperity of the City; and, • Allow neighbouring residents and developers to protect their property rights. 	
<p>Appeal rights would be maintained for key participants (e.g., applicants, the Province, public bodies including Indigenous communities, utility providers that participated in the process), except where appeals have already been restricted (e.g., the Minister’s decision on new official plan) The proposed limit on third-party appeals would apply to any matter that has been appealed (other than by a party whose appeal rights are being maintained) but has not yet been scheduled for a hearing on the merits of the appeal by the Ontario Land Tribunal (OLT) on the day the bill is introduced.</p>	<p>The City recognizes that community members are key participants in the planning process and may wish to participate in the appeals process. The City is concerned that the list of those with appeal rights is too limited and should be expanded to provide opportunities for community members to be involved.</p>	<p>The City recommends that if the Province decides to pursue this approach, additional criteria should be provided to expand the list of stakeholders who are eligible for third party appeal rights, for example:</p> <ul style="list-style-type: none"> • Property owners/renters of adjacent properties or with properties within a certain vicinity of the site • Property owners/renters that are within the same planning study area (Secondary or Block Planning areas) • NGOs and Non-profits who may hold government accountable/represent the public’s interest.
<p>Public Meetings - Plans of Subdivision</p>		
<p>Changes are proposed to completely remove the public meeting requirement for draft plans of subdivision</p>	<p>Public meetings play an important role in providing residents and stakeholders an opportunity to share their opinions and have a role in the planning for their communities. Public meetings provide an opportunity for staff to engage and listen to deputations on a draft plan of subdivision, with this proposed change reducing the ability for the</p>	<p>Recommend maintaining the public meeting requirement for draft plans of subdivision.</p> <p>City staff recognize that public meetings for draft plans of subdivision provide an opportunity for comment on the layout of communities and distribution of</p>

	community to participate in the subdivision process.	amenities and roads, which should be in the public's interest to comment on and appeal, if required.
Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design		
<p>Site Plan Control Exemption:</p> <p>Changes are proposed to exempt all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).</p>	<p>The City is concerned that site plan exemption for 10 units or less leads to reduced capacity to inform and guide the development of Brampton's communities, reducing utility coordination, streetlighting, municipal works, identify encroachments on right of ways/City owned land, identifying local improvements to sidewalks, controlling access, or acquiring land dedications, amongst others. This leads to an inability for the City to manage small, infill redevelopment and further reduces the ability for the City to protect the Natural Heritage System, which is vulnerable to non-mitigated impacts and even removal in many cases. This is in addition to the proposed reduced protections through other Bill 23 ERO postings. .</p> <p>The City has a number of questions:</p> <ul style="list-style-type: none"> • How does the Bill define "Landscape Aesthetics" and what exact limitations are staff facing with respect to commenting on landscape treatments on site plan submissions? • Can landscape requirements, such as landscape buffer widths and landscape coverage requirements be defined at the rezoning stage? • Can the City require a Tree Evaluation Report (TER) and Preservation Plan at the re-zoning stage or as part of the site plan submission? • How are 'Tree preservation & removal' permits issued if there is no TER? Will the City still be able to collect tree compensation cash-in-lieu? 	<p>The City recommends maintaining the current site plan control authority for all developments, as the number of units does not change the important role that site plan has in relationship to the land it is on and surrounding context.</p>

	<ul style="list-style-type: none"> • Can sustainability metrics and scores still be required? • Can the City request Community Design Guidelines/ Urban Design Briefs and can these be used as an enforcement tool with respect to landscape treatments? <p>If landscape plans become scoped, optional or not required, will there still be opportunity to comment on:</p> <ul style="list-style-type: none"> • Public facing streetscapes • Boulevard trees in the public road allowance • Community entry features • Pedestrian circulation, accessibility and connectivity to municipal sidewalks and transit stops • CPTED/ safety/ lighting/ security • Fencing requirements adjacent to other uses (fencing by-law) <p>The issue with not collecting a landscape security is:</p> <ul style="list-style-type: none"> • The works not getting completed in full • The applicant defaulting (ex. going bankrupt) and the need for the City (or a 3rd party) to access the security to complete the work <p>How Bill 23 limits the collection of Landscape Securities and the release process, if we still collect them. What can we collect securities for? Hard landscape, soft landscape, fencing, amenity areas?</p> <p>The City recognizes the reduced capacity to guide applicants to plan for healthy communities The City recognizes that design components relating to pedestrian/vehicular circulation, accessibility, access to Transit Stops and sidewalks, CPTED, safety and lighting are essential to community-building.</p>	
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New Exclusions from Site Plan Control:

Changes are proposed to limit the scope of site plan control by removing the ability for municipalities to regulate architectural details and landscape design.

The City recognizes the impact these proposed changes have on regulating neighbourhood character and impacts the goals and objectives of creating vibrant, liveable communities.

Impact to Sustainable Design:

Over the last decade, Brampton, along with many municipalities across Ontario have developed and implemented green development standards that strive to deliver more sustainable, energy efficient, and climate-change ready homes and buildings. These standards are a well-established part of the planning process that happen concurrently with other review and approvals. Recent updates to the City's Sustainable New Communities Program (SNCP), unanimously approved by Council, integrate the goals and targets of our Community Energy and Emissions Reduction Plan (CEERP) to address Council's climate change emergency declaration in 2019.

Buildings represent a significant portion of greenhouse gas emissions (GHG) in Ontario. Our SNCP aims to enhance the performance and sustainability of new communities in Brampton while also ensuring new buildings achieve energy performance requirements and reduce GHG emissions.

Green buildings reduce energy costs, provide greater thermal comfort, improve the health of individuals (i.e., reducing health-related costs), help mitigate climate change, and helps us to adapt to a changing climate.

The Bill, as written now, would weaken Brampton's green development standards program and limit our ability to create sustainable communities through the site plan process. This would require significant

The City recommends the Province rescind this proposal in order to allow municipalities to continue implementing green development standards for site plans through the regulation of architectural details and landscape design. The green development standards are a critical component to ensuring municipalities meet their climate change targets and create healthy, sustainable communities and make communities attractive, desirable and liveable.

The City also requests the Province clarify the terms and definitions in the Bill, including if this is limited to residential or if it includes other uses.

	<p>time and resources from staff as it would require a redesign of the existing program and limit the City's ability to achieve City targets to combat climate change.</p> <p>For example, site plans would no longer have minimum energy efficiency requirements, limiting our ability to achieve the targets outlined in the CEERP. Based on best practices, it is clear that energy efficiency rather improves affordability by ensuring quality homes are built at lower operating costs.</p> <p>Additionally, landscape metrics such as tree planting to provide shade would also be impacted. Site plans would also see a lower threshold for the minimum Bronze score, limiting our ability to improve the sustainability of site plans in Brampton.</p> <p>The SNCP has not been known to delay development in Brampton, and further, there hasn't been a building permit that has been denied based on municipal energy requirements that have gone above the building code. Therefore, it is unclear how eliminating these green building standards would accelerates the delivery of affordable and attainable housing in Ontario.</p> <p>The issue with not collecting a landscape security is:</p> <ul style="list-style-type: none"> a) the works not getting completed in full b) the applicant defaulting (ex. going bankrupt) and the need for the City (or a 3rd party) to access the security to complete the work <p>How Bill 23 limits the collection of Landscape Securities and the release process, if we still collect them. What can the City collect securities for? Hard landscape, soft landscape, fencing, amenity areas?</p>	
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	<p>Impact to Streetscape: Beyond street trees, this also removes coordination of utilities with engineering requirements, impacting capital projects and the ability to deliver urban infrastructure required to create walkable, vibrant communities. To overcome the gaps from this removal, significant public funds would be required to complete and maintain a standard for the public realm.</p> <p>Impacts to Landscape Design Aesthetics:</p> <p>The City requests clarification on the definition for “Landscape Aesthetics” and identify what is in the scope for City comments. Many components of landscape design are beyond “aesthetics” and directly impact issues such as public safety, accessibility, recreational requirements, general health and fitness, a sustainable environment, heat sinking and global warming, etc. The City should be able to comment on these larger landscape concerns to support the creation of sustainable, healthy and vibrant communities.</p> <p>Preserving the existing mature tree canopy as much as possible is essential for a healthy living environment, as such existing valuable trees should be preserved as much as possible.</p> <p>That tree compensation in terms of planted compensation trees and/or cash-in lieu can still be collected as per current City guidelines. Cash-in-lieu payments will enable the City to provide tree canopy coverage elsewhere, without limiting the proposed development.</p> <p>Sustainability metrics and scores define the health and long-term social and environmental benefit of a development and</p>	
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	<p>does not get lost in details of “landscape aesthetics”. For that reason, staff should still be able to request and comment on these.</p> <p>Community Design Guidelines and Urban Design Briefs shall still be able to provide a high-level blueprint as to the character and functionality of a community. It is essential to maintain this level of design input and does not necessarily need to speak to detailed “aesthetics.”</p>	
Streamline Approval Process for Land Lease Communities (LLC)		
<p>Changes are proposed to allow LLCs to be approved through site plan control instead of plan of subdivision so that they can leverage a maximum lease period of up to 49 years (up from the maximum permitted of 21 years without a land division approval). This change would not apply in the Greenbelt Area.</p>	<p>The City does not have comments on this proposed change.</p>	<p>N/A</p>
Facilitating Aggregate Applications		
<p>Changes are proposed to remove the “2-year timeout” period for applications to amend new official plans, secondary plans and zoning by-laws in respect of mineral aggregate operations.</p>	<p>The City does not have comments on this proposed change.</p>	<p>N/A</p>
<p>Currently, the Act sets a 2-year period where changes to new official plans, secondary plans and new comprehensive zoning by-laws are not permitted, unless these changes are municipally-supported.</p>	<p>The City does not have comments on this proposed change.</p>	<p>N/A</p>
Conservation Authorities		

<p>Changes are proposed to re-enact provisions that are not yet in force but would limit conservation authority (CA) appeals of land use planning decisions. CAs would continue to be able to appeal matters where they are the applicant. When acting as a public body, CAs would only be able to appeal with respect to matters related to natural hazard policies in provincial policy statements.</p>	<p>The City is seeking clarification on a number of questions:</p> <ul style="list-style-type: none"> • How would the approvals process work for projects related to endangered species/ redbelt dace habitat? • Will the local conservation authorities (example Credit Valley - CVC, Toronto Region - TRCA) participate in the permitting process or would the applicant liaise directly with the Ministry – MECP for all permits? <p>Bill 23 as currently written, precludes municipalities from entering into agreements with CAs to provide advice on environmental and natural heritage matters. Municipalities work in tandem with the Conservation Authorities (CAs) to protect and enhance valuable natural heritage features. CA's have demonstrated that they can deliver these planning and ecological services efficiently without lengthening the approvals process. Through this partnership, the CAs have built the necessary Natural Heritage expertise and experience that services multiple municipalities and thus provide effective and efficient planning services to municipalities and developers.</p> <p>In addition, CAs work across municipal boundaries to ensure a consistent and effective watershed approach to planning and development that served to protect Ontario's natural heritage system.</p> <p>As such, removing Conservation Authorities from their traditional development review process will download a significant role onto municipalities that have neither capacity nor expertise in water resources engineering, natural heritage planning and regulatory compliance.</p>	<p>The City recommends amending Bill 23 to allow municipalities the option of entering into Memorandums of Understandings (MOUs) with CAs, with clearly defined terms, timelines and performance measures, as allowed under Section 21.1.1 (1) of the <i>Conservation Authority Act</i>.</p>
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	<p>Also, municipalities will now have to coordinate with neighbouring municipalities and the Province on a watershed basis, rather than taking advantage of expertise already available within many CAs.</p> <p>Finally, Bill 23 downloads onto a municipality the sole liability for the impact of development on natural hazards within municipal boundaries and on neighbouring upstream and downstream communities, which is a significant and new responsibility that they have never had to manage.</p> <p>The process changes in Bill 23 will result in longer response times and increased municipal costs and impede the Provincial government's goal of making life more affordable.</p>	
<p>Obligations Regarding Land Disposition Changes are also proposed to broaden the ability of CAs to use an existing streamlined process to sever and dispose of land. Both of these changes are proposed to take effect January 1, 2023. Schedule 1 of Bill 23 would also make consequential amendments to the City of Toronto Act, 2006 related to proposed changes to site plan provisions</p>	<p>The City recognizes the protection of existing Conservation Authority land is critically important in delivering trails and green space for residents.</p>	<p>The City recommends the Province remove this proposed amendment and prioritize these lands for protection, as they play an important role in the community and in environmental protection.</p>
Analysis of Regulatory Impact		
<p>The proposed changes to the land use planning system would expedite development (time savings), remove barriers and reduce costs (e.g., application fees) for the</p>	<p>The City recognizes that the proposed changes have environmental, social and economic impacts to the well-being of communities, with reduced evaluation of site plan, consideration for design and loss of review from the Region, which diminishes the important role that each actor has in creating complete communities in Brampton. The decisions through this ERO</p>	<p>The City recommends the Province reconsider the proposed changes as they will cause significant long-term impacts to the function, design, health, and liveability of Brampton, with little appreciable benefit. This has significant environmental and other impacts,</p>

<p>development sector and private homeowners.</p> <p>There would be no annual administrative costs to businesses anticipated from these proposed changes.</p>	<p>have long-term impacts to residents and the community that outweigh the slight short-term procedural reductions, if any in fact result from downloading the various responsibilities to local municipalities.</p>	<p>as described in the City's comments.</p>
<p>Costs:</p> <p>There may be costs to municipalities as a result of these proposed changes. This would range from minimal direct compliance costs associated with municipal staff learning about the changes and adapting existing business processes, to significant one-time direct compliance costs for "upper-tier municipalities without planning responsibilities" and the lower-tier municipalities in those jurisdictions to revise administrative and financial processes and shift resources accordingly. It is expected that any additional costs associated with planning responsibilities would be taken on by lower-tier municipalities</p>	<p>The City recognizes there would be significant costs associated with:</p> <ul style="list-style-type: none"> • Servicing the additional population and housing units • Increased cost to incorporate urban design standards through other processes, as site plan control is removed for developments with 10 units or less, including increased costs to the City directly to pay for an attractive urban design/transition between developments • Strains on staffing and resourcing based on the scope of changes and increased administrative burdens on the City • A need to create new positions for staff with expertise previously provided by other authorities. <p>The City would have to raise taxes or cut services to meet these additional responsibilities, especially given the changes to financial tools proposed by other Bill 23 initiatives and previous amendments to the Planning Act.</p>	<p>As set out in recommendations above, the City recommends the Province reconsider many of the proposed changes.</p> <p>In the event that it does not, further consultation is required to assist municipalities to understand the additional costs associated with assumption of functions previously carried out by other authorities. Additional funding will be required in response to the proposed changes.</p>
<p>The Ontario Land Tribunal would have an interest in these proposed changes and would be expected to benefit from the resulting reduced caseload, which could also help expedite the resolution of other appeals These impacts</p>	<p>The City appreciates the importance of reducing the backlog for the Ontario Land Tribunal. However, the OLT serves an important role in supporting democratic decision-making, considering a variety of perspectives to identify the public good.</p>	<p>N/A</p>

<p>on the tribunal could also benefit municipalities, property owners and the development sector through faster decisions.</p>		
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Proposed Legislative Changes	City Comments	Recommendations
City of Toronto Act		
<p>1 Section 111 of the City of Toronto Act, 2006 is amended by adding the following subsection:</p> <p>Regulations (7) The Minister of Municipal Affairs and Housing may make regulations imposing limits and conditions on the powers of the City to prohibit and regulate the demolition and conversion of residential rental properties under this section.</p>	<p>This proposed change will have negative impacts for renters and private-market affordable housing, making tenants more vulnerable to evictions/increase rate of evictions and will weaken the protections on the existing affordable purpose-built rental stock.</p> <p>Through Housing Brampton, Council has endorsed key actions with the objective to increase the supply of purpose-built rental housing. Toronto's approach was a key example of what the City was looking to use to maintain the supply of existing rental in Brampton. This proposed change will lead to housing instability for renters, the loss of tenant protections, and diminish the stock of purpose-built rental housing.</p>	<p>The City recommends the Province not move forward with this proposed change to Section 111, and instead, propose alternative measures to protect existing rental housing and to maintain affordable rentals that are at risk of demolition or conversion.</p>

Date: November 16, 2022

Subject: Bill 23, More Homes Built Faster Act, 2022

Brampton Urban Design Review Panel | Response to Bill 23 - Letter to the City in support of maintaining design oversight as indicated in Section 41 of the Planning Act.

Brampton Urban Design Review Panel.

Letter to the City of Brampton in support of design oversight of development without revision to Section 41 of the Planning Act as proposed through Bill 23.

This Letter, by the members of the Brampton Urban Design Review Panel (UDRP), supports protecting key sections of the *Planning Act*, which enables municipal design oversight related to the exterior function, appearance of buildings and landscaping such as Section 41.

The City of Brampton has invested heavily in advancing the urban design program as a means to support growth, as well as repair decades of auto-centric city planning approaches. The City has built a successful planning service to ready the City with intensification nodes and corridors that accept tall multi-storey buildings, and redevelopments of underutilized sites that are now transforming Brampton's skyline. The City is currently implementing the Brampton 2040 Vision – a bold new vision for the future of Brampton also called *Living The Mosaic*. This Vision recognizes the need for the City to evolve and provide a higher level of urban densification, expand the range and quality of housing, and support new transit infrastructure. Urban evolution of this magnitude requires careful consideration of design that must happen at multiple points in the planning process. In support of this, the City has assembled the Brampton Urban Design Review Panel (UDRP) to provide City Planners and developers with state-of-the-art urban design advice. Like other urban design panels throughout the GTA and other parts of Ontario, the UDRP relies on sections of the Planning Act, the Official Plan and other planning policies in its review of drawings and design studies related to planning applications.

The City of Brampton includes an Urban Design Review Panel within the planning approvals processes to provide - without bias - a non-binding list of potential urban design enhancements for the City and Applicant to consider. As a body comprising nine volunteer professionals, the UDRP agrees with the Province that there is a crisis of housing supply and affordability. However, this crisis cannot be addressed through omission of the important layers of planning and urban design oversight.

Much of the new housing will likely come through intensification and redevelopment of underutilized urban areas. To ensure long-term resilience (financial, environmental, social), it is important that new development contribute to healthy, complete, and attractive communities to offer a range of buildings forms that fit and enhance their surroundings. This challenge is being met by applying appropriate design standards and design review processes within the Ontario planning approvals framework to achieve successful, attractive, safe, and resilient communities with lasting value.

Housing in Ontario is a complex and multifaceted issue. The supply and affordability of housing units is fundamentally impacted by several challenges across the entire spectrum of housing – from inception to occupation. Serious challenges, outside of the planning approvals process, represent the vast majority of challenges to the supply and affordability of housing – for both developers and consumers. These

challenges may include the high cost of land, the limitation of housing diversity and forms, nimbyism, real estate sales processes, taxation, demographic changes such as multi-generationism, the slowdown in the transfer of housing from older generations to new families, high cost and short supply of building materials, and short supply of all levels of skilled labor– from framers to architects. Other critical challenges include stagnant or declining wages, high interest rates, and high inflationary costs, which affect the price of everything. Still more challenges include land speculation that generates approvals for thousands of new units that are not fulfilled or built. These serious challenges directly impact the supply and affordability of housing and cannot be remedied through the evisceration of the planning and design oversight processes as intended through Bill 23.

The value add provided through urban design review processes is well-established today. So much so, that the most successful communities contribute still to design oversight through urban design review panels. Removing design oversight from municipalities across the board harms those municipalities, like Brampton, that have invested heavily in expediting development through progressive official plans, community plans like secondary plans, permissive and progressive zoning bylaws, development permit systems, and significant investments in transit and infrastructure. Brampton is structured to accept intensification that the development community is responsive to. Communities like Brampton should be rewarded for its pro-active facilitation of development that also delivers a high quality of design.

The development landscape today includes new housing forms, tall buildings, complex mixed-use developments with multiple forms, multi-levels of below grade parking, smaller sites, intensification abutting existing neighbourhoods and sensitive areas. This level of development requires a more nuanced regard for urban design – not less. The planning approvals stream uses an iterative design process to shape new development for the better. This iterative processes shapes taller buildings to mitigate shadows and overlook, ensures occupants enjoy reasonable levels of privacy and comfort, applies transitions for massing, ensures buildings accommodate cycling needs and accessibility. The process also looks to enhance community identity and character is part of the design, and evaluates the interface or relationship between developments and how these meet the public realm.

Brampton, like other cities in the GTA, are impacted by the hundreds of developments built in the 70s and 80s without design oversight. Buildings without appropriate massing, inefficient site design, minimal landscaping, and with poor relationships between buildings and the public realm. In addition, the regard by municipalities for urban design, architecture, and landscape architecture within the planning process is a means of addressing climate change. Design review of developments through a climate change lens ensures that buildings and green spaces can contribute to reducing harmful impacts of climate change. This is often most relevant for smaller developments. For example, design review by municipal staff allows smaller developments to harness design expertise where good urban design practices and sustainability contribute a net gain for the residents of these future buildings and to the community at large.

The Province should address the housing supply issue not through a dismantling of the planning processes. Removing the need for municipalities to review building form, exterior building design, landscape plans, and urban design studies, does not expedite approvals but instead results in other inefficiencies at building permit stages and even post construction. It also results in poorer designs, conflicts and incongruences between the interface of private and public realm, poor coordination between neighbouring buildings and uses, long-term livability and viability of communities, limited resiliency to climate change, and much more.

Tackling the shortages of housing in the Province should include provincial direction to require municipalities to invest in planning by updating official plans, zoning by-laws with zoning for missing middle forms, and updates to secondary plans that clearly demonstrate the scale and location where intensification is to occur and what infrastructure investments are required to get there. Development can happen much faster when most of the planning work – such as official plan designations and zoning – is done in advance. This requires more planning not less. In this way applications benefit from permissive planning frameworks that de-risk these developments and make development predictable and fair.

The Province should not devalue design rigor and repeat the urban planning blunders of the last seven decades which, created large areas of low density development that contributes to the housing crisis of today. Resilient, safe, attractive, and sustainable communities happen by design. When integrated throughout the planning approvals process, good design and effective planning save valuable land, resources, and money. Today, good planning cannot occur without good design.

The Members of the UDRP request that the City assert to the Province the primacy of urban design in shaping success for the people of Brampton who are Living the Mosaic.

Thanks!

Brampton Urban Design Review Panel

Eric Turcotte (Chair): Partner, Urban Strategies

Wai Ying Di Giorgio (Vice Chair): Principal, The Planning Partnership

Khaldoon Ahmad: Niagara Region, Manager of Urban Design

Jason Wu: Former Urban Designer, City of Mississauga

Daniel Ling: Montgomery Sisam, Principal

Brent Raymond: Partner, DTAH

Zaid Saleh: Associate, HOK

Nick Onody: MTPlanners, Director

RE: Regulatory Registry of Ontario Posting 22-MAG011– Proposed Amendments to the Ontario Land Tribunal Act, 2021

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton

To Whom It May Concern,

Thank you for the opportunity to provide comments on the Regulatory Registry of Ontario Posting pertaining to Proposed Amendments to the Ontario Land Tribunal Act.

The Ontario Land Tribunal (OLT) has the responsibility of providing a democratic and fair forum to resolve land use planning conflicts in Ontario and to effectively identify and determine the public interest where there are conflicting opinions on what this means. Maintaining the values of the OLT is critically important to reconciling these differences in a neutral and unbiased manner. Mandating the award of costs following the results of a hearing will have a chilling effect on the exercise of legislative approval authority and may have other unintended consequences. The City is concerned about the impact that additional costs awards could have on the tax base. In considering all the financial impacts from the proposed changes through Bill 23 and earlier changes to legislation affecting land use planning that may increase the volume of hearings, this could lead to additional administrative and financial burdens for the City to bear.

The City requests that the Province maintain the existing Ontario Land Tribunal (OLT) practice to rarely award costs, particularly against municipalities and other public bodies. The full detailed overview of City responses to proposed changes are outlined in **Appendix 1**.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,Á

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Steve Ganesh, MCIP, RPP
Commissioner (A),
Planning, Building and Growth Management
City of Brampton

Appendix 1: Proposed Changes to the Ontario Land Tribunal Act

General Proposed Changes	City Comments	Recommendations
<p>Dismissal of Appeals</p> <p>Proposed changes to expand OLT’s authority to dismiss proceedings without a hearing on the basis of undue delay or the OLT is of the opinion that a party has failed to comply with a Tribunal order.</p>	<p>The City is supportive of processes that help to reduce any time delays for the hearing of cases at the Tribunal.</p> <p>However, consideration for the reason for the delay is important, particularly if it is related to serving the public interest or in accordance with the values held by the OLT around accessibility, fairness, transparency, professionalism, and independence. These values are all in alignment with achieving the public good.</p>	<p>The City recommends the Province provide transparent grounds for dismissal and limit the use of this power to undue delays. The basis for dismissal needs to balance timeliness with other core values of the OLT.</p>
<p>Cost Awards</p> <p>Proposed changes to increase powers for the OLT to order an unsuccessful party to pay a successful party’s costs.</p>	<p>The City recognizes this is a shift from past models and may cause unintended consequences. Planners and other expert witnesses must base their testimony to the Tribunal on defending the public good. However, the risk of a costs award in the case of a loss may be a disincentive to taking a principled position in defence of the public interest. Additionally, municipalities and other public bodies may decide not to deny unsatisfactory applications to avoid the potential double expense of a hearing loss with costs.</p>	<p>The City recommends that no changes be made to the current Tribunal powers for making cost awards. The Tribunal already has sufficient authority to award costs where the conduct of parties warrants it.</p>
<p>Prioritizing Resolution of certain proceedings</p> <p>Proposed new powers for the Lieutenant Governor to make regulations setting standards with respect to timing of scheduling hearings and making decisions. The Minister can prescribe timelines that would apply specified steps taken by the OLT in specified classes of proceedings.</p>	<p>The City understands that timeliness is an important part of a successful OLT process. However, timeliness must be balanced with transparency, accountability and fairness to ensure that the public interest is achieved. Providing additional powers that reduce public participation should not be pursued.</p>	<p>The City recommends the Province articulate regulatory guidelines through a consultative process for how these hearings will be prioritized, and ensure that the public interest is not compromised.</p>

RE: Regulatory Registry of Ontario Posting 22MMAH018– Seeking Input on Rent-to-Own Arrangements

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton

Dear Ms. Khan,

Thank you for the opportunity to provide input on rent-to-own arrangements. This letter addresses the discussion questions provided by the Province.

Brampton recognizes that the Province is exploring ways to support households struggling to progress from rental to ownership housing in the current market, particularly as the ability to save for a down payment is increasingly challenging due to the rising cost of living. The City of Brampton is interested in exploring options that support residents in finding affordable housing while prioritizing the mitigation of any risk for our residents. A rent-to-own arrangement that is properly regulated and protects the interests of all parties involved is critically important. Although the City does not have a specific role in these arrangements, the aim of delivering more pathways to home ownership is in alignment with the City's housing strategy - Housing Brampton.

1. Do you think that rent-to-own arrangements are a viable way to support housing attainability in Ontario?

Rent-to-own arrangements are a viable pathway to homeownership, particularly for those who do not have a sufficient down payment, or do not qualify for a mortgage due to their income or credit score. However, in order to address this issue fully, a definition of “attainable housing” needs to be provided. In any case, it is the City's view that the Province should use rent-to-own arrangements to support affordable housing options that are in alignment with the current definition of affordable housing in the Provincial Policy Statement (PPS).

Currently, the Provincial Policy Statement uses an income-based approach, defining affordable housing as housing where the total monthly shelter cost is at or below 30% of before-tax income. In 2021, Brampton used the PPS income-based approach to identify that the affordable ownership rate in Brampton is \$455,656. The Province should continue to use this metric to define affordable housing and support affordable housing options through the rent-to-own arrangement.

In addition, it is crucial that the rent-to-own arrangements are properly regulated, including protection from predatory financial institutions or unfair arrangements for any actor involved. The Province should prioritize approaches to rent-to-own arrangements that ensure that renters are not obligated to buy the property when the rental term is over. Rather, renters should maintain the option to leave the arrangement “free and clear” at the end of the lease term. In this scenario, renters have the option to purchase the property, but will not be penalized if they decide not to.

Lastly, the Province should prioritize residents with lower credit scores when developing eligibility criteria and program structures. In Brampton, approximately 53% of the City's residents are immigrants. Between 2016 and 2021, approximately 50,000 new immigrants came to settle in Brampton, a large population of residents needing a mix of housing options. Many new immigrants may not have the credit score needed to be approved for a mortgage. If the rent-to-own program is to effectively support Brampton residents, it must be supportive and inclusive of these residents.

2. Are there any barriers with rent-to-own arrangements that you think may be discouraging providers from offering this type of housing?

Rent-to-own arrangements require significant knowledge and understanding of the program structure, and as rent-to-own is not as common in Canada compared to other countries, there is a need for education and knowledge sharing for providers to understand and utilize this model.

Rent-to-own arrangements also require providers to continue to make mortgage payments to their lender until the home or property is officially sold. In stronger markets such as the GTA, providers may prefer to make an immediate sale. In addition, if the renter's finances and credit score do not improve by the time the rental agreement expires, the renter may not receive the necessary financing to purchase the home. This presents risk to the provider, as they will need to find another potential buyer in this scenario. Providers must be fully aware of these risks before entering into rent-to-own arrangements.

It is also important to think about how many years the rent-to-own arrangement will be valid for. If the value of the property increases a great deal over the validity period, then it may not be advantageous for the provider. The Province should consult with renters and financial institutions to determine an appropriate period of time for rent-to-own arrangements to ensure that providers are willing to engage in this type of housing arrangement.

3. Are there any issues with existing rent-to-own arrangements that make it difficult or unfavourable for clients, such as renters, to engage in them?

Rent-to-own arrangements that require renters to buy the home at the end of the term are not favourable or fair for renters. A clear contractual timeline must be outlined where a portion of the rent is going towards the payment for the house, and the rights and responsibilities of both parties involved are clearly laid out. Then, at the appropriate time, the renter can decide to put the payment against the principal, or not make the purchase and walk away from the agreement.

In many cases, this can be a win-win scenario. The renter can gain the opportunity to improve their credit score with no penalty for not purchasing the home, while also being favourable for the provider.

In addition, renters may still face difficulty in securing a mortgage through this arrangement. This is where proper education and consideration of support for the renter in securing a mortgage becomes a crucial component of a successful program.

4. Are there measures the government could consider to facilitate these agreements, such as making them more viable for housing providers, increasing client protections, raising awareness and public education on this alternate form of home ownership, etc.?

In order to facilitate successful arrangements, the Province should work with reputable developers and/or financial institutions with ample resources to pilot these projects. It is also vital that education and training is provided to both providers and renters to support knowledge building for all actors to gain a familiarity with the program structure, and to help achieve the ideal model to deliver rent-to-own agreements.

In addition, creating a standardized and well-balanced agreement that providers and clients can use will play a big role in safeguarding both parties involved. The agreement should include the roles and responsibilities of each party, the length of the arrangement (number of years), and the specific payment structure (rental amount and deposit amount).

The Province could also consider incentives for the providers, such as a reduction in property tax for the duration of the agreement, waiving of DC's for new construction, or assistance in legal and administrative processes. Lastly, the Province could consider allocating certain units in large developments as rent-to-own options, with direct agreements with the building developer, especially in MTSA and Urban Growth Centres.

The City of Brampton would like to thank the Province for the opportunity to provide input on rent-to-own arrangements. The City of Brampton is committed to continuing work with the Province and other stakeholders to supporting the housing of Brampton residents, and would appreciate the opportunity to continue to work together as this program is developed.

Sincerely,

Steve Ganesh, MCIP, RPP
Commissioner (A),
Planning, Building & Growth Management
City of Brampton

RE: Environmental Registry of Ontario Posting 019-6197– Proposed Changes to Ontario Regulation 299/19 Additional Residential Units

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton

To Whom It May Concern,

The City of Brampton (hereinafter referred to as ‘the City’) appreciates the opportunity to provide comment on the Proposed Changes to Ontario Regulation 299/19. The City is supportive of efforts by the Province to address the housing affordability crisis and enable gentle intensification in the City’s existing low-density neighbourhoods. Although there may be locations in the City where the proposed changes are appropriate and provide for rental housing options in the secondary market for Brampton residents, the inability for the City to evaluate and consider the context, servicing capacity, delivery of community services for population growth, and enforcement challenges pose a concern if this is to be enabled “as-of-right” City-wide. Based on the information provided through this ERO posting, these changes would be applicable to a large portion of Brampton, as residential uses make up a significant portion of the City’s lands.

To support the aim of gentle intensification, the City proposes a scoped approach to these changes that should be left to the discretion of the City’s Comprehensive Zoning By-law. Additional Residential Units (ARUs) represent an opportunity to fill gaps in the housing supply, specifically for affordable housing, which should be addressed in the legislation. In many instances, ARUs are constructed as an investment opportunity that:

- Face issues with absent landlords that fail to take proper care of the properties and/or
- Fail to address the growing issue of affordability in the City.

This can impact the health and well-being of Brampton residents and often leads to additional enforcement challenges due to complaints from neighbours.

The City has outlined fulsome comments in **Appendix 1**. Overall, the City agrees with gentle intensification but in a manner that can be effectively managed and supported with the essential servicing of hard and soft infrastructure, providing capacity for municipalities to inform design standards and regulate the design and enforcement of safety standards for these units to ensure the overall well-being of Brampton residents. The City is concerned with the impact of all proposed exemptions to Development Charges (DCs), Parkland dedication or cash-in-lieu outlined through Bill 23 and proposes that these exemptions be left to the discretion of the City. The exemptions will significantly impact the delivery of necessary servicing to meet the amount of growth targeted to occur through this Bill, with 113,000 new units by 2031. Although ARUs in the City currently do not trigger collection of DCs, the need for this funding to deliver servicing for 58,000 additional units is a major problem that the Province will need to provide financial resources to address.



As identified, it is important that the City have the authority to determine appropriate locations that can support 3-units per lot through the Comprehensive Zoning By-law Review process. This will ensure that enforcement and servicing concerns can be addressed and managed in a coordinated manner.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on this posting. Please let us know if you have any further questions.

Sincerely,

Steve Ganesh, MCIP, RPP

Commissioner (A),
Planning, Building & Growth Management
City of Brampton

Appendix 1: Proposed Changes to the Ontario Regulation 299/19

Proposed Changes	City Comments	Recommendations
<p>Accelerate implementation of an updated “additional residential unit” framework. The proposed changes would allow, “as-of-right” (without the need to apply for a rezoning) up to 3 units per lot in many existing residential areas (i.e., up to 3 units allowed in the primary building, or up to 2 units allowed in the primary building and 1 unit allowed in an ancillary building such as a garage)</p>	<p>On August 10, 2022, Brampton Council adopted an OPA and ZBL to permit up to 2 ARUs per residential lot (one in the principal dwelling, and one in a detached accessory structure know as “garden suite”).The City of Brampton currently faces challenges with illegal and potentially unsafe second units and inadequate resources for enforcement. The threshold to prove there is an illegal unit within the principal dwelling is extremely challenging and time consuming for Enforcement staff, taking up to two weeks per complaint. There will be significant challenges from an enforcement perspective with two ARUs being permitted in the principal dwelling. The Province should consider the impact this proposal will have on the City in terms of meeting servicing requirements and the enforcement resourcing needed. The Province should provide additional resources to address the health and safety matters relating to these past and proposed legislative changes.</p> <p>The City is concerned with the definition of “existing residential areas” and how wide-spread this could be defined in the Brampton context. In principle, the City supports this change. However, to maximize benefits and minimize any future issues, the City should be given the power to regulate essential and commonly agreed-upon zoning and design principles. Additionally, municipalities should have the power to target areas where these ADUs would be most appropriate, specifically in transit-supported locations, as applying this city-wide would cause parking challenges in the city.</p>	<p>The City recommends the Province encourage municipalities to implement the proposed increase of up to 3 units per lot where determined appropriate through a fulsome zoning review, rather than requiring that it be allowed “as of right”. If the Province decides to pursue this proposal, the City recommends limiting it to transit-supported locations that are more likely to address problems related to parking and servicing capacity.</p>
<p>Supersede local official plans and zoning to automatically apply province-wide to any parcel of land where residential uses are permitted in settlement areas with full</p>	<p>The City is concerned about the pressures this places on municipal servicing capacity.</p> <p>Are municipalities able to refine any zoning provisions where this may not be feasible and where servicing is limited?</p>	<p>The City recommends scoping where this is allowed and to leave zoning for up to 3 units to the discretion of municipalities to ensure sufficient servicing capacity is available.</p>

<p>municipal water and sewage services (excepting for legal non-conforming uses such as existing houses on hazard lands).</p>		
<p>Remove barriers and incent these types of units by prohibiting municipalities from imposing development charges, parkland dedication or cash-in-lieu requirements (<u>Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges</u>), applying minimum unit sizes or requiring more than one parking space per unit.</p> <p>Remove provisions that are no longer needed, and make housekeeping edits to align with and complement the proposed legislative changes.</p> <p>The changes proposed to O. Reg. 299/19 are consequential to amendments made in the Planning Act (<u>Seeking Feedback on Municipal Rental Replacement By-Laws</u>) and would not result in any additional costs.</p>	<p>The City is supportive of removing barriers to incent these types of units but in a manner that leaves it to the discretion of the municipality to determine where appropriate. This is to ensure it is in a manner that can protect the health and safety of residents. Addressing problems of overcrowding and enforcement is critical in enabling this type of zoning change.</p> <p>The City recognizes that this will have significant parking implications, as on street parking is already a challenge in the city, with a large number of households paving the front lawn to make space for a car for tenants. The Province will need to invest in additional funding for public and active transit infrastructure to combat the parking problems and congestion arising from these changes.</p> <p>The implementation of changes required by Bill 108 resulted in financial impacts to Enforcement. Ensuring the health and safety of residents is of utmost importance to the City and must be considered by the Province before allowing 3 units as-of-right. This proposed change would lead to additional costs for the City to bear, which should be accompanied with additional provincial funding.</p> <p>The City is concerned with the overall impacts to the collection of Development Charges proposed in Bill 23. These types of exemptions to DCs and other charges are beneficial to be used as an incentive, targeting specific areas where intensification can be effectively supported (e.g., rear-lotted residential development close to Major Transit Station Areas).</p>	<p>The City recommends that municipalities that are already incentivizing residential densification through housing policies be permitted to continue doing so at their discretion, to ensure these discounts are targeted appropriately.</p> <p>The City recommends the Province provide additional funding to support enforcement and invest in public transit infrastructure across the city if the proposed changes go forward.</p>



Ministry of Public and Business Service Delivery,
56 Wellesley St. W., 6th Floor,
Toronto ON,
M7A 1C1

**RE: Ontario's Regulatory Registry - Amendments to the New Home
Construction Licensing Act, 2017 to protect purchasers of new homes**

**From: Steve Ganesh, Commissioner (A) City of Brampton - Planning, Building and
Growth Management Department**

To Whom It May Concern,

Thank you for the opportunity to provide comment on the Ontario Regulatory Registry posting pertaining to proposed amendments to the Construction Licensing Act, 2017. Although this does not directly impact the services provided by the City of Brampton, this is an important posting to ensure that any development delays or additional costs of development that may impact the overall affordability of a housing unit are not transferred to Brampton residents as this could create potential financial hardship.

Through *Housing Brampton*, Brampton's first Council endorsed housing strategy, the City identified the need to ensure that regulatory tools are aligned to assist prospective purchasers of affordable housing units. The City supports the Province's proposed action to protect purchasers of new homes through the regulatory tools in their purview.

Thank you for the opportunity to provide comments.

Sincerely,Á

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Steve Ganesh, MCIP, RPP

Commissioner (A), Planning, Building and Growth Management Department
City of Brampton



Public Input Coordinator
MNRF - PD - Resources Planning and Development Policy Branch
300 Water Street, 6th Floor, South tower
Peterborough, ON
K9J 8M5
Canada

RE: Environmental Registry of Ontario Posting 019-2927 – Proposed Updates to the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario

From: Steve Ganesh, Commissioner (A), Planning, Building and Growth Management Department, City of Brampton

Michael Won, Commissioner (A), Public Works & Engineering Department, City of Brampton

Whom It May Concern:

Thank you for the opportunity to provide input on the proposed updates to the Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario. The City of Brampton has reviewed the proposed updates outlined through this posting and offer responses to the Discussion Questions below.

For Discussion:

Improved coordination between Conservation Authorities Act regulations and municipal planning approvals

Section 28 of the Conservation Authorities Act, as proposed to be amended by the *More Homes Built Faster Act, 2022*, provides for exemptions for development authorized under the *Planning Act* from the requirement to obtain a permit under the *Conservation Authorities Act*. This exemption would apply in the municipalities set out in regulation and could be subject to certain conditions also set out in regulation. Conservation Authorities would continue to permit other activities not subject to municipal authorization.

The Ministry has not proposed a regulation utilizing this exemption tool as part of this regulatory proposal but is requesting initial feedback on how it may be used in the future to streamline development approvals while still ensuring the protection of people and property from natural hazards. Considerations for the use of this tool include:

1. In which municipalities should the exemption apply? How should this be determined?

All municipalities under the jurisdiction of Conservation Authorities who request exemptions and can demonstrate that they have the necessary expertise to conduct the reviews previously carried out by the Conservation Authorities.

2. Which *Planning Act* authorizations should be required for the exemption to apply?

Site Plan and Draft Plan authorizations should be exempt from Conservation Authority permits, specifically related to stormwater management and discharges in to regulated watercourses, provided that there is no gap in the review of these issues once the Conservation Authority review is eliminated.

3. Should a municipality be subject to any requirements or conditions where this type of exemption is in place?

Yes, municipalities should be required to respect the Conservation Authority's natural hazard policies and requirements for discharging into regulated watercourses. This can be accomplished by requiring municipalities to update their stormwater design standards to reflect Conservation Authority natural hazard policies and requirements.

4. Are there any regulated activities to which this exemption shouldn't apply?

Municipal exemptions should not be provided to "Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland".

The definition of watercourses should exclude roadside and other ditches. This can be accomplished by each municipality maintaining a map of watercourses, municipal drains and ditches in a schedule of an Official Plan, Asset Management Plan and in the system mapping prepared for CLI ECA, in consultation with Conservation Authorities.

Municipalities do not have the resources or expertise to ensure compliance with Conservation Authority policies and requirements associated with watercourses and wetlands.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the proposed changes.

Sincerely,

Steve Ganesh
Commissioner (A),
Planning, Building & Growth Management

Michael Won
Commissioner (A),
Public Works & Engineering

Public Input Coordinator
MNRF – PD – Resources Planning and Development Policy Branch
300 Water Street, 6th Floor, South tower
Peterborough, ON
K9J 8M5

RE: Environmental Registry of Ontario Posting 019-6161 - Conserving Ontario's Natural Heritage

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth Management Department, City of Brampton;

Michael Won, Commissioner (A) - Public Works & Engineering Department, City of Brampton

To Whom It May Concern:

The City of Brampton appreciates the opportunity to provide comments on the Discussion Paper and respond to the relevant discussion questions. Please find the ERO identified questions and City responses identified below.

Discussion Questions:

1. **Which do you support or disagree with?**

City Response:

Natural areas play a critical role in mitigating floods, reducing heat islands, maintaining local biodiversity, and improving water quality. Further loss of natural heritage areas and features such as wetlands may result in significant repercussions like serious flooding, which puts the safety of communities at risk. Natural features are a cost-effective strategy for protecting local and downstream residents and properties. The government must be prudent when considering changes like offsetting, which could negatively affect the ability of municipalities to protect a robust natural heritage system and to reduce impacts like flooding.

Key Comments and Recommendations:

- Offsetting should not always be an option and considered just one potential tool. It should only be a possible option for low quality and/or valued features and not a guarantee.
- All other avenues to maintain the natural feature onsite must be considered before offsetting is accepted.
- The size of the NHS is a key indicator of the health of the NHS system, therefore, it is important for any replacement lands to be equal or greater in area, than the lands being offset.
- Connectivity across the landscape is vital for the health of natural systems and many species. Even lower quality habitat can be important if there is little to no natural habitat in the area. Offsetting often leads to landscapes totally lacking in natural areas as they are all moved to what is more convenient to humans rather than the health of the system and species population.

- Replacement of lost natural areas would need to include offsets of the feature and any loss of buffers that would be associated, otherwise, it would be a loss in land compared to if it was to be maintained onsite.
- Offsetting should be done as close as possible to the lost feature. At the farthest, replacement should be within the same watershed area and municipality.
- Lower quality natural spaces can still provide important ecological and community services, particularly around climate resiliency, such as mitigating heat island effects, reducing flooding and improving water quality and soils. Additionally, in urban areas, these sites can be critical for many species by providing corridors for wildlife. This and their contribution to local climate resiliency is often not considered in offsets.
- New and appropriate land will need to be found, (of equal area or greater) which will be difficult in urbanized/urbanizing areas.
- Offsetting fees will need to include the financing/cost of the land needed for replacement, which will be costly, particularly in the GTA. Fluctuating land values will also provide a complexity and risk.
- Final decisions on whether offsetting should be allowed for a feature needs to rest with municipalities.
- The Province should adopt Conservation Authority offsetting guidelines (i.e. [TRCA's Guideline for Determining Ecosystem Compensation](#)).
- There would be an increased administrative and technical staffing cost to the municipality to implement the proposed offsetting program.

Common issues with offsetting programs that need to be addressed are as follows:

- Failure to treat offsets as a last resort;
- Lack of performance standards;
- Low levels of compliance monitoring;
- Lack of oversight;
- Poor design (lack of science to determine baseline conditions, failure to consider multiple values and benefits, failure to consider landscape-level and system impacts, lack of metric to measure losses/gains, lack of funds); and
- The timeframe between loss of the feature and the replacement of the feature is long and lost biodiversity and certain species during that time may be unrecoverable.

2. **Do you have any suggestions that would enable Ontario to support development and the growing demand for housing while ensuring that we continue to benefit from the important role that wetlands, woodlands and other natural wildlife habitat play in our communities?**

City Response:

- More funding and resources for municipalities from the Province towards the protection, and management of natural areas is needed, especially in light of the proposed changes in Bill 23.
- Need stronger policies towards the protection, enhancement and management of natural areas, features and systems in urban areas to ensure that much needed housing is not constructed at the cost of the natural environment.
- Funding, resources and policies from the Province that support local green infrastructure projects, programs and requirements to help compensate for the loss that will be seen of natural areas and their services they provide to urban communities.



- Bill 23 proposes changes to the land use planning system that reduce or eliminate the ability of municipalities and conservation authorities to ensure appropriate consideration is given to the foregoing issues. It is recommended that the Province pause the implementation of Bill 23 and consult further with municipalities and conservation authorities on the cumulative impact of Bill 23 on protection of the environment.

The City of Brampton would like to thank the Province for the opportunity to provide feedback and comments on the Discussion Paper and relevant questions outlined through the Environmental Registry of Ontario posting. Please let us know if you have any further questions.

Sincerely,

Steve Ganesh, MCIP, RPP
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Planning, Building & Growth Management

Michael Won
Commissioner (A)
Public Works & Engineering