



COUNTY OF WELLINGTON

Committee Report

To: Chair and Members of the Planning Committee
From: Jameson Pickard, Senior Policy Planner
Date: Thursday, May 09, 2024
Subject: **Bill 185 – Cutting Red Tape to Build More Homes Act, 2024**

1.0 Purpose:

This report will provide Planning Committee with a summary of key changes proposed through Bill 185 – Cutting Red Tape to Build More Homes Act, 2024 (Bill 185) and Planning Staffs comments on some of the most impactful proposals to the County and our Member Municipalities.

2.0 Background:

On April 10, 2024, the Provincial government introduced Bill 185 into the Ontario legislature. This omnibus bill is proposing a suite of legislative, regulatory and policy initiatives that impact several pieces of legislation including the Planning Act, Municipal Act and Development Charges Act. At the time of preparing this report, Bill 185 was in its second reading.

Together with the introduction of Bill 185 was the release of the Draft 2024 Provincial Planning Statement (PPS). A review of this document is provided in a separate Planning Committee report (see PD2024-20).

Changes to the Development Charges Act are not covered in this report and are being monitored by the County Treasury Department. However, Treasury staff advised that the changes seem to make significant steps towards restoring municipalities' ability to fund growth-related infrastructure.

3.0 Bill 185 – Cutting Red Tape to Build More Homes Act, 2024

Bill 185 proposes a series of changes which the Province states will:

- Build homes cheaper and faster;
- Prioritize infrastructure for housing projects that are ready to go;
- Improve consultation processes and provide greater certainty once a decision is made; and
- Build more types of homes for more people.

The following section describes key changes proposed to the Planning Act and Municipal Act that are most relevant to the County and our Member Municipalities. As part of the Bill's release, a series of Environment Registry of Ontario (ERO) postings were published to solicit feedback on the proposals in the legislation. A complete list of the various changes proposed by Bill 185 is attached in Appendix A.

Planning Act Changes

Bill 185 proposes several changes to the Planning Act through Schedule 12 of the Legislation. Key changes include the following:

Third Party Appeals	Proposed changes would remove third party appeals for Official Plans, Official Plan Amendments, Zoning by-laws and Zoning by-law amendments. If approved, this would remove third party appeal rights for most Planning Act applications.
Settlement Area Boundary Expansion Appeals	- Proposed changes would allow applicants to appeal a municipalities decisions/non-decision related to an expansion of a settlement area boundary expansion. - Current provisions in the Planning Act do not permit the appeal of municipal decisions of OPAs and ZBAs related to settlement area boundary expansions.
Removal of Fee Refunds	Proposed changes remove the fee refund requirements established through Bill 109 that applied if a municipality failed to make decision on a site plan and/or zoning by-law amendment applications within the legislated timelines.
Pre- Consultation	Proposed changes would make pre-consultation meetings voluntary and at the discretion of the applicant for all Planning Act applications.
Approval Lapsing	- Developments with approved site plans which do not pull permits within a period of time can have their approvals withdrawn. Draft plans of subdivisions/condominiums will also have mandatory lapsing provisions. - The time period for lapsing will be set by regulation, with a default of no less than three years if a regulation does not apply.
Updated Notice Requirements	Proposed changes would permit municipalities to provide notice on their websites, for Planning Act purposes, if a local paper is not available.
Additional Residential Units	- The Minister is proposed to be given a new regulation-making power to remove zoning barriers for small multi-unit residential developments. - The Province is seeking direct feedback on what specific zoning provisions create barriers to the development of ARUs.
Community Infrastructure and Housing Accelerator (CHIA)	- Repeal the Community Infrastructure Housing Accelerator process introduced by Bill 23. - A new framework is in place for requesting MZOs. This includes demonstrating why the normal municipal process cannot be used, as well as information on indigenous engagement and public consultation.

Municipal Act Changes

Bill 185 proposes several changes to the Municipal Act through Schedule 9 of the Legislation. Key changes include the following:

Municipal Servicing Allocation	Changes proposed will give municipalities the authority to enact by-laws under the Municipal Act to track water supply and sewage capacity, and to set criteria for when an approved development can have their allocation withdrawn.
Municipal Incentives	Changes proposed to the Municipal Act would allow the Lieutenant Governor in Council to make regulations enabling a municipality to incentivize specified businesses, to attract investment in Ontario.

4.0 Comments

Planning Staff have reviewed Bill 185 and the various ERO postings and offer the following comments:

Comments of Support:

County Staff support the changes that will strengthen a municipality’s ability to deliver housing approvals in a timely manner and specifically support:

- The repeal of the fee refund framework,
- The establishment of mandatory lapsing dates on Site Plan and Draft Plan of Subdivision applications;
- The strengthening of municipal authority around servicing allocation and applicable by-laws.
- The option for municipalities to provide alternative forms of notice, where local papers are not available.

With regards to the proposed regulatory changes related to ARUs (ERO posting 019-8366), the County supports in principle the concept of reducing barriers related to the construction of Additional Residential Units. However, we would continue to advocate for zoning provisions that ensure the health, safety and privacy of the occupants and neighbours are maintained and support the retention of the following zoning requirements:

- siting ARUs outside of hazardous areas,
- the provision of safe ingress and egress to the units,
- grading and drainage requirements,
- minimum setbacks to neighbouring properties and dwellings,
- the provision of adequate water and sewage servicing.

Comments Seeking Change:

Couty Staff have concerns with proposed changes that would frustrate and delay housing approvals by municipalities and recommend that they be removed from the legislation, these include:

- Moving to pre-consultation meetings at the discretion of applicants.

- Shifting away from comprehensive planning by allowing applicant appeals of municipal decisions/non-decisions of OPAs and ZBAs related to settlement area boundary expansions.
- Removal of third-party appeals.

Municipal staff are best positioned to know what is needed to support development applications and should be consulted prior to development applications being submitted. The change to discretionary pre-consultation meetings will result in more delays in the processing of development applications.

Significant decisions related to community growth, such as settlement area boundary expansions, should be subject to a comprehensive review process, not ad hoc requests that will require municipalities to continually rationalize the current extent of settlement areas outside of comprehensive reviews. In addition, municipalities and their elected Councils should be in control of major decisions about growing their community and directing future infrastructure investments. The proposal could create situations where Council decisions about community growth and investment are undermined and directed by Provincial Tribunals and individual landowners.

While County staff appreciate the objective of trying to speed up municipal approvals, the removal of third-party appeals for most planning applications is a concern. These changes represent a shift away from a planning process that is collaborative, rational, and serves the public interest. Targeted measures that would eliminate appeals that are frivolous, vexatious, and made with the intent to frustrate and delay, would be more appropriate than the complete removal of third-party appeal rights.

5.0 Next Steps

Bill 185 proposes another series of legislative, regulatory and policy proposals to update the land use planning policy framework in Ontario that will have varying degrees of impact on the County and our Member Municipalities.

The Province has posted proposals related to Bill 185 on the Environmental Registry of Ontario (ERO) and Regulatory Registry for comment until May 10, 2024. Planning Staff will continue to monitor the progress of Bill 185 through the legislature and will report at a later date when the legislation comes into effect and/or additional policies and regulations are made available.

6.0 Strategic Action Plan:

This report relates to the following objectives and priorities in the County's Strategic Action Plan:

- Making the best decisions for the betterment of the community
- To assist in solving the current housing crisis

7.0 Recommendation:

That this report be forwarded to the Ministry of Municipal Affairs and Housing on behalf of the County and to Member municipalities for their consideration prior to the comment deadline for the ERO and Regulatory Registry postings.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jameson Pickard".

Jameson Pickard, B.URPL, MCIP, RPP
Senior Policy Planner

Appendix A - Environmental Registry Posting and Ontario Regulatory Registry Postings Associated
with Bill 185 – Cutting Red Tape to Build More Homes Act, 2024

APPENDIX A

Environmental Registry Posting and Ontario Regulatory Registry Postings Associated with Bill 185 – Cutting Red Tape to Build More Homes Act, 2024

ERO – 019 -8369 Proposed Planning Act, City of Toronto Act, and Municipal Act Changes

Topic	Proposed Change
Third Party Appeals	Limit third-party appeals for official plans, official plan amendments, zoning by-laws, and zoning by-law amendments
Fee Refund Framework	Remove the fee refund provisions from the Planning Act and for zoning by-law amendment and site plan control applications
Municipal Pre-Consultation	- Make pre-consultations voluntary at the discretion of the applicant. - Allow an applicant to challenge complete applications requirements to the OLT and any time, rather than a time limited window once a municipality rejects an application as complete.
Lapsing of Approvals	Site Plan approvals and Draft Plan of Subdivision approvals will have mandatory lapsing dates. The time period will be set by regulation, with a default of no less than three years if a regulation does not apply.
Municipal Servicing Allocation By-laws	Municipalities will be given the authority to enact by-laws under the Municipal Act to track water supply and sewage capacity, and to set criteria for when an approved development can have their allocation withdrawn.
Settlement Area Boundary Expansions	Allow a private applicant to appeal the approval authority's refusal or non-decision so long as the proposed boundary expansion does not include any lands within the Greenbelt area.
Additional Residential Units	- The Minister is proposed to be given a new regulation-making power to remove zoning barriers for small multi-unit residential developments. - See ERO posting 019-8366 below.
Community Infrastructure and Housing Accelerator (CHIA)	- Repeal the Community Infrastructure Housing Accelerator process introduced by Bill 23. - A new framework is in place for requesting MZOs This includes demonstrating why the normal municipal process cannot be used, as well as information on indigenous engagement and public consultation.
Facilitating Standardized Housing Designs	- Create regulation making authority to enable the establishment of criteria to facilitate the approval of standardized housing un serviced urban residential lands. - If specified criteria are met certain provisions of the Planning Act could be overridden.

Expedited Approval Process for Community Service Facilities	• Create regulation-making authority to enable a streamlined approval pathways for prescribed class(es) of “community service facility” projects (public schools K-12, hospitals and long-term care facilities).
Upper-Tier Planning Responsibilities	• Identifies July 1, 2024, as the effective date of the upper-tier planning changes for Peel Region, Halton Region and York Region. • Upper-tier planning changes for the remaining four municipalities (i.e., Waterloo, Durham and Niagara Regions, and Simcoe County) would come into force at a later date. • (Not applicable to the County of Wellington)
Reduced Parking Minimums	• Restrict municipal councils from approving official plans or enacting zoning by-laws requiring parking in Protected Major Transit Station Areas. • (Not applicable to the County Wellington)
Exempt Universities from the Planning Act	• Exempt publicly assisted universities from the Planning Act for university-led student housing projects on- and off-campus.

ERO – 019-8370 Proposed Changes to Regulations under the Planning Act and the Development Charges Act: Newspaper Notice Requirements and Consequential Housekeeping Changes

Topic	Proposed Change
Digital Notification for Planning Act Applications	• Proposed regulatory changes would allow municipalities to provide applicable Planning Act and Development Charge Act notice on a municipal website if there is no local print newspaper available.

ERO – 019-8366 Proposed Regulatory Changes under the Planning Act Relating to Bill 185: Removing Barriers for Additional Residential Units

This posting is related to the proposed regulatory changes applicable to Additional Residential Units. The Ministry is seeking further clarification about what municipal zoning barriers are limiting the development of Additional Residential Units and asks the following questions:

1. Are there specific zoning by-law barriers standards or requirements that frustrate the development of ARUs (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum number of bedrooms permitted per lot, and angular plane requirements, etc.)?
2. Are there any other changes that would help support development of ARUs.

ERO – 019-8368 Proposed Amendment to Ontario Regulation 73/23: Municipal Planning Data Reporting

Municipal Planning Data Reporting	• Proposed regulatory changes would expand the list of municipalities required to report data to the province, the frequency of the reporting; and the content reported. • (Not applicable to the County)
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Ontario Regulatory Registry – Red Tape Reduction- Supporting Municipal Incentives for Economic Growth

The Province is seeking feedback on a change to the Municipal Act that would allow Municipalities the ability to provide direct assistance to business which support Provincial investment attraction. Currently, Municipalities are prohibited from providing direct or indirect assistance to any manufacturing, industrial or commercial business.