

Public Works

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April 11, 2022

Laurie Scott, MPP
Chair, Standing Committee on the Legislative Assembly
99 Wellesley Street West, Room 1405, Whitney Block
Toronto, ON M7A 1A2

Re: Region of Peel Comments on Bill 109, More Homes For Everyone Act, 2022

Thank you for the opportunity to review and comment on the *More Homes For Everyone Act, 2022*. We appreciate the Province's commitment to addressing housing affordability including implementing a housing supply action plan over the next four years. Below are initial comments provided by Region of Peel staff. More detailed feedback will be provided as responses to Environmental Registry of Ontario postings and as part of further consultations with municipalities. We ask that future consultations, such as those on submission reviews, include upper-tier municipalities given the shared responsibility with lower-tier municipalities to facilitate the efficient provision of housing.

General comments

At a high level, Regional staff support Provincial direction to further consult and consider recommendations from the Ontario Housing Affordability Task Force over the next four years and not immediately pursue recommendations that could be counterproductive if implemented without valuable input from municipalities. In addition, Regional staff believe that the Province's efforts to streamline development approval processes should prioritize strategic community building projects that create additional opportunities to provide affordable housing, long term care homes, and hospice and health services to maximize community benefits.

Regional staff also have significant concerns with the proposals to return planning application fees when specific timelines are not met. These initiatives do not reflect the shared accountability of public review agencies and applicants to address matters and move applications forward which is a significant part of the review timeline and includes time required for the applicant to address issues. Proceeding with such overly simplistic solutions could be counterproductive by reducing options for municipalities to work collaboratively with applicants and reduce a key funding source for resources to process and approve applications thereby inadvertently hindering the ability to increase housing supply.

Planning Act Changes

Ontario Land Tribunal

Regional staff have concerns with the proposed change that would provide the Minister with the ability to refer all or parts of an official plan to the Ontario Land Tribunal (OLT) for a recommendation or decision. This change erodes gains made from recent *Planning Act* changes that allow for Municipal Comprehensive Reviews to proceed without the need for often decades long, complex, and extensive appeals processes. Moreover, the delegation of

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decision-making powers to a non-elected body could be problematic. In addition, allowing the Minister to suspend the time period for making a decision on an official plan could delay housing supply, impede the efficient provision of housing, and may be inconsistent with service level demands placed on municipalities. Clarity is requested on if this suspension of time period applies to applicant-initiated and site-specific official plan amendments requested by the approval authority or if it is applicable to official plan conformity plans put forward by municipalities.

Regional staff support proposed additional funding and resources for the OLT and Landlord and Tenant Board to reduce backlogs.

Zoning By-Laws

Proposed changes that would require municipalities to refund planning fees if decisions on applications are not made within prescribed timelines are of concern as they:

- Do not reflect the shared accountability of public review agencies and applicants to address matters and move applications forward. A significant part of the application review timeline includes time required for the applicant to address areas of concern.
- Are not appropriate for applications where applicants have failed to provide satisfactory plans or reports thereby resulting in a longer review period.
- Create undue resourcing pressures that will require additional funding to support added resources and staff to facilitate expedited comments and timelines.
- Facilitate potential quick decisions of refusal rather than allowing for the ability to work through issues.
- Could result in reduced fee revenue for municipalities which in turn will reduce the resources and staff available to work on applications and inadvertently reduce the ability to increase housing supply.

Community Infrastructure and Housing Accelerator

Regional staff are supportive of tools to expedite planning approvals through an established process. The Community Infrastructure and Housing Accelerator tool should be targeted for strategic community building purposes and should not be used for general market housing unless there is a sufficient affordable housing component as part of the proposed development. This requirement would maximize community benefits, meet a range of household affordability needs, and support complete community objectives. The Province should also introduce formal processes for its existing Minister's Zoning Order (MZO) powers, similarly scoped to strategic community building purposes, where the support of municipalities has been established.

Site Plan Control

Proposed measures that add recourse if applications are deemed complete within 30 days and refund fees if decisions on applications are not made within prescribed timelines will be counterproductive as they:

- Require rigid complete application guidelines and checklists, thereby reducing opportunities for applicants to gain useful agency input early in the process.

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- Could result in reduced fee revenue for municipalities and reduced resources and staff available to process and approve applications thereby inadvertently reducing the ability to increase housing supply.

Plans of Subdivision

The proposed introduction of Provincial plan of subdivision regulations could reduce the flexibility for municipalities to use the draft plan of subdivision approval conditions to address complex issues through Provincially mandated conditions. In addition, this proposed change also has the strong potential to delay draft approvals or result in more subdivision application refusals or appeals to the OLT as issues are not resolved.

Reporting on Planning Matters

While Regional staff are generally supportive of proposed regulations that will outline what planning matters must be reported on, who it is to be reported to, and the frequency and format of reports, it is requested that municipalities have full access to reporting through open data provisions. More information is required to understand the full impact of these changes.

Regulations re Surety Bonds and Other Instruments (Section 70)

Surety bonds are not the strongest form of security for municipalities and the Region has historically relied on letters of credit. More information is required to evaluate the incremental risk to the ability of municipalities and conditions required to collect on the security where a developer fails to meet its obligations under a development agreement. To ensure proper risk management and protection of taxpayer dollars, the strength of the form of security should not be comprised and should offer similar ability to draw on the security when required.

Ontario Building Code

Regional staff support efforts to reflect modern building practices in the Ontario Building Code such as allowing 12-storey mass timber buildings and facilitating more infill and low-rise multi-unit housing.

Data Collection

Regional staff support the proposed changes regarding improved data collection and sharing including standard reporting on development applications. More information is needed, however, on how the Province anticipates municipalities using Ministry of Finance forecasts if there are differences from Growth Plan population forecasts.

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Development Charges Act Changes

Development Charge Statements

Regional staff already produce a Development Charges Treasurer Statement that is publicly posted on an annual basis.

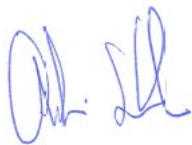
Development charge capital needs are identified as a part of a Development Charge Background Study prepared at a minimum of every five years. This study reviews pertinent elements that lead to a capital plan and outlook informed by growth forecasts and infrastructure master plan(s). There are many factors that may affect the timing and the amount of actual spending, one of which is growth being achieved in comparison to the Growth Plan. Municipalities use a system-wide approach for development charges and infrastructure master planning.

A high-level report at a service level may help to provide an indication of the relationship between the spending and revenue collection for the services. Statutory reporting on a project-by-project comparison, however, is not recommended. Additionally, development charge capital projects such as water and wastewater infrastructure take years to plan, design, and build, over which period municipalities need to stay nimble to address capital needs, inflationary pressures, and cash flow requirements to continue to support growth.

Conclusion

The Region of Peel supports the Province's goal of addressing housing affordability. We look forward to continuing to work with the Province to accelerate the delivery of housing supply and to address the issue of housing affordability in Peel Region and across Ontario. Regional staff would be pleased to participate in future consultations and discuss any needed clarification or provide additional comments as required.

Sincerely,



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