

# Sample letter to the Minister

May 10, 2024

Minister of Municipal Affairs and Housing Paul Calandra

Ministry of Municipal Affairs and Housing

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Via email: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca) and [housingsupply@ontario.ca](mailto:housingsupply@ontario.ca)

CC: Members of Provincial Parliament

Subject: Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, and related announcements of April 10, 2024

Minister of Municipal Affairs and Housing Paul Calandra:

Thank you for sharing proposed Bill 185 and related announcements.

We support the following proposed changes in Bill 185 and related announcements:

1. Relaxation of transition requirements on changes to Development Charges outlined in Schedule 6, Section 1(3) and 3
2. Inclusion of more of the true capital costs related to Development Charges, including study costs and the development charge background study outlined in Schedule 6, Section 1(5) and (6). Please take further steps to make municipalities whole after the Province cut the Development Charges collectible by municipalities.
3. Removal of application fee refund requirements outlined in Schedule 12, Section 5(5).
4. Time limits on site plan approvals, and draft plan of subdivisions outlined in Schedule 12, Sections 7(3) and 10(3).
5. Clarity on the framework around Ministerial Zoning Orders (MZOs). Please expand the framework to clarify that MZOs are only to be used in emergency situations, in collaboration with applicable municipalities.
6. Changes to the Building Code to allow 18-story mass timber buildings and committed further investigation into single stairwells for buildings of up to 6 storeys.

*In the 1<sup>st</sup> section, we identify the proposals we support.*

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We urge you to please amend or not enact the following proposed changes:

- 1. Removal of Planning Authority for the Region of Waterloo as outlined in Schedule 12, Section 1(5).** Integrated regional planning and oversight are necessary as the lower-tier municipalities operate in tight proximity and the region is dependent on the carrying capacity of our watersheds. Unlike most other Ontario cities and communities, the Region of Waterloo has no freshwater pipelines to the Great Lakes and no Greenbelt protections. If the Province is not amenable to retaining Waterloo Region's planning authority, please consider a) having the Region retain responsibility for maintaining Regional Official Plans while delegating the approval of OPAs and ZBAs to lower-tier municipalities or b) expanding the provincial Greenbelt to the Waterloo Moraine and Protected Countryside. Proposed Provincial Planning Statement Policy 6.2 encourages coordination across municipal boundaries. The Region of Waterloo may be the most appropriate locus for that coordination.
- 2. Removal of Third-Party Appeal Rights. Schedule 12, Section 3** proposes to limit appeals of council and approval authority decisions of planning applications to the applicant, Minister, municipality or planning authority and a short list of utilities and safety regulators. We believe that public participation in the creation and amendment of Official Plans and Zoning Bylaws serves the public interest and is a long-standing fundamental democratic right that needs to be upheld. Moreover, we do not see evidence that removing the public's right of appeal will expedite the construction of homes. According to Lawyer David Donnelly, third party appeals are extremely rare, comprising approximately 0.5% of all appeals, and only 0.25% of all contested hearings. In fact, removal of OLT appeal rights may result in more court-based litigation, which could produce increased delays and higher costs for all parties.
- 3. Permitting appeals of OPA/ZBA applications that would alter a settlement area boundary as outlined in Schedule 12, Section 6.** We believe questions of urban boundaries are too large to be considered via an OPA/ZBA application and should be reserved to Municipal Comprehensive Reviews at which the public can be duly engaged and the urban boundaries can be considered as a unit.

*In the 2<sup>nd</sup> section, we identify our key concerns with Bill 185, all to be copied into ERO 019-8369.*

Please defer implementation of the proposed Provincial Planning Statement until further review. We offer the following initial comments to inform the further draft.

**1. Retain the following language from Provincial Policy Statement 2020 Policy 1.1.1:**

- a) “healthy, liveable and safe communities”,
- b) “avoiding development and land use patterns which may cause environmental or public health and safety concerns” as used in Policy 1.1.1, and
- c) “promoting development patterns that conserve biodiversity”.

**2. Retain Policies 1.1.3.8 and 1.3.2.4 from Provincial Policy Statement 2020 limiting identification or expansion of a settlement area and the conversion of employment lands to non-employment uses to a comprehensive review.**

Master planning may be more difficult and perhaps meaningless if these considerations can be handled with regard to specific lands in isolation at any time.

**3. Set the minimum density targets for designated growth areas at 90 residents and job per hectare,** to meet the minimum density requirements in support of public transit, as opposed to the encouraged target of 50 proposed in Policy 2.3.1.5. A minimum target of 90 residents and job per hectare will also provide for more economical infrastructure and conservation of farmland and natural spaces.

**4. Revise Land Use Compatibility Section 3.5.2** to afford protection to adjacent sensitive uses from new development. Policy 3.5.2 seems to only protect new development from adjacent sensitive uses.

*In the 3<sup>rd</sup> section, we identify key concerns with the proposed Provincial Planning Statement, all to be copied into ERO 019-8462.*

Thank you for your consideration. Sincerely,

Your Name Here