



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Claire Dodds
Director of Planning and Development

Date: May 18, 2023

Re: Provincial Legislative, Regulatory, and Policy Proposals related to
Land Use Planning- Spring 2023

Staff Recommendation:

That the attachments to the Provincial Legislative, Regulatory and Policy Proposals related to Land Use Planning - Spring 2023 report be submitted to the Province as Bruce County comments on the respective ERO postings and be shared with local Municipalities; and,

That a copy of the comments on the Proposed 2023 Provincial Policy Statement be circulated to the Premier, Minister of Municipal Affairs, Minister of Agriculture, Food and Rural Affairs, local MPPs, the Association of Municipalities of Ontario and the Western Ontario Warden's Caucus to be circulated to member municipalities.

Background:

The Provincial Government has proposed further legislative changes, new regulations, and a new Provincial Policy Statement, with a stated purpose to increase housing supply.

ERO Posting	Related Changes	Comment Deadline
019-6821	Bill 97 - Planning Act, City of Toronto Act, Municipal Affairs and Housing Act	May 6, 2023 (30 days)
019-6813	Proposed Provincial Policy Statement	June 5, 2023 (60 days)
019-6822	Regulations for Site Plan Control Under 10 units	May 21, 2023

The comment period for ERO 019-6821 re: Bill 97 was not sufficient for staff to prepare formal comments for Committee to review or submit. As of writing this report Bill 97 has received second reading. Planning Act Changes proposed through Bill 97 are summarized below:

- Delay Bill 109 Refund Requirements to July 1, 2023; Minister may exempt Municipalities from refund requirements;
- Provincially-prescribed 1 parking space per unit applies only to second and third units on a lot;

- Minister may set regulations for where Site Plan Control can apply to residential projects of 10 units or less;
- Allow (re-instate) appeal of interim control by-laws
- Allow Minister to make applications that follow an MZO (such as land division) exempt from Provincial Policy Statement and/or Official Plan policies;
- Change definition of employment area to focus on manufacturing and related research and development, warehousing, and sales, while excluding institutional and commercial uses including general commercial and office uses.

Overall the changes are anticipated to be neutral to beneficial relative to the current Planning Act, however revised employment area definitions may present challenges for smaller communities like those in Bruce County that require the flexibility to accommodate a broader range of employment activities within employment areas.

Mandatory fee refunds based on timing remain punitive and do not support resourcing the work or collaborative resolution of issues arising from the application process. Recognizing Bruce County's rural context, application processing capacity relative to variable application volumes, and performance that is often near the provincial standard (90 days for a zoning, 120 days for a zoning with OPA), staff recommends the County request to be prescribed as exempt from the Bill 109 refund requirements for all applicable applications, or more narrowly from the 90-150 day period that requires a 50% refund.

The proposed changes to the Residential Tenancy Act were reviewed by the County's Housing Manager prior to the May 6, 2023 deadline. Comments relating to the proposed changes in Bill 97 on the changes to the Residential Tenancy Act include:

- The County sees the investment in appointing additional adjudicators and staff to the Landlord and Tenant Board as positive to help move through a backlog of cases before the Board.
- Proposed enhancements to tenant rights, including air conditioners, evictions and use of units by the landlord's family are well received.
- As a level of government promoting creation of rental housing by private landlords, Bruce County staff are concerned that raising the maximum fines will deter landlords for renting out available units.

Comments on the two open ERO Postings are attached.

Financial/Staffing/Legal/IT Considerations:

Provincial delay in implementation of mandatory fee refunds helps to preserve revenue streams.

Continued Provincial change impacts staff capacity to deliver Core application review functions and alters the planning framework through which services are delivered.

Increased application volume associated with significant policy changes may require additional staff resources.

Provincially initiated changes may create new and unintended results.

Interdepartmental Consultation:

Paramedic Services - Consulted regarding potential considerations for emergency services associated with increased rural development.

Transportation and Environmental Services - Consulted regarding health and safety considerations for access

Museum - Consulted regarding potential archival storage requirements associated with low-density development in areas of high archaeological potential.

Human Services - reviewed changes related to Residential Tenancies Act included in Bill 97

Link to Strategic Goals and Elements:

- Goal # 1 Develop and implement tactics for improved communications
 - B. One county - with a unified voice

- Goal # 6 Explore alternate options to improve efficiency, service
 - D. Coordinate working with other agencies
 - E. Eliminate duplication of services

- Goal # 9 Coordinated, concerted effort to advance our agenda
 - B. Politicians and staff lobby associations and government in support of local policy needs.
 - C. Make political and staff participation in provincial and federal committees a priority

Departmental Approval:

Claire Dodds
Director of Planning and Development

Approved for Submission:

Derrick Thomson
Chief Administrative Officer