



Office of the Chief Planner  
Corporate Services Department

## MEMORANDUM

To: Regional Chair Emmerson and Members of Regional Council

From: Paul Freeman  
Chief Planner

Date: February 9, 2021

Re: Province's Enhanced Authority for Minister's Zoning Orders through Bill 197, the *COVID-19 Economic Recovery Act*

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### **The Province amended Section 47 of the *Planning Act* through Bill 197, the *COVID-19 Economic Recovery Act* in July 2020 to expand the Minister's authority to issue Minister's Zoning Orders**

Amendments by the Province to Section 47 of the *Planning Act* came into force on July 21, 2020 through Bill 197, the *COVID-19 Economic Recovery Act* adding to the authority of the Minister of Municipal Affairs and Housing to issue Minister's Zoning Orders (MZOs) by allowing the Minister to:

- Require inclusionary zoning for affordable housing (inclusionary zoning)
- Supersede municipal site plan authority requiring agreements between the municipality and development proponent (or landowner) concerning site plan matters
- Make amendments to Minister's Zoning Orders that use any of these enhanced authorities without first giving public notice

The Province requested comments on the amendments to Section 47 of the *Planning Act* by January 30, 2021. Regional staff provided comments Attachment 1 to meet the provincial commenting deadline. Any additional comments by Council will be forwarded to the Ministry of Municipal Affairs and Housing.

## **Staff recommended use of Minister's Zoning Orders should be limited to demonstrate Provincial Interest guided by good planning principles**

In 2020, the Province issued 31 Minister's Zoning Orders across Ontario ranging from allowing outdoor patios during the pandemic and use of surplus Provincial lands for long term care facilities to urban boundary expansions and automotive retail malls. In York Region, there was one zoning order issued in 2019 and 9 zoning orders issued in 2020 with additional requests awaiting decision by the Province as illustrated on Attachment 2 and listed on Attachment 3. Some of these have local Council positions, and for some municipal Councils were informed after the fact.

Staff made the following recommendations to the Province:

1. At a minimum, support of both local and Regional Councils should be sought prior to issuing Minister's zoning orders to help ensure proposals are in keeping with municipal plans.
2. Inclusionary Zoning is a helpful tool. Where Minister's Zoning Orders are used for affordable housing and seniors long-term care facilities, those developments should comply with the municipal Official Plan and apply appropriate development standards including provisions to secure affordability for the long term.
3. Site plan approval should remain with local municipalities that have ability to expeditiously complete the required review, collect and address necessary commenting agency requirements and do so in the context of Council approved plans.
4. Municipalities should be engaged prior to Minister's Zoning Order issuance, and the public and municipality be informed of the permissions granted, the reasons for approval, and the subject site identified on a map attached to the notice. Further reducing notice requirements diminishes the transparency of the decision.
5. The use of Section 47 of the *Planning Act* should only be used sparingly, supportive of the public interest, and where there is a demonstrated need.

## **Staff will forward any comments from Council to the Province**

Expediting and enabling shovel ready projects with ability to be constructed in a timely manner may be appropriate by way of a Minister's Zoning Order, particularly when related to COVID-19 recovery. At the other end of the spectrum, the use of the MZO tool for such approvals as urban expansion requests is more appropriate to occur following public input and comments from Council. Staff continue to endeavor to meet Planning Act development application review timeframes to enable development to be shovel ready to help the economy recover from the COVID-19 pandemic.

Any additional comments from Council will be forwarded to the Province.



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Paul Freeman, MCIP, RPP  
Chief Planner



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Bruce Macgregor  
Chief Administrative Officer

Attachments (3)  
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