

The Regional Municipality of York

Regional Council
Planning and Economic Development
March 18, 2021

Report of the Commissioner of Corporate Services and Chief Planner

Update on Minister's Zoning Orders in York Region

1. Recommendations

1. In response to proposed changes to the *Planning Act* by the Province through Bill 257, *Supporting Broadband and Infrastructure Expansion Act*, the Minister of Municipal Affairs and Housing be advised that Minister's Zoning Orders should be consistent with the Provincial Policy Statement.
2. The Regional Clerk forward this report to the Minister of Municipal Affairs and Housing.

2. Summary

This report provides an update on Minister's Zoning Orders (MZOs) that have been issued in York Region, and proposed changes to the *Planning Act* that would allow MZO's to be issued by the Minister of Municipal Affairs and Housing that are not consistent with the Provincial Policy Statement (PPS).

Key Points:

- Thirteen MZOs have been issued in York Region since 2019
- York Region recently commented on changes to the Minister of Municipal Affairs and Housing's (MMAH) enhanced authority to issue MZO's through Bill 197, the COVID-19 Economic Recovery Act, 2020
- Comments by York Region to the Province advised that municipalities and the public should be engaged prior to the Minister issuing MZOs
- In March 2021, MMAH determined that there would be no legislative changes made to the enhanced Minister's zoning authority in force through the enactment of Bill 197. The Minister will use their discretion and consider feedback received through public consultation to guide the implementation of the Ministers enhanced authority.
- The Provincial Policy Statement (PPS) provides foundational policy direction on matters of provincial interest related to land use planning and development

3. Background

On March 4, 2021, the Province announced proposed changes to the *Planning Act* through Schedule 3 of Bill 257, *Supporting Broadband Infrastructure Expansion Act* that would allow the Minister of Municipal Affairs and Housing authority to issue a Minister Zoning Order (MZO) that:

- Is not consistent with the Provincial Policy Statement (PPS) for lands outside of the Greenbelt

The proposed amendment would also apply retroactively to existing Minister Zoning Orders previously issued. The Province requested comments on the proposed amendments to Section 3(5)(a) of the *Planning Act* by April 3, 2021.

York Region recently advised the Province that municipalities and the public should be engaged prior to Minister's Zoning Order issuance

In July 2020, Schedule 17 of Bill 197, the *COVID-19 Economic Recovery Act, 2020* received royal assent. Through this Bill, changes were made to Section 47 of the *Planning Act* giving the Minister of Municipal Affairs and Housing enhanced powers for site plan control and inclusionary zoning for lands outside of the Greenbelt Area. Specifically, Bill 197 provided the Minister of Municipal Affairs and Housing additional authority to issue MZOs 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

In December 2020, the Ministry requested public comment on the legislative changes made to Section 47 of the *Planning Act* through Bill 197 to determine if the new legislation should be expanded, repealed or adjusted and to also gather feedback on best practices to guide implementation of the expanded authority.

Comments from York Region were provided to the Province on January 29, 2021, as outlined in the Council Memo dated [February 11, 2021](#). Following consideration by Council, a supplementary letter was sent to the Province from the Chief Planner dated March 5, 2021 confirming Council's comments (see Attachment 1).

On March 4, 2021 the Ministry of Municipal Affairs and Housing determined that there would be no legislative changes made to the enhanced minister's zoning authority in force through the enactment of Bill 197 and that they would use their discretion and consider feedback received through public consultation to guide the implementation of the Ministers enhanced authority.

A total of 13 Minister Zoning Orders have been approved in York Region since 2019

In 2020, the Province issued 38 Minister's Zoning Orders across Ontario for a variety of uses. In York Region, one Minister's Zoning Order was issued in 2019 and nine Zoning Orders were issued in 2020. In 2021, three additional Minister Zoning Orders have been issued, for a total of 13 minister zoning orders in the Region, as illustrated on Attachment 2 and described in Attachment 3. The attachments also identify five additional proposed MZOs in York Region staff are aware of.

4. Analysis

The Provincial Policy Statement sets the policy foundation for regulating the development and use of land

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. A key part of Ontario's policy-led planning system, the PPS sets the foundation for regulating the development of land including growth management, land use and infrastructure planning, environmental protection, and public health and safety. The PPS guides the framework for all regional and local planning policy and ensures the protection of certain lands (e.g. farmland, wetlands, woodlands) and watersheds. After an extensive review, on May 1, 2020 the Province issued a new PPS to guide planning decisions in Ontario.

Section 3(5)(a) of the *Planning Act* specifically requires that all planning decisions "*shall be consistent*" with the PPS. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government "shall be consistent with" this Provincial Policy Statement. Bill 257 proposes to amend this section of the *Planning Act* to give the Minister the authority to approve a Minister's Zoning Order that is not consistent with the PPS. Only lands outside of the Greenbelt will be impacted by this legislative change.

The PPS provides guidance to ensure that development occurs without compromising the health of ecosystems, farmlands and watersheds and improves the quality of life for residents/workers both now and in the future. Planning decisions by the Minister should adhere to the same planning principles Regional and local municipalities are required to follow in making planning decisions.

In response to the proposed changes to the *Planning Act* through Schedule 3 of Bill 257, staff do not support the issuance of planning decisions, through MZOs or otherwise, that would not be consistent with the Provincial Policy Statement. The PPS sets foundational policy direction on matters of provincial interest that should be followed for any decision on land use planning and development matters.

5. Financial

There are no financial impacts resulting from this report.

6. Local Impact

Local municipalities are directly involved in the implementation of Minister's Zoning Orders. In many cases, local municipalities have been consulted prior to the issuance of MZO's by the Minister of Municipal Affairs and Housing. However, that has not been the case in all circumstances, including the MZO's issued in the Town of Aurora.

7. Conclusion

This report provides an update on MZO's that have been issued in York Region and a recommendation to not support proposed amendments to the Planning Act that would allow MZO's to be issued by the Minister of Municipal Affairs and Housing, that are not consistent with the Provincial Policy Statement (PPS). It is also recommended that this report be forwarded to the Minister of Municipal Affairs and Housing.

Staff will continue to monitor Minister Zoning Orders in the Region and update Council accordingly.

For more information on this report, please contact Paul Freeman, Chief Planner at 1-877-464-9675 ext. 71534. Accessible formats or communication supports are available upon request.

Recommended by:



Paul Freeman
Chief Planner



Dino Basso
Commissioner of Corporate Services

Approved for Submission:



Bruce Macgregor
Chief Administrative Officer

March 16, 2021
Attachments (3)
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