



To: Regional Council

Meeting Date: June 27, 2024

From: Dino Basso
Commissioner of Corporate Services

Re: **Draft Memorandum of Understanding Proposed by the Province Regarding Planning Roles and Responsibilities**

This memo is to advise Council of correspondence, received on June 13, 2024, from the Deputy Minister of Municipal Affairs and Housing addressed to the Regional Chief Administrative Officer including a Draft Memorandum of Understanding (MOU) (Appendix A) and letter (Appendix B). It is understood Halton Region and Peel Region received similar letters and draft MOUs as upper-tier municipalities in the first phase of implementing *Planning Act* changes affecting Regional planning responsibilities pursuant to Bill 23/Bill 185.

The Ministry of Municipal Affairs and Housing in their letter proposes to formalize bilateral information sharing in an MOU that outlines joint efforts in the transition and following removal of land use planning responsibilities effective July 1, 2024. The letter from the Deputy Minister requested comments on the draft MOU by June 21, 2024. To meet the Ministry's request for information, the Regional Chief Administrative Officer responded formally, and a copy is attached (Appendix C). In summary,

- The Region is committed to an orderly transition of our Bill 23 Regional planning responsibilities working with our local municipal partners
- The Draft MOU requires further dialogue with Provincial staff to clarify expectations about the Region's role in engaging with the Province and to ensure alignment with the intent of changes to the *Planning Act*

Staff are committed to implementing changes to support efficient development approvals and are seeking Regional Council direction to continue engaging with staff from the Ministry of Municipal Affairs and Housing. Further discussions will help clarify expectations outlined in the MOU during this period of transition with the Province and our local municipal partners.

For more information on this memo, please contact Dino Basso, Commissioner Corporate Services at 1-877-464-9675 ext. 71500. Accessible formats or communication supports are available upon request.



Dino Basso
Commissioner of Corporate Services



Erin Mahoney
Chief Administrative Officer

June 24, 2024
#16215542
Appendices (3)

Appendix A Draft MOU
Appendix B Letter from Deputy Minister
Appendix C CAO response letter to the Deputy Minister

Dated **June X, 2024**

DRAFT - Memorandum of Understanding

Regarding Planning Roles and Responsibilities of The

Regional Municipality of York under the Planning Act after

the More Homes Built Faster Act, 2022

This Memorandum of Understanding ("MOU") is made and entered into as of July 1, 2024, by and between:

- **His Majesty the King in right of the Province of Ontario as represented by the Minister of Municipal Affairs and Housing** (hereinafter referred to as "the Ministry" or "MMAH")
- **The Regional Municipality of York** (hereinafter referred to as the "Region")

WHEREAS, MMAH is committed to streamlining development approvals and strengthening municipal autonomy; and

WHEREAS, the More Homes Built Faster Act, 2022 will, once in force, make changes to municipal land use planning processes under the Planning Act; and

WHEREAS, MMAH and the Region desire to establish a clear understanding of the roles and responsibilities of "upper-tier municipalities without planning responsibilities" once the relevant changes in the More Homes Built Faster Act, 2022 come into force;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants hereinafter set forth, the parties agree as follows:

1. Purpose:

The purpose of this Memorandum of Understanding is to:

- a) clarify roles and responsibilities for the Ministry and the Region once the Region becomes an upper-tier municipality without planning responsibilities;
- b) establish processes and expectations for sharing of information to help inform decisions by the Ministry on lower-tier land use planning matters;
- c) identify and eliminate unnecessary duplication in the plan review process;
- d) identify the specific matters where the Region will have an ongoing interest and a need to share information with the Ministry; and
- e) outline processes and procedures that will help the Ministry deal with lower-tier land use planning matters and ensure provincial land-use policy interests are safeguarded throughout the planning review process.

2. Goals:

The Ministry and the Region share the following goals:

- Implement mechanisms to expedite development approvals while ensuring adherence to provincial land use policy and legislation. This could involve:
 - The Region supporting the Ministry as it assumes the role in reviewing certain planning matters currently handled by the Region.
 - Establishing clear timelines and procedures for Ministry consultation with the Region during the provincial review of land use planning matters.
- Ensure that provincial land use policy interests are protected during plan review.
- Ensure that infrastructure and land use planning are jointly informed and coordinated through decision-making processes.
- Minimize disruption for applicants and municipalities during the transition period as planning responsibilities shift. This could involve:
 - Clear communication and collaboration between MMAH and the Region regarding changes in review processes.
 - Providing ongoing support to lower-tier municipalities.

3. Roles and Responsibilities:

The Ministry and the Region will use their best efforts to perform the roles and responsibilities set out in this Memorandum of Understanding.

- i) The Ministry of Municipal Affairs and Housing
 - MMAH shall assume approval authority for all lower-tier official plans and amendments (OP/As) on July 1, 2024, upon the removal of relevant municipal

planning responsibilities from the Region; however, MMAH's approval would not be required for matters exempted through regulation (O. Reg. 525/97).

- For all lower-tier official plans and amendments (OP/As) where MMAH approval will be required, MMAH will circulate matters and provide the Region with the opportunity to comment concurrent with the Environmental Registry of Ontario (ERO) posting period.
- Lower-tier official plan matters may be exempted from the need for MMAH approval through regulation; however, in all circumstances, the matters listed below will require MMAH approval. Even where an OPA is exempt, the Minister retains the authority to intervene in the matter through authorities provided in the Planning Act. The matters where MMAH approval would always continue to be required are:
 - New official plans
 - Official plan updates advanced under section 26 of the Planning Act
 - Protected major transit station area (PMTSA) delineation and key policies (e.g., uses/densities)
- In considering matters under the Planning Act, lower-tier municipalities are responsible for ensuring consistency or conformity, as the case may be, with provincial policies. Where the lower-tier municipalities are exempt from MMAH approval, the Ministry may monitor lower-tier OPAs to ensure consistency/conformity with provincial policy and legislation.
- As the approval authority, the MMAH will still receive notification of complete applications and public meetings in respect of proposed lower-tier OPAs, even if exempt from approval. MMAH may review and provide comments on exempted OPAs and other OPA matters and may seek input from the Region.
- The Ministry understands there may be Ontario Land Tribunal (OLT) hearings which were initiated prior to the removal of planning responsibilities from the Region and where the Region is currently a party. Where the Region is actively involved in an ongoing OLT hearing, it is expected they will continue to participate until the matter, as it relates to the interest that had necessitated the Region's involvement, is resolved. For future OLT appeals and hearings, the Region will generally no longer be able to appeal or be included as a party; however, the Region may be asked to support the Ministry on matters that relate to the Region's responsibilities depending on the specific circumstances.
- MMAH recognizes that competing priorities between lower-tier municipalities within the Region's jurisdiction may arise during the planning and decision-making processes. To address this, the Ministry will work with the parties towards achieving a resolution to the extent possible.

ii) The Regional Municipality of York

- The Region is committed to working collaboratively with the MMAH and lower-tier municipalities to ensure a smooth and efficient transition.
- The Region agrees to provide information and support to the Ministry for matters that relate to land use planning.
- The Region will work with the MMAH to establish a clear process for transferring relevant planning records to the appropriate lower-tier municipalities or the Ministry. Effective July 1, 2024, ongoing files, including matters that may end up at the OLT, will be transferred to the Minister or relevant lower-tier municipalities. This will ensure a smooth handover of resources and minimize disruption for ongoing planning processes. All historical files, records, and data currently residing within the Region will be preserved in accordance with applicable legal requirements and made available to the Ministry upon request.
- MMAH will seek input from the Region in areas such as infrastructure planning to support growth.
- MMAH may circulate, for review and comment, specific planning matters to the Region where, in MMAH's opinion, the Region's expertise can meaningfully contribute to the provincial decision-making process, particularly regarding infrastructure planning to support growth. The Region will utilize its expertise to provide comprehensive comments to MMAH to inform provincial decision-making.
- The Region and the Ministry will establish a communication protocol to ensure timely notification of and/or response to all official plan matters that may have regional implications.
- The Region will actively participate in consultations with the MMAH on lower-tier official planning policies and processes, particularly those impacting the Region's long-term planning objectives.
- The Region will continue to be a resource for residents on planning matters during the transition. This may involve directing residents to MMAH for information or updates on particular matters, facilitating community meetings to disseminate information on ongoing planning processes, or collaborating with lower-tier municipalities on public engagement initiatives.

iii) Both parties commit to:

- Maintain open communication and collaboration channels between MMAH and the Region to facilitate the exchange of information, address emerging issues, and ensure a coordinated approach to implementing Bill 23 within the Region.

4. CANCELLATION OR REVIEW OF THE MOU

This MOU can be cancelled with 90 days written notice by either of the signing parties to the other. In the event that services provided and assets held by the region change over time, the Ministry and Region should review the MOU to ensure alignment with the respective roles and responsibilities. In any event, this document should be reviewed at least once every two years to assess its effectiveness, its relevance and its appropriateness in the context the needs of the affected parties.

I hereby agree to support the provisions contained in this Memorandum of Understanding as an appropriate statement of the roles and responsibilities of The Ministry of Municipal Affairs and Housing and the Regional Municipality of York in the implementation of Bill 23, More Homes Built Faster Act, 2022.

the PROVINCE

The PROVINCE OF ONTARIO

Minister of Municipal Affairs and Housing

the Region

THE REGIONAL MUNICIPALITY OF YORK

Per:

Regional Chair

Per:

Regional Clerk

**Ministry of Municipal
Affairs and Housing****Ministère des Affaires
Municipales et du Logement**

Office of the Deputy Minister

Bureau du sous-ministre

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June 13, 2024

Erin Mahoney
Chief Administrative Officer
Regional Municipality of York
erin.mahoney@york.ca**I. Subject: Proposed Memorandum of Understanding Regarding Planning Roles and Responsibilities of The Regional Municipality of York under the *Planning Act* after Bill 23: *More Homes Built Faster Act, 2022***

Dear Erin Mahoney,

Ontario's success is built on strong partnerships with municipalities. The Ministry of Municipal Affairs and Housing (the Ministry) looks forward to continuing this partnership with the Regional Municipality of York (the Region) as the Region becomes an upper-tier municipality without planning responsibilities as contemplated by the *More Homes Built Faster Act, 2022* (Bill 23).

As you are aware, the *Cutting Red Tape to Build More Homes Act, 2024* received Royal Assent on June 6, 2024. The legislation establishes July 1, 2024 as the date for removal of the land use planning responsibilities from the Region and two other upper-tier municipalities.

In recognition of the Region's ongoing role in providing services and infrastructure which is needed to support land use planning decisions, the Ministry is proposing to formalize bi-lateral information sharing through a Memorandum of Understanding (MOU) that would outline our joint efforts in the transition and following removal of the Region's land use planning responsibilities.

In accordance with the contemplated removal of planning responsibilities on July 1, 2024, the Ministry of Municipal Affairs and Housing acknowledges the Region's past efforts in relation to providing land use planning services to communities. In this regard, the Ministry remains committed to fostering a collaborative relationship and values the Region's continued insights as we navigate this transition.

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Request for Feedback

The Ministry is currently seeking feedback on the proposed MOU between the Ministry and the Region to be discussed and signed ahead of, or by July 1, 2024.

The Ministry seeks to confirm the Region's comfort with the roles and responsibilities contemplated in the attached draft MOU and to understand if there are any other matters beyond those already identified in the draft MOU that require further consideration.

As you may be aware, Ministry staff are meeting with Regional staff during the coming days and weeks to discuss a variety of matters related to removal of the Region's statutory land use planning responsibilities. This meeting provides an opportunity to discuss and answer questions about the draft MOU, if helpful, and we look forward to discussing this further.

However, the Ministry is also seeking your formal written feedback/comments on the draft MOU and ask that you send these via email preferably by the 21st of June 2024.

Ministry staff are committed to working collaboratively with the Region to ensure a smooth transition and minimize disruption during this process.

Should you require any clarification or assistance regarding the contents of the draft MOU, please do not hesitate to contact Laurie Miller, Regional Director of Planning at Laurie.Miller@ontario.ca.

I look forward to receiving your feedback on this proposal.

Sincerely,



Martha Greenberg
Deputy Minister of Ministry of Municipal Affairs and Housing

cc. Hannah Evans, ADM – Municipal Services Division
Laurie Miller, Regional Director of Planning – Municipal Services Division

June 21, 2024

Ministry of Municipal Affairs and Housing
Office of the Deputy Minister
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Attention: Deputy Minister Martha Greenberg

Deputy Minister,

Re: Proposed Memorandum of Understanding Regarding Planning Roles and Responsibilities of The Regional Municipality of York under the *Planning Act* after Bill 23: *More Homes Built Faster Act, 2022*

Thank you for your recent letter and proposed Memorandum of Understanding (MOU) regarding planning roles and responsibilities for York Region under the *Planning Act* after Bill 23 takes effect. We understand Halton Region and Peel Region received a similar draft MOUs as upper-tier municipalities in the first phase of implementing *Planning Act* changes affecting Regional planning responsibilities pursuant to Bill 23.

We are committed to orderly transition of our Bill 23 Regional planning responsibilities working with the Province and our local municipal partners. Upon initial review of the draft MOU, and to best support the transition, we are interested in further clarifying expectations about the Region's role in engaging with the Province on these matters. We plan to bring the draft MOU to York Regional Council for their consideration at our next meeting on June 27, 2024.

We look forward to implementing changes to support efficient development approval and would welcome an opportunity to discuss the draft MOU in the coming weeks, as we transition Planning responsibilities with the Province and our local municipal partners.

Sincerely,



Erin Mahoney
Chief Administrative Officer

cc Hannah Evans, ADM – Municipal Services Division
Laurie Miller, Regional Director of Planning –
Municipal Services Division
Dino Basso, Commissioner of Corporate Services