



August 2, 2019

Planning Act Review - ERO#: 019-0181
planningconsultation@ontario.ca
Provincial Planning Policy Branch
13th Floor, 777 Bay Street
Toronto, ON, M5G 2E5

COPY TO:
Ministry of the Attorney General
Policy Division
720 Bay Street, 3rd Floor
Toronto, ON M7A 2S9

RE: York Region Staff Comments in Response to proposed regulation changes under the Planning Act and Local Planning Appeal Tribunal Act, including transition matters, related to Schedules 9 and 12 of Bill 108 – the More Homes, More Choice Act 2019

Please accept this letter as York Region's submission on the proposed regulatory changes under the Planning Act, 1990 and Local Planning Appeal Tribunal Act, 2017 as outlined in the Environmental Registry of Ontario posting: 019-0181 and Regulatory Registry Posting: 19-MAG007, respectively.

Due to the consultation timeframe, it was not possible to bring this response to York Region Council for endorsement prior to submission; should Council have any additional comments, staff will forward them to the Province.

The Province should continue to collaborate with municipalities on changes to the land use planning system in Ontario

York Region continues to be supportive of opportunities to streamline the planning approvals process and improve housing affordability in the Region. The substantive *Planning Act* changes made through Bill 108 have resulted in fundamental changes to the planning, financing and development of communities. The Province should continue to engage, collaborate and allow for an appropriate amount of time to fully appreciate the complexities that need to be addressed to ensure sound and fiscally responsible decision making for housing growth that meets local needs and can be reasonably achieved.

Timing is critical to ensuring effective transition to proposed changes to Planning Act and Local Planning Appeal Tribunal Act

Staff have concerns with the proposed approach to transitional matters under the Planning Act. Expanding grounds of appeal, limiting appeal rights and reducing decision timeframes should not apply to applications where a notice of public meeting has been issued prior to the proposed changes coming into force. This would ensure that the planning process remains transparent and fair. Active applications will already have materials prepared and have been evaluated on the basis of the previous policy that limits grounds to appeal. Expanding the grounds for appeal late in the process may necessitate a re-evaluation which may prolong the process and add to the backlog of cases.

Overall, making changes to a process that is well underway will likely have unintended costly and lengthy consequences. Changes in decision timelines should not occur when the decision timeline has already commenced.

Staff are also concerned with the proposed approach to transitional matters under the Local Planning Appeal Tribunal Act to allow de novo hearings on appeals that have not been scheduled for a hearing. Applying new legislative changes introduced through Bill 108 to matters already in progress would have lengthy and costly implications and counteracts one of the Province's key objectives to speed up the planning approvals process. For consistency and ease of transition, York Region strongly recommends the Province adopt an approach ensuring that matters before the Tribunal are considered under the Act as it read on the day before the proposed changes came into force.

York Region is generally supportive of additional regulatory changes under the Planning Act

From an upper-tier perspective, the Region is generally supportive of the other proposed regulatory changes that pertain to community planning permit systems, additional residential units and regulatory housekeeping changes. While many of these proposed changes are to be implemented by local municipalities, the Region does request that the Province continue to ensure that interests of the upper-tier municipality be reflected in regulatory changes. This includes capturing upper-tier interests in the establishment of development permit systems and ensuring that regulatory changes to the new section 37, community benefits charges, ensure that municipalities continue to have the financial resources to deliver community infrastructure and services.

Additional comments on the proposed regulatory changes under Bill 108 will be submitted to the Province

York Region will respond to the proposed new regulation pertaining to the community benefits authority under the planning act (ERO # 019-0183) due by August 21, 2019 providing further detail and comments on how to effectively transition changes related to the community benefits charge.

York Region staff welcome discussions with the Province regarding these comments. Please contact me or Paul Freeman, York Region Chief Planner at paul.freeman@york.ca if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read "S. Malcic".

Sandra Malcic, MCIP, RPP
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The Regional Municipality of York