

Item FB3.1

Update on Bill 185, PPS 2024

- Bill 185 - Cutting Red Tape to Build More Homes Act, 2024,
- Provincial Planning Statement 2024

Film, Television and Digital Media Advisory Board

May 16, 2024





Purpose

- **Update** on provincial changes to legislation and land use policies and how they intersect with film industry
- **Explain** City responses and actions to address provincial changes

Agenda

1. Bill 185 – Cutting Red Tape to Build More Homes Act (proposed)
2. Provincial Planning Statement 2024 (proposed)
3. Bill 97 – Helping Homeowners, Protecting Tenants Act (approved, awaiting proclamation)

Overview

April 10, 2024, the Province released legislative and policy changes with a **30-day** window to provide comments

- Cutting Red Tape to Build More Homes Act, 2024 (Bill 185)
 - A total of 17 Acts were included, including Planning Act, City of Toronto Act, Development Charges Act and others
- Proposed Provincial Planning Statement 2024 (PPS 2024)
 - Combines PPS 2020 and portions of Growth Plan 2020 (Growth Plan to be repealed)
 - The PPS 2024 represents a revised version of the PPS 2023.
- Proposed new Minister's Zoning Order Framework

Thematic Staff Comments

1. Housing and Development Approvals
2. Economic Development and Employment Lands
3. Infrastructure and Development Charges
4. Regional Planning and the Environment
5. Implementation



REPORT FOR ACTION

City Comments on Proposed Bill 185 - Cutting Red Tape to Build More Homes Act, 2024, Provincial Planning Statement 2024, and New Minister Zoning Order Framework

Date: May 8, 2024
To: Planning and Housing Committee
From: Interim Chief Planner and Executive Director, City Planning
Wards: All

SUMMARY

The policy-led planning system under which Ontario municipalities have operated has experienced numerous changes over the last several years, requiring the City to continuously review, examine and adapt its planning policies and practices. The frequency of changes has created a level of land use uncertainty for approval authorities, development industry and communities.

On April 10, 2024, the Province introduced the *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185), which proposes amendments to 17 Provincial Acts. The Province also released an updated draft of the proposed Provincial Planning Statement 2024 ("PPS 2024") which combines the Provincial Policy Statement, 2020 (PPS 2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) into a single document. In addition, the Province introduced a new Minister's Zoning Order Framework.

The Province provided stakeholders 30 days to review and provide comments on these proposals. Comments are due by **May 10, 2024**. As of the date of this report, Bill 185 received second reading and was ordered for Public Hearings on May 7, 14 and 15, 2024 before the Standing Committee on Finance and Economic Affairs. Staff recommend submission of this report to the Standing Committee following Planning and Housing Committee's consideration of this report. Staff will forward to the Province Council's comments raised at the May 22-24 City Council meeting when it will consider this report.

Specifically, Bill 185 proposes numerous amendments to the *Planning Act*, *Development Charges Act*, *City of Toronto Act* and other legislation. With the introduction of the PPS 2024, the Province intends to repeal the Growth Plan for the Greater Golden Horseshoe ("Growth Plan") and has incorporated some of its policies into the PPS 2024. The elimination of several Growth Plan policies reduces the role of

Attachment 1: City of Toronto Key Recommendations and Recommended Revisions

Proposed Change	Recommendations/Comments
1. Housing and Development Approvals	
Re-introducing housing affordability definitions	• Support the reference to low and moderate-income households in the definition of affordable housing as it provides municipalities with a basis and rationale to develop land use planning policies that better respond to housing affordability needs, given the relationship to household incomes.
Expanding housing options definition	• Request that the Province revise the PPS 2024 definition of "housing options" to include consideration for affordable housing, tenure and unit types to accommodate a range of household sizes.
Introducing development commercial and institutional site	• Request that the Province enact a Regulation to permit the use of

Attachment 2: City of Toronto Comments on the PPS 2024 Policies ERO 019-8462 – Closing May 12, 2024

PPS 2024 Policy #	Comments	Recommendation
2.1 Planning for People and Homes		
2.1.1	• The new policy eliminates reference to the Growth Plan forecasts, and requires municipalities to use the Ministry of	Do Not Support If approved, recommended revisions:

Attachment 3: City of Toronto Comments on Bill 185 Legislative Changes ERO 019-8369 – Closing May 10, 2024 ERO 019-8370 – Closing May 10, 2024 ERO 019-8368 – Closing May 10, 2024

Proposed Change	Potential Impacts	Comments/Recommendation
Development Application Fee Refund ERO 019-8369 – Closing May 10, 2024		
Bill 109 required municipalities to refund planning application fees related to combined Official Plan and Zoning By-law Amendments, Zoning By-law Amendments and Site Plan Control applications, if a municipal	Removing fee refunds helps to ensure the funding for staff resources to review development applications. The removal of the fee refund is expected to result in, among other outcomes: • Reduced use of Holding provisions • Increased opportunity for stakeholder consultation through the formal review process • Reduced complexity in the review of certain types of files (e.g., concurrent applications) • Improved municipal operating budget and staff	Support • Request that the fee refund transition provisions be strengthened to waive any and all municipal liability for application fee refunds incurred between July 1, 2023 and the date amending legislation comes into force and effect.

Attachment 4: City of Toronto Comments on Bill 185 Development Charge Act Changes and Related Matters

Table 1: Comments on Development Charges Act Changes

Background / Proposed Change	Comments	Recommendation
1. General		
Since 2019, the Province has made iterative changes to the legislation governing municipal funding tools.	• Growth funding tools (GFTs) allow municipalities to require development to contribute to growth-related infrastructure and services so that growth can be funded in a fiscally sustainable way. • The key principle underlying GFTs is that "growth pays for growth"; however, GFTs has not fully covered the cost of growth in the past, nor are they expected to in future. When growth does not pay for growth, the shortfall is funded by other sources or growth-related capital investments must be deferred. • Many proposed Bill 185 changes to the DCA reverse some of the previous Bill 23 changes, but some of the changes remain, such as removal of housing as an eligible DC service, and the new exemptions that have been proclaimed into force will negatively impact revenues. • The province had previously indicated it would reimburse the City for the impacts of the legislative changes (estimated at \$2.3 billion over 10 years), which has yet to be confirmed and received.	Recommendations • Request the Province to provide direct incentives, rather than discounts and exemptions from municipal funding tools, to support the supply of the housing, such as a grant or rebate program targeted to development that meet established provincial criteria (e.g. rental, affordable, etc.) and to make the City whole with respect to Bill 23 and other changes impacting growth funding tools.

Planning Act - Third Party Appeals

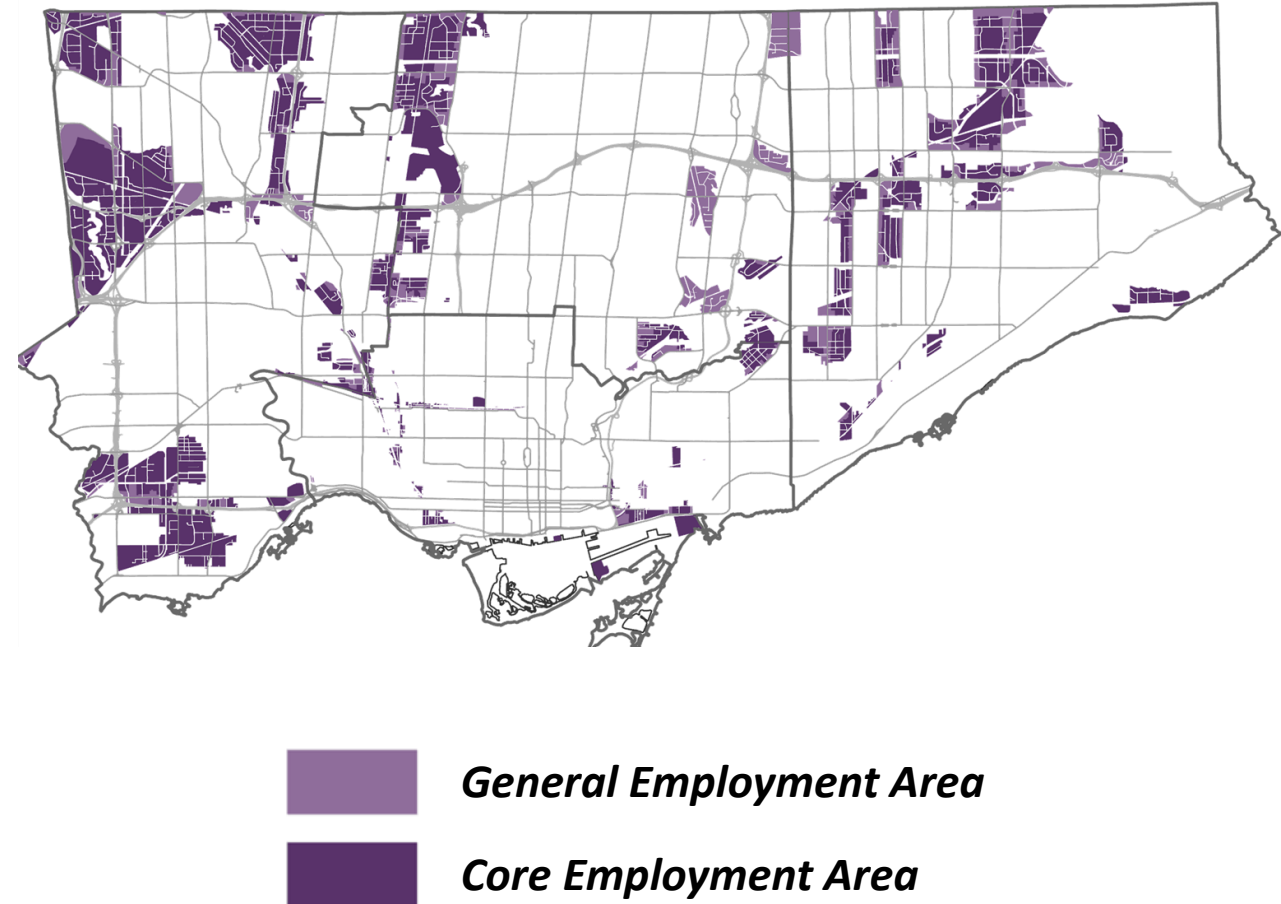
- **Proposed change:** Limiting third party appeals to the Ontario Land Tribunal (OLT).
- **Potential impacts:** May streamline appeal process. However, this would restrict appeal rights of certain groups and limit community input in the planning process.
- **Recommendation: Do not Support**
 - Limit appeal restrictions to affordable housing proposals
 - Extend timelines for planning approval

Planning Act - Fee Refunds

- **Proposed change:** Eliminates application fee refunds introduced by Bill 109.
- **Potential impacts:** It will eliminate financial risk in the future.
- **Recommendation: Support**
 - Fee refund transition provision should be strengthened

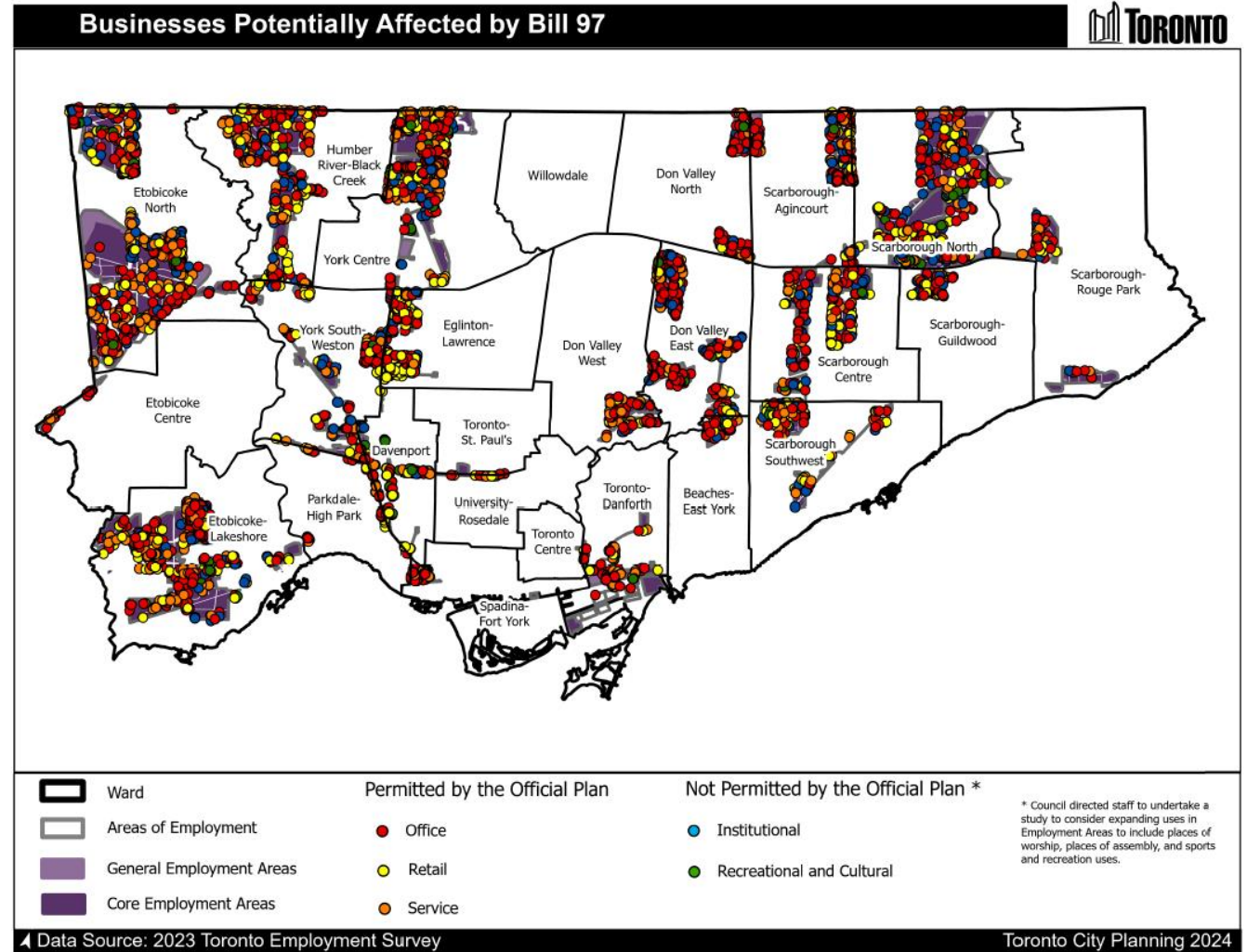
PPS 2024 - Eliminating Municipal Comprehensive Reviews

- **Proposed change:** Removes the need for a municipality to undertake a Municipal Comprehensive Review.
- **Potential impacts:** Employment Area conversion could occur anytime.
- **Recommendation: Do Not Support**
 - Conversions should only be considered during a 5-year Official Plan Review



PPS 2024 – New Employment Areas Definition

- **Proposed change:** Aligns 'employment area' definition with new Planning Act definition
- **Potential impacts:** Potentially fewer policy protections from conversions and employment area removals
- **Recommendation: Do Not Support**
 - PPS should Permit office, commercial and retail uses in Employment Areas as buffers



PPS 2024 - Land Use Compatibility

- **Proposed change:** Requires municipalities to permit sensitive land uses (i.e. Residential) in lands intended to serve as a buffer to prevent adverse effects.
- **Potential impacts:** Could increase the risk of land use incompatibility causing adverse effects on both sensitive land uses and businesses in employment areas.
- **Recommendation: Do Not Support**
 - Compatibility of land uses would be determined prior to permitting the use
 - Prohibit sensitive land uses in buffer areas that are intended to prevent adverse effects

“Employment Areas” Definition Change

Changes:

Definition excludes: commercial (i.e., standalone office and standalone retail) uses and institutional uses.

✓ Uses related to the film production industry fall under the category of manufacturing and are permitted

Core Employment Areas Uses

- Manufacturing
- Processing
- Warehousing
- Wholesaling
- Distribution
- Storage
- Transportation facilities
- Vehicle repair and services
- **Offices**
- Research and Development facilities
- Utilities
- Waste management systems
- Industrial trade schools
- Media
- Information and technology facilities
- Vertical Agriculture
- Parks
- Ancillary Small-scale restaurants
- Ancillary Catering facilities
- Ancillary Small-scale service

General Employment Areas

- All Core Employment Area uses
- **All types of *retail* and service uses**
- **Fitness Centres**
- **Ice Arenas (March 26, 2018)**
- **Large Format Retail (subject to specific development criteria)**

Red = Would be removed or changed due to definition

Staff next steps - Definition

Align Official Plan Employment Area policies with new provincial Definition

- **Focus:** Continue to protect Employment Areas with conversion policies
- **Implementation: Official Plan Amendment 680** would ensure the land use permissions for General and Core Employment Areas align with the amended definition of “area of employment”

- ✓ Allows municipalities to apply conversion / removal policy ‘tests’
- ✓ Council’s decisions on conversion / removals are not subject to appeal to the Ontario Land Tribunal

Staff next steps - Transition

Transition of “Lawfully Established” Uses

- **Focus:** Continue to permit commercial uses (including standalone office and standalone retail) and institutional uses that would be removed through Bill 97 and OPA 680 (once in effect)
- **Implementation:** Official Plan Amendment 668 would transition those commercial uses and institutional uses that are “lawfully established”.

- ✓ Allows municipalities to apply conversion / removal policy ‘tests’
- ✓ Council’s decisions on conversion / removals are not subject to appeal to the Ontario Land Tribunal

Thank you

