

## 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

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| Proposed Change  | Potential Impacts   | Comments/ Recommendation  |
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| <b>Development Application Fee Refund ERO 019-8369 – Closing May 10, 2024</b>  |   |   |
| <p>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 decision was not made within a specified period of time. Bill 185 would eliminate these fee refunds.</p> <p>Fee refund regulations would continue to apply to applications that came in prior to the proposed change. However, no further time would be added from the day Bill 185 comes into force. For example, if a complete application did not yet have a Council Decision and was</p> | <p>Removing fee refunds helps to ensure the funding for staff resources to review development applications.</p> <p>The removal of the fee refund is expected to result in, among other outcomes:</p> <ul style="list-style-type: none"> <li>• Reduced use of Holding provisions</li> <li>• Increased opportunity for stakeholder consultation through the formal review process</li> <li>• Reduced complexity in the review of certain types of files (e.g., concurrent applications)</li> <li>• Improved municipal operating budget and staff complement implications.</li> <li>• As a result of ongoing continuous improvement of its development review operating model, the City reduced its average timeline to decision or approval for applications to amend the Official Plan and Zoning By-law and for Site Plan Control approval. These improvements – including the addition of a significant new staff complement, implementation of a team-based structure, process improvement and technology upgrades – enabled the City to mitigate the negative financial impacts of applications fee refund provisions under Bill 109.</li> </ul> <p>Between July 1, 2023 and March 31, 2024, the City incurred approximately \$5 million in application fee refund liability under the current system, with an additional \$15 million in application fees potentially at risk. The Bill 185 change would prevent further financial risk of this type.</p> | <p><b>Support</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> |

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| submitted 95 days prior to Bill 185 coming into force, it would forever be considered (for the purposes of the fee refund regulations) to be at 95 days from submission.  |  |   |
| <b>Third Party Appeals to the Ontario Land Tribunal (OLT) ERO 019-8369 – Closing May 10, 2024</b>   |  |   |
| <p>Bill 185 restricts third-party appeals of municipal decisions on Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments.</p> <p>Bill 185 would limit appeals to applicants, public bodies, the Minister of Municipal Affairs and Housing, the approval authority, and ‘specified persons’ defined under the <i>Planning Act</i> (e.g., government bodies, utility companies or agencies) that have made an oral or written submission to Council prior to the decision.</p> | <ul style="list-style-type: none"> <li>• Although this change would streamline the appeal process, it would restrict the ability to appeal municipal decisions to a narrower group of stakeholders. It could decrease feedback and input from the broader community and interested parties who may be affected by a development. In addition, removal of third party appeals may inadvertently encourage applicant-initiated appeals to by-pass local approval processes.</li> <li>• For communities and residents concerned about the impact of proposed developments on the environment, social equity or quality of life, this could be seen as impacting their ability to take part in the appeals process. For operators of ‘major facilities’ as defined in the PPS 2024 (e.g., industrial uses that may have impacts on nearby sensitive land uses), this could limit their ability to raise concerns about the impact of nearby proposed residential development or other sensitive land uses (e.g., daycares or schools requiring outdoor space) on the viability of their operations.</li> <li>• Staff anticipate that removal of appeal rights will result in greater pressure from constituents to elected officials to refuse applications for which they have concern. Extended timelines would allow time to resolve concerns.</li> </ul> | <p><b>Partially support</b></p> <p><b>If approved, recommend revisions:</b></p> <ul style="list-style-type: none"> <li>• limit the restriction on third-party appeals to development proposals that include a significant and prescribed amount of affordable housing component;</li> <li>• include operators of ‘major facilities’, as defined in the PPS 2024, to the list of parties eligible to appeal; and</li> <li>• extend the timelines for planning approvals to allow municipalities enough time to resolve third-party issues and avoid refusals.</li> </ul> |

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| Existing third-party appeals without a hearing scheduled prior to April 10, 2024 would be dismissed.   |  |   |
| <b>Appeals Within Protected Major Transit Station Areas (PMTSAs) ERO 019-8369 – Closing May 10, 2024</b>   |  |   |
| Bill 185 provides for requests of Official Plan Amendments (OPAs) in Protected Major Transit Station Area (PMTSAs) related to the authorized uses of land, buildings and structures, where they previously required Ministerial approval under the <i>Planning Act</i> . | <ul style="list-style-type: none"> <li>Allowing Official Plan Amendments to permit changes on land uses has the potential to forgo seeking Ministerial approval on these specific applications.</li> </ul>   | <b>Support</b>  |
| <b>Appeals to New Settlement Areas and Boundary Expansions ERO 019-8369 – Closing May 10, 2024</b>   |  |   |
| Bill 185 reintroduces the ability to appeal municipal decisions on OPAs and ZBLAs that propose to expand settlement area boundaries, provided the proposed expansion does not result in land within the Greenbelt being  | <ul style="list-style-type: none"> <li>The ability for an applicant to appeal a municipal decision to refuse an application outside of the established settlement area boundary would have several implications.</li> <li>This change is likely to increase speculation and encroachment on the region's agricultural land base, Agricultural System and Natural Heritage System. While this policy change would not impact land use decisions in the City of Toronto, the City supports effective regional planning that prioritizes intensification over urban expansion. The downstream impacts of increased sprawl and loss of permeable lands and natural connectivity will be felt in Toronto through reduced access to locally produced agricultural products,</li> </ul> | <b>Do not support</b> <ul style="list-style-type: none"> <li>Recommend that new settlement areas or expansion of a settlement area boundary should remain part of a municipally led comprehensive review of the Official Plan, and only where it has been demonstrated that certain conditions have been met</li> </ul> |

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| included in the settlement boundary area.   | <p>increased vulnerability to extreme weather, a decline in biodiversity and a decrease in ecological functioning.</p> <ul style="list-style-type: none"> <li>Provincial Interest in the orderly development of safe and healthy communities emphasizes the need for municipalities to ensure that new development has adequate servicing, crucial for maintaining public health and safety. There is a risk that potentially unserviced land may be required to be serviced, creating financial burden on the municipality and requiring new infrastructure that may have to be advanced quickly in a haphazard way to service new development.</li> </ul>  | <p>(such as those set out in policy 1.1.3.8 of the PPS, 2020) to ensure the most efficient use of existing infrastructure, and to discourage low-density greenfield development.</p> <ul style="list-style-type: none"> <li>Request that the Province remove the appeal rights for municipal decisions on settlement area boundary expansion.</li> </ul>           |
| <b>Lapsing Approvals (Use-it-or-Lose-it) ERO 019-8369 – Closing May 10, 2024</b>  |  |  |
| <p>Bill 185 would require an approval authority to set an 'expiry date' for Site Plans and Plans of Subdivision, provided this date is not less than 3 years (unless otherwise set out in regulation). These lapsing provisions would apply to future and existing approvals, provided the municipality notifies the affected land owner.</p> | <ul style="list-style-type: none"> <li>The proposed change is anticipated to have the effect of encouraging proponents to act on their permissions (e.g., for building housing).</li> <li>For plans of subdivision, the approval authority is presently permitted to extend the lapsing period, but this does not exist nor is proposed for site plan applications. This lack of permission would introduce risk, potentially to desirable development, including those for housing or for employment, that may be forced through another planning process if their approval expires (e.g., for unexpected outside events). Recommend that the extension also be provided for site plan applications.</li> <li>The proposed change also makes it possible to clear existing approvals which have not been acted on for a number of years. A notification to land owners would be required. This would allow staff to encourage the construction of approved developments, or to clear lingering municipal files – potentially leading to positive outcomes for the building of new housing.</li> </ul> | <p><b>Support</b></p> <ul style="list-style-type: none"> <li>Support lapsing authority for Site Plan Control approvals and Plans for Subdivision, given the incentive it may have for applicants to proceed with approved developments.</li> <li>Staff request that the approval authority be able to extend the lapsing period on site plan approvals.</li> </ul> |
| <b>Mandatory Pre-Application Consultation ERO 019-8369 – Closing May 10, 2024</b>   |  |  |

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| <p>Bill 185 would make PACs voluntary at an applicant's discretion. This means that, while municipalities can still offer and encourage PACs, they cannot compel applicants to engage in this process before submitting their formal planning applications.</p> | <ul style="list-style-type: none"> <li>• The City's mandatory PAC by-law came into effect in April 2023.</li> <li>• Mandated pre-application consultations are a way for the City to ensure that applications are complete and address potential issues before formal submission, helping to streamline the approval process, encourage alignment with Official Plan goals and policies, and process complete applications within legislated timelines introduced under Bill 109. It is important to note that the mandatory PAC process is designed to implement the intent of the <i>Planning Act</i> to support the development by applicants of a complete application; it does not include an assessment/review of information and materials for completeness.</li> <li>• The City has established a 40-business day standard for its mandatory PAC process. The annual volume of request for PAC meetings under the voluntary framework (540 meetings requested in 2021) and the mandatory framework (556 meeting requests in 2023) is very similar, indicating applicant interest in discussion with the City prior to application submission.</li> </ul> <p>Further considerations:</p> <ul style="list-style-type: none"> <li>• Mandatory PAC enables the City of Toronto to provide a consistent level of service to all applicants city-wide.</li> <li>• Without the initial consultation phase, the City anticipates facing more incomplete applications, increasing the administrative burden on Planning staff. This would lead to longer processing times as staff would need to engage in more back-and-forth communication with applicants to resolve issues that might have been addressed prior to submission, during an earlier stage of a proposal.</li> <li>• PACs often serve to inform early community engagement that is sometimes undertaken by applicants, offering a platform for promoting quality applications informed by community input.</li> </ul> | <p><b>Do not support</b></p> <ul style="list-style-type: none"> <li>• Do not support the removal of mandatory PAC from the <i>Planning Act</i>, given that the removal undermines complete application provisions which are critical to legislated timeline management. This change also impacts consistent disclosure of public information early in the planning process (e.g., posting the Planning Application Checklist Package to the City's Application Information Centre website).</li> </ul> |

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|   | <ul style="list-style-type: none"> <li>• PACs provide an opportunity to collaborate with applicants regarding opportunities for on-site parkland, an important organizing element in site plans and plans of subdivision that is critical to informing the proposed built form massing within the proposal.</li> <li>• A municipality may require parkland as a land dedication or cash-in-lieu, subject to legislation and local municipal by-laws. It is advantageous for both the applicant and municipality to identify the type of parkland dedication early in the process, prior to an applicant's preparation of detailed materials to support a complete application.</li> <li>• Early identification of development-related issues requiring attention can support effective and efficient solutions, particularly with respect to identifying servicing requirements, such as water and sewer servicing.</li> </ul>  |   |
| <b>Motion to Dispute Application Completeness ERO 019-8369 – Closing May 10, 2024</b>   |   |   |
| <p>Bill 185 provides applicants the ability to request a motion to the OLT at any point after an applicant has begun consultations with the municipality or after paying any required fees.</p> | <ul style="list-style-type: none"> <li>• Existing complete application provisions under the <i>Planning Act</i> and <i>City of Toronto Act, 2006</i>, support the submission and processing of complete applications within legislated timelines. The primary purpose of mandatory pre-application consultation is for applicants and the City to discuss and confirm application requirements. The proposal to remove mandatory PAC from the <i>Planning Act</i> and <i>City of Toronto Act, 2006</i>, removes an early opportunity for applicants and the City to discuss the reasonableness of application requirements and how those application requirements can be met. The City identifies application requirements in Schedule 3 of its Official Plan. The City also posts Terms of Reference on its website to provide guidance to applicants as they develop information and materials as part of a complete application. Recent updates to Schedule 3 (through OPA 720) and continuous improvements to TORs focus on consolidating, streamlining or otherwise clarifying when and under which conditions specific information and materials</li> </ul> | <p><b>Do not support</b></p> <ul style="list-style-type: none"> <li>• Recommend retaining the existing complete application motion for dispute provisions.</li> </ul> |

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|                 | <p>may be required as part of a complete application.</p> <p>The timing of a potential motion to the OLT – anywhere between pre-application consultation and payment of planning application fees – presents practical challenges:</p> <ul style="list-style-type: none"> <li>• If a motion is made prior to the submission of a planning application to the City, it is unclear on what basis the Tribunal will make its determination, particularly if mandatory PAC is removed and the City has not issued a Planning Application Checklist to the applicant.</li> <li>• If a motion is made prior to the submission being circulated for determination of completeness (Step 1 in Toronto), it is unclear how the City would provide a response to the motion, as staff will not have completed their review of whether the information and materials were received.</li> <li>• Removing the 30-day time limit for an applicant to bring a motion to the Tribunal removes clarity on when the motion to dispute period ends. The clause “at any time” means that it is possible an applicant could challenge a requirement at a time later, rather than during the key period of determining completeness, which should be toward the beginning.</li> <li>• This change is likely to result in an increase in motions to the Tribunal and significant staff time spent supporting motions versus reviewing planning applications.</li> <li>• In addition, through its existing PAC Checklist, the City is clear that submission requirements are based on an understanding of the proposal prior to submission. The municipality cannot control the details of a submission (e.g., exact location of a building, the exact parcels of land involved, etc.) which may vary from that seen in a PAC, and therefore may necessitate additional submission requirements. Determination of actual application requirements based on details for</li> </ul> |                          |

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|  | a submission, ought to occur after submission, and not “at any time”.  |  |
| <b>Post-Secondary Institutions ERO 019-8369 – Closing May 10, 2024</b>   |  |  |
| Bill 185 would exempt undertakings of post-secondary institutions and affiliated institutions from requirements of the <i>Planning Act</i> , and from certain sections of the <i>City of Toronto Act</i> . This would not apply to any land in a Greenbelt Area. | <p>While the City supports the goal of expediting the approval and construction of student housing, the proposed change is too broad in its exemption in both location and use. The proposed change:</p> <ul style="list-style-type: none"> <li>• May impact available infrastructure capacity (e.g., water and sewer) that will require an approach for tracking and addressing capacity needs and</li> <li>• Site Plan Control process examines and resolves critical functional and technical aspects of a proposed development, including sustainable design, access and servicing (e.g., water and sewer), loading (e.g., deliveries, waste removal), safety (e.g., access to fire services such as nearby hydrants), landscaping and matters related to exterior design to address health, safety, accessibility, sustainable design and the protection of adjoining lands.</li> </ul> | <p><b>Do not support</b></p> <ul style="list-style-type: none"> <li>• Request that the Province not exempt post-secondary institutions from requirements of the Planning Act and sections 113 and 114 of the City of Toronto Act 2006, as they relate to development considerations and impacts on health, safety, accessibility, the natural environment, heritage resources, sustainable development (e.g., Toronto Green Standard) and infrastructure requirements, in particular sewer and water.</li> </ul> |
| <b>Community Service Facilities ERO 019-8369 – Closing May 10, 2024</b>  |  |  |
| Bill 185 provides the Province with regulation-making authority that would have the effect of removing undertakings of certain ‘community service facilities’ – defined to include hospitals, school board facilities,   | <ul style="list-style-type: none"> <li>• While the City supports the goal of expediting the approval and construction of hospitals, schools, and long-term care facilities, it is challenging to comment on the impact of a proposed Regulation in the absence of details on that proposed regulation.</li> </ul>  | <p><b>Support in Principle</b></p> <ul style="list-style-type: none"> <li>• Support the goal of expediting the approval and construction of hospitals, schools, and long-term care facilities.</li> <li>• Request that the Province consult with the City on any future Regulations to help determine</li> </ul>   |

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| and long-term care facilities – from the requirements of the <i>Planning Act</i> and <i>City of Toronto Act</i> . This would apply irrespective of their location in a Greenbelt Area.  |  | parameters to scope any future community service facility 'undertakings'.   |
| <b>Protected Major Transit Station Areas and Parking Minimums ERO 019-8369 – Closing May 10, 2024</b>   |  |   |
| Bill 185 prohibits municipalities to enact Official Plans and Zoning By-laws that contain regulations setting out minimum parking requirements (bicycle parking is not affected) in a Protected Major Transit Station Area (PMTSA). | <ul style="list-style-type: none"> <li>• Zoning by-law regulations came into force in 2022 to remove most minimum parking requirements for new development, but maintained minimum requirements for accessible parking and a low amount of visitor parking to support building servicing, deliveries and residential visitors in areas not as well served by transit.</li> <li>• Generally support the establishment of no minimum parking. However, the City does not support removing the ability to require accessible parking spaces, as it will impact those with accessibility needs. In addition, the City does not support the removal of minimum visitor parking spaces, as all buildings will, from time-to-time, require servicing (e.g., contractors, telecommunications service or repair, etc) and facilities to accommodate delivery services.</li> </ul> | <p><b>Partially support</b><br/><b>If approved, recommend revisions:</b></p> <ul style="list-style-type: none"> <li>• require accessible parking spaces.</li> <li>• require minimum visitor parking spaces, servicing and facilities to accommodate delivery services.</li> </ul> |
| <b>Community Infrastructure and Housing Accelerator (CIHA) and New MZO Framework ERO 019-8369 – Closing May 10, 2024</b>  |  |   |
| Bill 185 removes the Community Infrastructure and Housing Accelerator (CIHA) tool and replaces it with a Minister's Zoning Orders (MZO) Framework.  | <ul style="list-style-type: none"> <li>• The CIHA tool is similar to MZOs, given that a proposed development does not have to be consistent with provincial plans or municipal Official Plans and there are no appeal rights. However, while a CIHA request can only be made by a municipality, an MZO can be requested by a municipality, ministry, organization, business or individual. CIHAs explicitly describe the potential for the Minister to set conditions on a proposal. The CIHA</li> </ul>   | <p><b>Support in principle</b><br/><b>If approved, recommend revisions:</b></p> <ul style="list-style-type: none"> <li>• MZOs should include conditions to provide community benefits, such as affordable housing.</li> </ul>   |

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|   | <p>framework included consultation requirements and additional notice requirements that are not required under the proposed framework for MZO's. The proposed MZO Framework provides more clarity regarding submission requirements, including rationale for why an MZO is being requested and a description of any engagements undertaken.</p> <ul style="list-style-type: none"> <li>• City Council adopted a framework for requesting a CIHA on November 8, 2023, although a request has not been made to date. The City's CIHA request framework included more robust consultation requirements as well as the provision of community benefits well beyond what could be achieved through the typical planning process.</li> </ul> |   |
| <b>Municipal Planning Data Reporting – Additional Municipalities ERO 019-8368 – Closing May 10, 2024</b>  |  |   |
| <p>Bill 185 proposes amendments to municipal planning data reporting, to be implemented through Provincial regulation, aimed at enhancing the scope and quality of data collected from municipalities. This includes adding 21 municipalities which are not currently part of the reporting protocol.</p> | <ul style="list-style-type: none"> <li>• By expanding the protocol to more municipalities and potentially updating what data must be reported, there may be a push towards more standardized data across all included municipalities. Greenfield developments and intensification projects have different characteristics and impacts. Using the same metrics for both could lead to inappropriate planning standards that do not consider the unique needs and impacts of each type of development.</li> </ul>  | <p><b>Support in principle</b></p> <ul style="list-style-type: none"> <li>• Recommend that the forthcoming Provincial regulation either:               <ul style="list-style-type: none"> <li>(a) distinguish between metrics applicable to greenfield development and metrics applicable to intensification, or</li> <li>(b) distinguish metrics that apply to fully urban municipalities where all development is intensification, and metrics which apply to municipalities with undeveloped land or with both urban and rural lands.</li> </ul> </li> </ul> |

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| <b>Municipal Planning Data Reporting – Withdrawal of Application ERO 019-8368 – Closing May 10, 2024</b>   |  |   |
| <p>Bill 185 proposes changes, through a Provincial regulation, to Municipal Planning Data Reporting that includes allowing municipalities to report on when an application has been withdrawn.</p>   | <ul style="list-style-type: none"> <li>Withdrawn applications are currently not reported by the City of Toronto. The option to report when an application is withdrawn does not impact current reporting requirements.</li> <li>An application may be withdrawn in a different quarter than it was proposed. Thus, the indication of withdrawal or a count of withdrawn applications is not useful in determining the net number of applications proceeding in a given time period.</li> </ul> | <p><b>Support in principle</b></p> <p>Recommend that municipalities have the option to only report applications which have been submitted and have not been withdrawn in the given quarter.</p>                                 |
| <b>Municipal Planning Data Reporting – Subdivision Registration Reportable ERO 019-8368 – Closing May 10, 2024</b>   |  |   |
| <p>Bill 185 proposes changes, through Provincial regulation, to Municipal Planning Data Reporting that includes making the registration of a plan of subdivision a 'reportable action'. Currently, only applications that are submitted, decided, or appealed are required to be reported.</p> | <ul style="list-style-type: none"> <li>Registration of a plan of subdivision may happen long after planning approvals. Registration is generally not tracked by the City of Toronto for this reason. This requirement under Bill 185 would create a new business requirement that does not contribute to housing supply or accelerating approvals. It would require staff time that would detract from development review.</li> </ul>  | <p><b>Do not support</b></p> <ul style="list-style-type: none"> <li>Recommend that this requirement only be applicable to greenfield development, and that it not be applicable to redevelopment or intensification.</li> </ul> |
| <b>Municipal Planning Data Reporting – Condominium Registration Reportable ERO 019-8368 – Closing May 10, 2024</b>   |  |   |
| <p>Bill 185 proposes changes, through Provincial regulation, to Municipal</p>  | <ul style="list-style-type: none"> <li>In an urban municipality, registration may occur years after planning approvals and building permits are issued, the development has been completed, and the building(s) partially or largely occupied. It is not a relevant</li> </ul>   | <p><b>Do not support</b></p> <ul style="list-style-type: none"> <li>Recommend that this requirement only be applicable</li> </ul>   |

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| Planning Data Reporting that includes making the registration of a plan of condominium a 'reportable action'. Currently, only applications that are submitted, decided, or appealed are required to be reported. | measure nor a key indicator of development activity or of "shovel ready" land or housing units. Registration of a plan of condominium is generally not tracked by the City of Toronto for these reasons. This requirement would create a new business requirement that does not contribute to housing supply or accelerating approvals. It will require staff time that will detract from development review. | to greenfield development, and that this requirement not be applicable to redevelopment or intensification. |

#### **Municipal Planning Data Reporting – Summary Table ERO 019-8368 – Closing May 10, 2024**

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| Bill 185 proposes changes, through Provincial regulation, to Municipal Planning Data Reporting that includes requiring municipalities to provide a summary table for each planning-application type with their quarterly reports. The summary table would be posted publicly to the municipality's webpage and would be updated each quarter. The table would include the following components:<br>a) The total number of | <ul style="list-style-type: none"> <li>• The proposed summary table will report misleading information and will result in confusion as to the number of proposed residential units that have been approved.</li> <li>• The proposed summary table does not report on the number of residential units that are in fact built as a result of municipal development approvals processes.</li> <li>• The total number of applications reported and the number of municipal decisions will not be related as the submission and approvals are likely to occur in different quarters given the Provincial approval timelines and the municipal Council meeting schedule.</li> <li>• The number of approved housing units where the municipality approved or granted approval does not include approvals by other approval authorities (e.g., the Ontario Land Tribunal OLT). If the municipal decision is a refusal and the decision is appealed to the OLT, or if there is an appeal on the grounds that the municipality "failed to make a decision" in the statutory period, and the appeal is approved, the approved units are not captured, the subsequent OLT Decisions often do not occur in the period that applications are received or appealed, and the Decision may issue long after the Hearing is complete.</li> </ul> | <p><b>Do not support</b></p> <ul style="list-style-type: none"> <li>• Recommend that municipalities be required to report annually only on: (1) the number of net new residential units in Building Permits issued; (2) the number of net new residential units in Building Permits with work complete and/or for which Partial Occupancy Permits were issued.</li> <li>• Recommend that MMAH engage municipalities through a working group to develop summary reporting of Planning application metrics on an annual basis, including for example, the</li> </ul> |
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| <p>applications reported.</p> <p>b) The total number of submissions.</p> <p>c) The total number of municipal decisions, including:</p> <p>(i) The percent of municipal decisions that took longer than legislated timelines (where applicable).</p> <p>(ii) The total number of approved housing units for applications where the municipality approved or granted the application.</p> <p>d) The number of housing units proposed across all planning applications submitted during the respective quarter.</p> <p>e) The number of applications that were for privately initiated settlement</p> | <ul style="list-style-type: none"> <li>• The number of housing units proposed across all planning applications submitted in the quarter will result in substantial double-counting of proposed housing units. Official Plan Amendments, Zoning By-law Amendment applications, applications for Plans of Subdivision and Plans of Condominium and Site Plan Approval applications often refer to the same housing units multiple times. Multiple overlapping Site Plan applications can be submitted for the same area, revising previous approvals. The proposed reporting may represent the relative volume of proposed residential units but bear no relation to the number of units built.</li> <li>• The reporting will not capture new housing units created through as-of-right construction (e.g., proposed residential units) below the Site Plan Control threshold, which may vary by municipality. In the case of the City of Toronto, proposed developments of less than 10 units do not require Site Plan approval. Increases to the Site Plan Control threshold implemented to accelerate housing supply thus exempts increasing numbers of units.</li> <li>• The proposed reporting will not capture additional residential units proposed as Minor Variances to prior Planning application approvals via the Committee of Adjustment.</li> <li>• The proposed reporting will not capture additional residential units proposed as Consents to Sever lots via the Committee of Adjustment.</li> <li>• The total net number of new housing units to be built is represented solely by units in Building Permits issued, less units Demolished to realize the new units. Demolitions may only be captured in areas of Demolition Control.</li> <li>• The total number of units built is represented solely by Building Permits where work is completed or a Partial Occupancy Permit has been issued.</li> </ul> | <p>interpretation of “across all Planning applications”. For example, the City of Toronto and some other municipalities have developed their own mechanisms for counting proposed residential units in such a way as to minimize double-counting and it is not related to Planning application reporting.</p> |

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| area boundary expansions.  |  |   |
| <b>Municipal Planning Data Reporting – Geospatial Data ERO 019-8368 – Closing May 10, 2024</b>   |  |   |
| <p>Bill 185 proposes changes, through Provincial regulation, to Municipal Planning Data Reporting that includes requiring a municipality to provide a copy of the municipality's geospatial data that identifies serviced land supply.</p> | <ul style="list-style-type: none"> <li>• It is unclear how this geography will be used for urban municipalities like the City of Toronto, where all development is redevelopment or intensification. In the case of fully urban municipalities, this geography is not useful in determining residential or development potential. In an urban municipality, the entire land supply is serviced. In the case of the City of Toronto, this area is represented by the Built Boundary per Ontario Regulation 59/05. MMAH already has this geography per that regulation.</li> <li>• In an urban area which is serviced, the availability of water and wastewater service to a given development depends on many factors, including: the projected long-term growth in the area, the proposed intensification of the proposed developments over time, network capacity and plant capacity in a given area, the timing of network and plant improvements, wet weather flow management including combined sewers, engineering factors and ratios applied to a given development magnitude, and the allocation of capacity to individual developments based the timing of approval and construction, among other factors. In a municipality subject to a Provincial Growth Plan, the determination of projected long-term growth and proposed intensification in the area is addressed in part by the Land Needs Assessment (LNA) undertaken as part of the latest Municipal Comprehensive Review (MCR) to the bring the Official Plan into conformity with the Provincial Growth Plan. The determination of network and plant capacity and improvements is undertaken in part through long-range infrastructure plans and Development Charges Background Studies.</li> </ul> | <p><b>Do not support</b></p> <ul style="list-style-type: none"> <li>• Recommend that this requirement only be applicable to greenfield development, and this requirement not be applicable to areas of redevelopment or intensification.</li> <li>• Recommend that the City of Toronto be exempted from this requirement, that this geography be considered the Built Boundary per Ontario Regulation 59/05.</li> </ul> |

| Proposed Change  | Potential Impacts  | Comments/ Recommendation   |
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| <b>Water / Sewer Allocation (Use-it-or-Lose-it) ERO 019-8369 – Closing May 10, 2024</b>  |  |  |
| <p>Bill 185 provides municipalities the ability to adopt a policy providing for the allocation of water and sewage capacity. Such a policy may include a system for tracking the water supply and sewage capacity available to support approved developments, as well as criteria respecting the allocation of water supply and sewage capacity to development applications.</p> | <ul style="list-style-type: none"> <li>• A municipality may formalize how water and sewage servicing of an approved development is managed to enable servicing capacity to be allocated and reallocated to other projects if the approved development has not proceeded after a specified timeline (and the servicing is needed elsewhere). Such policies could be colloquially referred to as “use-it-or-lose-it” policies and would not be appealable to the Ontario Land Tribunal.</li> <li>• The City anticipates this may provide an opportunity to optimize the use of available infrastructure capacity. The implementation of such a policy would require substantial investigation of potential mechanisms for implementation and ought to involve stakeholder consultation.</li> </ul> | <p><b>Support in principle</b></p> <ul style="list-style-type: none"> <li>• Support the changes related to water/sewer allocations in principle, but caution that tools for technical analysis and tracking would need to be implemented to allow for such decision making. Substantial investigation of potential mechanisms for implementation is necessary and would require stakeholder consultation.</li> </ul> |
| <b>Assistance to Manufacturers, Industry, and Commercial Businesses ERO 019-8369 – Closing May 10, 2024</b>  |  |  |
| <p>Bill 185 provides the Province regulation-making authority to permit municipalities to grant assistance, directly or indirectly, to a specified manufacturing, industrial or commercial business if the Province considers that it is necessary or desirable in the provincial interest to attract</p>  | <ul style="list-style-type: none"> <li>• It is not clear what would constitute the Province’s determination of necessary investments. Furthermore, depending on the type of regulatory change, there may be additional funding costs incurred or required by the City associated with the implementation of the regulation. Clarity on those matters, including how funding would be addressed, is requested.</li> </ul>   | <p><b>Support in principle</b></p> <ul style="list-style-type: none"> <li>• Support the provision of assistance for our manufacturing, industrial and commercial basis which provide well-paying jobs, and support an innovative diverse economy.</li> <li>• Request that the Province consult with the City on any future Regulations to help determine parameters of necessary</li> </ul>                          |

| Proposed Change  | Potential Impacts  | Comments/ Recommendation  |
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| investment in Ontario.   |  | investments, which will assist in transparent decision making and understanding of any additional funding costs incurred or required associated with the implementation of the Regulation.                  |
| <b>Notice Requirements (ERO 019-8370 – Closing May 10, 2024)</b>   |  |   |
| Currently, municipalities are required to provide statutory notice as prescribed in the <i>Planning Act</i> . Bill 185 allows a municipality to provide statutory notice via a municipal website, but only if there is no local newspaper. | <ul style="list-style-type: none"> <li>As proposed, this would have no impact on the City of Toronto.</li> <li>However, the City currently publishes notice of complete application, public meeting, passing, adoption refusal in accordance with legislated timelines at <a href="https://secure.toronto.ca/nm/notices/current.do">https://secure.toronto.ca/nm/notices/current.do</a></li> <li>The City of Toronto also publishes notice of public meeting alongside agenda items at <a href="http://www.toronto.ca/council">www.toronto.ca/council</a> at the time the agenda is published.</li> <li>Therefore, if public notice could be made via a municipal website in Toronto, it would reduce the cost burden of a newspaper notice on applicants, and make the process in Toronto more efficient (as noted above, the City already publishes notices to municipal websites). It would also save staff time and effort in creating and arranging newspaper ads.</li> </ul> | <b>Support</b><br><br>Request that the Province provide all municipalities with ability to give notice on a municipal website.  |
| <b>Minister's Regulation Making Authority ERO 019-8369 – Closing May 10, 2024</b>  |  |   |
| Allows Minister of Municipal Affairs and Housing to introduce regulations related to: <ul style="list-style-type: none"> <li>to dwelling units on a parcel of residential land (either</li> </ul>  | <ul style="list-style-type: none"> <li>Bill 185 provides the Minister with the regulation making authority related to additional residential units.</li> <li>Bill 185 provides Minister's with regulation making authority related to the lapsing period for site plan control and for plan of subdivision, to extend the lapsing period in those circumstances where that is desirable and/or necessary.</li> </ul>   | <b>Support in principle</b><br><br>Recommend that the approval authority also have the ability to extend the lapsing period of site plan control applications.<br><br>Recommend that regulations related to |

| Proposed Change   | Potential Impacts | Comments/ Recommendation  |
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| <p>within the primary residential unit on site, or in an ancillary building on site);</p> <ul style="list-style-type: none"> <li>• requiring minimum parking; and</li> <li>• lapsing period for site plan control and plan of subdivision.</li> </ul> |                   | <p>individual units rest with Municipalities, with the direction to make changes in contextually appropriate manners.</p> |