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Ontario government announces proposed amendments to Planning Act and Development Charges Act

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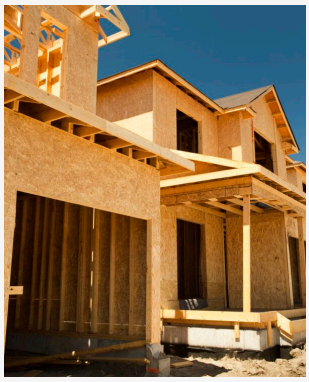

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The government introduced Bill 185, the "Cutting Red Tape to Build More Homes Act, 2023" on April 10, 2024. The Bill proposes to repeal a number of the government's previous legislative changes, including the five-year phase in of new development charge increases introduced in Bill 23, as well as the *Planning Act* application fee refund provisions introduced in Bill 109.

The government also proposes not to permit third party appeals of official plan and zoning by-law amendment applications, which had been proposed in the first reading of Bill 23, but then removed at committee.

Most significantly, the Bill proposes to reinstate the ability to appeal the refusal official plan amendment applications that propose settlement area boundary expansions. This appeal prohibition was first introduced in 2006. Combined with the proposed changes to the Provincial Policy Statement, private sector applications for settlement area boundary expansions now can be made at any time, and appealed to the Ontario Land Tribunal.

The government has also released a new Provincial Planning Statement for comment. We are reviewing the document, and will provide an update shortly, along with a blackline showing the extent of the proposed changes.

Blacklined versions showing the proposed amendments to the *Planning Act* and *Development Charges Act* are available here:

- *Planning Act*
- *Development Charges Act*

Below is a high-level summary of the proposed changes, some of which are in the legislation, and some in government releases advising of proposed approaches to non-legislative matters.

Topic	Proposed changes

Ontario Land Tribunal appeals	Private sector applications for urban boundary (settlement area) expansions can be appealed to the Tribunal. Prohibition on third party appeals of official plan amendments and re-zonings. Appeals are proposed to only be able to be filed by the applicant, minister, public bodies and specified persons (generally utility companies that made submissions). Third party appeals filed prior to the legislation coming into force and where the hearing has not been scheduled before April 10, 2024, will be dismissed.
Development charges	Five-year phase in of increased development charges introduced in Bill 23 revoked. The cost of development charge background studies can again be included as a capital cost when calculating the charge.
Pre-consultation voluntary	Pre-application consultations with municipalities will be voluntary and not mandatory. The fee refund provisions put in place by Bill 109, if a municipality did not make a decision within specified times, are proposed to be revoked. Applicants can bring a motion to the Tribunal at any time during pre-consultation for a determination as to whether the requirements for a complete application are reasonable, or have been met.
Parking standards	Parking minimums in protected major transit station areas to be prohibited, as well as in areas where minimum densities are required by official plans or provincial policies. The Minister will also have the ability to make a regulation prescribing other areas where the minimum number of parking spaces will be set by provincial regulation.
Minister's Zoning Orders/Community Infrastructure Housing Accelerators	New framework in place for requesting an MZO, including criteria that will consider whether an MZO delivers on provincial priorities, and whether it is supported by a municipal council or a mayor with strong mayor powers.These are not legislative changes, but in a document released online (click on the link). The requirements include demonstrating why the normal municipal process cannot be used, as well as information on Indigenous engagement and public consultation. The Community Infrastructure Housing Accelerator process introduced by Bill 23 is proposed to be repealed. In addition, 6 MZOs were revoked, in Cambridge, Guelph, Kingston, Markham and Oro-Medonte
"Use it or lose it"	Developments with approved site plans which do not pull permits within a period of time can have their approvals withdrawn. The time period will be set by regulation, with a default of no less than three years if a regulation does not apply. Draft plans of subdivisions also will have mandatory lapsing provisions, with the time frames to be set by regulation. Municipalities will be given the authority to enact by-laws under the *Municipal Act* to track water supply and sewage capacity, and to set criteria for when an approved development can have their allocation withdrawn. Draft plans of subdivisions that were approved before March 27, 1995 will lapse if not registered within three years of the bill passing.
Upper tier municipalities	Halton, Peel and York no longer will have planning responsibilities as of July 1, 2024. The dates for Simcoe, Durham, Niagara and Waterloo have not been set.
Public notices	Changes are proposed to the regulations that govern how notice is given by a municipality to reflect current practices of most municipalities, including on a website if local papers are not available.
Additional unit regulations	The minister is proposed to be given a new regulation-making power to remove zoning barriers for small multi-unit residential developments.