



**SUBJECT: Bill 185, Cutting Red Tape to Build More Homes Act, 2024 and the Proposed Provincial Planning Statement, 2024**

**TO: Committee of the Whole**

**FROM: Community Planning Department**

Report Number: PL-42-24

Wards Affected: All

Date to Committee: May 13, 2024

Date to Council: May 21, 2024

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### **Recommendation:**

Receive and file community planning department report PL-42-24 regarding Bill 185, Cutting Red Tape to Build More Homes Act, 2024 and the Proposed Provincial Planning Statement, 2024.

### **PURPOSE:**

To provide details of the changes proposed through Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* and the Proposed Provincial Planning Statement, 2024. This report delivers (under separate cover) comments from the City of Burlington submitted in advance of the ERO submission deadlines.

### **Vision to Focus Alignment:**

- Designing and delivering complete communities
- Providing the best services and experiences
- Protecting and improving the natural environment and taking action on climate change
- Driving organizational performance

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### **Background and Discussion:**

On April 10, 2024, Bill 185 *Cutting Red Tape to Build More Homes Act, 2024* was introduced in the legislature. Introduced as part of Ontario's Spring 2024 Red Tape Reduction Package, the backgrounder states that the Bill "will help build a stronger

economy, keep costs down, save time and improve service delivery for businesses and Ontarians”. The omnibus Bill addresses a wide range of matters and proposes amendments to 15 Acts, including the *Planning Act*, *Municipal Act* and *Development Charges Act*. At the same time, the Province has also provided an opportunity to review proposed policies for a new provincial planning policy instrument. The “Proposed Provincial Planning Statement, 2024” has been posted for a brief consultation period. The overall package includes several proposals related to existing regulations.

Region of Halton Staff report [CA-11-24/FN-14-24](#) titled *April 10 Provincial Announcements to Regional Council* provides a helpful overview of the key changes proposed through Bill 185 and the Proposed Provincial Planning Statement, 2024.

### Bill 185

Staff have provided a preliminary overview of the nature of the proposed changes to the Planning Act, Municipal Act, and Development Charges Act below, describing the issue and proposed legislative/regulatory change.

### Planning Act (Comments due May 10, 2024)

Issue	Proposal
Upper-Tier Planning Responsibilities	As of July 1, 2024, Halton Region will be identified in the Planning Act as an Upper-Tier Municipality without Planning Authority. The Bill 23 amendments to remove an “Upper-Tier Municipality without Planning Authority” from the definition of person or public body will also come into force on July 1, 2024, thereby eliminating Halton Region’s appeal and party status rights.
MTSA parking	Eliminate parking minimums within protected major transit station areas and other areas where minimum densities are required.
PMTSA amendments	Allow privately-initiated official plan amendments with respect to permitted or “authorized” uses within a PMTSA.
Third Party Appeals	Limiting third party appeals of official plans, official plan amendments, zoning by-laws and zoning by-law amendments to key participants.
Process Changes: Pre-consultation	Pre-consultation cannot be required (Official Plan, Zoning, Site Plan and Subdivision) by

	municipalities, although it must be available if requested by the applicant.
Process Changes: Complete Applications	Applicant can make a motion to the OLT at any time after pre-consultation has begun or fee paid (Official Plan, Zoning, Site Plan and Subdivision) for a determination of whether a pre-consultation requirement is reasonable or has been met.
Settlement Area Boundary Expansions	Allow appeals regarding the refusal or lack of decision on official plan amendments and zoning by-law amendments that alter the boundary of a settlement area on lands outside of the Greenbelt area.
Process Changes: Fee Refund provisions	Requirement to refund fees repealed. Transition direction provided with respect to where applications may still be eligible for full or partial refund.
Minister's Zoning Orders	New Framework that will consider factors such as whether an MZO supports provincial priorities and is supported by a municipal council/strong mayor.  Repeals the Community Housing Infrastructure Accelerator.
Authorize Regulations: any additional residential unit	Eliminate barriers to the creation of any number of additional residential units.
Lapsing Provisions: Use it or Lose it	Make mandatory lapsing conditions on all new subdivision and condominium applications.  Allow municipalities to apply lapsing conditions on new or previous site plan approvals.  Establish a time-period for lapsing at a minimum of three years or as prescribed in future regulations.
Pre-1995: Use it or Lose it	Establish a three-year timeframe for conditions to be met where a draft plan of subdivision was approved on or before March 27, 1995. The three-year time frame would begin on the day schedule 12 to Bill 185 comes into force.

Exempting certain post-secondary institutions from <i>Planning Act</i> processes	Publicly assisted universities and colleges and universities federated or affiliated with a publicly-assisted university would be exempt from the <i>Planning Act</i> to accelerate the building of new student housing, where located outside of the Greenbelt Plan.
Notice Requirements	Modernizing notice requirements where there is no local newspaper.
Community Service Facilities	While not a Bill 185 proposal the backgrounder identified consulting on a new expedited approval process for community service facilities starting with K-12 public schools, potentially extending to long-term care and hospitals.  Create a regulation making authority to exempt community service facilities (which may include schools, long-term care homes, hospitals) from any provision of the <i>Planning Act</i> or regulation authorizing CPPS, or limit their application.
Standardized Housing Designs	Create a regulation making authority to exempt standardized housing designs (once created) from certain sections of the <i>Planning Act</i> .

**Municipal Act (comments due May 10, 2024)**

<b>Issue</b>	<b>Proposal</b>
Enable Incentives	Permit the Province to make regulations authorizing a municipality to grant assistance, directly or indirectly, to a specified manufacturing business or other industrial or commercial enterprise where the Lieutenant Governor in Council considers that it is necessary or desirable in the provincial interest to attract investment in Ontario.  Such regulations would override the anti-bonusing provisions contained in section 106 of the <i>Municipal Act, 2001</i> .
Servicing: Use it or lose it	Section 70.3 of the <i>Planning Act</i> , which currently enables municipalities to pass by-laws establishing a system for allocating

	<p>sewage and water services, would be repealed.</p> <p>A new section in the <i>Municipal Act, 2001</i>, would enable municipalities to adopt policies setting out the tracking of water supply and sewage capacity available to approved developments and criteria as to how water supply and sewage capacity may be allocated and reallocated so that developments ready to proceed encounter fewer barriers and delays prior to construction.</p>
Notice Requirements	Modernizing notice requirements where there is no local newspaper.

**Development Charges Act (comments due May 10, 2024)**

Issue	Effect
Five-year phase in	Eliminate the five-year phase in of development charge rates.
DC Exemptions: Affordable Residential Units	Though not currently proposed within Bill 185, it was noted that on June 1, 2024 the Province will bring into force municipal development-related charge exemptions and discounts.
Rate Freeze	Reduce development charge rate freeze from 2 years to 18 months.
Capital Costs	Reintroduce certain study costs and the cost of the development charge background study as eligible capital costs.

**Regulations**

Issue	Effect
Planning Data (O.Reg 73/23)	Proposed changes to this Regulation would increase the number of Municipalities required to report information on planning matters to the Ministry on a quarterly and annual basis from 29 to 50. The additional 21 municipalities would be required to publish this summary on their respective municipal webpages and update the

	summary each quarter, beginning October 1, 2024.
Additional Residential Units Regulation	As noted above, Bill 185 proposes to broaden provisions to allow the Minister to regulate any ARUs in an existing home (as noted above) or ancillary structure for the purposes of an ARU. If approved, the Minister will have a new regulation-making power to remove zoning barriers to accommodate ARU developments which may include maximum lot coverage and limits on the number of bedrooms allowed per lot.

**Proposed Provincial Planning Statement, 2024 (comments due May 12, 2024)**

The “Proposed Provincial Planning Statement, 2024” (Proposed PPS, 2024) was released for a brief comment period of approximately 30 days (comments due on May 12,2024). Staff note that unlike the Draft Provincial Planning Statement, 2023, the Proposed PPS, 2024 is not accompanied by an implementation guide.

**Strategy/process/risk**

City staff are currently preparing comments for submission through the ERO in advance of the respective deadlines (May 10 and May 12), prior to this report and attachments being considered by Committee of the Whole on May 13. Appendix A: Submissions to ERO will be provided under separate cover as an addendum to allow staff sufficient time to assess the changes and provide Burlington specific comments.

As was the approach in preparing comments at the time of the introduction of Bill 23, staff will again return to the City’s guiding principles as first set out in staff report CS-12-22 Consultation on Bill 23 More Homes Built Faster Act, 2022, and drawn from the Vision 2040 – Burlington’s Strategic Plan, From Vision to Focus, the Official Plan and other key documents. The guiding principles are listed below:

- More Homes Built Faster
- Complete Communities
- An Engaged Community
- Growth pays for Growth
- Matters of Provincial Interest
- Public Health and Safety
- Environment, Urban Design and Climate Change

The guiding principles along with previous submissions will help determine how the proposed changes may contribute to or impact the City's ability to deliver on our shared interests and commitments and will inform City Staff's responses to the relevant ERO postings.

**Options Considered**

Not applicable.

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**Financial Matters:**

Not applicable

**Total Financial Impact**

Not applicable

**Source of Funding**

Not applicable

**Other Resource Impacts**

Not applicable

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**Climate Implications:**

Not applicable

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**Engagement Matters:**

Given the brief commenting period no engagement on the proposals has been undertaken.

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**Conclusion:**

Fundamental changes to the basic framework of the Provincial policy-led system along side legislative and regulatory changes will be reviewed and comments prepared to support local understanding of impacts and opportunities.

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Respectfully submitted,

Jamie Tellier, MCIP, RPP

Director of Community Planning

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**Appendices:**

- A. ERO submissions (will be distributed in an Addendum)

**Notifications:**

Region of Halton

Town of Oakville

Town of Milton

Town of Halton Hills

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.