



Via Online Submission
<https://ero.ontario.ca/>

May 10, 2024

Ministry of Municipal Affairs and Housing
 777 Bay St, 17th Fl
 Toronto, ON M7A 2J3

RE: Comments on Bill 185, Cutting Red Tape to Build More Homes Act, 2024 and Associated Notices
ERO 019-8365 - Bill 185, the Proposed Cutting Red Tape to Build More Homes Act, 2024 – Housing Initiatives
ERO 019-8369 – Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes
ERO 019-8366 - Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units
ERO 019-8370 - Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes
ERO 019-8371 - Changes to the Development Charges Act, 1997 to Enhance Municipalities' Ability to Invest in Housing-Enabling Infrastructure
ERO 019-8462 - Review of proposed policies for a new provincial planning policy instrument

Thank you for the opportunity to comment on the proposed legislative and policy changes proposed by *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*. The Town of Renfrew is supportive of proposals that have the effect of expediting the construction of housing, simplifying policy and process requirements while ensuring adequate consultation, and reducing the administrative and financial burden on municipalities.



The Town offers the following comments for consideration in finalizing the proposals under Bill 185:

1. Amend the last item under Schedule 1 of the Regulations for each Planning Act application type (543/06, 544/06, 545/06, 197/96, & 200/96) to **remove the requirement for an affidavit/sworn declaration**. Instead use the Ontario Building Code requirement for a standard declaration (not sworn). The requirement for a sworn declaration necessitates a meeting with a notary/commissioner to have them seal/sign the application, who in many cases will not provide the service virtually. This requirement presents a significant barrier to fully electronic planning applications/e-permitting. Making this change will immediately **enable the mass adoption of e-permitting for Planning Act applications across the province**.
2. Add provisions to the Planning Act that provide a **mechanism for eligible persons and public bodies to waive their appeal rights**, to allow for uncontested applications to proceed to construction more quickly.
3. Provide a mechanism in the Development Charges Act to **allow municipalities to utilize funds for infrastructure projects required to enable the construction of housing, but that were not originally identified in the calculation of the development charge** as part of the Background Study. This could be done through a resolution of Council or passing of a by-law not requiring a new Background Study, and could require the removal of an equal value project that was originally included in the calculation of the charge, but that is now considered to be a lower priority.
4. It is important that Ministry of Finance population projections do not have the effect of **limiting the ability of municipalities to designate land for development, expand settlement area boundaries, or restrict conversions of employment areas** where it is otherwise appropriate to do so. Municipalities should not be required to undertake land budgeting in an effort to restrict the amount of land available for development.

**Renfrew**

5. Consider **extending the time allocated for municipal review and comment** when the Province publishes draft proposed policies and legislation for consultation. This will allow municipalities to participate in the legislative and policy review process more meaningfully.
6. Simplify the commenting process by **consolidating the consultations into as few ERO notices/bulletins as possible**. The total number of ERO postings related to large pieces of legislation and associated policy often adds to the difficulty of navigating the materials, including at least six (6) ERO numbers in the case of Bill 185.
7. The attached commenting matrix (**Appendix "A"**) includes detailed comments related to the draft policy and legislation.

If you have any questions in respect of the above comments, please contact the undersigned at your convenience.

Yours sincerely,

Eric Withers, MCIP, RPP
Director of Development, Environment and Infrastructure, Deputy Chief
Administrative Officer
Tel.: 613-432-8166 x305
Fax.: 613-432-8265
Email: ewithers@renfrew.ca
CC: Robert Tremblay, CAO
Tom Sidney, Mayor



Renfrew

<I:\Planning\D-00 Planning General\D-00-09 County Province\15 Bill 185, Cutting Red Tape to Build More Homes Act, 2024\Province Documents\2024-05-09 Bill 185 Comments - Town of Renfrew.docx>

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Draft Provincial Planning Statement (ERO# 019-8462) | | |
|---|--|---|
| Current PPS Policy (2020) | Proposed PPS Policy (2024) | Comments |
| Settlement Areas (S.1.1.3) – settlement areas are the focus of growth and development. Encourages transit-supportive development, intensification and redevelopment. Must establish intensification and redevelopment targets in built-up areas. New or expanded settlement areas only permitted through municipal comprehensive review (MCR) and must meet specific criteria. Allows settlement area boundary adjustments outside of MCR when there is no net gain in designated land. | Settlement Areas & Settlement Area Boundary Expansions (S.2.3) – settlement areas are the focus of growth and development. Where applicable, should be focused in strategic growth areas including major transit station areas. Encourages intensification and redevelopment which supports complete communities. Encouraged to establish intensification, redevelopment and density targets based on local conditions. New or expanded settlement areas are permitted at any time subject to meeting specific criteria (does not require municipal comprehensive review). | Support – The change is anticipated to increase flexibility and allow for expedited redesignation of lands for development purposes. |
| Rural Lands (S.1.1.5) – permits resource based recreational uses (incl. recreational dwellings), residential lot creation that is locally appropriate and several other uses. | Rural Lands (S.2.6) - permits resource based recreational uses (incl. recreational dwellings not intended as permanent residences), residential lot creation where conditions are suitable for the provision of services and several other uses. | Neutral – The Town has very few lands that could be considered rural, and those lands are generally reserved for future development on full municipal services. |
| Employment Areas (S.1.3.2) – plan for, protect and preserve employment areas. Requires a municipal comprehensive review to remove lands from an employment area. Specific prohibitions on lands designated for manufacturing and | Employment Areas (S.2.8.2) – plan for, protect and preserve employment areas. Contains list of criteria to be met when lands being removed from an employment area (does not require municipal comprehensive review). Specific prohibitions on employment | Support - The change is anticipated to increase flexibility and allow for expedited redesignation of lands for development of housing, where it is appropriate to do so. |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Draft Provincial Planning Statement (ERO# 019-8462) | | |
|--|--|--|
| Current PPS Policy (2020) | Proposed PPS Policy (2024) | Comments |
| industrial uses in order to protect them for the long term. | areas within settlement areas in order to protect them for the long term. | |
| <p>Sewage, Water and Stormwater (S.1.6.6) – provides a list of criteria that sewage and water services should meet. Hierarchy of services is to be implemented, with municipal water and sewer the preferred option. Permits partial services to address failed private services (well/septic) or to allow for infill in an area already served by partial services. Requires servicing capacity to be demonstrated prior to lot creation being permitted on municipal services (calculation of reserve capacity must include treatment capacity for hauled sewage from partial or private systems).</p> <p>Provides criteria for stormwater planning.</p> | <p>Sewage, Water and Stormwater (S.3.6) – provides a list of criteria that sewage and water services should meet, which includes alignment with comprehensive municipal planning for these services and ability to allocate or re-allocate unused system capacity. Hierarchy of services is to be implemented, with municipal water and sewer the preferred option. Permits partial services to address failed private services (well/septic), to allow for infill in an area already served by partial services or in rural settlement area with private water services. Requires servicing capacity to be demonstrated prior to lot creation being permitted on municipal services.</p> <p>Provides criteria for stormwater planning, including alignment with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.</p> | <p>Support – Removes the requirement to include treatment for hauled sewage in the assessment of treatment capacity. Hauled sewage is very difficult to process and is not accepted at the Town's wastewater treatment plant. Previous calculations were difficult to undertake due to the lack of clarity in determining anticipate volumes of hauled sewage and cross-jurisdictional issues where a municipality did not have a wastewater treatment plant.</p> |
| Energy Conservation, Air Quality and Climate Change (S.1.8) - Planning authorities shall plan to reduce greenhouse gas emissions | Energy Conservation, Air Quality and Climate Change (S.1.8) - Planning authorities shall plan to reduce greenhouse gas emissions and prepare | Support - language in the list of criteria is broader and allows municipalities to make the determination when, where and how |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Draft Provincial Planning Statement (ERO# 019-8462) | | |
|---|--|---|
| Current PPS Policy (2020) | Proposed PPS Policy (2024) | Comments |
| and prepare for the impacts of a changing climate and provides a list of criteria. | for the impacts of a changing climate and provides a list of criteria. In general, references to climate change and actions to mitigate against impacts have been removed from various sections of the proposed PPS. | impacts of climate change will be mitigated. the Town is able to implement local measures to respond to climate change impacts and support reduced environmental pollution, including reduced air emissions (e.g., expanded active transportation infrastructure, enhanced stormwater management infrastructure, tree canopy policies) |
| No equivalent policy in existing PPS. Growth Plan currently provides forecasts and methodology for completing Growth Analysis. | Planning for People and Homes (S.2.1) – population and employment forecasts will be based on Ministry of Finance projections or may continue with previous provincial forecasts for the purposes of planning. OP's must plan for a minimum time horizon of 20 years, to a maximum of 30 years. Where a Minister's Zoning Order (MZO) has been approved, the resulting development will be in an addition to the projected needs over the planning horizon as established in local Official Plan and will be incorporated into the OP and infrastructure plans at the time of their next update. | Concerns – The method of calculation used in the MOF targets is important in determining the impact to future growth of small urban centres, particularly those anticipating growth as a result of large-scale provincial infrastructure projects (e.g., extension of 400-series highway). It is important that these projections do not limit the ability of municipalities to designate land for development, expand settlement area boundaries, or restrict conversions of employment areas where it is otherwise appropriate to do so. |
| Natural Heritage (S.2.1) – prohibits development, including lot creation, | Natural Heritage (S.4.1) – prohibits development, including lot creation, in | Neutral – No substantive change to existing policy framework. |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Draft Provincial Planning Statement (ERO# 019-8462) | | |
|--|---|--|
| Current PPS Policy (2020) | Proposed PPS Policy (2024) | Comments |
| <p>in significant wetlands. Development in or adjacent to significant woodlands, significant areas of natural and scientific interest, significant valleylands, significant wildlife habitat requires it to be demonstrated there will be no negative impact on ecological features or functions. Provides protections to fish habitat, endangered and threatened species.</p> <p>Natural heritage system shall be identified.</p> | <p>significant wetlands. Development in or adjacent to significant woodlands, significant areas of natural and scientific interest, significant valleylands, significant wildlife habitat requires it to be demonstrated there will be no negative impact on ecological features or functions. Provides protections to fish habitat, endangered and threatened species.</p> <p>Natural heritage system shall be identified.</p> | |
| <p>Water (S.2.2) – planning authorities directed to protect, improve or restore the quality and quantity of water. Development restricted in or near sensitive surface or ground water features.</p> | <p>Water (S.4.2) – planning authorities directed to protect, improve or restore the quality and quantity of water. Development restricted in or near sensitive surface or ground water features.</p> <p>Municipalities are encouraged to undertake watershed planning and are encouraged to collaborate with conservation authorities. Large and fast-growing municipalities are required to undertake watershed planning.</p> | <p>Neutral – It is often necessary for smaller municipalities to focus resources on operationally-necessary tasks. These policies introduce welcome flexibility. The County of Renfrew generally does not have a Conservation Authority, and this has been manageable historically, with the MECP and the County implementing provincial interests with respect to water quality.</p> |
| <p>Agriculture (S.2.3) – prime agricultural areas include soil</p> | <p>Agriculture (S.4.3) – prime agricultural areas include soil classes 1 – 3 and any</p> | <p>Neutral – No substantive change to existing policy framework.</p> |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Draft Provincial Planning Statement (ERO# 019-8462) | | |
|---|---|--|
| Current PPS Policy (2020) | Proposed PPS Policy (2024) | Comments |
| classes 1 – 3 and any associated 4 through 7 lands. Agricultural system is encouraged. Residential lot creation is limited to surplus farm dwellings only. Lands can only be removed from prime agricultural areas for expansion of a settlement area. | associated 4 through 7 lands. Agricultural system is required. Residential lot creation is limited to surplus farm dwellings only. Lands can only be removed from prime agricultural areas for expansion of a settlement area. Permits additional residential units (ARU's) subject to meeting several criteria. Encourages support of local food and agri-food network, and urban farming. | |
| <p>No equivalent policy in existing PPS.</p> <p>Growth Plan currently speaks to strategic growth areas being identified in settlement areas and recognizes these areas as the key focus for development. Strategic growth areas may have separate targets from the settlement area in which they are situate.</p> | Strategic Growth Areas (S.2.4) – identification of strategic growth areas is encouraged. These areas should be planned to accommodate significant growth and serve as focal areas for education, commercial, recreational, and cultural uses. Investment in infrastructure and public service facilities should be prioritized in these areas. | Support – Areas of Town expecting more growth on a relative basis could be identified as strategic growth areas through secondary planning exercises. Acknowledging this, it is still important that the Town is able to grow and develop a range and mix of land uses wherever it is appropriate to do so. |
| Cultural Heritage and Archaeology (S.2.6) – seeks to conserve significant built heritage resources and significant cultural heritage landscapes. Does not permit development in areas of archaeological potential or on lands containing archaeological resources unless significant archaeological | Cultural Heritage and Archaeology (S.2.6) – seeks to conserve protected heritage properties (which could include built heritage resources or cultural heritage landscapes). Does not permit development in areas of archaeological potential or on lands containing archaeological resources unless archaeological resources have been | Neutral – No substantive change to existing policy framework. |

APPENDIX "A"

APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Draft Provincial Planning Statement (ERO# 019-8462) | | |
|--|--|----------|
| Current PPS Policy (2020) | Proposed PPS Policy (2024) | Comments |
| resources have been conserved. Requires planning authorities to engage with Indigenous communities and consider their interests. | conserved. Requires planning authorities to engage early with Indigenous communities and consider their interests. | |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Changes to Planning Act (ERO# 019-8369) | | |
|--|--|--|
| Current Planning Act | Proposed Planning Act | Comments |
| Appeals to Official Plan and Zoning Amendments and (S.17(24), 17(36) and 34(19)) – third party appeals permitted by a person or public body who made oral submission at public meeting or written submission to council. | Appeals to Official Plan and Zoning Amendments and (S.17(24), 17(36) and 34(19)) – third party appeals permitted by a specified person who made oral submission at public meeting or written submission to council. A 'specified person' is defined to mean a list of entities that includes utilities, pipeline and rail operators, and other similar public/private entities. | Support – In view of the Province's objective to build 1.5 Million homes, and the significant number of homes currently in the OLT appeals queue, this policy should serve to reduce the number of new appeals, and move more houses to construction. |
| Appeals Restricted (S.22(7.2)& (7.4)) – no appeal under in respect of the refusal or failure to adopt or approve an official plan amendment for an alteration to a settlement area boundary. | Appeals Restricted (S.22(7.2)& (7.4)) – appeals may be permitted in respect of a refusal or failure to adopt or approve an official plan amendment for an alteration to a settlement area boundary, except where the expansion extends into the Greenbelt. | Concerns – This change will have the effect of limiting municipal autonomy in determining how and where to grow. It is requested that final decision-making authority with respect to planning decisions rest with municipalities. |
| Pre-consultation (S.22(3.1), 34(10.0.1), 41(3.1), 51(16.1)) – applicants are permitted to consult with the municipality prior to making an application, and the municipality may pass a mandatory pre-consultation by-law. | Pre-consultation (S.22(3.1), 34(10.0.1), 41(3.1), 51(16.1)) – applicants are permitted to consult with the municipality prior to making an application. | Concerns – This change has the potential to lead to the submission of poor-quality applications, resulting in extended processing times from the point of application submission. On appeal, the OLT will again be required to be the arbiter of application completeness, and in the case of poor application quality leading to extended processing timelines, will be required |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Changes to Planning Act (ERO# 019-8369) | | |
|---|--|--|
| Current Planning Act | Proposed Planning Act | Comments |
| | | to determine whether a decision can be made on an application. |
| Refund of Fees (S.34(10.12), 41(11.1)) – requires municipalities to refund application fees on a sliding scale relative to the length of time an application for zoning or site plan has been in process. | No equivalent provision in proposed amendment to Planning Act. These sections have been deleted in their entirety. | Support – These changes will eliminate the previously-adopted Planning Act provisions with respect to application fee refunds, which established a punitive approach to extended processing timelines, regardless of whether the municipality was responsible for those timelines, or whether there was agreement on whether a decision should be made on an application given the information available. |
| Lapsing dates (S.51(32)) – lapsing date may be imposed for plans of subdivision that is not less than 3 years. | Lapsing dates (S.41(7.1), 51(32)) – lapsing date must be imposed for site plan approval and plans of subdivision that shall not “be less than” or “exceed such” a time period as “may be applicable to the development” or, if these time periods do not apply, cannot be less than three years. | Neutral – The Town already includes a lapsing date of 24 months in its Site Plan Agreements. This lapsing date can be extended in accordance with the new provisions. |
| Additional Residential Units (ARU's) (S.35.1(2)) – minister may make regulations establishing requirements for additional residential units in a detached house, semi-detached house or rowhouse, or in an ancillary structure to these forms of housing. | Additional Residential Units (ARU's) (S.35.1(2)) – minister may make regulations establishing requirements for additional residential units in a detached house, semi-detached house or rowhouse, in an ancillary structure to these forms of housing, on | Support – This change has the potential to bring more uniformity to the implementation of Additional Residential Units provisions across the province, and improve clarity with respect to the current framework, |

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Changes to Planning Act (ERO# 019-8369) | | |
|---|--|---|
| Current Planning Act | Proposed Planning Act | Comments |
| | <p>a parcel of land on which these forms of housing can be built, or within any of the primary residential units as described above.</p> <p>Exemption from Part V of the Planning Act (S.49.3) – new subsection being proposed which would exempt ARU's from the Planning Act where a regulation is enacted by the Minister.</p> | <p>which is subject to wide-ranging interpretation.</p> <p>The updated Additional Residential Units framework is relatively new, and additional clarity and consistency may serve to increase awareness and uptake.</p> |
| No equivalent provision in current version of Planning Act. | Exemption from Planning Act (S.62.0.2 and 62.0.3) – exempts post-secondary institutions and community service facilities that meet prescribed requirements from the Planning Act. | Support – Provided the municipality has alternative tools to ensure the ability of infrastructure to support development, these measures are likely to expedite development of student housing, hospitals, long-term care homes, and other community service facilities that meet Planning Act requirements. |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Changes to Development Charges Act (ERO# 019-8371) | | |
|--|--|---|
| Current Development Charges Act | Proposed Development Charges Act | Comments |
| Eligible Capital Costs (S.5(3)) – outlines a list of eligible costs which development charges can be put towards including the costs of acquiring and improving land, facilities or buildings. | Eligible Capital Costs (S.5(3)) – outlines a list of eligible costs which development charges can be put towards including the costs of acquiring and improving land, facilities or buildings as well as the cost of the development charge background study and other municipal studies. | Support – The reintroduction of development charge background studies and other municipal studies as eligible capital costs, following their removal from Bill 23, would assist municipalities in financing the cost of those studies. |
| Phase-In of Rates (S.5(6)) – requires a mandatory phase-in of development charge, at a set percentage of the full rate, for a development charge by-law passed after January 1, 2022. | Phase-In of Rates (S.5(6)) – no specific phase-in of rates for a development charge by-law passed after Bill 185 comes into force and effect. Amendments to By-Law (S.19(1)) – new subsections being introduced which would allow a municipality to amend their development charge by-law within 6 months of Bill 185 receiving royal assent to change the rates as though the phase-in provisions of the Act had never been in effect. | Support – The Town supports the autonomy of municipalities to determine when phasing of rates is appropriate. |
| Frozen Rates (S.26.2) – development charge rates are frozen for certain eligible applications (approval of site plan or zoning by-law amendment) for a “prescribed amount of time” of two years. | Frozen Rates (S.26.2) - development charge rates are frozen for certain eligible applications (approval of site plan or zoning by-law amendment) for a “prescribed amount of time” of 18 months. | Support – A reduced rate freeze period is anticipated to encourage development to proceed to construction more quickly. |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Changes to Municipal Act (ERO# 019-8369) | | |
|--|---|--|
| Current Municipal Act | Proposed Municipal Act | Comments |
| Supply of water and sewer services (S.86) – municipalities must supply a building with water or sewer services if the building is located along the supply line, there is sufficient capacity of the system and the owner or occupant requests such service. | Water supply and sewage capacity (S.86.1) – new subsection that allows a municipality to adopt a by-law which provides for allocation of servicing capacity including a system for tracking available capacity and the criteria used to determine when allocation is assigned, withdrawn and/or re-allocated. | Support – This change will allow for more efficient management and distribution of servicing capacity to encourage development to proceed based on appropriate criteria, and provide for the re-allocation of capacity if supply constraints exist. |
| Bonusing Prohibited (S.106(1)) – municipalities are prohibited from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses. | New Bonusing Provisions (S.106.1) – Lieutenant Governor of Council may make regulations which authorize municipalities to grant assistance directly or indirectly to a specified manufacturing business or other industrial or commercial enterprise during a specified period. The regulation may set out the type of assistance that can be granted, impose restrictions or limitations on the assistance and any conditions that must be met before assistance can be granted. | Support – Targeting financial assistance, where feasible and appropriate, of significant investments in municipalities is likely to increase the competitiveness of Ontario municipalities. |

APPENDIX "A"
APPENDIX "A"

Bill 185 (2024) & Associated Notices - Comments on Proposed Changes

| Comments on Proposed Changes to Planning Act and Development Charges Act (Public Notice Requirements) (ERO# 019-8370) | | |
|--|--|---|
| Current Planning Act/DC Act | Proposed Planning Act/DC Act | Comments |
| Planning application notices are required to be published in a newspaper with sufficiently general circulation, in the opinion of the Clerk, or mailed to registered owners of property. Internet-based notices not recognized, such as municipal websites. The same requirements exist in the Development Charges Act | The proposed housekeeping amendments would enable municipalities to give notice of a proposed new/amending by-law or passage of a by-law on a municipal website, if a local newspaper is not available. The same changes are proposed in the Development Charges Act | Support – The Renfrew Mercury recently ceased print publication, and consequently no strictly local newspaper exists in the Town. Online means are also likely to reach a greater number of residents as a result of being free to access with an internet connection. |