



COMMUNICATION C7

ITEM NO. 2

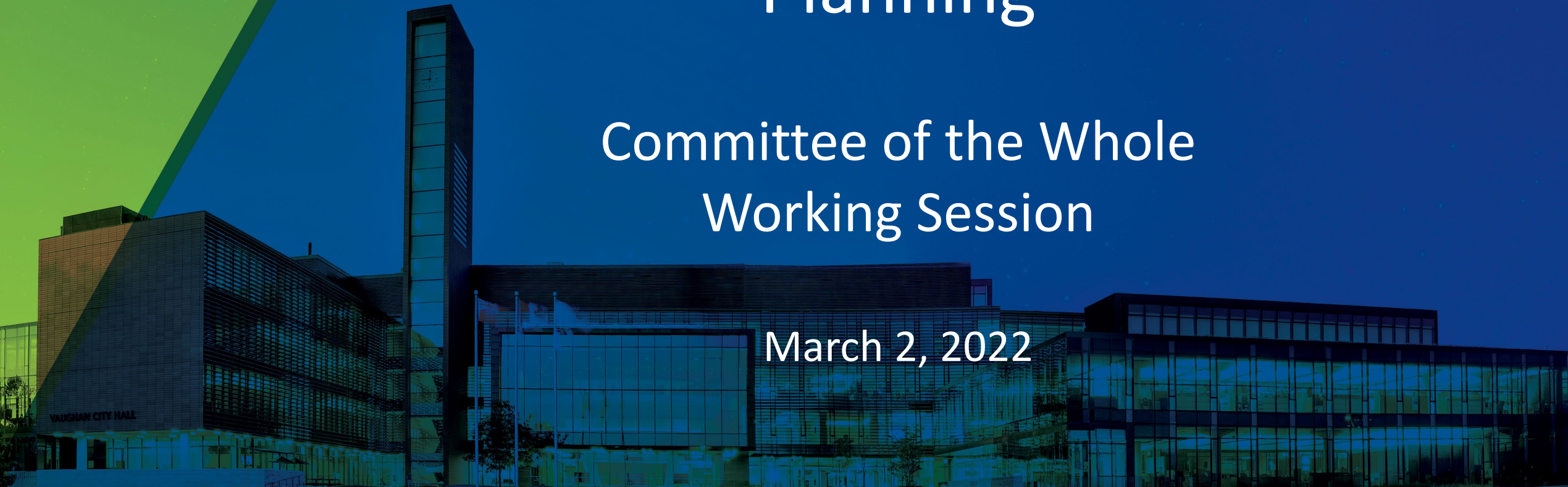
COMMITTEE OF THE WHOLE
(WORKING SESSION)

March 2, 2022

Resolutions Supporting Municipal Final Authority for Development Planning

Committee of the Whole Working Session

March 2, 2022



PURPOSE

To provide information to Council regarding the function of the Ontario Land Tribunal and a summary of the Housing Affordability Task Force report released on February 8, 2022

Background

- Numerous changes to planning legislation and the policy regime
- Further changes are likely to be proposed by the Province prior to the end of this term as a result of the Task Force Report

History and Functions of the Ontario Land Tribunal



Building Better Communities and Conserving Watersheds Act (Bill 139)

- Represented significant change in the planning regime which took effect April 3, 2018
- OMB replaced with LPAT
- Limits on appeals & introduction of 2 stage appeals for OPAs and ZBAs (elimination of de novo appeals)

The More Homes, More Choices Act (Bill 108)

- September 3, 2019
- Amendments to 14 statutes
- Effectively repealed the Bill 139 regime as it relates to adjudication of land use planning matters in Ontario
- *De novo* hearings for OPAs and ZBAs return
- Timelines to make decisions shortened

Ontario Land Tribunal

- June 2021 - LPAT rolled into OLT along with 4 other tribunals
 - Environmental Review Tribunal
 - Board of Negotiations
 - Conservation Review Board
 - Mining and Lands Tribunal
- OLT is independent adjudicative tribunal
- Considers appeals filed pursuant to 27 different statutes

Ontario Land Tribunal

- Can adopt any available practices and procedures that, in its opinion, offer the best opportunity for a fair, just and expeditious resolution of a matter on its merits.
- Members of the OLT are appointed by the Lieutenant Governor in Council.
- Member Position Description available on OLT website.

Ontario Land Tribunal

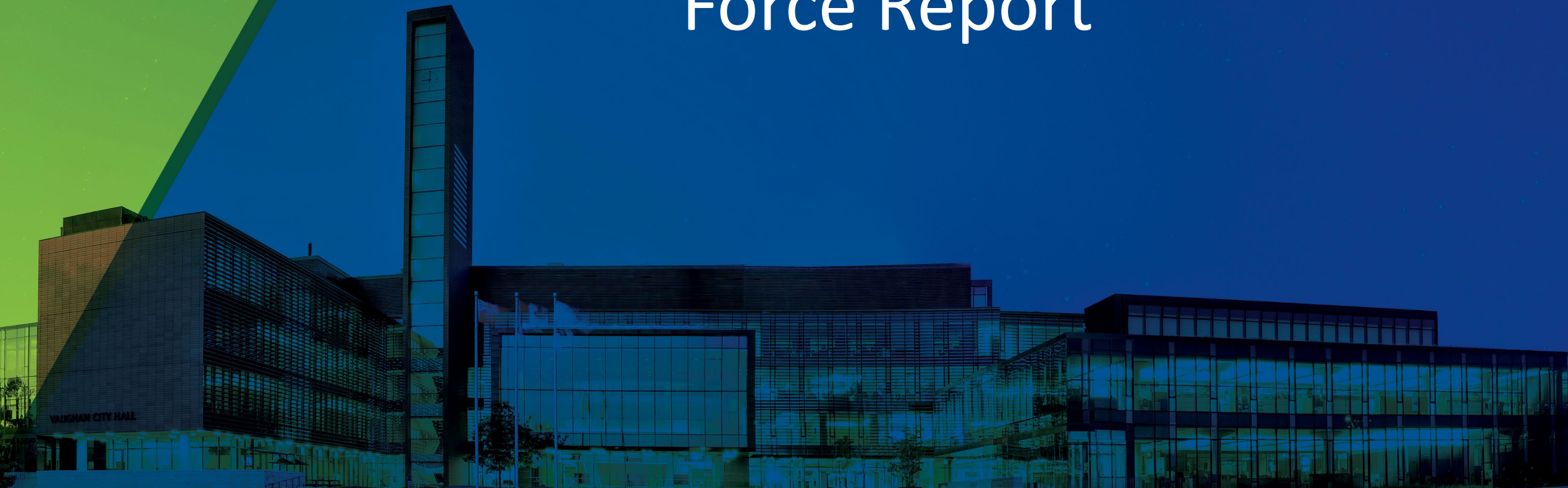
- Tasked with applying the same planning tests as Council in deciding a *Planning Act* matter.
- Required to have regard to decisions of Council and information and materials before council
 - Obligated to scrutinize and carefully consider the Council decision, but not be deferential to Council's decision
- Divisional Court is deferential to Tribunal decisions made by OLT

Ontario Land Tribunal

- If the OLT were to no longer have jurisdiction to hear *Planning Act* appeals, a decision of Council on a planning application would still be subject to review to ensure procedural fairness and appropriate exercise of authority by Council.
- In instances where a statute does not specify a process of review, such as through an appeal process, a person typically can seek a review of a decision by the courts through an application for judicial review.



The Housing Affordability Task Force Report



Housing Affordability

- Province published a report from the Housing Affordability Task Force includes 55 recommendations.
- To identify measures to increase the supply of market housing to address the housing crisis.
- Bring forward new legislation to action the recommendations.

Housing Affordability

- Need to balance residential intensification with employment growth, infrastructure and environmental impacts.
- Several of the recommendations, if implemented, may have significant impacts on local decision-making.
- There are several recommendations for which additional details are required.

Focus on Getting More Homes Built

- A collective effort from all levels of the government, developers, and community members is needed to address the existing housing crisis.
- Recognize the importance of monitoring housing supply and tracking progress on planning and developing complete communities.

Making Land Available to Build

- Making better use of land available and modernizing zoning to support housing development.
- Staff are concerned with “as of right” permissions.
- Policies need to encourage the development of complete communities to ensure a balanced mix of uses.

Making Land Available to Build

- Public consultation is an essential component and needs to be considered while creating a more permissive land use planning and approvals system.
- Decisions should be driven by local planning in coordination with all levels of government.

Cut the Red Tape

- Complexity of the planning legislation and 'red tape' that may create delays.
- Simplifying some of the planning legislation and policy documents.
- Consideration for contributing factors to meet legislated timelines.

Reducing Costs to Build, Buy and Rent

- Explore municipal funding model and create opportunities.
- Development Charges are essential for building supporting infrastructure to meet the growth needs.
- Explore options for provision of equitable affordable housing funding.
- Develop and legislate a clear, province wide definition of affordable housing.

Questions?

