



**COMMUNICATION C7**

**ITEM NO. 2**

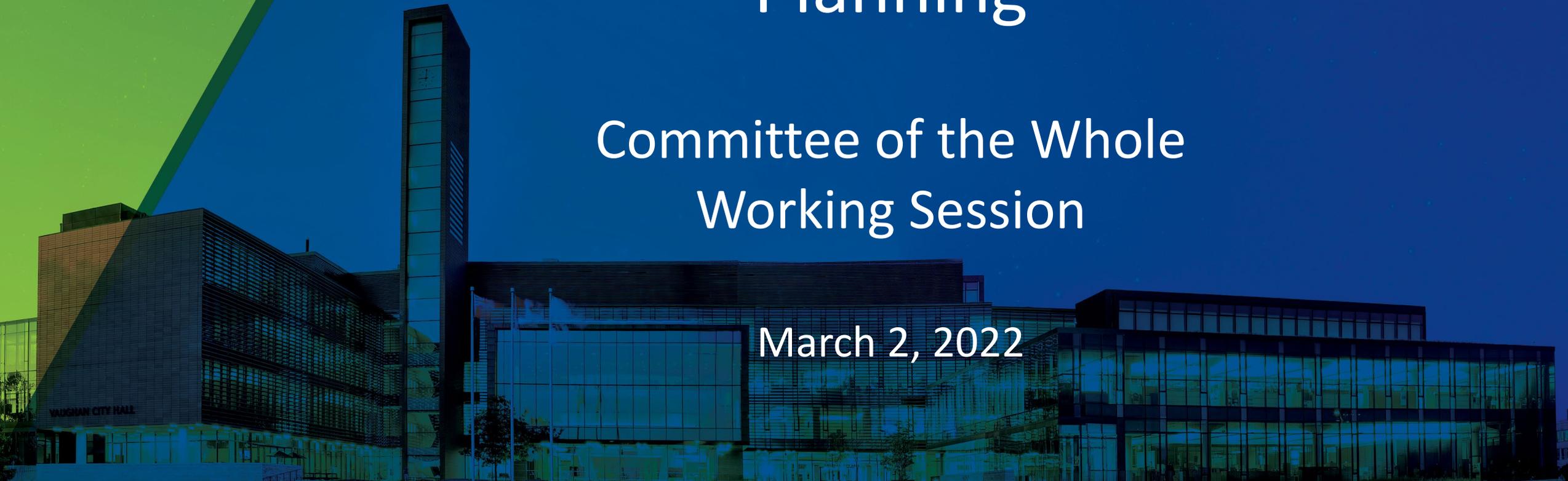
**COMMITTEE OF THE WHOLE  
(WORKING SESSION)**

**March 2, 2022**

# Resolutions Supporting Municipal Final Authority for Development Planning

## Committee of the Whole Working Session

March 2, 2022



## **PURPOSE**

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**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

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- 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)***

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- 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)***

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- 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- Effectively repealed the Bill 139 regime as it relates to adjudication of land use planning matters in Ontario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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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?

