Appendix A of Report CM-11-19

City of Burlington Recommendations Regarding Proposed Bill 108: More Homes, More Choice Act, 2019

**Bill 108 (Schedule 12) – The Proposed More Homes, More Choice Act: Amendments to the Planning Act**

**ERO Number: 019-0016**

Reduction of decision timelines

Recommendations:

* Retain existing planning decision timelines
* If planning decision timelines are reduced, municipalities should be able to ‘stop the clock’ while awaiting an applicant’s response/revisions to an application based on municipal comments on the application.
* Municipalities should also be able to ‘stop the clock’ while awaiting detailed review and comment from Ministries on development applications. Alternatively, statutory timelines for Ministry comments should be established to ensure municipalities can meet the current timeline requirements.
* Provide prescribed conditional zoning regulations.

Additional residential units

Recommendations: In 2017 the Province proposed a draft regulation prescribing requirements and standards with respect to second residential units. It would be helpful to know if the province intends to prescribe through regulation, requirements and standards for these additional residential units.

Inclusionary zoning policies

Recommendations:

* The *Planning Act* should preserve the ability to allow municipalities to implement Inclusionary Zoning where they determine it to be appropriate.
* Should the changes proceed, the existing Inclusionary Zoning Regulations would need to be modified to calibrate the require municipal assessment report and other associated requirements to reflect the limited nature of the tool as revised.

Community Planning Permit System

Recommendations:

It should be up local municipalities to determine where they establish a community planning permit system. Should the Minister order a municipality to adopt or establish a community planning permit system, the Province should be providing support to municipalities and ensuring reasonable time periods are given.

Community Benefits Charges

Recommendations:

* Prior to the enactment of the new Section 37, the Province should be providing the associated regulations to ensure that municipalities fully understand the impacts of the proposed policy changes.
* The parkland dedication density provisions should not be removed from the Act. Instead, municipalities should be required to implement reasonable maximum rates per unit relative to local land values*.*
* The parkland dedication authority in the Planning Act should remain separate from the community benefits authority.
* The Community benefits authority should exclude park dedication and should instead be tied to transparent process that justifies the services being charged for and verifies the costs within the charge.

Basis for Appeals

Recommendations:

That the basis for appeals to Official Plans, Official Plan amendments and Zoning By-law amendments remain unchanged. The two-part test for these amendments that was established in Bill 139 should remain in the Planning Act. The use of these consistency/conformity tests result in municipal land use planning that is more aligned with Provincial policy than a regime that permits appeals of decisions that do comply with Provincial policy.

New Evidence and Examination of Witnesses at LPAT Hearing

Recommendations**:**

LPAT decisions should reflect the decision of the elected local council where that local decision is in conformity with Provincial Policy.

Allowing new evidence to be presented at hearings, along with the examination and cross examination of witnesses should be limited as it could significantly add to the length of appeal hearings at LPAT. This is contrary to the stated goals of Bill 108, part of which identify a need to move quickly through the hearing process. We recommend the Province invest the planned $1.4 million into an LPAT that administers appeals under the current in-force Planning Act and LPAT Act. An investment made in that context would have the effect of moving appeals through the appeal process more quickly and efficiently than de novo hearings for appeals that become more frequent due to a compressed application review period.

Limiting Third Party Appeals

Recommendations:

That the *Planning Act* not be amended to restrict appeal rights of individuals for plans of subdivision.