**Item: DS-19-MM  
Attachment 10**

## **Staff Comments on the Proposed Changes to the Planning Act**

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| **Policy** | **Description** | **Staff Comments** |
| Subsection 16 (3) | Subsection 16 (3) “Official Plan – Second Unit Policies” is re-enacted to require official plans to contain policies authorizing additional residential units by authorizing two residential units in a house and by authorizing a residential unit in a building or structure ancillary to a house. | Staff note that this amendment would allow the creation of second units in ancillary buildings to facilitate a mix of housing types.  Staff further note that the appropriate amendments should be made to the Ontario Building Code and the Residential Tenancies Act to ensure the safety and wellbeing of residents.  The City of Oshawa has By-law 41-2001, Two Unit House Registration, to provide for the registration of two-unit houses. |
| Subsection 16 (5) | Subsection 16 (5) “Official Plan – Inclusionary Zoning Policies” is re-enacted, official plans of municipalities that are not prescribed for the purposes of subsection 16 (4), may contain those policies in respect of an area that is a projected major transit station area or an area in respect of which a development permit system is adopted or established in response to an order made by the Minister of Municipal Affairs and Housing under section 70.2.2, as re-enacted. | Staff note that the amendments in this section limits inclusionary zoning to areas around projected major transit stations or areas with a development permit system in place. The proposed changes will restrict the application of this affordable housing tool. |
| Sections 17, 22, 34, and 36 | Sections 17, 22, 34, and 36 are amended to make decisions related to official plans are changed from 210 to 120 days (sections 17, 22 and 34), those related to zoning by-laws are changed from 150 to 90 days (sections 34 and 36), and the timeline for making decisions related to plans of subdivision is changed from 180 to 120 days (subsection 51 (34)). | Staff note that the amendments reduce timelines for making decisions related to official plans, which may help speed up the development process. |
| Section 17 | Section 17 “Approvals” is amended to repeal the following subsections:   * 17 (24.0.1) and (36.0.1) “Basis for appeal”; and * 17 (49.1) to (49.12) “Rules of appeals”. | Staff note that the repealed sections restricted the grounds of appeal to adopt or approve an official plan to inconsistency with a policy statement and non-conformity with provincial plans or upper-tier municipal official plans. |
| Subsection 17 (40) | Subsection 17 (40) “Appeal to L.P.A.T.” is amended to give appeal rights to the following persons or public bodies: the municipality that adopted the plan, the Minister and, in the case of a plan amendment adopted in response to a request under section 22, the person or public body that requested the amendment. | Staff note that the amendments to this section limit the appeal rights to the municipality, the Minister, and the person or body who requested a plan amendment appeal.  Staff note that this may help speed up the appeal process. |
| Section 37 | Section 37 “Increased Density, etc.” is amended to allow a municipality by by-law to impose community benefits charges against land to pay for capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. | Staff note that Community Benefits Charge By-law may help address the costs of providing services to new residents as a result of growth. However more information is required to provide clarity on which items are to be included in the community benefits charge strategy and what percentage of the “value of land” is to be eligible for collection.  Staff further note that it is unclear how the community benefits charge will be implemented in a two-tier municipal system. More information is required on how the percentage of the land value will be allocated to the upper and lower tiers. |
| Section 42 | Section 42 “Conveyance of Land for Park Purposes” is amended to provide a by-law under subsection 42 (1) is of not force and effect if a community benefits charge by-law under section 37 is in force. | Staff note that parkland costs may be included in either the Community Benefits Charge, or under subsection 42 (1).  Further information in required to provide clarity on the community benefits charge. |
| Subsection 51 (39) | Subsection 51 (39) “Plan of Subdivision Approvals – Appeal” is amended to add the requirement that the person also be a person listed in new subsection 48.3, including:   1. A corporation operating an electric utility in the municipality or planning area; 2. Ontario Power Generation Inc.; 3. Hydro One Inc.; 4. A company operating a natural gas utility in the local municipality or planning area; 5. A company operating an pol or natural gas pipeline in the local municipality or planning area; 6. A person required to prepare a risk and safety management plan in respect of an operation under O. Reg. 211/01 within the subdivision area; 7. A company operating a railway line any part of which is located 300 metres of any part of the subdivision area; and 8. A company operating a telecommunication infrastructure provider in the subdivision area. | Staff note that the amendments to this section limit the appeal rights for a plan of subdivision to those listed in subsection 48.3.  Staff note that this may help speed up the appeal process. |
| Subsection 51.1 | Subsection 51.1 “Parkland” is amended to provide that the development or redevelopment of land within a plan of subdivision is not subject to a community benefits charge by-law under section 37, as re-enacted, if the approval of the plan of subdivision is the subject of a condition that is imposed under subsection 51.1 (1) on or after the day section 37 comes into force. | Staff note that if parkland is conveyed to a municipality under subsection 51.1, the plan of subdivision is not also subject to the Community Benefits Charge.  Further information is required to provide clarity on the community benefits charge. |
| Subsection 70.2.2 | Subsection 70.2.2 “Regulation re Development Permit System” is amended that the Minister may require a municipality to adopt or establish a development permit system that applies to a specified area or to an area surrounding and including a specified location. | Staff note that a development permit system may be used to help achieve a community’s land use vision and to address land use planning challenges.  Further information is required to provide clarity as to when a municipality may be required to adopt or establish a development permit system. |
| Section 70.10 | Section 70.10 “Regulations re Transitional Matters” is added to give the Minister the power to make regulations governing transitional matters. | No comments. |