



Regional Planning Commissioners of Ontario

Please direct all correspondence to the office of the Chair

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October 18, 2019

Ms. Hannah Evans
Assistant Deputy Minister
Local Government and Planning Policy Division
Ministry of Municipal Affairs and Housing
College Park 13th Flr
777 Bay St
Toronto, ON M5G 2E5

Subject: Provincial Policy Statement Review, Proposed Policies, ERO #019-0279

Dear Ms. Evans:

The Regional Planning Commissioners of Ontario (RPCO) consists of senior planning officials from the largest upper-tier and single-tier municipalities in the province. Our mandate is to strive for excellence in planning within Ontario and to advance opportunities for positive change. Over the past three decades, we have worked closely with the Province to provide our collective opinion on a variety of issues related to the planning and development system in Ontario.

The purpose of this letter is to respond to ERO Posting #019-0279 which requests comments on proposed changes to the current (2014) Provincial Policy Statement (PPS). RPCO provided comments to the Ministry in March 2019 as early input to the Planning Act and PPS Review. As in past discussions with Ministry Staff, we continue to ask that you reach out to RPCO to involve our membership and expertise to provide guidance on important initiatives like the PPS review. We think there is tremendous value in a more open and engaged relationship between Provincial Staff and RPCO relative to land use policy development.

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At a recent meeting of RPCO, well attended by our members, there was consensus and full support for the comments in this letter. We hope that you will consider the breadth of experience and strength of our membership behind these comments. Many municipalities across Ontario are submitting individual comments on the PPS and I encourage you to consider those comments as well.

Overview

The PPS provides policy direction on matters of Provincial interest related to land use planning and development and sets out the policy foundation for regulating the development and use of land in Ontario.

The policies of the PPS foster conditions for development, while protecting resources of Provincial interest, public health and safety, and the quality of the natural and built environment. The document also supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS is complemented by Provincial plans such as the Growth Plan for the Greater Golden Horseshoe (A Place to Grow), the Greenbelt Plan, and the Oak Ridges Moraine Conservation Plan.

According to the Provincial Government, the proposed revisions to the PPS are intended to:

- Encourage the development of an increased mix and supply of housing;
- Protect the environment and public safety;
- Reduce barriers and costs for development and provide greater predictability;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

Comments

RPCO supports the Province's general directions of the PPS to promote the efficient use of land and management of infrastructure, transit-supportive development that provides for a range of housing options, a strong economy and job creation and protections of the environment. RPCO agrees with the Province that the Official Plans of the Regional, local and single tier municipalities are the best and most important vehicles for implementing the Provincial Policy. To this end, RPCO provides the following comments:

Simplify the PPS

While the PPS is critically important to planning in Ontario, it remains RPCO's position that the document can be further scoped to include fewer and less detailed policies that simplify and avoid conflicting directions. While planning decisions should continue to be "consistent with" the PPS, reducing the extent of PPS detail can allow for greater flexibility for local decision-making within the context of Provincial policy.

Where the Province wishes to direct the method of implementation, or to provide clarity on their view of the outcomes the municipalities are to achieve, guidance materials must be provided along with the policy, not in the years following, or not at all.

Market-based Approach

The PPS has been revised to include reference to accommodating an appropriate **market-based** range and mix of residential types when planning for growth. The terms **market-based** (1.1.1), **market demand** (1.1.3.8), **market-based need** (1.4.3) and **dynamic market-based needs** (1.7.1) is repeated several times throughout the document. The introduction of the term “market-based” appears to be incongruent with Ontario’s established Provincial policy-led planning system. Ontario’s Provincial policy-led planning system recognizes the complex inter-relationships among environmental, economic and social factors in land use planning. RPCO is concerned that the “market-based” focus will require planning for development that is dictated by short term market trends as opposed to long-term planning objectives, including the provision of affordable and supportive housing, and development practices that support the efficient use of land.

The “market” is affected by a wide variety of forces such as interest rates, land values, the geographic characteristics of sites and changing demographics and as such, defining the market can be open to widely differing viewpoints. It is acknowledged that through the conduct of Land Needs Assessments (LNAs) as part of a Municipal Comprehensive Review, experts will be mindful of market conditions and variations when they prepare development forecasts and these exercises strike an appropriate balance between accommodating forecasted housing needs, while accommodating other planning policy objectives.

RPCO recommends that the principles and terms **market-based** (1.1.1), **market demand** (1.1.3.8), **market-based need** (1.4.3) and **dynamic market-based needs** (1.7.1) be removed from the PPS, as the assessment of market already sufficiently occurs as part of the development of Official Plan/Municipal Housing policies and plans.

Increasing Supply as a means of affecting affordability and mix

While this is a significant new direction in Provincial land use planning policy, RPCO is not aware of any background research or substantiated evidence that has been sponsored or accepted by the Province that demonstrates that increasing supply will have any impact on affordability, or the range and mix of housing types in a community, or across the province. RPCO supports providing for a broad range and mix of housing types, and a supply to meet the needs of communities; however, this should be done in consideration of the all the aspects for the planning of complete communities.

Increasing the planning horizon to 25 years will increase the growth forecast, and will provide more room for the housing industry to support current market driven trends, with more time to defer the provision of other unit types housing to later years in the 25 year horizon. This however will likely have no impact on current development approval rates or affordability, or the current supply of the needed housing types to support all in the various communities across the province.

Affordable housing approach

It is noted that the definition of “affordable” in the PPS remains unchanged, despite the Province’s goal to provide a range and mix of housing options, as demonstrated through the inclusion of a definition of

“housing options” in the proposed changes to the PPS. RPCO recommends that more work is required to develop a Provincial approach to affordable housing that acknowledges the diversity of housing across Ontario. The current “affordable housing” and “low and moderate household” definitions in the PPS is not reasonable to apply to widely different situations across the Province related to income, the wide range of purchase prices, average market rent and the supply of rental housing.

Indigenous Consultation

Section 1.2.2 of the PPS is proposed to be revised to state that Planning Authorities **shall** (emphasis added) engage with Indigenous communities and coordinate on land use planning matters. The current PPS “encourages” Indigenous engagement.

Municipalities have been working to enhance their engagement practices with Indigenous communities. The Ontario Professional Planners Institute and Association of Municipalities of Ontario have provided resources and educational opportunities for municipal staff and councils, respectively. However, the “duty to consult” rests with the Crown. The Province of Ontario, as the Crown, has a legal obligation to consult with Aboriginal peoples where it contemplates decisions or actions that may adversely impact asserted or established Aboriginal or treaty rights. The duty to consult, and where appropriate accommodate, is rooted in:

- the Honour of the Crown (a legal principle that commits government to act with integrity);
- the protection of Aboriginal and treaty rights under section 35 of the Constitution Act, 1982.

RPCO recommends that the Province clarify that the intent of Indigenous engagement in the PPS is not intended to “download” their Duty to Consult. Otherwise, this new requirement may have an impact on a municipality’s ability to meet planning application approval timelines.

Climate Change

The revised policies appear to focus on the impacts of a changing climate. While RPCO is supportive of the greater recognition throughout the document related to the need to respond to the impacts of climate change, there are no policies which speak to the importance of taking measures now to prevent, mitigate and adapt to the impacts of climate change. This combined with the movement out of the policy section of the PPS that municipalities can do more than is set out in the PPS, and the PPS represents minimum standards, we believe this is a gap in the current draft. RPCO recognizes the need to address this issue immediately and almost all municipalities across the province have or will be taking preventative and adaptive actions to reduce their impacts.

Expediting Approvals

RPCO supports an efficient and effective development approvals system, in which all interests are adequately addressed. The direction set out in policy 4.7 that states approval authorities “shall” take action to streamline processes for local development, combined with the new timelines for approvals set out in the Planning Act is not appropriate. RPCO is of the opinion that the Province should not put municipalities in a position to allocate already limited resources to fast tracking certain applications as a matter of

Provincial Policy. RPCO recommends that policy 4.7 be removed as it not practical or helpful.

Planning Tools

RPCO would like to ensure that with the new policy regime, municipalities have the full suite of planning tools at their disposal. RPCO recommends that the Minister put in place the regulations under the Planning Act to enable the use of Zoning with Conditions, and to expand the locations within municipalities to which inclusionary zoning provisions can be utilized.

RPCO is additionally very supportive of several delegation opportunities that could significantly streamline the planning and development approval process and are open to ongoing dialogue with the Province in this regard.

Conclusion

RPCO appreciates the opportunity to provide comments and recommendations for your consideration through the PPS Review. We look forward to continuing our close working relationship with the Province through RPCO's work. We would welcome the opportunity to meet with you and other Provincial Officials if you would like clarification on our position presented in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "R Mostacci".

Rino Mostacci, MCIP RPP
Chair, Regional Planning Commissioners of Ontario

cc: Ms. Kate Manson-Smith
Dr. Marcia Wallace, PhD, MCIP RPP
Ms. Cordelia Clarke Julien, PMP
Ms. Bridget Schulte-Hostedde
Mr. Sean Fraser
Ms. Mirrun Zaveri
Ms. Sandra Bickford
RPCO Membership