



where history and innovation thrive

City of Kingston

216 Ontario St.
Kingston, ON K7L 2Z3
613-546-4291

Date: April 25, 2023

To: The Ministry of Municipal Affairs and Housing
planningconsultation@ontario.ca

Subject: Staff comments on the proposed changes to the *Planning Act* (Schedule 6 of Bill 97 - the proposed *Helping Homebuyers, Protecting Tenants Act, 2023*) (ERO Number 019-6821)

Thank you for the opportunity to provide comments on the proposed *Planning Act, City of Toronto Act, 2006*, and *Ministry of Municipal Affairs and Housing Act* changes (Schedules 2, 4, and 6 of Bill 97 - the proposed *Helping Homebuyers, Protecting Tenants Act, 2023*). City of Kingston Planning Services staff provide the following comments focused on the proposed changes to the *Planning Act*.

Proposal

Proposed *Planning Act, City of Toronto Act, 2006, Development Charges Act* and *Ministry of Municipal Affairs Act* changes through Bill 97, the proposed *Helping Homebuyers, Protecting Tenants Act* introduced in support of Ontario's Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023.

Staff response

In response to the proposed changes included in Bill 97, staff's comments on the proposed changes to the *Planning Act* are as follows:

1. While staff appreciate that the Province has delayed the implementation of the fee refund sections of the *Planning Act* to July 1, 2023, staff continue to have significant concerns with the fee refund concept and continues to request that the Province delete these

sections altogether from the *Planning Act*. At the very least, these sections should be amended to allow municipalities to “stop the clock” when comments are provided to the applicant or when the City is awaiting comments from external agencies or partner Ministries, and require an applicant to “opt-in” with a request for a fee refund when they submit their application.

2. Should the Province continue to include the fee refund provisions as proposed in Bill 97 despite the feedback provided by municipalities, the staff support the proposed change that would allow the Minister to exempt fee refunds for prescribed municipalities in the future and requests that the Minister exempt the City of Kingston via regulation.
3. Staff are supportive of the new proposed regulations which would specifically permit the use of Site Plan Control for parcels of land which are located within 120 metres of a shoreline and within 300 metres of a railway line.
4. Staff request clarification regarding the role of the Provincial Land and Development Facilitator, including the geographic areas which one Facilitator would administer.
5. Comments with respect to the proposed “area of employment” definition will be provided through the separate ERO posting on the new draft Provincial Planning Statement.
6. The proposed changes to the references to “parcel of urban residential land” with “parcel of land” misses the need to update the definition of “parcel of urban residential land” in 1(1) of the *Planning Act*. These changes should be revised to specify “parcel of residential land”, with necessary updates to the definition in 1(1) and all references throughout the *Planning Act*. Staff are supportive of again enabling additional residential units in rural areas through Bill 97, which the City already permits through its zoning by-laws. However, the current proposed language in Bill 97 may have other implications such as the requirement for municipalities to allow three units on a lot as-of-right outside of residential zones, which is of concern, especially in employment areas and areas that are otherwise constrained or inappropriate for residential development.

Beyond the proposed changes included in Bill 97, staff continue to request that the Province implement the following changes through Bill 97 and associated regulations:

1. Amend the *Planning Act* to allow municipalities to refuse applications for site plan control if they haven’t met the requirements within the short refund timelines, recognizing that site plan control protects the public by ensuring developments are safe, accessible, functional and sustainable while protecting surrounding properties from adverse effects (currently, the language requires municipalities to approve which completely ignores the responsibility that applicants have in the process).
2. Consistent with the changes in Bills 109, 23 and 97 that allow the Minister to add conditions to zoning approvals through the MZO and CIHA processes, and require applicants to enter into agreements, staff requests that the Minister provides municipalities with this same power by passing a conditional zoning regulation under s. 34(16) of the *Planning Act* prescribing conditions that the City can apply to the approval of rezoning applications. This will help streamline development approvals and defer certain costs to applicants to a time where there is more certainty in the process.
3. Through the conditional zoning regulation requested above, allow municipalities to establish a “sunset clause” on zoning approvals to compel the construction of new housing within the 2031 timeline of the Municipal Housing Pledge.

Staff look forward to further updates from the Province and continued municipal engagement on the proposed changes to the *Planning Act*.

Respectfully submitted,

Tim Park, Director, Planning Services

613-546-4291 ext. 3223

tpark@cityofkingston.ca