

May 6, 2023

Planning Consultation  
Provincial Planning Policy Branch  
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**Re: City of St. Catharines comments on Schedules 2, 4, and 6 of Bill 97: the proposed Helping Homebuyers, Protecting Tenants Act, 2023 (ERO 019-6821)**

On April 6, 2023, the Provincial government posted changes proposed to the Planning Act, City of Toronto Act, 2006 and Ministry of Municipal Affairs and Housing Act, comprising Schedules 2, 4 and 6 of Bill 97 (The Bill). The stated intention of The Bill is to support the Province in achieving its goal of 1.5 million homes by 2031.

**Schedule 4: Ministry of Municipal Affairs and Housing Act**

The Bill proposes amendments to the Ministry of Municipal Affairs and Housing Act (Schedule 4), which would:

- Provide for the appointment of up to four Deputy Provincial Land Development Facilitators

Comments

The Bill proposes the Minister may appoint a Facilitator and up to four Deputy Facilitators. The Facilitators may also be directed by the Minister to advise and make recommendations regarding growth, land use and other matters. Based on the responsibilities that the Facilitator and Deputy Facilitators may be charged with, it would be prudent for the individuals to have experience in municipal land use planning.

**Schedule 6: Planning Act**

The Bill proposes a number of amendments to the Planning Act (Schedule 6), which would address:

- Fee Refund Provisions
- Housekeeping matter to support implementation of Bill 23
- Regulation-making authority for Site Plan Control for ≤10 units
- Appeals of Interim Control By-laws
- New Authority for Minister's Zoning Orders
- Ministerial Authority to Require Development Agreements
- Changes to Support the Review of Provincial Policies
- Changes to Employment Area Protections
- Regulation-making Authority for new Provincial Policy Document

## Comments

Staff agree there are circumstances where site plan control continues to be a useful tool for developments of 10 or fewer units and are supportive of regulation making authority to this effect within the Planning Act. The proposed regulation, currently posted for comment under separate ERO post (019-6822) identifies proximity to a shoreline and railway as situations where site plan control could continue to apply. There are additional scenarios to those currently identified, including proximity to a provincial highway or other significant noise sources, where site plan control should continue to apply for developments of 10 or fewer units. Staff will provide further comment to this effect on ERO post 019-6822.

Within the proposed amendments regarding ministerial authority to require development agreements, an agreement would require an owner of land to provide anything or pay for anything in excess of what is required under the Planning Act, Development Charges Act or any other Act (49.2 (4) Effect of Order). This requirement is extremely broad and does not appear to limit requirements to elements of relevance to the proposed development. There is significant concern that the current wording of the policy allows for misinterpretation or abuse. Staff recommend additional parameters be included to ensure the conditions of the development agreement are limited to aspects that are related to the subject development and do not circumvent applicable law from other Acts.

The proposed change to the definition of “area of employment” indicates that office use would no longer be considered a business and economic use, and would only be permitted where associated with manufacturing, research and development or warehousing. Staff agree that permitting office uses, only where associated with other business and economic uses, may help ensure the protection of these lands for more intensive core employment uses, which may benefit from distance from more sensitive land uses.

The proposed “area of employment” definition also identifies research and development in connection with manufacturing as a business and economic use. It is unclear in the current proposal if the manufacturing component is required to occur on the same property as the research and development function. Further, there may be some research and development uses, such as medical or agricultural research, that may not have an associated manufacturing component, but would now be excluded from an area of employment.

## **Conclusion**

Staff recognize many of the proposed changes in Bill 97 are administrative in nature to support other proposals, policies, and processes presented by the Province. Many of these proposals, policies and processes are open for comment under separate ERO posts. Staff will provide further comment on the relevant posts.

If you have any questions on the comments provided, please contact Taya Devlin, Senior Planner at [tdevlin@stcatharines.ca](mailto:tdevlin@stcatharines.ca) or 905.688.5601 extension 1709.