

May 4, 2023

The Honorable Steve Clark, Minister of Municipal Affairs and Housing  
Ministry of Municipal Affairs and Housing

17th Floor  
777 Bay St.  
Toronto, ON M7A 2J3

Dear Minister Clark,

**RE: 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).**

### **Summary**

As part of Ontario's Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan, the proposed *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97) introduces several changes to planning legislation in Ontario intended to streamline the approval and construction of new housing.

The City of Guelph (the City) welcomes the opportunity to provide feedback on *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*). This submission will provide overall comments and recommendations from the City of Guelph.

### **Comments**

The City of Guelph is pleased to provide input on the proposed regulatory amendments under Schedules 2, 4, and 6 of Bill 97. While the City is supportive of the intention of the proposed amendments to accelerate the construction of housing, we have concerns regarding the impact of the amendments on municipal finances, speed of application processing, and the ability to consider public interest in the planning process.

### Fee Refund Provisions

Although we appreciate the minister delaying the refunds from January 1, 2023 to July 1, 2023 we maintain our concerns provided during the consultation on Bill 23 that the refund of fees does not expedite approvals. Previously the City of Guelph supported concurrent applications (e.g. Zoning amendment and Site Plan). Due to the timelines associated with these refund requirements we are unable to accept a site plan application until zoning is in place without impacting municipal finances.

The proposed changes to Subsections 34 (10.12) and 41 (1.1) of the Planning Act further eliminate the ability of municipalities and applicants to reach a mutual agreement before the timelines for a refund come into effect. Municipalities consequently lose the ability to aid applicants by granting them with additional time to meet municipal and provincial conditions because of these mandated refund timelines. The proposed change would likely increase application refusals. To illustrate this point, the City recently encountered a situation where the developer withdrew an application for Official Plan amendment and Zoning amendment as the technical issues had not been cleared by commenting agencies, and thus staff would have had to refuse the application. Previously, the City would have kept the application moving forward and waited to bring a recommendation report to Council once all agencies had commented. Unfortunately, with the mandatory timelines, there was not an opportunity to mutually agree to pause the application timelines.

**Recommendation:** The City suggests that there be an ability to mutually agree to pause application timelines.

#### Appeal of Interim Control By-laws

Reinstating the appeal of interim control by-laws will increase staff time at the OLT and incur costs for the municipality. Interim control By-laws are limited in use and only are applicable for a period of two years. They are typically exercised in situations where an unforeseen issue arises as a means of providing time in which a municipality may study the issue and determine the appropriate planning policy and controls. We believe that the appeal of such a by-law reinstates delays, expenses, and undermines the purpose of Bill 97 in streamlining the approval process.

#### Planning Legislation Override Provisions

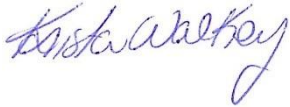
The proposed additions of Subsection 47 (4.0.1) and Section 49.2 to the Planning Act allow the Minister to override municipalities and ignore significant Planning legislation such as the Provincial Policy Statement and Official Plans that hold governments accountable for addressing all interests (i.e., employment generation and environmental protection). The City is extremely concerned about the ability to exempt approvals from significant policies that are in place to ensure the safety of future citizens, and the removal of such requirements at the discretion of the Minister.

#### **Conclusion**

The City of Guelph is concerned that the changes proposed in the Helping homebuyers, Protecting Tenants Act (Bill 97, Schedules 2, 4, and 6) introduce more uncertainty, further reduce the ability of municipalities to regulate the development of land, and have no evidentiary relationship to increasing the housing supply in Ontario. We appreciate the opportunity to provide feedback on the proposed changes included in Bill 97, and we hope that you consider these concerns as you

finalize the regulations. Should you have any questions, please do not hesitate to get in touch.

Regards,



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