

May 10, 2024

Ministry of Municipal Affairs & Housing
Provincial Land Use Plans Branch
777 Bay Street, 13th Floor
Toronto, ON
M7A 2J3

Re: ERO: 019-8369
PARADISE DEVELOPMENTS
PROPOSED BILL 185, CUTTING RED TAPE TO BUILD MORE HOMES ACT, 2024

Please consider our deputation in regards to the Province's ERO 019-8369 posting, titled, "***Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 – the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024***".

Paradise Developments is celebrating our 52nd year in the Home Building and Land Development business in Ontario, and we remain very active in the municipal planning process. Our portfolio exists largely within the GTA, but is far reaching, encompassing holdings from Hamilton to Whitby, and from Toronto to East Gwillimbury. We are both a residential and commercial builder/developer. Since the Company's inception in 1972, we have developed and constructed in excess of fifteen thousand units of residential. We are an active member in BILD and several large Landowner Groups, some of which are making deputations on this item aligned with ours herein.

We support and commend the Ontario Government for its efforts and rapid actions taken to address the housing supply crisis in Ontario, which remains a long-standing problem and has been a major contributor to the affordability crisis we are continuing to experience across the Province. We also fully support the objective of streamlining land use planning approvals, cutting red tape, and getting shovels in the ground more quickly and efficiently. We deeply understand and appreciate the need to improve the current system.

While we support most of what is being proposed within Bill 185, there is a change to the Act being proposed that will undoubtedly have unintended consequences on appeal rights of stakeholders, that if left uncorrected, will have precisely the opposite (undesired) effect of the Bill's intent. The oversight, albeit most likely inadvertent, that requires reconsideration and revision is: **the proposed elimination of "third party appeals" of Official Plan Amendments (OPAs) and Zoning By-law Amendments ("ZBAs) under the Planning Act. Such a change would undoubtedly have unintended consequences, removing the rights of landowners to appeal policy that implicates their properties, or nearby properties.**

Third party appeals and the existence of the Ontario Land Tribunal creates healthy tension in the planning approvals system. These appeal rights are an essential check and balance in the system. They keep all stakeholders honest, and facilitate fair negotiations and the resolution of conflicts.

Unfortunately, if implemented as currently worded, Bill 185 would eliminate these appeal rights. We are concerned that the elimination of third party appeals will have the following consequences, which will likely limit the supply of housing and result in poor planning:

- Will allow municipalities to downzone or regulate, acting without accountability;
- Will permit municipalities to delay housing for years by adopting unreasonable phasing policies and timing;
- Will reduce the supply of housing as anti-growth municipalities take advantage of the lack of landowner appeals against municipal initiatives;
- Will allow municipalities to adopt restrictive policies contrary to Provincial Policy, without landowners to fund hearings to defend Provincial Policy;
- Will put pressure on the Province to pick politically unpopular fights with Municipalities as the Minister will be the only person available to appeal municipal initiatives that are contrary to Provincial Policy;
- Will move disputes to the courts, increasing delays, costs, and lowering the quality of decision-making;
- Will raise the risk of municipal corruption as high stakes decisions will be final and unappealable.

The Ontario Land Tribunal is a critical part of Ontario's land use planning system. The Government should be commended for recognizing the role of the Tribunal and for strengthening that role. The Government has made clear efforts to encourage Tribunal-led mediation and to increase resources for additional Tribunal members for more timely resolution of appeals. However, strengthening the Ontario Land Tribunal will not achieve the desired outcomes if there are not appropriate appeal mechanisms to get before the Tribunal.

What is proposed by Bill 185 is not what we believe the Government intended in respect of these appeal rights. These can be readily corrected in the legislation by removing the proposed changes to subsections 17(24), 17(36) and 34 (19) of the Planning Act (subsections 3(1), (2), (3), (4) and 5(7) and (8) of Schedule 12 of the Bill).

Should you wish to discuss these comments further with us, please do not hesitate to reach out to us.

Thank you very kindly for your attention in this matter.

A handwritten signature in black ink, appearing to read 'M. Taleski', written over a horizontal line.

Mitchell Taleski
Director, Land Development