



Ontario Announces Overhaul of Planning and Development Regime

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The Ontario Government has announced its ambitious action plan to tackle the housing crisis, with significant changes to the process for development approvals and appeals.

Introduction

On May 2, 2019, Ontario's Minister of Municipal Affairs and Housing announced its comprehensive housing initiative, entitled *[More Homes, More Choice: Ontario's Housing Supply Action Plan](#)*.

Under the Action Plan, the Minister is proposing a package of amendments to various statutes, all in an effort to cut red tape, reduce costs, and increase the supply of housing in Ontario.

The key changes proposed by the Minister are summarized below.

Changes to the Planning Act

The Minister is proposing changes to the *[Planning Act](#)*, including:

Changes to the development process

- Reducing **planning decision timelines**
 - For **Official Plans**, from 7 months (210 days) to **4 months** (120 days);
 - For **Zoning By-laws**, from 5 months (150 days) to **3 months** (90 days);
 - For **Plans of Subdivision**, from 6 months (180 days) to **4 months** (120 days)
- Authorizing **additional residential units** for detached, semi-detached, and row houses in both the primary dwelling and ancillary building structure
- Focusing the use of **inclusionary zoning** to areas that are generally high-growth and near higher order transit (e.g., major transit station areas and areas where a community planning permit system is required by the Minister)
- Enabling the Minister to require the **community planning permit system** (formerly known as development permit system) to be used in specified areas (e.g., major transit station areas and provincially significant employment zones), and **removing appeal rights** related to implementing documents

- Creating a new **community benefits authority** to allow municipalities to charge for community benefits (e.g., libraries and daycare facilities)
 - The new community benefits authority would make upfront development costs more predictable by replacing existing **density bonusing provisions, development charges for discounted services** (i.e., soft services), and in some cases, **parkland dedication**

Changes to the appeals process

- Empowering the [Local Planning Appeal Tribunal](#) (“**LPAT**”) to make its decision based on the **best planning outcome**, rather than merely consistency or conformity with higher order planning instruments
- Enabling the LPAT to make a **final determination on appeals**, rather than merely a recommendation back to Council
- Removing existing restrictions on a party’s ability to **introduce evidence** and **call and examine witnesses** at hearings
- **Limiting third party appeals** of Plans of Subdivision and approval authority non-decisions on Official Plans and Official Plan Amendments

Other related changes

- Investing \$1.4 million in 2019-2020 to hire more LPAT adjudicators
- Charging different fees and moving towards a cost recovery model
- Considering changes to the Provincial Policy Statement to:
 - Encourage the development of more and different types of housing
 - Reduce barriers and costs for developers and provide greater predictability
 - Update planning and development policies to reflect Ontario’s changing needs
 - Recognize local decision-making in support of new housing and economic development

Changes to the Development Charges Act

The Minister is proposing changes to the [Development Charges Act](#), including:

- Reducing the costs to build priority housing types
 - E.g., second units in prescribed classes of new residential buildings and ancillary structures will be exempt from development charges
- Fully covering municipalities’ waste diversion costs
- Making costs of development clear from the outset
 - Freezing development charge rates at an earlier point in time (e.g., at time of zoning or site plan application), but to be paid subsequently, at the usual time (e.g., at building permit issuance)

Changes to the Building Code

The Minister is proposing changes to the Building Code, including:

- Removing the requirement for new homes to include the infrastructure for an electric vehicle charging station
- Harmonizing the Ontario Building Code with the National Codes

Changes to the Education Development Charge Framework

The Minister is proposing changes to the education development charge framework, including:

- Allowing only modest increases in education development charges to help make housing more affordable
- Allowing for innovative and lower-cost alternatives to site acquisition

Changes to the Ontario Heritage Act

The Minister is proposing changes to the [Ontario Heritage Act](#), including:

- Creating new mandatory standards for heritage designation by-laws and
- Establishing new time limits to confirm a complete application for alteration and demolition, and for designation decisions
- Ensuring municipal decisions on designations and alterations to heritage properties can be appealed to the LPAT (whose decisions are binding), rather than the Conservation Review Board (which can only make non-binding recommendations)

Changes to the Environmental Assessment Act and the Environmental Protection Act

The Minister is proposing changes to the [Environmental Assessment Act](#) and the [Environmental Protection Act](#), including:

- Addressing duplication and streamlining the processes for projects that pose little risk to the environment
- Providing clarity to proponents from the outset by better recognizing other planning processes
- Reducing the amount of soil sent to landfill from construction sites by making it easier and safer to reuse soil and penalizing those who illegally dump excess soil
- Clarifying the rules and removing unnecessary barriers to build on vacant land, to put prime land back to good use while protecting the environment and human health
- Improving service standards to reduce delays

Changes to the Conservation Authorities Act

The Minister is proposing changes to the [Conservation Authorities Act](#), including:

- Clearly defining conservation authorities' core programs and services (e.g., flood protection), and only requiring municipalities to pay for those services
- Giving municipalities more say over non-core programs and services and how municipalities pay for them
- Streamlining and standardizing conservation authorities' role in municipal planning to reduce overlap, making approvals faster and less expensive
- Improving governance and accountability

Changes to the Endangered Species Act

The Minister is proposing changes to the *Endangered Species Act*, including:

- Making it easier to harmonize the *Endangered Species Act* with other equivalent legislation
- Establishing Canada's first Species at Risk Conservation Trust so that project proponents can support strategic, coordinated and large-scale actions instead of completing piecemeal requirements for permits, agreements, and regulatory exemptions
- Offering more certainty by improving processes
- Providing clarity on how protected species are identified and transparent rules on how to protect habitat
- Supporting a modern ecosystem-wide approach to species protection, one that balances competing interests, that is effective and efficient

Looking Forward

The full details of the Province's proposed amendments are contained within Bill 108, *More Homes, More Choice Act, 2019*.

Key changes proposed under Bill 108 have been posted on the Environmental Registry of Ontario for public comment (see links below). The comment period will run until June 1, 2019.

Related Links

News Release: [Ontario's Government for the People to Make Home Ownership Affordable for More Ontario Families](#)

[More Homes, More Choice: Ontario's Housing Supply Action Plan](#)

[Bill 108, More Homes, More Choice Act, 2019](#)

Environmental Registry of Ontario postings:

[Amendments to the Planning Act](#)

[Amendments to the Development Charges Act, 1997](#)

[Amendments to the Ontario Heritage Act](#)

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