



December 3, 2020

DELIVERED ELECTRONICALLY ONLY

Hon. Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

Dear Minister,

Re: Increased Use of Minister's Zoning Orders

The Ontario Professional Planners Institute (OPPI) represents over 4,000 Registered Professional Planners (RPPs) from across the province. RPPs have gone through an extensive education, experience, and examination process to become qualified and are employed in municipalities, public agencies, private sector, not-for-profits, academia, and senior levels of government. OPPI, on behalf of the planning profession in Ontario, is a trusted and reliable source of information about land use planning and the planning process.

We recognize the Ontario government's interest in streamlining the planning process as it relates to priority projects integral to COVID-19 recovery including affordable housing, senior living environments and transit projects. Separately, OPPI has worked with Ministry staff and industry stakeholders including AMO, RPCO, OHBA, BILD and OBOA, to provide you with recommendations around delegation of approvals from elected Councils to qualified municipal staff and measures to strengthen oversight of the planning profession. We believe these measures are integral to COVID - 19 recovery efforts.

OPPI appreciates the potential efficacy of Section 47 of the Planning Act and the use of Minister's Zoning Orders (MZO's) to assist with economic recovery. MZO's are effective in substantially streamlining timelines associated with planning applications, public notice, consultation, Committee and Council deliberations and appeals. However, the significant increase in use of MZO's over the past several months warrants a cautionary approach as they have the potential to:

- **Create delays as planning approvals shift from the local community level to Queen's Park.** During the 1980s and 1990s, previous Progressive Conservative governments recognized the benefits of a policy-led planning system. Routine approvals such as Plans of Subdivision were transferred from MMAH to municipalities. The provincial role was focused on setting policy through legislation, the Provincial Policy Statement(s) and Provincial Plans. Municipalities and their planners were given responsibility for local approvals. The opportunity for project proponents to obtain an MZO "fast track" has the potential to create significant bottlenecks at Queen's Park which would negate the intent of the MZOs. Including some level of local expertise

is necessary to ensure efficient and effective local planning that is sensitive to the wider range of issues affecting the host community and their neighbours – particularly on matters as close to the ground as zoning or site plan control and the preservation of the public interest in development agreements with municipalities.

- **Introduce uncertainty and risk into real estate markets.** Local businesses and homeowners make investments in Ontario real estate based on neighbourhood characteristics codified in planning documents like municipal Official Plans. Increased use of MZO's has the potential to introduce unexpected impacts on neighbouring properties and their mortgagees. This uncertainty and risk can further destabilize what are already volatile property markets in key Ontario locations.
- **Undermine public trust in the planning process.** Since the rationale for selecting one project over another for the use of an MZO is not transparent or published, public allegations of arbitrariness and favouritism will continue to be challenging issues for the government to manage.

OPPI offers two recommendations to help mitigate the drawbacks associated with the current increased use of MZOs:

1. **In the immediate term, commit to establishing transparent provincial criteria on the use of MZO's for provincially significant, priority projects** Transparent criteria would reduce uncertainty in the public's eye and help to lessen the likelihood of an approvals bottleneck as proponents attempt to shift routine applications from municipal to MMAH staff.
2. **Over the medium term, commit to reduced reliance on MZO's and instead, rely on measures to streamline the overall municipal planning process equitably in the provincial and municipal interests for all projects.** As noted above, OPPI has separately provided recommendations to ensure greater delegation of approvals from elected councils to qualified staff and to strengthen the oversight of the planning profession. If accepted, these recommendations would provide immediate benefit for communities using established tools and processes.

OPPI offers these recommendations as a trusted advisor with deep knowledge and understanding of community planning and its process. We are available at your convenience should you or your officials wish to discuss these matters further.

Sincerely,



Justine Giancola, RPP, MCIP
President

cc: Kailey Vokes, Director of Policy, Office of the Premier
Alex Barbieri, Director of Policy, Minister's Office, MMAH