

December 17, 2020

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

Re: Enhancing delegations to achieve a more efficient municipal planning approval process

Dear Minister,

Ontario's planning profession in collaboration with the province's municipal and development sectors are writing to you today to recommend measures that seek to enhance delegation of routine planning approvals to achieve efficiency and improve service standards in Ontario municipalities.

This submission represents the collective views of the following organizations involved in province's planning approvals system:

1. ***Ontario Professional Planners Institute (OPPI)***, the professional institute and regulator of Registered Professional Planners (RPP) representing 4,000 members across the province.
2. ***Ontario Home Builders' Association (OHBA)***, the voice of the land development, new housing and professional renovation industries representing over 4,000 member companies organized into a network of 27 local associations across the province.
3. ***Regional Planning Commissioners of Ontario (RPCO)***, an association of senior officials from upper and single tier municipal governments organized to discuss planning issues of mutual interest.
4. ***Building Industry & Land Development Association (BILD)***, the voice of home building, residential and non-residential land development and professional renovation industries in the Greater Toronto Area representing over 1,500 member companies.
5. ***Ontario Building Officials Association (OBOA)***, the voice of 1,900 building code officials with a mandate to maintain a high professional standard in the administration of the building code and supporting the construction of safer, more sustainable, and accessible buildings in Ontario.
6. ***Residential Construction Council of Ontario (ResCon)***, the province's leading association of residential builders committed to providing leadership and fostering innovation in the industry.
7. ***Ontario Real Estate Association (OREA)***, an association of 80,000 REALTORS® and 38 real estate boards who help Ontario families achieve the Canadian dream of home ownership.

BACKGROUND

Since 2018, the Ontario government has increasingly been seeking opportunities to address the housing crisis in the province by advancing measures that reduce time or costs associated with getting projects to market. The province advanced various measures through the *Housing Supply Action Plan* and its corresponding legislation, *More Homes, More Choice Act* in 2019.

The government has explicitly cited lengthy approval processes as having “slowed down the building of new housing and rentals” in the Province of Ontario and has welcomed submissions aimed at reducing approval timelines.

Within this context, Ontario’s planning profession, as represented by OPPI, has been seeking opportunities to leverage the expertise of professional planners to achieve efficiencies in the land use planning approvals process.

OPPI has been promoting an approach where the planning approvals system is increasingly transitioned into a system where policy is set by those who have the democratic legitimacy supported by comprehensive stakeholder input, and then implemented by those with the technical knowhow.

Over the past year, OPPI has led an internal and external consultation process seeking consensus on opportunities to optimize service standards while retaining the necessary rigor by appropriate professionals on scrutinizing planning proposals.

OPPI’s consultation process has involved:

- Written input by Ontario’s Registered Professional Planners;
- One-on-one interviews with many of the heads of municipal planning departments;
- Survey with responses from over 80 heads of municipal planning departments;
- One-on-one interviews with current and retired elected officials and policy makers (including MMAH officials); and
- Consultations with associations from the development and municipal sectors.

MUNICIPAL SURVEY RESULTS

As part of the consultation process, OPPI surveyed heads of planning departments to better understand the planning approvals that are currently delegated in municipalities and the “on-the-ground” experience in regards to improvement to service levels resulting from those delegations.

The survey found that there is limited consistency in the delegation practices currently undertaken by municipalities across the Province. Of the Planning Act tools available for Councils to delegate to staff, Site Plan approvals were delegated in two-thirds of municipalities while approvals for validation certificates, draft plans of subdivision, and consents were delegated in approximately one-third of municipalities among respondents.

However, where delegation was used, the respondents reported substantial service level improvements. Heads of planning departments reported substantial improvements in service levels

where delegations were in place with 63% reporting a reduction in development approval timelines of 2-3 months and 11% reporting a reduction in timelines of 4-5 months.

Nearly all respondents identified opportunities for additional delegations for Planning Act tools. The *Planning Act* currently permits lower-tier municipalities to delegate Site Plan, Draft Plan of Subdivision, Consent, and Validation Certificate applications to staff, while upper-tiers can also delegate approval of the lower-tier Official Plan Amendments to staff. Survey respondents identified a number of additional Planning Act tools that should be delegated to staff (either by default or available for Council to delegate) which would have significant service level improvements.

Informed by this process, OPPI, OHBA, AMO and RPCO are submitting the following recommendations for consideration by the Government of Ontario.

RECOMMENDATIONS

Recommendation #1: The Province should amend the Planning Act to provide municipal councils with the ability to delegate additional Planning Act approvals to heads of planning departments.

OPPI consulted with heads of municipal planning department to understand if there are additional planning approvals which Councils should have the ability to delegate to staff. Based on these responses, we recommend the following approvals be added to the list of Planning Act approvals Councils can delegate:

- Minor Variances;
- Temporary Use By-Laws;
- Lifting of Holding Provisions and Part Lot Control; and
- Technical Amendments to Zoning By-Laws (subject to specific criteria).

Recommendation #2: The Province should amend the Planning Act to provide heads of municipal planning departments with the default authority to approve certain types of planning applications and allow Councils to “bump up” approval at their discretion.

The benefits of delegation appear to be clear and substantial based on our consultations. However, delegation is used inconsistently across Ontario municipalities. Many municipalities continue with Council involvement in day-to-day and routine planning approvals that simply implement council-approved policy because that is the default course under provincial legislation. Reversing the default, by providing heads of municipal planning departments with the legislative authority to approve certain types of planning applications will result in a considered decision by Councils on whether those approvals are most appropriate with Council or staff.

Therefore, we recommend that the province legislate that the following Planning Act approvals be under the purview of heads of planning departments as the default, but ensure Councils have the ability to “bump up” applications for Council consideration as they deem appropriate:

- Site Plan;

- Lifting of Holding Provisions and Part Lot Control;
- Consents within the Built-Up Area;
- Validation Certificates; and
- Draft Plan of Subdivisions.

All of these Planning Act approvals are more appropriate to be delegated to the head of the municipal planning department because they implement already established community policies, they are technical in nature, and their impact is minor and/or localized. Default delegation would serve to advance efficiency in service delivery and would help municipalities achieve *Planning Act* timelines.

Recommendation #3: The Province should provide the Ontario Professional Planners Institute adequate authority to protect the public interest by providing necessary oversight over the conduct of professional planners in Ontario.

OPPI has been seeking a public legislative framework to address current gaps in its ability to oversee Registered Professional Planners in the province. The profession, through OPPI, has introduced draft legislation, *Bill 70 – Registered Professional Planners Act*, that seeks to address the current challenges. This Bill is currently in front of the Legislative Assembly of Ontario and awaiting consideration by the Standing Committee on General Government.

Bill 70, if passed, would provide OPPI with basic oversight abilities which virtually every other professional regulatory body in Ontario already has, including:

- jurisdiction to continue investigating members who resign during an open investigative process to avoid consequences for professional misconduct; and
- ensuring only those with adequate education, experience and regulatory oversight can refer to themselves as a Registered Professional Planner or RPP (or professional planner).

As our community’s needs become more complex, and municipalities are increasingly delegating approval authority for various aspects of the planning system to professional planners, ensuring there is appropriate oversight for the profession becomes critical.

We recommend the government either pass the current private member’s bill or include its contents as part of an upcoming government omnibus bill.

These three recommendations, collectively, will help transition Ontario’s planning system into a model where strategic direction and policy is increasingly set by those who have the democratic legitimacy and then implemented by those with the technical knowhow. This shift towards a more appropriate distribution of roles and responsibilities will help the provincial government achieve its core objective of increasing housing supply and economic recovery by reducing timelines and consequently costs for new developments.

If you or your ministry staff have any questions on these recommendations, please feel free to contact OPPI’s President Justine Giancola at president@ontarioplanners.ca or (416)-454-2740.

Sincerely,



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