

April 1, 2021

DELIVERED ELECTRONICALLY

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

Dear Minister:

RE: MZOs and the Provincial Policy Statement (PPS)

I am writing you today on behalf of over 4,000 members of the Ontario Professional Planners Institute (OPPI). As you know, OPPI is required by statute to, “promote, maintain and regulate high standards of professional planning practice and ethical behavior”.

Over the past several weeks we have received numerous emails from our membership reacting to a recent proposed legislative amendment that would retroactively remove the requirement for Minister’s Zoning Orders (MZOs) to be consistent with the Provincial Policy Statement (PPS), except where an MZO is issued in an area of the Greenbelt (Schedule 3, Bill 257). As indicated to you in prior correspondence, our members are also concerned about the increased use of MZOs; a concern that has been heightened given this proposed legislative change.

As a regulator with oversight of Registered Professional Planners (RPP), it is our duty, on behalf of our membership and in the public interest, to bring these concerns to your attention. We have appreciated the opportunity to consult with your staff in advance of preparing this letter to better understand the intent and rationale behind Schedule 3, Bill 257. We have further consulted with various industry stakeholders including OAA, OALA, AMO and RPCO. Finally, we have consulted with OPPI’s Planning Issues Strategy Group (PISG) and our governing Council prior to submitting this response for your consideration.

OPPI supports the requirement that all matters related to land use planning be consistent with the PPS, as per Section 3 (5) of the *Planning Act* and sees no justification for the proposed amendment. Section 4.5 of the PPS and Section 2 of the *Planning Act* already provide mechanisms for the Minister to take into account other considerations when making decisions to support strong communities, a clean and healthy environment, and the economic vitality of the Province. The planning community relies on the PPS as the guiding provincial policy in the public interest and considers it an ethical obligation to comply with its intent when making decisions related to land use planning.

OPPI recognizes that MZOs are an existing *Planning Act* tool that, when used appropriately, can assist with economic recovery projects of provincial significance. We appreciate the need for the Province of Ontario to focus on the recovery in the areas of affordable housing, transit, and employment opportunities, and the desire to do so expeditiously.

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On December 3rd, 2020 OPPI submitted a letter to the Minister with respect to the increased use of MZO's as a means to streamline timelines associated with planning applications, public notice, consultation, Committee and Council deliberations and appeals. The purpose of our letter was to caution the Ministry on the unintended consequences that result from overuse of MZO's. A copy of our letter is appended to this letter.

Building on our December letter, we would suggest that the province define specific criteria for the use of MZO's, they should be used only when absolutely necessary, and they should be supported by a planning justification report that demonstrates their consistency with the PPS and provincial plans.

In a December 17th letter we outlined three specific recommendations that seek to enhance delegation of routine planning approvals to achieve efficiency and improve service standards in Ontario municipalities. This letter was submitted after significant research and consultation with MMAH staff and industry stakeholders. The recommendations contained in the letter are supported by seven stakeholders, including AMO. We understand that these recommendations have now reached your desk Minister and we look forward to your support in moving them forward.

OPPI supports the economic recovery focus the Government is seeking to achieve however, we believe there are better ways to achieve those same ends without the risks inherent in the proposed amendment. We urge you not to proceed with the legislative amendment contained in Section 3 of Bill 257 and would welcome the opportunity to work with you, and your staff on achieving good planning outcomes for all Ontarians.

Respectfully,



Justine Giancola, MCIP, RPP
President

cc. Alex Barbieri, Director of Policy, Minister's Office, MMAH
Sean Fraser, Director, Provincial Planning Policy Branch, MMAH
Kirstin Jensen, Senior Policy Advisor, Planning, Zoning & Development, MMAH

Attachment:

Letter to Minister Clark re Increased Use of Minister's Zoning Orders, 12/03/20

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