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HEALTHY COMMUNITIES • SUSTAINABLE COMMUNITIES

April 13, 2016

Mr. Ken Petersen, Manager
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street, Floor 13
Toronto ON M5G 2E5

**Re: Proposed New Regulations Under
the Planning for the Smart Growth for Our Communities Act, 2015 (Bill 73)
EBR Registry Number: 012-6827**

Dear Mr. Petersen,

On behalf of the Ontario Professional Planners Institute (OPPI), I am submitting the Institute's response with regards to the proposed regulations for *Bill 73 Smart Growth for Our Communities Act, (2015)*.

This letter is intended to address the following EBR Reference Numbers:

- 012-6823: Updating complete application requirements for applications for official plan amendments (OPAs), zoning by-law amendments (ZBAs), Minister's zoning order amendments and plans of subdivision.
- 012-6824: Updating relevant notice requirements in relation to official plans (OPs), official plan amendments (OPAs), zoning by-laws (ZBs), zoning by-law amendments (ZBAs), plans of subdivision, minor variances and consents; Modernizing, simplifying and updating the content of notices for publishing in newspapers and posting on properties; Identifying the requirements for the content of a new optional notice that approval authorities can give to establish a 20 day period for appealing a non-decision of an official plan.
- 012-6825: Adding a requirement to the record that is forwarded to the Ontario Municipal Board (OMB) following an appeal of a minor variance.
- 012-6826: Providing "community planning permit system" as an updated name for the development permit system", putting in place a 5-year timeout for private applications to amend the "community planning permit system" after the system comes into effect, unless the municipality passes a resolution to allow applications during the 5-year period.
- 012-6827: Proposed new regulation under the Planning Act to prescribe transitional provisions for the Smart Growth for Our Communities Act, 2015 (Bill 73)

OPPI is the recognized voice of the Province's planning profession. Our almost 4,500 members work in government, private practice, universities, and not-for-profit agencies in the fields of urban and rural development, community design, environmental planning, transportation, health,

social services, heritage conservation, housing, and economic development. Members meet quality practice requirements and are accountable to OPPI and the public to practice ethically and to abide by a Professional Code of Practice. Only Full Members are authorized by the Ontario Professional Planners Institute Act, 1994, to use the title “Registered Professional Planner” (or “RPP”).

It is our understanding that the Province is looking for feedback on the above-noted proposed regulations for Bill 73 Smart Growth Communities Act. OPPI supports the Province’s effort to improve our legislative tools and welcomes a number of positive changes. In general, OPPI is supportive of the proposed regulations under Bill 73 and it is within the spirit of our support that we offer the following comments:

012-6823: Inclusion of public consultation strategy as part of the complete application requirements

- OPPI supports initiatives that are intended to improve and enhance citizen engagement in the planning process. It should be noted that in a number of municipalities the public consultation and engagement process goes well beyond the minimum statutory requirements under the Planning Act.
- OPPI is supportive of the inclusion of public consultation strategies as part of the complete applications requirements under the Planning Act.
- The proposed description of the regulations, however, are not entirely clear as to what the contents of a “public consultation strategy” might entail. The expectation is that the contents of a public engagement strategy would be flexible, depending on the nature of the application and that municipalities would have the ability to exercise the specific requirements on a case by case basis. It would be, nonetheless, helpful if the regulations could provide a range of possible tools/protocols which should be considered for a public consultation strategy.
- The regulations should speak to meaningful opportunities for public engagement, including but not limited to face to face methods, such as meetings, open houses, workshops, and also social media and other web-based engagement methods.
- The regulations should differentiate between public consultation responsibilities of the applicant and the approval authority.
- The proposed regulations could also speak to the circumstances where a public consultation strategy could be required for consents and minor variances.

012-6824: Updating and modernizing notice requirements

- OPPI supports initiatives that are intended to modernize and simplify the planning process.
- OPPI notes that the proposed wording of regulation description references “multi-tenanted residential buildings”. This should be revised to simply reference “multi-tenanted buildings” to address both residential and non-residential multi-tenanted buildings.
- It is also suggested that when posting notices in multi-tenanted buildings, that notices should be placed in multiple visible and accessible locations.

012-6825: Requirement to circulate public hearing minutes to the Ontario Municipal Board following an appeal of a minor variance

- OPPI is generally supportive of the proposed regulation modification.
- Some guidance should be provided with respect to the time period in which the minutes are to be provided.

012-6826: Community Planning Permit System and the inclusion of a 5-year timeout for amendments

- OPPI supports the concept of a development permit system that is now proposed to be re-named as a Community Planning Permit System. It is our understanding that the intent of this is to promote development, enhance environmental protection and facilitate key priorities of Ontarians such as community building, brownfield redevelopment, greenspace preservation and environmental protection. As a tool, the ability to combine multiple planning processes into one broader approval process is a valuable and innovative tool.
- We note that few municipalities have had success in implementing the development permit system and would recommend that the Province consider taking a closer look at implementation barriers and modify the guidelines and regulations accordingly. We encourage the availability of education and training for planners on the Community Planning Permit System in both the public and private sectors.
- OPPI supports putting in place a 5-year timeout for private applications to amend the “community planning permit system” after the system comes into effect, unless the municipality passes a resolution to allow applications during the 5-year period.

012-6827: Proposed transition regulations

- OPPI generally supports the proposed transition regulations.
- We suggest that further clarification be provided on a few of the key terms to ensure clarity and understanding of certain transition regulations. While some of these terms are generally understood, to avoid unnecessary litigation, it suggested that the regulations include definitions/descriptions for “site specific zoning amendments”, “comprehensive zoning by-law” and “global appeals”.
- Some further clarification on which aspects of the regulation are to be applied retroactively, as Bill 73 is now in force.

We note that the EBR postings provide general descriptions of the proposed regulations and accordingly we reserve the right to provide further commentary once the regulations are released.

OPPI supports the Province’s efforts to improve planning in Ontario. We welcome the opportunity to meet with you and your staff to discuss our submission and answer any questions you may have. To further discuss our submission or to schedule a meeting, please have your staff contact me at (416)668-8469 or by email at l.ryan@ontarioplanners.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Ryan', followed by a horizontal line.

Loretta Ryan, RPP
Director, Public Affairs
Ontario Professional Planners Institute