



# Government Relations Issues Update

## Planning Reform

### TREB Key Message

*An efficient, predictable, and transparent planning process is an important part of a healthy real estate market. Municipal and provincial planning policies should not create unnecessary delays or obstacles for property owners.*

### Background

In recent years, the provincial government has implemented various reforms to the development planning process in Ontario. The government's stated intention was to give municipalities more control over urban growth, boost environmental protection, and protect the public interest in the planning process.

In November 2004, the provincial government passed, Bill 26, *the Planning Amendment Act*, which made four major changes to the *Planning Act*:

- Requires municipal land-use planning decisions to be "consistent with" the Provincial Policy Statement, which provides direction on matters of provincial interest related to development. Previously, municipalities were only required to "have regard to" the Provincial Policy Statement.
- Increases time frames given to municipalities to make decisions on specific planning applications.
- Restricts the powers of the Ontario Municipal Board (OMB) to make an order or decision in an appeal if the Minister of Municipal Affairs advises the OMB that the matter being considered is of provincial interest. In such cases, any decision made by the OMB would have to be approved by Cabinet.
- Removes the right of applicants to appeal municipal decisions against planning applications that would have the effect of expanding or altering urban boundaries as set out in an Official Plan.

Additional changes to the planning process were also introduced through Bill 51, *the Planning and Conservation Land Statute Law Amendment Act*, 2005:

- Requires OMB to "have regard to" any planning decision made a municipal council;
- There is no longer any right of appeal to the OMB for applications to amend official plans or zoning by-laws that remove any land from an "area of employment";
- Evidence at OMB appeals is restricted to information and material that had been before the municipal council unless the OMB determines that it was not "reasonably possible" to provide such information before the Council's decision. Public bodies would be excluded from this restriction;
- Municipalities can establish a local appeal body to hear variance and consent appeals;
- All decisions on planning matters must be consistent with provincial policy statements and conform to provincial plans in effect on the date of the decision;
- Enhance the prescribed information and material that would need to be submitted with an official plan amendment, rezoning, subdivision or consent application;

During consultations on Bill 51, **TREB** raised the following concerns:

- While **TREB** supports changes to the OMB that would improve efficiency and ensure good planning policy, some of the provincial government's changes could create cost pressures that will reduce housing affordability and business competitiveness.
- Bill 51 will result in unfair OMB hearing procedures and provide the provincial government with excessive authority to intervene in OMB hearings both of which could add considerable delays, and, therefore, costs to the development approval process.