

November 19, 2021

BY E-MAIL ONLY (planningconsultation@ontario.ca)

Planning Consultation
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, ON
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Re: Proposed Additional Delegation of Planning Decisions (ERO #019-4419)

Thank you for the opportunity to comment on proposed changes to the *Planning Act, Municipal Act, 2001* and *City of Toronto Act, 2006* by the Ministry of Municipal Affairs and Housing that would provide municipalities with discretionary authority to delegate additional decisions to committees of council or municipal staff for minor amendments to zoning by-laws through Schedule 19 of Bill 13, of the *Supporting People and Businesses Act, 2021*.

Toronto and Region Conservation Authority (TRCA) conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

Planning applications within TRCA regulated areas are circulated to CAs, in accordance with the provisions of the *Planning Act* and the applicable regulations. TRCA's role under the *Planning Act*, and pursuant to Memorandums of Understanding with partner municipalities, is separate and distinct from its regulatory role under the CA Act. However, TRCA's participation in the review and approval of development applications under the *Planning Act* helps to ensure that development approved under the *Planning Act* can also meet the regulatory requirements governing the issuance of permits under the CA Act. In these roles, and as stated in the Ministry of Environment Conservation and Parks "A-Made-In-Ontario Environment Plan," CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

Government Proposal

The *Planning Act* currently allows council to delegate certain decisions (to a committee of council, to staff, or, in some cases, to a committee of adjustment); for example, decisions in respect of approval of adopted

Attachment 1: TRCA Submission on ERO#019-4419

lower-tier official plan (OP) amendments, site plan, plans of subdivision and consents. We understand that this proposal would expand the matters that the council of a local municipality may delegate to help streamline planning decisions. More particularly, it would provide a new discretionary authority to delegate planning decisions dealing with “minor” amendments to zoning by-laws (ZBLs), subject to criteria established through OP policies. This authority could include delegating decisions for temporary use by-laws, the lifting of holding symbols, and other minor ZBL amendments. It would be up to each municipality to determine whether to exercise this proposed new authority and the types of minor ZBL amendment decisions to delegate. There would also be consequential amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006*.

We understand the proposed delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights, nor would it change the requirements under the *Planning Act* for land use planning decisions to be consistent with the PPS and to conform or not conflict with provincial plans.

Comments

TRCA appreciates the intent of this proposal given the importance of streamlining planning and development approvals. We recognize the importance of efficiency, certainty, transparency and accountability in planning and design review processes, so that development and infrastructure projects can occur in a timely and environmentally sustainable manner.

1. TRCA staff do not principally object to this proposal given it would expedite planning approvals but note there is uncertainty regarding what may constitute a “minor” ZBL. **We suggest more definitive direction be provided regarding what can be considered a “minor” ZBL.** This would offer consistency across municipal boundaries and help distinguish “minor” amendments to ZBLs from minor variances to ZBLs under Section 45.
2. This ERO indicates the proposed amendments would not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the PPS and to conform or not conflict with provincial plans. **We note that certain holding provisions and zoning designations may be in place related to natural hazards (e.g., flooding) and natural heritage features and related development and site alteration would also need to meet the regulatory requirements governing the issuance of permits under the CA Act.**
3. Next to the Province, CAs are the second largest landowners in Ontario. They manage over 146,000 hectares of natural features and systems comprised of wetlands, forests, moraines, lakes, rivers, streams and species at risk habitat. As landowners, CAs may become involved in the planning and development approvals process, either as a landowner or proponent. **We note that Schedules 22 and 23 of the *Supporting People and Businesses Act, 2021*, propose amendments to the *Provincial Parks and Conservation Reserves Act, 2006* and the *Public Lands Act*, respectively, to prohibit acquiring rights in or title to lands to which those Acts apply through the use, possession or occupation of the lands or by prescription. TRCA requests the same, or similar, amendments be made to the *Conservation Authorities Act*.**

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Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
 Sameer Dhalla, Director, Development and Engineering Services