

Attachment 8: TRCA Submission on ERO#019-3495

Chief Executive Officer



May 25, 2021

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

Planning Consultation
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, ON M7A 2J3

RE: PROPOSED CHANGES TO CERTAIN LAND DIVISION PROVISIONS IN THE PLANNING ACT (ERO #019-3495)

Thank you for the opportunity to comment on the Ministry of Municipal Affairs and Housing's (MMAH) Environmental Registry of Ontario (ERO) posting consulting on proposed changes to the *Planning Act* related to certain land division provisions.

TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities under the *Conservation Authorities Act* and MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting. TRCA is:

- A public commenting 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 *Conservation Authorities 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.

In these roles, and as stated in the "A Made-In-Ontario Environment Plan," TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through Memorandums of Understanding and Service Level Agreements, TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies. Further, TRCA recognizes 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.

GOVERNMENT PROPOSAL

We understand that the Province is consulting on proposed changes to the *Planning Act* related to the division of land (subdivision control, plans of subdivision, consents, and validations), as well as other housekeeping or consequential changes to the Act.

We further understand that the changes proposed in this ERO posting would be enabled through Schedule 24 of *Bill 276, Supporting Recovery and Competitiveness Act, 2021*.

COMMENTS

TRCA supports the Province's intention to expedite and improve consenting authority procedures and administrative actions related to land division provisions in the *Planning Act* and reduce related costs for municipalities, landowners, leaseholders, purchasers of land and real estate and legal professionals. The following comments are provided for consideration.

Where a land division application under the *Planning Act* contains components of the natural system such as natural heritage features or natural hazards in a conservation authority regulated area, as a commenting agency, TRCA generally requests that these lands be excluded from the severed parcel and that they remain with the retained parcel so as not to fragment ownership of the natural system; TRCA generally recommends to the approval authority that these lands be protected through available mechanisms (e.g., conditions of approval, dedication into public ownership, conservation easement). We understand that under the proposed amendments, a municipality would be enabled to impose requirements and "stop the clock" on non-decision appeals where an application is amended by an applicant. We note that the issue of notice of an amended application is not dealt with in the proposed amendments and TRCA recommends that such provision be added. If the application is amended, commenting agencies should have the opportunity to review the amendment for their interests as well as the municipality. As noted above, TRCA would like to ensure that an amended application is not contemplating future development within conservation authority regulated hazards and features.

Moreover, we note that the existing 53(35) requires the Land Planning Appeal Tribunal (LPAT) to issue notice if the LPAT is going to make a decision on an amended application, and it would therefore be appropriate for the same requirement to apply for an amended application that is not under appeal.

Therefore, **TRCA recommends that the planning approval authority should be directed to require notice of an amended application be provided to commenting agencies** in order to avoid conflict and delay in the review and approval process.

Thank you once again for the opportunity to provide comments on the government's consultation on proposed changes to certain land division provisions in the *Planning Act*. 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 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original Signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services