

[ERO number: 019-6163](#)

[Proposed Planning Act and City of Toronto Act Changes \(Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022\)](#)

Thank you for the opportunity to provide comments on the Proposed Planning Act and City of Toronto Act changes. Below please find the Town of Halton Hills' comments on the main changes being proposed

Addressing the Missing Middle

The Town commends efforts to incentivize gentle intensification and address the missing middle through as of right permissions to allow accessory residential units in urban areas with full municipal services. The Town has previously introduced as right permissions for accessory dwelling units within existing singles, semis and townhouses subject to appropriate parking provisions. Bill 23 would mandate that no more than one parking space per unit on a lot is required. In practice, municipalities without a fully integrated public transit system are likely to face challenges with this mandated parking standard. Additionally, new as-of-right permissions for these units should not override existing municipal zoning standards for lot setbacks, driveway widths, and soft landscaping requirements. These standards are in place to ensure the built form on one property does not negatively impact those which surround it. Municipalities should also be able to establish appropriate minimum yard and height provisions for ancillary units.

Higher Density around Transit

Changes are proposed to require municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit stations, known as “major transit station areas” (MTSAs), and “protected major transit station areas” (PMTSAs) that have been approved by the Minister.

- Staff do not have significant concerns with this proposal. In the case of Halton Hills, the densities for the Georgetown and Acton MTSA remain to be determined as set out in Halton ROPA 49 which was recently approved by the Province. The Town is currently undertaking the Georgetown GO Station Secondary Plan Update which is expected to be completed by 2024. Once the densities for the MTSA have been confirmed and the Secondary Plan has been approved, the Town does not have any objections to implementing the required zoning by-law amendment.
- Similarly, the Acton GO Station Secondary Plan, which will be undertaken in the near future, also requires staff to assign appropriate densities for the MTSA and complete the Secondary Plan process. Once that Plan is approved, it will provide the opportunity to implement as of right zoning within a one -year period.

Streamlining Municipal Planning Responsibilities

Changes are proposed to remove the planning policy and approval responsibilities from certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel, Simcoe, Waterloo, York). These proposed changes would come into effect upon proclamation at a future date.

- We anticipate that the Province will share additional information regarding transitional policies. Once those transitional policies are released, Town staff will assess potential impacts.
- Site specific amendments tied to development applications that are currently exempt from Regional approval should continue to be exempt from requiring Ministry approval. This will ensure the streamlined approval process for development applications is not impacted. Similarly, staff understands that the Ministry of Municipal Affairs and Housing will become the approval authority for local/municipally initiated Official Plan Amendments (OPAs). It is recommended that the Ministry ensure appropriate staffing levels are available to handle the additional review and that protocols be put in place to ensure that housekeeping OPAs, OPAS that implement development applications, and Secondary Plan updates be exempt from MMAH approval. As these processes are inherently locally specific, it is unnecessary for Ministry staff to take on the additional workload and potentially impact what could be an expedited approval process.

Third Party Appeals

Changes are proposed to limit third party appeals for all planning matters (official plans, official plan amendments, zoning by-laws, zoning by-law amendments, consents and minor variances). Third party appeals are generally appeals made by someone other than the person who made the planning application.

- The Town does not experience many third-party appeals from the public as a result of our robust community engagement practices. In this regard, the Town works with landowners and the public to resolve issues and implement good planning principles prior to the finalization of a staff recommendation for Council's consideration.
- Town Council has previously recommended that the OLT be abolished, ensuring that municipal decisions are final. Our preferred approach would see the appeal process used sparingly. Our understanding is that the proposed limitation on third party appeals would limit the opportunity for the public to appeal Council decisions on development applications and limit the public and landowners from appealing municipally initiated amendments, including Secondary Plans and Comprehensive Zoning By-laws. We do see some advantages to the limitation on third party appeals. For example, the Town's Vision Georgetown Secondary Plan, which was developed with community input over a number of years has been appealed to the OLT. A lengthy and expensive hearing is scheduled to

occur in 2023. Appeals of this nature preclude the Town from advancing the development review process in a timely manner and delivering planned growth and housing units.

Public Meetings – Plans of Subdivision

Changes are proposed to remove the public meeting requirement for draft plans of subdivision.

- Public meetings for plans of subdivision that create new development lots should be maintained. In our experience, plans of subdivision are submitted in conjunction with zoning by-law amendments and in some cases official plan amendments both of which require public meetings. There is little if any efficiency to be gained by not including the plan of subdivision in the statutory public meeting. Indeed, the public will be most interested in the road layout, the lotting pattern and the location of blocks for schools, parks, recreational amenities and natural heritage all of which will be shown on the draft plan of subdivision. The Town would support removing the requirement for public meetings for “administrative” plans of subdivision e.g., one lot plan of subdivision.

Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design

Changes are proposed to exempt all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).

- The Town does not support this proposal. Health and safety standards are important to consider for all new development. There are significant technical concerns with this proposed legislative change. Appropriate urban design, grading, site access, on-site traffic/pedestrian circulation, and landscaping will not be subject to municipal oversight without Site Plan Control for developments fewer than 10 units. It is possible to efficiently process a site plan for such developments within the sixty-day timeframes set out in The Planning Act. Site plan control by laws should continue to be created, modified, and monitored at the local level to reflect the local context.

Changes are proposed to limit the scope of site plan control by removing the ability for municipalities to regulate architectural details and landscape design.

- The Town has significant concerns with this proposal which were previously shared through Council Resolution # No. 2022-0170. The proposed change seems to limit the ability of municipalities to implement design standards under the Planning Act which would appear to limit the application of Green Development Standards to improve energy efficiency and the climate change impact of new buildings. Introduction of Green Development Standards has

reduced greenhouse gas emissions and lowered operating costs of hundreds of buildings in Halton Hills with no apparent impact on the speed at which homes have been built while clearly reducing the long-term cost of home ownership.

- In addition, locally appropriate urban design elements are a key factor in creating livable communities. The Town of Halton Hills has always applied contextually appropriate urban design requirements and has worked with the development community to achieve buildings that fit within the context of existing neighbourhoods and contribute to a sense of place. Removing the opportunity for municipalities to work with the developers to create good design is counter-intuitive to creating communities that people want to call home.

Facilitating Aggregate Applications

- Changes are proposed to remove the “2-year timeout” period for applications to amend new official plans, secondary plans and zoning by-laws in respect of mineral aggregate operations.
 - Town staff does not see the need for this change. The current provincial policy framework is quite favourable relative to mineral aggregate extraction. Town Council has previously suggested that the need for additional aggregate extraction operations should be assessed as part of a complete application.

From: do.not.reply@ontario.ca <do.not.reply@ontario.ca>

Sent: Friday, November 25, 2022 5:53 PM

To: Keith Hamilton <khamilton@haltonhills.ca>

Subject: A comment you posted has been reviewed

[EXTERNAL EMAIL]

Your comment on [Proposed Planning Act and City of Toronto Act Changes \(Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022\)](#) (Comment ID: 72779) has been approved for publishing. Others will be able to read it online when the decision for this proposal is posted.

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[ERO number: 019-6196](#)

Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022

Summary:

Several changes are proposed to the *Ontario Heritage Act* (OHA) and its regulations, including Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest, as part of the *More Homes Built Faster Act (2022)*. These changes will significantly impact the Town of Halton Hills' heritage program as well as the ongoing work related to the Cultural Heritage Master Plan, which is currently in its second draft and anticipated to be brought before Council in Q2 of 2023.

The most significant changes to the Act impact the Town's Heritage Register, which was built over four phases with extensive public consultation. Multiple amendments are proposed within Section 27 of the OHA which speaks to the Register and Municipal Heritage Committee. The proposed OHA amendments also include legislative changes for Heritage Conservation Districts, amendments relating to Ministerial decision-making for Crown owned or occupied heritage properties, designation processes, amendments and repeals to by-laws designating Heritage Conservation Districts.

Key Comments:

Crown-owned/Crown-occupied Heritage Properties

- Amendments to the *OHA* would permit the Minister of Citizenship and Multiculturalism to review, confirm or revise the determination of cultural heritage value for a property for provincially owned heritage properties as identified by a Ministry or prescribed public body. The Lieutenant Governor in Council may provide that the Crown, Ministry, or prescribed public body may not be required to comply with Heritage Standards and Guidelines should the exemption allow the advancement of other priorities including, but not limited to, transit, housing, health and long-term care, and other infrastructure.
 - Staff do not have significant concerns with this proposal. The proposed amendments regarding Crown owned and occupied provincial heritage properties should not significantly impact the Town of Halton Hills' Heritage Register and the Town's ability to conserve cultural heritage resources. Should a project emerge that involves a provincially-owned property in this scenario, staff would work with key stakeholders to achieve key project priorities.

Municipal Heritage Register

- Amendments to the *OHA* would require that all information included in a municipal heritage register be made accessible on the municipality's website.
 - Staff do not have significant concerns with this proposal. This proposed amendment will require staff to expand current information available through the Town's website to the public. Staff will be required to ensure that the information for each listed property is up-to-date and meets accessibility standards under the AODA.
 - The Town's Heritage Register page is populated automatically by linking to the Town's GIS databases. While the online Heritage Register identifies some information about each property, staff will be required to include additional metadata to the GIS for listed and designated properties, ensuring that the information identified in individual property listing reports is included in what the public can directly access.
 - If passed, proclamation of this amendment would be delayed by 6 months to allow municipalities time to make necessary changes to their website.
- All future properties listed on a municipal heritage register must meet criteria for determining whether property is of cultural heritage value as prescribed by regulation, which is not yet provided.
 - Staff do not have significant concerns with this proposal. The Town consistently used Ontario Regulation 9/06 criteria as a preliminary screening mechanism when determining whether a property warranted inclusion on the Heritage Register through its formal Heritage Register building process between 2007 and 2018. The Town has been pro-active in this approach and ahead of the proposed legislation. Additionally, any property that has been added to the Heritage Register following the Town's formal Heritage Register process has been preliminary evaluated and confirmed to meet at least one of the three prescribed criteria. This process will remain unchanged moving forward for the Town.
- Owners of properties added to a heritage register at any time would be able to serve a notice of objection on a municipality. The proposed amendments identify the objection process for property owners and require Council to provide the owner a notice of its decision once made within 90 days.
 - Staff have significant concerns with this proposal. To create its Heritage Register, the Town undertook a four-phase, public-facing Heritage Register process between 2007 and 2018. This comprehensive, Town-wide review identified properties throughout the municipality and established whether they met one or more of the criteria as established by Ontario Regulation 9/06 (O.Reg 9/06). At the time, this level of evaluation was not yet required by the legislation, nor was public consultation or the ability for property owners to submit their concerns regarding a listing. In this regard, the Town was far ahead of the legislation at the time, as only

with amendments to the Ontario Heritage Act through Bill 109 in 2021 were municipalities required to notify property owners and allow an appeal process of Council's decision. Opening up the objection process to all properties currently on the Heritage Register negates the comprehensive process the Town has undertaken.

- Circumstances are identified that would necessitate the removal of a listed property from the heritage register, including circumstances involving a Notice of Intention to Designate being withdrawn, a by-law not being passed, or a repealed bylaw, and properties listed on the heritage register before or after the MHBFA that are not subject to a Notice of Intention to Designate within two years of the MHBFA coming into force. Additionally, the council of a municipality would not be required to consult with its heritage committee should properties be removed from the heritage register in the above-noted circumstances.
 - Staff have significant concerns with this proposal. The proposed amendments through Bill 23 would allow property owners to object to any property added to the Heritage Register at any time. This will require staff to undertake research and evaluation to determine whether the property met O.Reg 9/06 criteria for designation under Part IV of the *Ontario Heritage Act*. Historically, the Town has been reasonable and collaborative with property owners in addressing concerns relating to a property on the Heritage Register, removing properties when it was demonstrated through a heritage evaluation process that they did not retain significant cultural heritage value or where there were other structural concerns with an engineer's report.
 - This legislative change has the potential to have adverse impacts on the Town's cultural heritage resources. As currently legislated, listing a property on the Heritage Register provides a 60-day notice period for demolition applications, but also provides staff the opportunity to provide recommendations to property owners for minor alterations through building permits, incentivize excellence in heritage conservation through municipal funding programs such as the Community Improvement Program, and work with stakeholders through development applications to incentivize heritage conservation while achieving other planning priorities.
 - The proposed amendment would limit the Town's ability to prioritize the over 700 listed properties on the Heritage Register within a two-year period and would prevent future staff involvement in any discussions of a potentially significant cultural heritage resource unless designated.
- A municipality will be prohibited from listing a property on the heritage register for a period of five years following its removal in circumstances identified through the *OHA* amendments.
 - Staff have significant concerns with this proposal. Prohibiting the re-listing of properties on the Heritage Register following their removal in accordance with Subsections 27(14-16) will be significantly impactful to

the Town's Heritage Register. The Town's four-phase Heritage Register Process and subsequent individual additions of properties to the Heritage Register has resulted in a comprehensive list of those properties which do contribute, or are believed to contribute, to the cultural heritage value and character of the Town. Hundreds of properties will be impacted through this legislation, allowing a period of five years following their removal from the Heritage Register in which countless valuable cultural heritage resources will likely be lost.

- The Town developed its Heritage Register through a multi-year, public process, allowing for property owner input and concerns through each stage of the project. As previously noted, the Town has also been collaborative with property owners seeking removal of their properties from the Heritage Register due to issues of cultural heritage value, structural stability, or life safety. A five-year moratorium on re-listing a property prevents the Town from providing advice and recommendations through building permit processes, working with property owners through development applications to achieve heritage conservation objectives while meeting other priorities, and limits any consideration of a property's value when faced with a demolition application.

Individual Property Designation

- A municipality would be prohibited from issuing a Notice of Intention to Designate any property unless it was included on the Heritage Register as of the date of a prescribed event as defined in the legislation.
 - Staff do not have significant concerns with this proposal. The proposed amendment will prohibit the designation of any property following a prescribed event unless the property was included first on the Heritage Register. As the Town's four-phase Heritage Register process was quite comprehensive, it is unlikely that a property with significant cultural heritage value has not yet been identified by the Town through this process.
- A regulatory amendment is proposed to require properties to meet two or more criteria for determining cultural heritage value or interest as identified in Ontario Regulation 9/06 Criteria for determining cultural heritage value or interest. This would apply only to properties where a Notice of Intention to Designate is issued after the regulatory amendment comes into force.
 - Staff have some concerns with this proposal. Future research and evaluation reports will identify where properties meet at least two of the three prescribed criteria for designation under Part IV of the *Ontario Heritage Act*. Staff will recommend those properties for designation that meet two or more criteria to Council, which has been typical practice for those properties historically designated under the *OHA* in the Town.

However, this proposal could exclude some potentially significant cultural heritage resources which only meet one of the three criteria (i.e. highly significant historical and associative value) which could limit the Town's ability to conserve these resources through designation.

Heritage Conservation Districts

- Municipalities will be required to meet criteria for determining whether heritage conservation districts are of cultural heritage value or interest, in addition to having an official plan that includes provisions relating to the establishment of heritage conservation districts.
 - Staff do not have significant concerns with this proposal. Should the legislation come into effect, future Heritage Conservation Districts (HCDs) would be required to meet criteria established as part of a future legislation.
- Amendments to the *OHA* will allow the amendment or repeal of by-laws for heritage conservation districts with processes as described, however these processes are not defined.
 - Staff do not have significant concerns with this proposal. The Syndicate Housing Heritage Conservation District (HCD) was established in 2005 and includes 10 properties. While existing legislation would require the repeal of an existing designation by-law and establishment of a new designation by-law, the proposed regulation would allow changes without the potential for appeals of the by-law to the Ontario Land Tribunal.

From: do.not.reply@ontario.ca <do.not.reply@ontario.ca>

Sent: Friday, November 25, 2022 5:04 PM

To: Laura Loney <lloney@haltonhills.ca>

Subject: A comment you posted has been reviewed

[EXTERNAL EMAIL]

Your comment on [Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 \(Schedule 6\) - the Proposed More Homes Built Faster Act, 2022](#) (Comment ID: 72775) has been approved for publishing. Others will be able to read it online when the decision for this proposal is posted.

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[ERO number: 019-6160](#)

Proposed Updates to the Ontario Wetland Evaluation System

Thank you for the opportunity to provide comments on the proposed updates to the Ontario Wetland Evaluation System. The Town conducts wetland evaluations and assessment according to the OWES and reviews/ utilizes any available evaluations completed by the Ministry of Natural Resources and the Conservation Authorities as part of Scoped Subwatershed Studies in support of Secondary Plan processes. In addition, through development applications, the completion of wetland evaluation using OWES may be required as part of site-specific Environmental Impact Studies. The OWES is used by trained wetland evaluators when undertaking an evaluation and the Town agrees that ensuring a streamlined process is beneficial and can assist with expediting the planning approval process. It is also important though that key natural heritage features and functions continue to be protected as part of an overall systems based approach. Below please find the Town of Halton Hills' comments:

Changing the approval of evaluations from the MNRF

- The Town has concerns with this proposal. It is not clear which decision maker will be transferred the responsibilities previously assigned to the MNRF, including confirming provincially significant wetlands. It is important that there be oversight and review of the OWES submissions that are included as part of a complete development application. It is anticipated that if the responsibility is now assigned to municipalities, the municipalities may be required to hire third-party reviewers to review and evaluate OWES submissions that are part of a complete development application. Given most municipalities are not appropriately resourced to complete these tasks, the additional time required to have the submissions peer-reviewed may further delay the planning approval process. The CAs would be a logical candidate to assist in this regard subject to appropriate MOUs setting out clear expectations and deliverables.

From: do.not.reply@ontario.ca <do.not.reply@ontario.ca>
Sent: Wednesday, November 30, 2022 5:15 PM
To: Keith Hamilton <khamilton@haltonhills.ca>
Subject: A comment you posted has been reviewed

[EXTERNAL EMAIL]

Your comment on [Proposed Updates to the Ontario Wetland Evaluation System](#) (Comment ID: 72784) has been approved for publishing. Others will be able to read it online when the decision for this proposal is posted.

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[ERO number: 019-6141](#)

Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

Thank you for the opportunity to provide comments on the proposed changes to the Conservation Authority Act to support the Housing Supply Action Plan 3.0. Below please find the Town of Halton Hills' comments on the main changes being proposed.

Authorities would no longer be permitted to review and comment on a proposal, application, or other matter made under a prescribed Act (if not related to their mandatory programs and services under O. Reg. 686/21).

- The Town has concerns with this proposal. Conservation Authorities (CAs) play an important role in the municipal planning process. They assist municipalities with their technical review and provide value-added services through the development review and land use policy processes. They provide advice on stormwater management, and the protection of natural features and functions, and municipalities benefit from leveraging the technical expertise provided by their local CAs.
- Although some of the proposed changes, such as all Conservation Authorities working under one regulation, could streamline the planning process it appears that CAs will have a very scoped role limited to commenting on flooding and natural hazards in the municipal planning process. CAs should be able to act as technical advisors to municipalities on environmental plan review subject to appropriate MOUs setting out clear expectations and deliverables. Given most municipalities are not appropriately resourced to provide this technical review and analysis, if CAs are removed from the municipal planning process, external peer reviewers would need to be retained in order to ensure appropriate technical review takes place. The ability for municipalities to add in-house expertise will be very limited given tight municipal budgets.

From: do.not.reply@ontario.ca <do.not.reply@ontario.ca>

Sent: Tuesday, November 29, 2022 1:49 PM

To: Keith Hamilton <khamilton@haltonhills.ca>

Subject: A comment you posted has been reviewed

[EXTERNAL EMAIL]

Your comment on [Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0](#) (Comment ID: 72788) has been approved for publishing. Others will be able to read it online when the decision for this proposal is posted.

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[ERO number: 019-6172](#)

[Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges](#)

Thank you for the opportunity to provide comments on the proposed changes to the Planning Act and Development Charges Act, 1997. Below please find the Town of Halton Hills' comments on the main changes being proposed.

Development Charges, Gentle Density & Affordable Housing:

Studies related to a Development Charge (DC) Background Study, growth related studies and Asset Management Plans would no longer be recovered through DC funding. DC exemptions for development (including affordable housing units, attainable housing units, non-profit housing etc.), DC discounts; the phasing in of DC rates over 5 years, and reduced DC eligible costs in the DC calculation for the future are all proposed changes through Bill 23.

- Staff have significant concerns about these proposals. Despite the intent that the proposed changes will assist with the construction of 1.5 million new homes over the next 10 years, the DC revenue losses to municipalities in order to fund growth related costs would be significant. This will have a counter-productive effect on the delivery of required infrastructure to support new growth. DCs are a major financing source for the Town's capital projects required to support growth. Municipalities like Halton Hills will not have the financial resources to fund necessary growth-related studies, build community infrastructure (such as libraries, recreation facilities, parks, and trails etc.) which can ultimately impact the delivery of necessary housing and creation of complete communities. This additional financial burden would be exponential, requiring significant tax base increases, ultimately borne by existing residents. Municipalities would be required to choose between funding existing infrastructure (State of Good Repair) vs. funding new growth, potentially causing concerns to public safety.
- The Town of Halton Hills already employs a proactive approach to the collection of Development Charges for non-profit and affordable rental housing units. These are established as 20-year DC deferrals for non-profit housing developments and as 20-year DC deferrals without interest for affordable rental housing developments. These initiatives were introduced through the Town's 2022 DC Background Study and support the many proactive initiatives developed through the Town's Community Improvement Plan (CIP). Mechanisms such as these reflect the Town's desire to provide appropriate financial incentives in order to expedite the delivery of assisted and affordable housing.
- If Bill 23 proceeds as proposed, the province should provide alternate funding sources/mechanisms for municipalities to fill the funding gap created by forgoing DCs through Bill 23. In addition, Bill 23 should include a periodic reporting measure

from the province to the municipalities (e.g. 2-year report card), which evaluates the effectiveness of Bill 23 and the resulting impacts on housing supply and affordability.

From: do.not.reply@ontario.ca <do.not.reply@ontario.ca>

Sent: Friday, November 25, 2022 12:07 PM

To: Keith Hamilton <khamilton@haltonhills.ca>

Subject: A comment you posted has been reviewed

[EXTERNAL EMAIL]

Your comment on [Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges](#) (Comment ID: 72791) has been approved for publishing. Others will be able to read it online when the decision for this proposal is posted.

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