

Local Government and Planning Policy Division
777 Bay Street, 13th Floor
Toronto ON M5G 2E5

Phone: (416) 585-6320
Fax: (416) 585-6463

Division des administrations locales et des politiques d'aménagement
777, Rue Bay, 13e étage
Toronto ON M5G 2E5

Téléphone: (416) 585-6320
Télécopieur: (416) 585-6463

December 18, 2015

Dear: Chief Administrative Officer

RE: The Smart Growth for Our Communities Act, 2015

The Smart Growth for Our Communities Act, 2015, which makes a number of changes to the Development Charges Act, 1997, and the Planning Act, passed in the Ontario legislature and received Royal Assent on December 3, 2015.

The majority of changes to both the Development Charges Act, 1997, and the Planning Act will come into force on a day to be named by proclamation. However, the following provisions relating to the Planning Act have already come into force through Royal Assent.

- Subsection 1(2) of the Planning Act has been amended to restrict the ability of ministries other than the Ministry of Municipal Affairs and Housing to be added as a party to an Ontario Municipal Board appeal.
- Subsection 3(10) of the Planning Act has been amended to extend the review cycle of the Provincial Policy Statement from 5 to 10 years.
- Subsections 4(1) and 4(2) of the Planning Act have been amended to remove the references to “referral”, as the Minister does not have delegation powers for site plan.
- Subsection 22.1 has been added to the Planning Act to provide certainty that when new policies or laws come into effect, applications for official plan amendments are subject to the previous policies or laws only if the required supporting material (i.e. complete application) has been submitted prior to the transition date.

This legislation provides for enhanced tools and processes for communities and residents to determine how their neighbourhoods grow, and to plan and pay for growth. The legislation aims to help municipalities recover more costs for growth-related infrastructure, give residents more say in how their communities grow, protect and promote greenspaces, enhance transparency and accountability, set clearer

rules for land use planning, give municipalities more independence to make local decisions and make it easier to resolve disputes.

Some examples of important improvements to the development charges and planning systems introduced by the new Act include:

Increasing Funding for Growth-Related Infrastructure by:

- removing the mandatory 10 per cent discount required when levying a charge for transit services
- creating an authority to identify services for which a planned service level calculation would replace the historic 10 year average service level
- creating an authority to identify ineligible services exclusively through regulation (a commitment to bring forward regulatory changes to make waste diversion as a service for which development charges can be collected has already been announced)

Enhancing Municipal Transparency by:

- requiring detailed reporting for municipal collection of density bonusing and parkland fees
- changing the alternative parkland dedication rate for cash-in-lieu payments to incent the acquisition of physical parkland
- requiring some municipalities, in consultation with school boards and the public, to prepare parks plans to help plan for parkland, greenspace, and park facilities
- requiring municipalities to reflect capital projects funded through development charges in a detailed report
- strengthening the language in relation to 'voluntary payments', not permitted under the Development Charges Act

Increasing Predictability and Accountability by:

- linking development charge background studies to municipal asset management planning
- requiring development charges for individual buildings to be set as of the date an initial building permit is issued, and for development charges to be payable on that date (there is an exception for multi-phase developments)

Enhancing Citizen Engagement by:

- requiring explanation of how public input affected a municipal planning decision
- ensuring consideration of public input at the municipal level by approval authorities and the Ontario Municipal Board
- requiring locally designed public consultation policies
- facilitating the modernization of the giving of notice through additional methods (e.g. email)
- increasing use and ensuring citizen membership on planning advisory committees

Increasing Certainty, Stability and Reducing Costs by:

- limiting requests for amendments to new official plans and/or new comprehensive zoning by-laws for 2 years after documents are approved, unless council authorizes the application(s) to proceed
- providing regulation-making authority to limit requests for amendments to the renamed community planning permit system policy (official plan) and by-law for 5 years after documents are approved, unless council authorizes the application(s) to proceed
- removing the ability to apply for a minor variance for 2 years after a site specific rezoning, unless council authorize the application(s) to proceed
- limiting approvals and appeals of lower-tier official plans, unless in conformity with upper-tier plans
- removing requirements to review employment land policies

Resolving Disputes, Improving Local Decision-Making and Accountability by:

- allowing time to be added to planning decision timelines to resolve disputes prior to appeals (90-day “timeout”)
- restricting appeals of specific provincially-approved matters (e.g. Ministry of the Environment and Climate Change approved source water protection boundaries)
- removing appeal of second unit residential policies at official plan updates
- requiring clearer reasons for appeals
- removing the ability to appeal entire new official plans
- providing enhanced opportunities for alternative dispute resolution

A copy of the Smart Growth for Our Communities Act, 2015 can be viewed online at: http://www.ontla.on.ca/web/bills/bills_detail.do?BillID=3176.

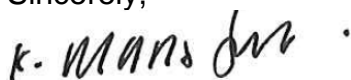
Please visit the Ministry of Municipal Affairs and Housing’s website periodically for further updates: ontario.ca/municipalaffairsandhousing.

If you have any questions related to the Planning Act, please contact Luke Fraser at (416) 585-6088 or send an e-mail to PlanningConsultation@ontario.ca.

If you have any questions related to the Development Charges Act, 1997, please contact John Ballantine at (416) 585-6348 or send an e-mail to DCAConsultation@ontario.ca.

I would also like to take this opportunity to thank municipalities for your efforts, input and advice in helping us to reform the land use planning system.

Sincerely,



Kate Manson-Smith
Assistant Deputy Minister

cc. Association of Municipalities of Ontario

Association of Municipal Clerks and Treasurers of Ontario
Municipal Finance Officers' Association of Ontario
Municipal Clerk, Municipal Treasurer, Municipal Planning Official