



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Christopher Aspila	Report Date: June 20, 2024
Author's Phone: 519 736-5408 ext. 2124	Date to Council: July 8, 2024
Author's E-mail: caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Bill 185 and Bill 200 Changes to the Planning Act, Heritage Act and Development Charges Act

1. RECOMMENDATION:

It is recommended that:

1. The report titled "Bill 185 and Bill 200 Changes to the Planning Act, Heritage Act and Development Charges Act" **BE RECEIVED for information.**

2. BACKGROUND:

On June 6, 2024 Bill 185, Cutting Red Tape to Build More Homes Act, 2024 and Bill 200, Homeowner Protection Act, 2024 received Royal Assent from the Legislative Assembly of Ontario. The Royal Assent of these Bills affected several Acts and the focus for the purpose of this report will be on the changes to the Planning Act, Heritage Act and the Development Charges Act.

3. DISCUSSION:

Planning Act

Changes to Appeal Rights

Third-party appeals are no longer allowed. Registered owners of land that an Official Plan Amendment or Zoning By-law Amendment applies to are allowed to appeal provided that they made a submission to Council in accordance with the Act. These are referred to as "second-party" appeals.

The definition of “specified persons” has been amended in the Act. Appeal rights are now granted to the following provided they made a submission to Council in accordance with the Act:

- NAV Canada and airport authorities with airport zoning regulations. This only applies to the lands covered by the airport zoning regulations.
- Holders of *Aggregate Resources Act* permits for lands within 300 metres of the licensed area and owners of land that the *Aggregate Resources Act* permit applies to.
- Holders of certain *Environmental Protection Act* approvals that are within an area of employment and only for lands within 300 metres and only on the basis of inconsistency with the land use compatibility policies in the *Provincial Policy Statement* and owners of land that the *Environmental Protection Act* approval applies to.

Appeals can also be filed by the minister and where applicable the approval authority.

New Appeal Rights for Settlement Area Expansion Applications

Official Plan Amendments and Zoning By-law Amendments that propose to add land to an area of settlement can be appealed to the Ontario Land Tribunal.

Use It or Lose It for Site Plan Approvals and Draft Plan of Subdivision Approvals

Municipalities can impose lapsing provisions on site plans and plans of subdivision if a building permit is not issued within a prescribed period of time. Currently the time limit is no less than 3 years and this is subject to change when a regulation setting time frames is issued.

Pre-Consultation

Municipalities can no longer require pre-consultation. There is an exclusion that allows for any pre-consultation related Official Plan Amendments that were adopted following Bill 109 and prior to the coming into force of Bill 185 will remain in effect. **This exclusion applies to Amherstburg as our in-force Official Plan contains such an amendment.**

Fee Refund Requirements

The fee refund requirements introduced in Bill 109 have been erased effective the date of Royal Assent. Applications filed after July 1, 2023 and before June 6, 2024 may still be eligible for a fee refund. It is further noted that the Royal Assent of Bill 185 “stops the clock” on refunds for applications in process as of June 6, 2024 and such applications are not eligible for refunds.

Regulations for Additional Residential Units (ARU's)

The legislative change allows for a broader scope of the minister’s ability to regulate any ARU’s in a house as well as the land on which an ARU is located and the building or structure within which ARU’s are located

Proposed Change to Exempt ARU's from Planning Act Requirements

A new provision has been added to the Act that allows for regulations to provide for the non-application of any provision of Part V of the Act or a regulation under section 70.2 of the Act or that set out restrictions or limitations with respect to its application to ARU's that meet prescribed criteria. Corresponding changes to the regulation-making powers of the Province under section 70 of the Act are also proposed. The proposed regulations are neither prepared nor implemented as of writing of this report.

Community Infrastructure and Housing Accelerator Provisions Repealed

The Province has repealed the process for municipal councils to request what was effectively a minister's zoning order to accelerate the development process for housing and related infrastructure.

Proposed Change to Exempt Community Service Facilities from Planning Act Requirements

The minister has been given powers to make regulations that would exempt school boards, long-term care homes and hospitals from all or part of the *Planning Act*. Regulations are not prepared nor implemented as of writing of this report.

Exemption of Post-Secondary Institutions from Planning Act Requirements

The Act has changed to exempt publicly assisted universities, colleges and universities federated or affiliated with a publicly assisted university from the *Planning Act* requirements.

Heritage Act

The date for municipalities to undertake the review of all properties on their heritage registers has been changed from January 1, 2025 to January 1, 2027.

The Act has also been amended to address circumstances when a municipality removes a property from the heritage register. In such circumstances, a property cannot be added back to the register for a period of 5 years.

Development Charges Act

Eligible Capital Costs

The Bill 185 changes reverse the Bill 23 amendment and once again allows municipal authorities to include study costs in the calculation of their development charge rates.

Expiry of Frozen Rates

Under Bill 108, development charge rates would “freeze” as of the date of a complete application for a zoning by-law amendment or site plan approval (the later of the two dates would apply). The changes to the Act provide that the “freeze” is no longer in effect.

Prior to the coming into force of Bill 185, the freeze applied so long as building permits are pulled and development charges are paid within the “prescribed amount of time”. This time was previously set at 2 years and the in-force legislation has reduced the “prescribed amount of time” to 18 months.

Repeal of Mandatory Phase-In

Effective June 6, 2024, the “phase in” requirements no longer apply to new developments and transition rules are implemented for charges imposed between November 28, 2022 and prior to June 6, 2024. Rates that were frozen prior to November 28, 2022 may be increased effective June 6, 2024.

The new subsection 19(1.3) of the Act allows municipalities to amend a DC By-law to increase development charges imposed during the first four years that the DC By-law was in force to the amount that could have been charge if the mandatory phase in had never been in effect. This increase must be passed within 6 months of Royal Assent of Bill 185 – by December 6, 2024. As the Town is actively undertaking a DC Study this matter will be addressed prior to December 6, 2024, subject to Council’s approval of the DC Study and updated DC By-law.

Draft Provincial Planning Statement (2024)

It is noted that the Draft Provincial Planning Statement (2024) was included in the Province’s initial consultation for some of the above discussed legislated changes. On April 10, 2024 the Province posted an updated draft version of the Draft Provincial Policy Statement (2024) on the Environmental Registry of Ontario. The Province has not yet released or announced a date for the adoption of the new Provincial Planning Statement.

4. RISK ANALYSIS:

There are no risks in receiving this report for information.

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

N/A

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> ✓ Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. <input type="checkbox"/> Deliver transparent and efficient financial management. ✓ Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. <input type="checkbox"/> Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<p style="text-align: center;">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p style="text-align: center;">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town’s future and identity. <input type="checkbox"/> Promote and plan for green and “climate change ready” development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town’s historic sites and heritage. <input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

This report is provided to Council for information about the changes made by the Legislative Assembly of Ontario to the Planning Act, Heritage Act and the Development Charges Act.



Christopher Aspila
Manager of Planning Services

Report Approval Details

Document Title:	Bill 185 and Bill 200 Changes to the Planning Act, Heritage Act and Development Charges Act.docx
Attachments:	
Final Approval Date:	Jun 26, 2024

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox