

**Meeting Date:** May 6, 2024  
**Department:** Building, By-law and Planning  
**Report No.:** BBP-2024-42  
**Submitted by:** Jennifer Huff, Director, Building & Planning  
**Approved by:** Trisha McKibbin, Chief Administrative Officer

**SUBJECT:** **Proposed Legislative Changes – Bill 185 and Proposed 2024 Provincial Planning Statement**

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**RECOMMENDATION: THAT: Council receive report BBP-2024-42 titled “Proposed Legislative Changes – Bill 185 and Proposed 2024 Provincial Planning Statement” for information.**

**BACKGROUND:**

The purpose of this report is to provide an update to Council on Bill 185, “Cutting Red Tape to Build More Homes Act, 2024” and the revised draft Provincial Planning Statement.

On April 10, 2024, the province introduced Bill 185, which proposed to amend 15 various Acts, including the Development Charges Act, Municipal Act and Planning Act, among others, as well released the revised 2024 draft “Provincial Planning Statement”. The changes being introduced are substantive and while many are positive, others appear to be concerning.

The Government of Ontario has provided a one month period of consultation on the changes, ending May 10<sup>th</sup>, 2024. Bill 185 has received second reading and has been referred to Standing Committee.

Links to the postings on the Environmental Registry of Ontario are provided at the end of the report.

The County of Middlesex has provided a ‘Fact Sheet’ on Bill 185 and the revised draft PPS for distribution to local municipalities (attached below).

Of particular note, since 2021, the Provincial Government has brought forward at least ten (10) bills related to land use planning, development charges and municipal regulatory powers, as well as proposed land use policy changes. Given the pace of change, there has been some unanticipated (or anticipated) changes that has compelled the Province to then reverse many of its decisions. This has created a period of significant uncertainty for municipalities, municipal land use planning and administering development charges particularly.

## **Bill 185 Key Changes**

Some of the key legislative and regulatory changes contained within Bill 185, include, but are not limited to the following:

- Elimination of most third party appeal rights on Official Plan and Zoning amendments;
- Create new 'use it or lose it' framework - enhanced lapsing provision for plans of subdivision and allocation of servicing capacity;
- Potential to limit local parking regulations through regulation;
- Broader regulations for additional residential units;
- Changes to Development Charges and Municipal anti-bonusing rules;
- Repeal required phase-in period for Development Charges as well as reintroduces the ability to include the costs of development – related studies as part of a development charge;
- Repeal the requirement to refund application fees;
- Repeal requirement for pre-consultation, introduce the ability to appeal an incomplete determination at any time; and,
- Introduces an ability for a Municipality to provide incentives for select new commercial / industrial development.

## **Draft Revised 2024 PPS Key Changes**

Council may recall that in the spring of 2023, the Province of Ontario released a draft 2023 PPS for a 60 day (then extended to 90 day) consultation period. This first draft PPS prompted considerable and vocal opposition to its proposal to allow up to 3 rural residential severances in prime agricultural areas. This policy has been removed in the 2024 revised draft PPS, consistent with the governments commitments to do so in 2023. However, a number of the 2023 draft changes have been brought forward into the 2024 version of the PPS, while others that have been dropped or further revised.

With respect to the 2024 draft revised Provincial Planning Statement, some of the key changes include, but are not limited to the following:

- Extending the maximum planning horizon from 25 years to 30 years;
- Clarifying where population projections may be derived from (proposed being Ministry of Finance 25-year growth projections);
- Where Planning is conducted by an Upper-Tier Municipality, the land and unit supply maintained by the Lower-Tier Municipality shall be based on and reflect the allocation of population units by the Upper-Tier Municipality;

- Re-introduces a requirement that planning authorities establish minimum targets for housing that is affordable to low and moderate income housing (low and moderate income housing defined);
- Allows a planning authority to identify a new settlement area or allow a settlement area boundary expansion at any time (not just at the time of a Comprehensive Review) and revises the evaluation criteria that planning authorities are to consider when making settlement area / boundary decisions;
- Permits up to two additional residential units in accordance with provincial guidelines and criteria on a lot in a prime agricultural area; and,
- Introduces draft transition policies that directs planning authority decisions to be in consistent with the 2024 PPS, even if local and County Official Plans have not yet been updated to reflect the new 2024 PPS.

#### **COMMENTS:**

It is clear that a number of the proposed changes, if brought into effect, could impact the Municipality and the scope of its current or future projects, such as the Comprehensive Review and the Zoning By-law Update and the future update to the Development Charges By-law. It may also influence the level of involvement the County could have in directing the allocation of housing supply between local municipalities.

At such time as the Province makes a decision on Bill 185 and the draft revised 2024 PPS, staff will bring forward another report outlining the changes and how they may be addressed in ongoing or future operations / projects.

#### **CONSULTATION:**

Staff will continue to monitor the status of the proposed changes, including consulting with the County of Middlesex, key stakeholders, and participate in any upcoming information sessions in order that staff can be fully informed on potential impacts to the Municipality.

Links to the ERO Postings can be found:

Bill 185: Posting ERO-019-8370 <https://ero.ontario.ca/notice/019-8370>

Draft 2024 PPA ERO-019-8462 <https://ero.ontario.ca/notice/019-8462>

#### **FINANCIAL IMPLICATIONS:**

None at this time. Future impacts unknown at this time.

#### **STRATEGIC PLAN ALIGNMENT:**

This matter is in accord with the following strategic priorities:

- 1) *Economic Development:* Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.

2) *Growth Management*: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.

**ATTACHMENTS:**

COUNTY OF MIDDLESEX BILL 185 FACT SHEET, APRIL 15 2024