



Bill 185 – Cutting Red Tape to Build Homes Act was tabled on April 10th by the Minister of Municipal Affairs and Housing. Bill 185 includes a number of targeted housing changes and proposes amendments to 15 Provincial statutes and associated regulations. The announcement also included the release of a second iteration of a proposed Provincial Planning Statement, which will replace the existing Provincial Policy Statement and the Growth Plan. The following is a preliminary summary of the proposed changes that are anticipated to be the most consequential if enacted.

- **Elimination of Planning Application Fee Refunds.** The fee refund provisions that were previously put in place through Bill 109 are proposed to be revoked. These provisions required municipalities to provide applicants partial or full refunds of planning application fees if planning decisions were not made within the prescribed time frames.
- **Removal of third party appeals for official plan and zoning by-law amendments.** The legislation proposes to limit appeal rights to applicants, the Minister, public bodies and specified persons (Hydro One, railway lines, etc.) that made submissions prior to the approval. If enacted, this change would eliminate citizen appeals. The proposed transition language would also impact certain matters that are already under appeal within Middlesex County.
- **Planning Responsibilities.** Generally, planning responsibilities within the province remain unchanged. However, starting July 1, 2024, the Regions of Halton, Peel, and York will no longer have planning responsibilities.
- **Universities and Colleges.** A new subsection of the Planning Act is proposed that would exempt publicly-assisted universities and colleges, as defined by the Ministry of Training, Colleges and Universities Act, from the Planning Act. This means that publicly funded post-secondary institutions would be exempt from the development approvals process and this would appear to apply to Western University holdings within Middlesex County.
- **Pre-application consultation.** Municipalities would no longer be able to require applicants to engage in pre-application consultation meetings, participation would be voluntary at the discretion of the applicant. The changes would also enable applicants to bring a motion to the OLT at any time during pre-application consultation for a determination of reasonableness as it relates to the complete application requirements requested by the municipality.
- **“Use it or Lose it.”** Several changes are proposed that would give municipalities authority under the Municipal Act and the Planning Act to withdraw water supply and sewage capacity, subject to criteria, from an approved proposal where development is not occurring. This includes a new provision where plans of subdivision that were draft plan approved prior to 1995, which now do not lapse, will lapse if not registered within three years.



- **Development Charges.** Several of the restrictions on municipal authority to levy development charges would be undone by this proposal including the five-year phase in of increased development charges that was put in place through Bill 23. Additionally, the cost of development charge background studies is proposed to be reinstated as a capital cost when calculating the charge.
- **Minister's Zoning Orders.** The Community Infrastructure Housing Accelerator process introduced by Bill 23 is proposed to be repealed and replaced with a new framework for requesting a Minister's Zoning Order (MZO). Requirements would include whether an MZO delivers on provincial priorities and whether it is supported by a municipal council.
- **Additional Residential Units.** The Minister is proposed to be given a new regulation-making power to remove zoning barriers for small multi-unit residential developments.
- **Municipal Act Bonusing.** Amendments are proposed to the Municipal Act that would allow municipalities to provide direct or indirect assistance to many manufacturing, industrial or commercial business, whereas this was previously prohibited.
- **Notice Modernization.** Amendments are proposed to the regulations that govern how notice is given by a municipality to reflect current practices of most municipalities, including on a website if local newspapers are not available.
- **Provincial Policy Statement Changes.** This proposal represents a continuation of many of the policies proposed in the 2023 draft. This draft also appears to fix some of the previously suggested, but difficult to implement sections of the previous 2023 draft.
 - **Lot Creation in Agricultural Areas.** The 2024 draft proposes to maintain existing prohibitions of non-agricultural lot creation.
 - **Additional Residential Units.** The 2024 draft proposes to include policy direction that would allow for up to two additional residential units on an agricultural parcel, subject to criteria.
 - **Settlement Area Boundary Expansions.** The 2024 draft proposes to provide flexibility in terms of the planning horizon in which municipalities shall plan for, requiring a minimum of 20 years but not more than 30 years. Further, the draft document has softened the requirements for settlement area boundary expansions, providing greater flexibility for municipalities (and developers).
 - **County Official Plan Growth Responsibilities.** The 2024 draft would require the upper-tier to identify and allocate population, housing and employment projections and identify areas where growth and development will be focused. This may require a more fulsome review at the County level.
 - **Other Considerations.** The 2024 draft requires that Planning authorities keep their zoning by-laws up-to-date with their official plan and clarifies that where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the PPS, it must make a decision that is consistent with the Policy Statement.



It is noted that this is a preliminary analysis. Staff will continue to prioritize evaluating the proposals and the impact they may have in Middlesex County. Links to the applicable postings from the Environmental and Regulatory Registries are provided below. **The consultation deadline for all postings is May 10th, 2024.**

[Bill 185 , the Proposed Cutting Red Tape to Build More Homes Act, 2024](#)

[Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 \(Bill 185\): Removing Barriers for Additional Residential Units](#)

[Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes \(Schedules 4, 9, 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024\)](#)

[Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 \(Bill 185\): Newspaper Notice Requirements and Consequential Housekeeping Changes](#)

[Changes to the Development Charges Act, 1997 to Enhance Municipalities' Ability to Invest in Housing-Enabling Infrastructure](#)

[Red Tape Reduction - Supporting Municipal Incentives for Economic Growth](#)

[Review of proposed policies for a new provincial planning policy instrument](#)