



Land Use Planning *is* a provincial election issue

Background:

The Planning Act of Ontario is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.

The Act provides the basis for:

- considering provincial interests, such as providing for a full range of housing options, including affordable housing, and protecting and managing natural resources
- preparing official plans and planning policies that will guide future development
- establishing a planning process which emphasizes local autonomy in decision-making
- regulating land uses through zoning bylaws, subdivision and lot severance approvals, minor variances, etc.
- ensuring the rights of local citizens to be notified about planning proposals, to give their views to their municipal council and, where permitted, to appeal decisions to the Ontario Land Tribunal.

While the Planning Act sets out the roles and responsibilities, the structure and processes for land development in Ontario, it also includes a policy framework to guide land development, through the Provincial Policy Statement.

The Provincial Policy Statement, under the Planning Act of Ontario, provides policy direction on matters of provincial interest related to land use planning and development. It is to provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It covers such topics as ensuring sufficient land for population growth, employment, housing, public spaces, infrastructure, natural heritage, water, agriculture, minerals & petroleum, mineral aggregates, cultural heritage and natural hazards.

According to the Provincial Policy Statement, municipal official plans are the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans are to identify provincial interests and set out appropriate land use designations and policies. As well, planning authorities are to keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Policy Statement.

While the Province legislates the planning process and sets general direction through its Provincial Policy Statement, it is up to municipalities to manage the process, as it is the local residents who will be affected by land development decisions in their community and the provision of infrastructure, who can hold local decision-makers accountable. That is why public notice, consultation and participation are fundamental principles in Ontario's land planning process.

So why is land development planning a provincial election issue?

Decisions by the Ford Government are undermining local autonomy and due process involving public participation in matters of land development. The FCA has written 4 times to the Minister of Municipal Affairs & Housing on these matters:

- Ministerial Zoning Orders (MZOs): the Minister of Municipal Affairs & Housing has the power to over-ride local planning policies (already consistent with the Provincial Policy Statement) to impose zoning conditions to favour a site-specific development. This can be done without notice, without holding a public hearing that would involve affected residents, without any accountability to the local community, and without appeal. It is an arbitrary power, subject to political lobbying, and inconsistent with the principles embedded in the Planning Act. The Ford Government has made extensive use of MZOs.
- City of Ottawa Official Plan: the Minister of Municipal Affairs & Housing reviews and approves municipal official plans (the over-all planning document for a municipality) providing it meets the direction of the Provincial Policy Statement. The Planning Act requires this process to be completed within 120 days. The City of Ottawa submitted its revised Official Plan (OP) last December and the deadline for Ministerial approval has passed, without explanation.

The City's revised OP seeks to accommodate growth through a combination of expanding the urban boundary and intensifying current urban areas. However, some land developers found their projects not included in the City's OP and are lobbying for inclusion (thereby increasing urban sprawl). The Ford Government has delayed approving the City's OP until after the provincial election, making the OP an election issue.

- The Ontario Task Force on Housing Affordability & Bill 109: Earlier this year the Ford Government established a developer-led Task Force on Housing Affordability, with the goal of "improving" the planning process to accommodate more housing development. Their recommendations essentially supported reducing the role of public participation in the planning process, attacked heritage designations as an "obstacle" to development, proposed measures to "streamline" the land development approval process, and promoted more green field development (eg more urban sprawl).

The Ford Government immediately brought in Bill 109 (*More Homes for Everybody Act*) adopting some of the Task Force recommendations, pushing through the legislation in 2 weeks(!). Bill 109 eliminated the public's role in site plan approvals, created a new, powerful tool for the Minister of Municipal Affairs & Housing (the Community Infrastructure & Housing Accelerator) to impose higher densities without consideration to local zoning or Official Plan policies, without public notice, consultation, and accountability. As well, it permitted the Minister to refer all or part of a municipality's Official Plan to the Ontario Land Tribunal for adjudication – a circumstance that would arise if a landowner/developer wanted to contest the OP's designation of his/her land and was successful in convincing the Minister to refer their project to the OLT. These provisions again circumvent due process and the role of public notice, consultation and participation in land development approvals, and local accountability.

What can you do?

The Provincial election is the opportunity to raise these issues and re-inforce the value of good public planning, including due process, public notice, public consultation and participation in the planning process, and accountability for land-use planning decisions.