

May 30, 2019

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON
M5G 2E5

To Whom it may concern;

RE: ERO 019-0016 Bill 108 – (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

Few Ontarians are aware that agriculture and agri-food processing is Ontario's largest economic driver. From field to fork, Ontario's agriculture and agri-food sector contributes \$39.5 billion to the province's economy and supports 822,483 jobs. Provincial policies that jeopardize the ability of our agriculture agri-food sector to prosper and grow are short-sighted and counter-productive.

While Ontario seemingly covers a vast area, 1.07 M km² or 415,598 mi² with distinctly different geographic and climatic regions and their associated soils, the stark reality is that only 4.6% of Ontario's land base can actually support **any** agricultural production, and our most productive soils; Classes 1, 2 and 3, account for even less. Maintaining large, contiguous tracts of agricultural land for agricultural uses must be a core provincial priority.

OFA appreciates the "supporting a vibrant agricultural sector" and "protecting the Greenbelt" statements in the preamble to Bill 108. Protecting Ontario's finite and shrinking agricultural lands, whether within the Greenbelt or beyond, is a fundamental OFA position. We expect this government to fully adhere to these commitments, not only through Bill 108 but through any future land use planning and/or policy changes.

Supporting a vibrant agricultural sector requires intentional policies that not only protect agricultural lands from incompatible uses and development, but also support and foster the agri-food supply chain that primary agriculture depends on. To fully achieve "supporting a vibrant agricultural sector", OFA recommends the Agricultural System, developed for the area subject to the Growth Plan for the Greater Golden Horseshoe be applied province wide.

OFA believes the province can do more for all Ontarians by distributing economic development and growth opportunities across the province. Distributing development across the province is the

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solution to the ongoing challenges facing both our urban and rural communities. Investments in Ontario's rural and smaller urban centres will grow existing businesses, attract new businesses and boost regional economic development. Sharing growth and development opportunities broadly across all of Ontario will help to address the goals set out in More Homes, More Choice: Ontario's Housing Supply Action Plan, including housing affordability and mix. OFA recommends Ontario's Housing Supply Action Plan include actions that broadly distribute economic development and growth opportunities across all of Ontario.

The amendments to the Planning Act propose to reduce decision timelines for specific approvals. Many of these timelines were increased in 2017 under amendments to the Planning Act in the Building Better Communities and Conserving Watershed Act, 2017. From our perspective, the proposed reduction in timelines should leave ample time for municipal review and approval, as well as for citizen input, while neither creating unnecessarily long review periods nor curtailing necessary citizen participation. OFA has no objections to reducing Planning Act decision timelines.

Section 34(19) proposes that notices of intent to appeal must include the reasons for the appeal in addition to the fee. OFA supports this recommended change. It is entirely appropriate that appellants include their reasons for appealing along with their appeal notice. Requiring appellants to include their reasons will make the appeal process more open and transparent.

Section 34(24.3) proposes that when information, not previously considered by the municipality, is presented at a Tribunal hearing, the Tribunal consider this new information in its decision. As currently structured, the Tribunal has the authority to send a matter back to the originating municipality for reconsideration. The council of the originating municipality is the appropriate venue for determining if the new information merits any revisions to council's original decision. OFA recommends that in the event new information comes to light in the course of a Tribunal hearing, the Tribunal should suspend its hearing and refer the matter back to the originating municipality for reconsideration.

The province has announced it is shutting down the Local Planning Appeal Support Centre. OFA opposes this move. Private citizens need information and guidance on how the Local Planning Appeal Tribunal works, including necessary appeal-related documents and how an appeal is conducted. OFA recommends that the provincial government reinstate the Local Planning Appeal Support Centre and provide it with the staff and financial resources to fulfil its intended role.

OFA categorically opposes empowering the Local Planning Appeal Tribunal to make decisions based on the best planning outcome. "Best planning outcome" is not a clear, objective standard, but a highly subjective one. Appeals of land use planning decisions should be based totally on their conformity to the Provincial Policy Statement (PPS), applicable provincial plan, official plan or zoning by-law. The proposed amendments offer no hint as to what is a best planning outcome. Ontario has a rigorous land use planning system. The provincial perspective is well enunciated through the PPS. Provincial Plans add further refinements to the specific geography each plan applies to. Inserting a "best planning outcome" simply adds confusion and uncertainty. Does growth and development supersede protection of prime agricultural land, natural heritage or avoidance of development on hazard lands? How does a Local Planning Appeal Tribunal discern a best planning outcome? Does it rely on something other than the Provincial Policy Statement or applicable Provincial Plan? Rather than improving planning outcomes, enabling the Local Planning Appeal Tribunal to render a decision based on a best planning outcome is a giant step backward and one likely to lead to more appeals to the Tribunal, further delaying timely planning decisions. OFA strongly recommends dropping the "best planning outcome" as a basis for decisions on land use planning appeals to the Local Planning Appeal Tribunal.

OFA supported ending the practice of de novo hearings as part of the new Local Planning Appeal Tribunal hearing format. We firmly believed then, and still do, that the sole role of an appeal tribunal is to determine if the decision under appeal is the “correct” decision, based on applying the applicable laws and/or planning policies. Numerous submissions under amendments to the Planning Act in the Building Better Communities and Conserving Watershed Act, 2017 agreed that the former Ontario Municipal Board hearing process was time-consuming, costly and too-often rendered decisions that did not apply the applicable laws and/or planning policies. To start afresh simply adds unnecessary costs and delays. If removing delays and red tape is the goal of these Planning Act amendments, returning to de novo hearings will do the exact opposite. OFA strongly opposes any return to de novo hearings. We recommend that decisions of the Local Planning Appeal Tribunal be based solely on conformity to the PPS, applicable Provincial Plan or to a lower tier Official Plan’s conformity with the upper tier Plan.

This change would broaden the Tribunal’s jurisdiction over major land use planning matters, i.e. official plans and zoning by-laws and amendments, and would broaden the Tribunal’s authority to make a final determination on appeals of such matters. In the recent past, we have seen the former Ontario Municipal Board render decisions that were contrary to the Provincial Policy Statement or applicable Provincial Plan. Planning decisions should be based solely on compliance with the Provincial Policy Statement, applicable Provincial Plan, official plan or zoning by-law. OFA strongly endorsed Bill 139’s proposal to end de novo hearings. OFA recommends against the Local Planning Appeal Tribunal adopting de novo hearings.

The Ontario Federation of Agriculture welcomes this opportunity to provide its agricultural perspective on the proposed amendments to the Planning Act, and we look forward to the amended Act reflecting our recommendations.

Sincerely,



Keith Currie
President

KC/pj

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors