

January 29, 2021

Hon. Doug Downey  
Ministry of the Attorney General  
11th Floor, 720 Bay Street.  
Toronto, ON  
M7A 2S9

Dear Attorney General,

**RE: Bill 88, An Act to Amend the *Planning Act***

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA wishes to reiterate our thanks to you for introducing Bill 88, Planning Amendment Act, 2019. This Bill would allow the original lot fabric to be kept in the case of lots that merged due to the death of an adjoining joint owner.

OFA has encouraged the Standing Committee on Finance and Economic Affairs to hold public hearings on Bill 88 soon, so that Bill 88 is not delayed any longer. At this time, OFA would like to share the comments it plans to submit during those hearings.

OFA is in favour of amending the *Planning Act* to address situations where the titles of abutting properties automatically merge. As you know Ontario has two property registration systems, Land Titles and Land Registry. Parts of the province, particularly the north, have always been under the Land Titles system, while much of the province was under the older Land Registry system. An unfortunate feature of lands under the Land Registry system is that the titles of abutting properties held in exactly the same name or names are merged. Typically, landowners only become aware that the titles of their parcels have been merged when they wish to sell one or both parcels. For farmers with merged titles, the process to “unmerge” them can be time-consuming, and costly. In some instances, their efforts are unsuccessful, particularly if the municipality has established a minimum farm lot size in its Official Plan or Zoning By-laws.

As per OFA's longstanding policy position, OFA recommends that the Ontario government change the Land Registry System under the *Planning Act* so that the practice of automatic merging is discontinued.

Should the practice of automatic merging continue under the Land Registry System, OFA believes that mandatory advanced notification (i.e., before titles are changed that would merge abutting properties) should be given to the landowner, as well as the opportunity for the landowner to reconsider this transaction.

OFA is not in favour of *Planning Act* amendments that would enable the further subdivision of lots beyond what is already permitted. Maintaining large, contiguous tracts of agricultural land for agricultural uses must be a core provincial priority. OFA does not support scattered or strip development within prime agricultural areas. This form of development not only limits the ability of new and existing agricultural operations to function but fails to contribute financially to municipalities.

The Provincial Policy Statement (PPS) provides for limited lot creation in a prime agricultural area. OFA supports lot creation only under those limited circumstances. In supporting the severance of a residence surplus to a farming operation, we acknowledge that the outcome is a non-farm residential use within a prime agricultural area, and its impacts on surrounding agricultural operations. Nevertheless, we also understand that it is advantageous for farmers to be able to sever and sell a surplus farm dwelling.

In your May 30, 2019 comments following moving second reading of Bill 88, you noted how "little glitches" and "little tricks" were used by "clever people" to subdivide land. It is likely that "clever people" will continue to search for loopholes to subdivide land. Therefore, we believe that a thorough assessment should be conducted of the consequences of the proposed Section 57.1 (Contravention of section 50 has no effect after 20 years) of the *Planning Act*. Concerns have been raised that the proposed Section 57.1 might have unintended lot creation consequences that are inconsistent with the land use policy direction and the protection of agricultural lands. OFA would greatly appreciate hearing your views on the proposed Section 57.1.

OFA hopes that the Standing Committee on Finance and Economic Affairs' hearings on Bill 88 occur soon so that OFA can present its formal submission. Thank you again for introducing this Bill. We would like to propose a meeting with you to further discuss our position with respect to possible *Planning Act* amendments.

Sincerely,



Peggy Brekveld  
President

cc: Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
OFA Board of Directors