

May 19, 2021

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, Ontario, M7A 2J3

Sent via email to: minister.mah@ontario.ca and PlanningConsultation@ontario.ca
and submitted online through Ontario's Regulatory Registry and
the Environmental Registry of Ontario

Dear Minister Clark,

**Re: ERO # 019-3495 and Regulatory Registry # 21-MMAH008 (Proposed changes to
Certain Land Division Provisions in 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 appreciates the opportunity to provide comment on the proposed changes to the *Planning Act* contained within Schedule 24 of Bill 276, Supporting Recovery and Competitiveness Act, 2021. These proposed changes relate to the division of land (subdivision control, plans of subdivision, consents and validations), as well as other housekeeping or consequential changes to the *Planning Act*.

The discovery that an automatic merger of titles under the Land Registry system has taken place on their lands has long been a challenge for OFA member farms to navigate. As per OFA's longstanding policy position, OFA has recommended that the Ontario government change the Land Registry System so that the practice of automatic merging is discontinued.

We appreciate and applaud the government's commitment to red tape reduction. The changes proposed in Bill 276 that would end the automatic mergers of properties which result from the death of a joint tenant are a perfect example. We are in agreement with the end of this type of mergers and look forward to the time when an end to other types of automatic mergers can also occur.

As an example, we are aware of mergers that have occurred when the death of a parent causes the farm to transition into the name of the inheritor, and if that person owns abutting property in his or her own name, the two farms become one.

This can create challenges for the succession planning process. With no notification and continuing to receive two Municipal Property Assessment Corporation (MPAC) assessment notices with distinct property roll numbers, the fact that the properties have been automatically merged may not be known until after the death of the farmer. If the estate has been left so that the family believes that one parcel each will go to two siblings, it can be a shock to find out that their plan for succession and the start-up

of two new beginning farmers in the business of agriculture is halted until remedied at the family's expense during what is already a difficult time.

Should the practice of this type 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.

Further, we request that the local planning authority be granted the power to cancel automatic mergers in a timely and efficient manner in those cases where the farm property owner has not requested and does not support the merging of their abutting properties.

OFA would like to reiterate that we are 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 continue to be a core provincial priority. OFA does not support scattered or strip development within prime agricultural areas, because this form of development limits the ability of new and existing agricultural operations and fails to contribute financially to municipalities.

The Provincial Policy Statement (PPS) provides for limited lot creation in prime agricultural areas. 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 operations. Nevertheless, we also understand that it is advantageous for farmers to be able to sever and sell a surplus farm dwelling.

With respect to the other changes proposed, we request that care be taken to ensure that that these changes do not have unintended lot creation consequences that are inconsistent with Provincial land use policy direction and the protection of agricultural lands.

OFA continues to support compliance with official plan and zoning in areas with robust local planning processes in place. We would like to express our appreciation for the proposed changes which would end the practice of automatic mergers under the Land Registry System as a result of the death of a joint tenant, and we thank you for introducing this Bill which will resolve these types of mergers which have been difficult and costly to navigate for some of our members.

OFA is willing to work with the government to help develop strategies by which economic recovery can occur and farmland be protected.

Thank you for this opportunity to provide comment. As always, if there is interest in discussing these matters further, please do not hesitate to reach out.

Sincerely,



Peggy Brekveld
President

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