

July 13, 2021

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

Sent via email to: minister.mah@ontario.ca and PlanningConsultation@ontario.ca

Dear Minister Clark,

**Re: Meeting request and Decision Notice for ERO 019-3495 - 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.

After having reviewed the decision notice posted on the Registry for ERO 019-3495, we would like to share some additional feedback in follow-up to the consultation. We would also like to request a virtual meeting with you to discuss how the Planning Act could be further amended to address outstanding concerns regarding the automatic merging of properties.

Firstly, we would like to express our thanks and support for the decision to end the automatic mergers of properties under the Land Registry System for those titles which have historically merged automatically upon the death of a joint tenant. This is a huge relief for many of our farm family members and we look forward to sharing this good news with our membership.

We would like to reiterate the request made in our submission that a clear and easy process for unmerging these types of automatic mergers be communicated to the local planning authorities and land division committees. We are still receiving calls from OFA members who have only recently discovered the unfortunate occurrence of an automatic merger of titles that has unfolded due to the death of one of the joint tenants, and we feel that for those members who are currently navigating the process to have them severed that it would be helpful for all stakeholders if there was a clear and easy process in place to address it at the local level.

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In our submission on the ERO 019-3495 consultation, we commented that OFA was not in favour of *Planning Act* amendments that would enable the further subdivision of lots beyond what was already permitted at the time, and that maintaining 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.

Historically, OFA has supported lot creation only under those limited circumstances which have been allowed under the PPS. In supporting the severance of a residence surplus to a farming operation, for example, while we acknowledge that the outcome is a non-farm residential use within a prime agricultural area, we nevertheless also understand that it is sometimes advantageous for farmers to be able to sever and sell a surplus farm dwelling.

Since the decision notice was posted, some of the local planning authority members have commented that they have trouble understanding what the impacts of these changes are. In our submission to ERO 019-3495, OFA requested 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. In support of that goal, we now request that your Ministry provide clarity by outlining these changes to all stakeholders.

OFA continues to support compliance with official plan and zoning in areas with robust local planning processes in place. We continue to view that process as the only acceptable means of developing agricultural lands in those areas. We note that the provincial government has created useful and practical Guidance materials in other relevant policy frameworks. Two excellent examples are the “Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas” and “The Minimum Distance Separation (MDS) Document: Formulae and Guideline for Livestock Facility and Anaerobic Digester Odour Setbacks,” yet there is no equivalent reference manual for lot creation in Agricultural Areas.

We are pleased that this posting’s decision notice states that “In response to requests from some stakeholders for greater clarity/certainty and from municipalities for assistance on implementation, the ministry will consider developing technical supports for implementors and will continue to engage with key stakeholders on the development of regulatory amendments.” OFA would like to express our encouragement for the Ministry to develop these technical supports in the shortest timeframe possible. We suggest that perhaps the two provincial resources referenced above could be used as a model for a similarly formatted guidance document pertaining to lot creation in Agricultural Areas.

Developing and distributing technical supports, including plain language interpretation of the new amendments, which kinds of severances will and will not be allowed and any practices that have changed since the previous version, to all stakeholders will help to address confusion at the local planning level. This will help to avoid poor outcomes that may otherwise be the result of any lack of clarity.

The OFA continues to support the preservation and protection of Ontario’s farmlands. The protection of Ontario’s agricultural lands from incompatible development, as well as its loss from urban expansion, continues to be an ongoing concern. Without strong commitments and clear policy direction for agricultural land protection from all levels of government, the economic potential of the Agricultural Land Base as a driver of Ontario’s post-COVID recovery will be lost.

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OFA has a longstanding commitment to wise land use planning that protects Ontario's agricultural lands, the finite and shrinking resource that underpins Ontario agriculture's contributions to our economic growth and well-being. Based on the latest data from the Ministry of Agriculture, Food and Rural Affairs, Ontario's agri-food sector is an economic engine for the province, contributing more than \$47 billion to the province's annual GDP and employing over 860,000 Ontarians. To maintain the economic and employment contribution of the agri-food sector into the future, a holistic, systematic, province-wide approach that prioritizes protecting the best agricultural lands and identifies the most appropriate areas for growth, with justifiable criteria and a comprehensive analysis must be adopted.

OFA believes Ontario's land use planning policies must be clearly communicated to decision makers so that farmland can be reserved for farming while population and employment growth can continue to be allocated to urban settlement areas throughout Ontario. We look forward to the development of plain language documents which will provide technical support for stakeholders to enable them to readily identify the types of local planning decisions that are or are not now allowed including the process of unmerging titles which have merged automatically due to the death of a joint tenant and again reiterate that these documents need to be released quickly.

OFA appreciates your work to end the automatic mergers of certain properties under the Land Registry System and we look forward to working with you to address other situations where properties are automatically merged. We look forward to your reply to our meeting invitation.

Sincerely,



Peggy Brekveld  
President

cc: The Honourable Lisa Thompson, Ontario Minister of Agriculture, Food and Rural Affairs  
OFA Board of Directors