



November 27, 2023

The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay St, College Park, 17th Floor,
Toronto, Ontario
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Members of the Standing Committee on Heritage, Infrastructure and Cultural Policy
Whitney Block, Room 1405
99 Wellesley Street W
Toronto, Ontario
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Dear Minister Calandra and Members of the Standing Committee on Heritage, Infrastructure and Cultural Policy

Subject: ERO Number 019-7885

Re: Proposed Bill 150 An Act to enact the Official Plan Adjustments Act, 2023 and to amend the Planning Act with respect to remedies

The signatories to this letter represent multiple Home Builder/Developer Associations across the province, and particularly those that operate with the municipal OPs subject to Bill 150. Collectively, we speak united on behalf of our members including builders, developers, and many others within the land development and residential housing construction sector. Our members reside, invest, and build in the communities they create. We are building complete communities for the residents of Ontario, and we share the province's commitment of building 1.5 million homes in Ontario by 2031.

As the voice of the industry that is working with this government to fulfill the desire of affordable and attainable home ownership, we find it more difficult to achieve such a responsibility in the current inconsistent policy and legislative environment. We support a robust public process offering all stakeholders an opportunity to participate in how Ontario's communities are planned and how they will grow.

The principles and policies of the Provincial Policy Statement (PPS) are the very foundation in how Ontario's land use planning policy is predicated. The Province must fully support and defend the PPS for our planning system and the principles of effective growth management to operate properly and effectively.

Bill 150, as proposed, with the decision to repeal the provincial decisions made to several Official Plans (OPs), regrettably casts significant uncertainty in the effort and work of developers, builders, municipalities, and your government, who have invested more than five years as part of the Municipal Comprehensive Reviews and related growth management exercises. Bill 150 will prolong the housing supply crisis in our Province – time we fear we will not be able to recover from.

In simple terms, businesses invest in Ontario because they have the confidence to do so. With certainty removed, havoc ensues. Financial institutions will cancel project financing, developers will invest elsewhere, job creation deferred or worse lost, and the housing crisis will deepen. Municipalities will not achieve their housing targets nor conform with the minimum 15-year land supply requirement of the PPS. Combined, the province's objectives to increase housing supply and choice for the people of Ontario will not be realized.

We understand that Bill 150 is primarily an exercise in "re-setting" several decisions made that, you believe, were not made with sufficient transparency and did not maintain and reinforce the public's trust in such decisions.

Our Associations and Members also support a land use planning system and process that is accessible to all and administered in a transparent manner. Collectively, we submit, the process to date, by and large (and as substantially reflected in the municipal OPs referenced in the Bill) reflect decisions that are, in fact, supported by evidence-based planning opinion, carried out through a rigorous public consultation process.

A mechanism must always and does exist to allow those justifiable and correct decisions to carry forward so that building, and development can continue. For all these reasons noted above, we present the following recommendations:

To ensure that the final versions of the OPs align with Provincial policy, and appropriately address the urgent need for increased housing supply and affordability, the Minister of Municipal Affairs and Housing should retain authority to deal with the various OPs under Section 17 of the Planning Act, rather than having a final decision on the OPs made by the Bill 150 legislation. This would allow the Minister to:

- i. *approve the OPAs as adopted and/or requested by municipalities where alignment and consistency with Provincial policy has been demonstrated.*
- ii. *approve the OPAs with modifications necessary to achieve alignment and consistency with Provincial policy; or,*
- iii. *refer the OPAs in Schedule 1 of the Bill to the Ontario Land Tribunal (the "OLT") for an evidence-based recommendation or decision.*

We have attached a "red-lined" copy of suggested amendments to Bill 150 that would provide the Minister with appropriate authority to make decisions on OPs under existing powers pursuant to Section 17 of the Planning Act. Among the existing Planning Act powers that the Minister could utilize is the ability to refer a matter to the OLT, which the current draft of Bill 150 precludes. This would allow, in appropriate circumstances, an evidence-based finding by the OLT that would ensure Official Plans align with Provincial policy, which is needed to address Ontario's housing supply and affordability crisis.

We therefore strongly recommend that the Minister and members of the Standing Committee consider implementing the changes in the attachment to this letter.

There is one additional matter that is of considerable concern to all of us and that is the unprecedented immunity provisions in section 4 of the Bill. Section 4(2) of the Bill immunizes the government from government actions in misfeasance and bad faith. This level of immunity is not consistent with a fair and democratic society. It suggests that government (and those

who work in government) are above the law. We implore the government to reconsider these immunity provisions.

Minister, as you know the housing affordability crisis is a direct result of a lack of housing supply – a problem that has been getting worse for many years. Your government’s pledge of building at least 1.5 million new homes in 10 years is just a starting point. To achieve this goal, Ontario needs a PPS that you support and uphold, and when done so, associated local OPs can implement a balanced land use planning system supporting growth management to permit urban expansions and intensification.

As stakeholders directly governed by these OPs and, in many ways, responsible for executing their policy and implementation, the land development and residential construction industry has significant expertise to contribute and knowledge on a community-by-community basis on how best to deliver these ambitious housing goals. We implore you to use this expertise and to listen to the unified voices of the land development and residential construction industry to support and adopt the above suggestions.

We look forward to our continued collaboration with you and your Ministry to tackle the challenges of housing supply and affordability in Ontario, and we welcome the opportunity to meet to discuss further.

Sincerely,

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