
Sent by e-mail to: minister.mah@ontario.ca

November 9, 2023

The Honourable Paul Calandra
Minister of Municipal Affairs and Housing
College Park, 17th Floor
777 Bay Street
Toronto, Ontario M7A 2J3

Dear Minister Calandra:

As you are aware, on October 23, the province announced plans to reverse its official plan amendments made in the following select municipalities with housing targets: the Cities of Barrie, Belleville, Guelph, Hamilton, Ottawa and Peterborough, the Regional Municipalities of Halton, Niagara, Peel, Waterloo and York, and Wellington County. On November 2, you sent a letter to the impacted communities indicating that the province is soliciting feedback from the mayors of impacted single and lower-tier municipalities.

AMO welcomes the decision to reverse these ministry issued decisions on official plans and to engage with the impacted municipalities on the proposed reversal, recognizing that projects and investments may already be in the works. In previous submissions to the legislature, AMO has highlighted that pervasive or indiscriminate provincial intervention in development risks undermining broader local planning efforts with implications for financing, timing and complete communities. AMO has urged the government to use Ministerial planning authorities, such as Municipal Zoning Orders (MZOs) only in collaboration with municipalities and in situations of extraordinary urgency.

In order to ensure that the proposed reversal supports the province's stated goal of maintaining and reinforcing public trust, and that any municipal impacts are minimal and don't slow progress on housing targets, AMO calls for the province to include in the proposed legislation:

1. Indemnification for municipalities from the outcomes of the proposed reversal of ministry issued decisions on official plans.
2. Transitional provisions that extend the deadline for affected municipalities to file development charges by-laws, and allow municipalities to update existing by-laws without "resetting the clock" on the five-year phase in requirement.

AMO also calls on the province to continue working with municipalities on a clear and collaborative path forward to ensure the cost of the proposed reversal is borne by the province and not by municipalities.

1. Indemnification for municipalities from the outcomes of the proposed reversal of ministry issued decisions on official plans

We commend the province for providing municipalities with the opportunity to identify where the proposed reversal may impact projects or investments underway under the existing planning frameworks. AMO calls for the province to indemnify municipalities against appeals or legal challenges of local decisions made in response to the original ministry issued decisions and against any unintended impacts of the proposed reversal. Any costs associated with the process to enforce indemnity provisions or respond to planning appeals should be borne by the province and not municipalities. Indemnification is important to ensure that municipalities do not have to defend planning decisions that they have made in good faith but that become inconsistent with official plans as a result of provincial decisions.

2. Transitional provisions that extend the deadline for affected municipalities to file development charges by-laws, and allow municipalities to update existing by-laws without “resetting the clock” on the five-year phase in requirement

The proposed reversal of ministry issued decisions on official plans will likely result in changes to land available for development in municipalities. Some municipalities will need to revise their planned development charges by-laws to address this new planning landscape. In many cases, municipalities have dedicated time and resources to preparing background studies and draft by-laws and will have to redo much of this work as a result of the proposed reversal. AMO recommends a transitional provision be included in the proposed legislation which extends the deadline for affected municipalities to file their development charges by-laws. The cost of redoing this work should be borne by the province.

As you are aware, recent changes to the development charges framework require that development charges by-laws are phased in over a period of five years. AMO recommends transitional provisions be included in the proposed legislation that would allow municipalities affected by the proposed reversal to update their development charges by-law without “resetting the clock” on the five-year phase in. This will help ensure that municipalities do not lose development charge revenue and can continue to fund housing-enabling infrastructure to help meet their housing targets.

Working with Municipalities on a Clear and Collaborative Path Forward

AMO welcomes the proposed reversal of ministry issued planning decisions; especially those made without the input of affected communities. We commend the government for making efforts to ensure that these changes are made in consultation with municipalities, and that considerations are being made to ensure that no unintended consequences arise from the proposed reversal. By way of your recent letter to the impacted communities,

AMO believes the province recognizes the importance of ensuring that municipalities do not incur costs arising as a result of ministry issued decisions but is concerned about how and when financial support will be provided to municipalities.

AMO has heard that municipalities have already incurred significant costs as a result of the ministry issued decisions on official plans, and that more costs are likely as a result of the proposed reversal. AMO strongly urges that the province collaborate with municipalities to establish a clear framework that ensures the province is directly responsible for all costs arising as a result of reversing these provincial decisions. AMO would be happy to review and provide comments on any proposed framework.

Sincerely,



Colin Best
AMO President

cc: Martha Greenberg, Deputy Minister, Ministry of Municipal Affairs and Housing