



The Corporation of the Town of LaSalle

To: Mayor and Members of Council

Prepared by: G. Beggs, Director of Planning & Development, and D. Langlois, Director of Finance.

Department: Planning & Development

Date of Report: June 28, 2024

Report Number: PD-23-2024

Subject: Summary of Bill 185 Implications for Town of LaSalle

Recommendation

That the report of the Director of Planning & Development and the Director of Finance (PD-23-2024) dated June 28th, 2024, *regarding Bill 185, Cutting Red Tape to Build More Homes Act, 2024*, be received for Council information.

Report

On April 10th, 2024, the Province introduced Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. The legislation proposed to amend 15 Provincial Acts, including the *Development Charges Act, Municipal Act* and *Planning Act*. Bill 185 received royal assent from the Province on June 6th, 2024.

The legislation is the latest effort by the Province to accelerate the development of new housing by removing perceived barriers to achieve the target of 1.5 million homes. It also unwinds some of the Province's previous amendments which had the unintended consequence of impeding the processing of development applications. This report focuses only on the legislative changes to the *Planning Act* and *Development Charges Act* which in Administration's opinion impact the Town of LaSalle. A summary of these changes is outlined in the table below.

Planning Act Amendments

Amendment	Scope of the Change	Comment
Changes to Third-Party Appeal Rights	Bill 185 restricts third-party appeals of municipal decisions on Official Plans, Official Plan Amendments, Zoning By-laws and Zoning Bylaw Amendments.	While this amendment streamlines the appeal process, it restricts the ability to appeal municipal

Amendment	Scope of the Change	Comment
	<p>Bill 185 limits appeal rights to applicants, public bodies, the Minister, the approval authority, and ‘specified persons’ defined under the <i>Planning Act</i>, provided they have made written or oral submissions to Council prior to the decision.</p> <p>The definition of ‘specified persons’ under the Planning Act was broadened to include Nav Canada, airport authorities, Holders of Aggregate Resources Act permits, and Holders of certain Environmental Protection Act approvals.</p>	<p>decisions to a narrower group of stakeholders.</p>
<p>Ability to appeal settlement area boundary expansions</p>	<p>Currently there is no right of appeal for private applicants for an official plan amendment or zoning bylaw amendment that expands a settlement area boundary. This amendment permits an appeal in such cases, unless the settlement boundary expansion includes expansion into the Greenbelt.</p>	<p>Settlement Boundary expansions are typically only contemplated in LaSalle as part of the County (upper-tier) Official Plan update.</p>
<p>Bill 23 Fee Refunds Rescinded</p>	<p>Removal of the fee refund provisions for Zoning By-Law Amendments and Site Plan Control applications.</p>	<p>While these fee refund provisions came into effect as part of Bill 23, the Town was never faced with having to refund any application fees.</p>
<p>Pre-application consultations are now voluntary</p>	<p>The ability for municipalities to require pre-consultation on Planning Act applications has been removed. This means that while municipalities can still encourage applicants to conduct pre-consultations, they cannot require applicants to engage in this process prior to submitting their formal Planning Act application.</p>	<p>Mandatory pre-consultations are a way for the Town to ensure that applications are complete and address potential issues before formal submission. These meetings help to streamline the approval process and ensure Administrative support prior to deeming an application complete.</p> <p>Pre-consultations provide an opportunity to</p>

Amendment	Scope of the Change	Comment
		<p>collaborate with applicants regarding complete application requirements and early identification of development-related issues requiring attention which can support effective and efficient solutions. While we can no longer require these meetings, we will continue to encourage applicants to engage in pre-consultation as it is to their ultimate benefit.</p>
<p>'Use it or Lose it'</p>	<p>Bill 185 introduces new lapsing (“use it or lose it”) provisions to the approvals under site plan and subdivision approvals. These provisions create a new process to allow municipalities to address inactivity on approved developments. Municipalities can now formalize how water and sewage servicing of an approved development is managed to enable servicing capacity to be allocated and reallocated to other projects if the approved development has not proceeded after a specified timeline (and the servicing is needed elsewhere). Currently, the time limit is set to no less than three years.</p> <p>Such policies have been colloquially referred to as “use-it-or-lose-it” policies and would not be appealable to the Ontario Land Tribunal</p>	<p>The proposed change is anticipated to have the effect of encouraging proponents to act on their approvals. The proposed change also makes it possible to clear existing approvals which have not been acted on for a number of years and allocate capacity elsewhere to other projects that need it.</p>
<p><i>Planning Act Exemptions</i> altogether</p>	<p>Certain Post-Secondary Institutions and Community Service Facilities are now exempt from Planning Act requirements (subject to future regulation governing these exemptions). These include, but are not limited to:</p> <ul style="list-style-type: none"> • School Boards • Universities/Colleges • Long Term Care Homes 	<p>This amendment is designed to prioritize public sector government projects and accelerate their construction.</p>

Amendment	Scope of the Change	Comment
	<ul style="list-style-type: none"> • Hospitals • Licensed Daycare Providers 	

Development Charges Act Amendments

Amendment	Scope of the Change	Comment
Revised definition of Capital Costs	Bill 185 reverses the capital cost amendments of Bill 23 (More Homes Built Faster Act) by reinstating studies as an eligible capital cost in the DC calculation.	This will have a positive impact for the Town of LaSalle as we include many studies in our DC calculation (ie. DC background study, Official plan review, storm water management master plan, infrastructure master plan, master water study)
Removal of Mandatory Phase-in	<p>Bill 185 removes the mandatory phase in of development charges that was part of Bill 23. The phase in under Bill 23 was as follows:</p> <p>Year 1 of DC bylaw – 80% of charges could be imposed</p> <p>Year 2 of DC bylaw – 85% of charges could be imposed</p> <p>Year 3 of DC bylaw – 90% of charges could be imposed</p> <p>Year 4 of DC bylaw – 95% of charges could be imposed</p> <p>Year 5 of DC bylaw – 100% of charges could be imposed</p>	<p>This will have a positive impact for the Town of LaSalle as growth will continue to pay for growth. Existing residents will not have to pay for the growth-related component of infrastructure.</p> <p>LaSalle was never impacted by the mandatory phase-in given that our DC bylaw has not been updated since the Bill 23 amendments took effect.</p>
Process for Minor Amendments to D.C. By-laws	Bill 185 allows municipalities to undertake minor amendments to D.C. by-laws for the following purposes without adherence to Sections 10	This will not impact LaSalle as the current DC bylaw was in place prior to Bill 23 requirements.

Amendment	Scope of the Change	Comment
	<p>through Section 18 of the Development Charges Act (D.C.A.):</p> <ol style="list-style-type: none"> 1) To repeal a provision of the DC by-law specifying the date the by-law expires or to amend the provision to extend the expiry date (subject to the 10-year limitations provided in the D.C.A.) 2) To impose DCs for studies 3) To remove the provisions related to the mandatory phase-in of DCs as outlined above. 	
<p>Reduction of D.C. Rate Freeze Timeframe</p>	<p>Currently, developments that are subject to a site plan and/or a rezoning by-law amendment application have a DC rate which is frozen for 24 months beginning at the time the site plan or rezoning by-law amendment application was submitted.</p> <p>Under Bill 185, the DC will now be frozen for 18 months</p>	<p>The Town of LaSalle has not had any instances that have resulted in a freeze impacting the DC charge.</p>

A new version of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (2020) was introduced in April 2023. These newer versions, however, were not included as part of Bill 185 as previously understood. Once the new Provincial Planning Statement is approved, a similar report to Council will be prepared outlining the amendments made and the associated implications.

Consultations

County of Essex, Regional Planning Directors.

Financial Implications

N/A

Prepared By:



Director of Planning and Development

Gudrin Beggs, MCIP, RPP



Director of Finance/Treasurer

Dale Langlois, CPA, CA

Link to Strategic Goals

1. Enhancing organizational excellence - No
2. Strengthen the community's engagement with the Town - Yes
3. Grow and diversify the local economy - No
4. Build on our high-quality of life - No
5. Sustaining strong public services and infrastructure - Yes

Report Approval Details

Document Title:	Summary of Bill 185 Implications for Town of LaSalle.docx
Attachments:	
Final Approval Date:	Jul 4, 2024

This report and all of its attachments were approved and signed as outlined below:



Chief Administrative Officer

Joe Milicia

A handwritten signature in black ink, appearing to read 'P. Marra', with a stylized, cursive script.

Deputy Chief Administrative Officer

Peter Marra