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Mr. Ken Petersen, RPP, MCIP
Provincial Planning Policy Branch
Ontario Ministry of Municipal Affairs
777 Bay Street, 13th floor
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New Regulation under the *Planning Act* for Open-For-Business Planning Tool

Dear Sir:

The *Federation of North Toronto Residents' Associations* ("FoNTRA") is an umbrella organization representing over 30 residents' associations in central Toronto engaged in public policy debates on planning and development issues that directly affect our member organizations.

Since Bill 66, - it passed first reading on 06 December 2018 and is scheduled for second reading on 19 February 2019 - had been introduced without any public consultation, it is appropriate to comment on the underlying legislation before addressing the proposed Regulation which is to implement this new mechanism. FoNTRA sees the proposed planning tool as some sort of Trojan horse designed to undermine fundamental and carefully conceived public policies. Without prescribing the permitted purposes in the legislation, Bill 66, if adopted as is, would exempt individual developments from the following key legislative provisions: Section 41 of the *Planning Act* (section 114 of the *City of Toronto Act*); Subsection 3(5) of the *Planning Act*; Section 24 of the *Planning Act*; Subsection 34(10.0.0.1) – (34) of the *Planning Act*; Subsection 36(1) of the *Planning Act*; Section 37 of the *Planning Act*; Section 39 of the *Clean Water Act*; Section 20 of the *Great Lakes Protection Act*; Section 7 of the *Greenbelt Act*; Section 6 of the *Lake Simcoe Protection Act*; Subsection 31.1(4) of the *Metrolinx Act*; Section 7 of the *Oak Ridges Moraine Conservation Act*; Section 13 of the *Ontario Planning and Development Act*; Subsection 14(1) of the *Places to Grow Act*; and, Section 12 of the *Resource Recovery and Circular Economy Act*.

While FoNTRA supports the streamlining of planning approval processes and the removal of often redundant requirements and restrictions, it believes that Bill 66, as currently written, puts into question the fundamental validity of the Province's own policy-driven planning system and signals to the world: Ontario has principles but if you don't like them, we have others. If provincial plans and policies can safely be ignored by Open-For-Business Planning By-laws ('OFB By-laws'), why would they maintain any relevance for other types of zoning by-laws? If OFB By-laws do not have to be in conformity with the Official Plan, what remains the purpose of this key local planning policy document? If OFB By-laws are exempt from conforming, for example, to the Greenbelt Plan, what rationale would keep developments other than those authorized by OFB By-laws out of the greenbelt?

Among FoNTRA's most urgent concerns regarding the proposed changes arising from the adoption of Bill 66 in its present form are the following:

- in order to pass an OFB By-law, a municipality would have to request approval by the Minister who would maintain wide discretionary power to interfere in local decision-

- making for individual development projects by approving, modifying, imposing conditions, or revoking an OFB By-law without any notice or public consultation;
- the permitted purposes for enacting an OFB By-law are not prescribed in the legislation itself but only in the Regulation, thereby opening the door to and indiscriminate broadening of the purposes without any legislative oversight;
- an OFB By-law does not have to conform, among others, to the Provincial Policy Statement, the Growth Plan, the Greenbelt Plan, or the Official Plan;
- an OFB By-law is not affected by any Holding By-law;
- an OFB By-law is not subject to any notice or public consultation; and
- an OFB By-law cannot be appealed to the Local Planning Appeal Tribunal.

FoNTRA's key concerns cannot be resolved by Regulation but require amendments to Bill 66.

FoNTRA's comments on the proposed Regulation – in light of its fundamental concerns regarding the legislation itself – focus on the following three areas:

- Confirmation of new major employment use:** Since the government proposes to create “a new economic development tool,” a municipality needs to confirm that the OFB By-law is required to attract a new major employer from outside of Canada. Otherwise, no genuine economic development occurs and 'new' may simply refer to new to the municipality or to the province without contributing to Canada's economic development and reducing its unemployment rate.
- Evidence of job creation:** Evidence of meeting minimum job creation thresholds needs to include the following: nature of jobs to be created; clear definition of 'new' jobs providing meaningful employment; measurable job creation targets for short, medium, and long terms; monitoring and reporting procedures; compliance with federal standards under the Temporary Foreign Worker Program including any labour market impact assessment; and, applicable remedies if proposed thresholds are not being met.
- Identification of primary use authorized:** The primary uses authorized by an OFB By-law needs to be defined in the legislation and strictly limited to manufacturing and industrial research operations. The municipality has to confirm compliance with the legislative parameters. Any permitted accessory uses need to be clearly limited in the legislation.

FoNTRA is available to discuss these issues in more detail and looks forward to the government's response to the public input on the legislation itself and the proposed Regulation.

Sincerely Yours,

Federation of North Toronto Residents' Associations

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Ms. Andrea Horwath, Leader of the Opposition
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Mayor John Tory and Toronto City Council
FoNTRA Members and Others

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of more than 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.