

City of Mississauga  
**Corporate Report**



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| <p>Date: March 19, 2021</p> <p>To: Chair and Members of General Committee</p>     | <p>Originator's files:<br/>LA.07-BIL</p> |
| <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p> | <p>Meeting date:<br/>March 31, 2021</p>  |

## Subject

**City of Mississauga's Comments on Proposed Changes to Minister's Zoning Orders (MZO) and the Planning Act**

## Recommendation

1. That the report titled "*City of Mississauga's Comments on Proposed Changes to Minister's Zoning Orders and the Planning Act*" from the Commissioner of Planning and Building, dated March 19, 2021, be received for information.
2. That Council endorse the positions and recommendations contained in this report.
3. That the Mayor or designate be authorized to provide comments in writing to the Minister of Municipal Affairs and Housing as part of the Ministry's public consultation process.

## Executive Summary

- As part of Bill 257 (*Broadband and Infrastructure Expansion Act, 2021*) the Province has proposed to expand MZO powers so they no longer need to be consistent with the Provincial Policy Statement (PPS). The Province is seeking feedback on these changes by April 3, 2021.
- City staff are concerned by the proposed changes as they establish a framework for the issuance of MZOs that could undermine directions contained in the PPS that work to protect the environment and manage growth.
- If the Government intends to make frequent use of MZOs, then City staff suggest that their use should be limited to situations that have supporting rationale, a clear public benefit and that consultation with upper and lower-tier municipalities be a mandatory part of this process.

## Background

The *Planning Act* has long afforded the Minister of Municipal Affairs and Housing (the Minister) the authority to directly zone land through an MZO. However, in past decades this power was rarely used.

The Minister has used MZOs more routinely, and expanded these powers in July 2020. Due to changes stemming from Bill 197, an MZO can now require the landowner to enter into what would be equivalent to a site agreement with the local municipality, and may require the landowner to comply with Inclusionary Zoning<sup>1</sup>.

The Minister is now proposing to further expand MZO powers as part of Bill 257 (*the Broadband and Infrastructure Expansion Act, 2021*). These changes would give the Minister the power to issue MZOs that are not consistent with the Provincial Policy Statement (PPS). In addition, the changes would work retroactively, so any existing MZOs do not have to be consistent with the PPS.

The PPS is a foundational document for planning in Ontario. For decades, it has supported decision making around matters of provincial interest, and municipal planning decisions must be consistent with its statements. The PPS includes policies designed to protect the environment and heritage, manage growth, guide settlement area expansions, protect productive farmland and support housing choices.

The Province is seeking feedback on these proposed changes by April 3, 2021.

## Comments

The City supports provincial efforts expedite the delivery of government priorities, including transit-oriented communities, affordable housing, long-term care homes and strategic economic recovery projects by removing red tape and delays. However, City staff are concerned with the proposed changes for the following reasons set out below.

### 1. Proposed changes could result in MZOs that are inconsistent with the PPS

The proposed expanded powers would change the framework going forward to allow for the issuance of MZOs that are no longer consistent with the PPS. This would permit granting of an MZO that has no regard to current planning legislation or the public engagement and input behind those plans. Most lands in the province would follow one set of rules as defined by the

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<sup>1</sup> Corporate Report titled *City of Mississauga's Comments on Enhanced Ministerial Zoning Orders (MZOs)* dated January 22, 2021 to General Committee (refer item 9.13) - link: <https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=8935>

PPS and local Official Plans, but lands benefiting from an MZO would be subject to a lower level of social and environmental obligations.

**2. If the Government decides to use MZOs routinely, there should be greater transparency and clear public benefit**

As Council has indicated in past submissions, the Province could consider establishing clear criteria to guide its use of MZOs. Moreover, MZOs should only support projects that offer clear and direct public benefits (e.g. create affordable housing, support public health and result in significant job creation). It is further recommended that consultation with upper and lower-tier municipalities be a mandatory part of the MZO process.

## Financial Impact

There is no financial impact associated with this report.

## Conclusion

City staff do not support the proposed change to eliminate the need for MZOs to be consistent with the PPS. MZOs are a forceful tool that reduces the role of Council and the public in the planning process.

If the Government intends to make frequent use of MZOs, then City staff suggest that their use should be limited to situations that have supporting rationale, a clear public benefit and that consultation with upper and lower-tier municipalities be a mandatory part of this process.



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Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

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