

# City of Mississauga

# Corporate Report



Date: November 24, 2023  To: Chair and Members of General Committee	Originator's files: LA.07.PRO
From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Meeting date: December 6, 2023

## Subject

### RECOMMENDATION REPORT

#### **Response to Bill 150 - Planning Statute Law Amendment Act, 2023**

## Recommendation

1. That Council endorse staff's comments to the Province on Bill 150, the Planning Statute Law Amendment Act, 2023, contained in this report, which largely reverses prior provincial changes made to the Region of Peel Official Plan in November 2022.
2. That the City Clerk forwards the report titled "Response to Bill 150 - Planning Statute Law Amendment Act, 2023", dated, November 24, 2023, from the Commissioner of Planning and Building and the associated Council Decision for submission on behalf of "the head of Council", as per the Minister's instructions indicated in the letter attached as Appendix 2.

## Background

On April 28, 2022, a notice of adoption was issued by the Council of the Regional Municipality of Peel on the passing of By-law 20-2022 to repeal the July 11, 1996 Region of Peel Official Plan, and replace it with a new April 2022 Region of Peel Official Plan.

The Ministry of Municipal Affairs and Housing (MMAH) approved the new Region of Peel Official Plan, with 44 modifications on November 4, 2022 (See Appendix 1). The modifications included eight technical amendments requested by Region of Peel staff as minor housekeeping items. The modified Region of Peel Official Plan is currently in full force and effect.

On November 2, 2023, the new Minister of Municipal Affairs and Housing, Minister Paul Calandra announced a review of past decisions from MMAH related to land use planning, including official plans and Minister's Zoning Orders, to ensure that these earlier decisions support provincial goals (See Appendix 2).

General Committee	2023/12/06	2
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On November 16, 2023, new legislation, titled Bill 150, Planning Statute Law Amendment Act, 2023, was posted to the Environmental Registry of Ontario (ERO) website. The legislation proposes to reverse the official plan decisions made in November 2022 and April 2023 affecting a number of municipalities including the Region of Peel. The proposed legislation would reverse ministerial changes to official plans and official plan amendments, except where construction has begun or where doing so would contravene existing provincial legislation and regulations or for public health and safety. This includes the reversal of modifications related to urban boundaries.

The proposed legislation, if passed, would enact the Official Plan Adjustments Act, 2023 to bring into effect the official plans or official plan amendments as adopted by the municipal councils, including the Region of Peel, with a limited number of provincial modifications. Additionally, the legislation would also amend the *Planning Act* to introduce immunity provisions related to the making, amending or revoking of minister's zoning orders (MZO). This provision is intended to shield the Province and municipalities from legal claims should revocations be necessary as the ministry reviews a use it or lose it policy.

The ERO posting provides details of the legislation and identifies the provincial modifications intended to remain in official plans (see Appendix 3).

## Comments

The purpose of this report is to seek Council's formal position on Bill 150, Planning Statute Law Amendment Act, 2023. The Ministry is seeking input from impacted single and lower tier municipalities by December 16, 2023.

Regional planning staff have advised that they are generally supportive of Bill 150 and may be requesting additional housekeeping modifications be retained. City staff have advised the Region of their comments as outlined below in this report.

On November 4, 2022, the Ministry of Municipal Affairs and Housing (MMAH) approved the new Region of Peel Official Plan, with 44 modifications. The majority of the provincial modifications impacted the Town of Caledon which had their urban settlement area modified, land removed from their Prime Agricultural Area, and residential uses permitted on an Employment site. The only modification of consequence to the City of Mississauga was the removal of language in the Regional Official Plan that enabled local municipalities to establish maximum heights and densities in Major Transit Station Areas at their discretion. If the Bill is passed, it would re-insert language in the Regional Official Plan that stated local municipalities may establish maximum heights/densities in Major Transit Station Areas. While the previous removal of this language did not change any legislation or city policies, it did create some confusion. Staff support the reinsertion of the text to provide clarity on the matter.

Additionally, it would retain the following nine modifications. Mississauga Staff have no issues with these modifications as they are minor and primarily affect Caledon and Brampton. The modifications to be retained include:

- Mineral extraction policies related to Greenlands/Greenbelt.
- Removal of policy to permit expansion to the Caledon Village Settlement Area for '0' Charleston Side Road.
- Removal of policy to permit Inglewood Settlement Area expansion for specific properties.
- Removal of policy to permit Palgrave Village Settlement Area expansion for 8575 Patterson Sideroad.
- The provincial modification deleting conditions to permit settlement expansions of Sandhill Rural Settlement Area for interim dry industrial uses.
- The provincial modifications to wellhead protection mapping and figure.
- The provincial modification removing the Heritage Heights Go Station MTSA from tables and figures.

#### Comment to Province

- ***City staff support the modifications to the Region of Peel Official Plan as proposed through Bill 150.***
- ***City staff support maintaining any housekeeping modifications requested by the Region of Peel.***

In addition, the proposed changes to the *Planning Act* to introduce immunity provisions related to the making, amending or revoking of MZOs would immunize the Province, individual members of the Provincial Government, and municipalities, against any legal recourse that a landowner might try to undertake, should there be a change to an MZO or a new MZO issued which has the effect of removing previously granted zoning/development rights.

#### Comment to Province

- ***City staff support introducing immunity provisions in the Planning Act related to the making, amending or revoking of MZOs.***

## Financial Impact

There are no immediate financial impacts resulting from the recommendations in this report.

## Conclusion

Overall, staff support the changes proposed through Bill 150 and the Minister's review of recent provincial decisions on municipal official plans, including the Region of Peel. Approving the Region of Peel Official Plan as adopted on April 28, 2022, with the modifications identified in Bill 150 and those housekeeping modifications requested by the Region, will support the City's future development in line with provincial direction. Therefore, staff recommend that Council

endorse the comments outlined in this report and support Bill 150, the Planning Statute Law Amendment Act, 2023.

## Attachments

Appendix 1: MMAH Decision to approve the new Region of Peel Official Plan, Nov. 4, 2022.

Appendix 2: Letter from MMAH – Announcement Impacting Provincial Decisions on Municipal Official Plans/ Official Plan Amendments, Nov. 2, 2023.

Appendix 3: Modifications in Bill 150 – Nov. 16, 2023



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

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