

OHBA is 29 Local Associations:

BILD - GTA
Bluewater
Brantford
Chatham-Kent
Greater Dufferin
Durham Region
Grey-Bruce
Guelph & District
Haldimand-Norfolk
Haliburton County
Hamilton-Halton
Kingston-Frontenac
Lanark-Leeds
London
Niagara
North Bay & District
Greater Ottawa
Peterborough & the Kawarthas
Quinte
Renfrew
Sarnia-Lambton
Seaway Valley
Simcoe County
St. Thomas-Elgin
Stratford & Area
Sudbury & District
Thunder Bay
Waterloo Region
Greater Windsor



Ontario
Home Builders'
Association

Provincial Policy
Statement
Submission

October, 2019



Ontario
Home Builders'
Association

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Honourable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario, M5G 2E5

October 2019

Re: Provincial Policy Statement Review

The Ontario Home Builders' Association (OHBA) is pleased to have the opportunity to present recommendations to improve the Provincial Policy Statement. In November 2018 the Ministry of Municipal Affairs and Housing (MMAH) released a *Housing Supply Action Plan* consultation that solidified the Ontario government's commitment to provide more housing supply and choice to Ontarians.

The final plan released in May 2019 included measures that the Province can take to increase the supply of new ownership and rental housing and will support the government's commitment to reduce red tape and make it easier to live and do business in Ontario. The current review of the Provincial Policy Statement is a key component and a foundational document that should set broad strategic provincial priorities within the context of the *Housing Supply Action Plan*. OHBA is supportive of the *Housing Supply Action Plan* and has consulted broadly with our members and local home builders' associations across Ontario to develop the recommendations specific to the PPS contained in this submission.

OHBA strongly believes that a healthy housing system exists when a city or region has the right mix of housing choices and supply that are able to address all residents' shelter needs through their full life cycle. OHBA cautioned the previous government that policies that were ultimately implemented as part of the previous updates to the PPS in 2014 would undermine new housing supply and ultimately have a negative impact of homes prices and rental rates. This consultation represents an important opportunity to make better public policy decisions and address the barriers getting in the way of new housing supply, while ensuring the Province protects its most important environmental resources.

OHBA applauds the provincial government for recognizing constraints on housing supply and for their determination to reduce red tape in order to make it easier to live and do business in Ontario. OHBA would like to acknowledge and note our support for many changes and recent announcements already made by the government to address housing supply and support Ontario's economic competitiveness including, but not limited to: eliminating rent control from new units, amendments to the *Growth Plan for the Greater Golden Horseshoe*, the *More Homes More Choice Act* (Bill 108), apprenticeship reforms including a modernized 1-to-1 apprentice-to-journeyperson ratio and significant reductions in WSIB premiums.

We are pleased to provide you with our comments and recommendations to be considered within this review. Thank you for the opportunity to present our views on behalf of our 29 local associations.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Joe Vaccaro', written over a light blue horizontal line.

Joe Vaccaro
Chief Executive Officer
Ontario Home Builders' Association



Ontario
Home Builders'
Association

Provincial Policy Statement *Executive Summary*

Our industry faces a variety of inter-related challenges that affect our ability to build the necessary supply of new housing to meet growing demand for the people of Ontario. New home prices reflect both market conditions and the legislative framework set by government policy through municipal approvals, provincial legislation and regulatory frameworks including the Provincial Policy Statement (PPS). Government sets the rules on where, what type and when housing supply comes to the market and the market prices homes accordingly.

In an environment where housing of all types and tenures is becoming more expensive, OHBA believes that the government has an important responsibility to consider the impacts of planning, fiscal and labour policy decisions on housing supply and ultimately prices. The government has many levers it can push and pull that influence housing supply. This consultation represents an important opportunity to make better public policy decisions and for OHBA to share with the government our recommendations for addressing the barriers within the PPS getting in the way of new housing supply. OHBA strongly believes that a healthy housing system exists when a city or region has the right mix of housing choices and supply that are able to address all residents' shelter needs through their full life cycle. A properly functioning housing system should provide stability to both renters and owners, at prices people can afford and with the choice that meets their needs. High home prices and rents have affected all parts of Ontario, from big cities, to northern and rural communities, where a lack of supply has made ownership more difficult and quality rental housing hard to find.

Against this backdrop of an already constrained supply, the population of Ontario is anticipated to grow by approximately 2.6 million people over the next 12 years to 2031 (source: Ministry of Finance), meaning we need to build 1 million more homes. This growth brings with it both challenges and opportunities as the new residents will require housing, job opportunities, health services, education and recreational facilities. In order to have complete communities, all levels of government have to be prepared to work together.

OHBA believes that the current review of the PPS offers an opportunity to provide for a broader range of housing types to meet a full range of needs. The PPS provides overall policy directions on matters of provincial interest related to land use planning and development in Ontario, and applies province-wide. The Ontario Government's goal should be to provide long-term and sustainable benefits to the citizens of Ontario supporting certainty and economic growth; reducing barriers and costs; supporting urban, rural and northern communities; and increasing housing supply and mix. The planning process is extremely complex, uncertain and time-consuming and in combination with actions already taken through the *Housing Supply Action Plan*, OHBA believes that the proposed draft statements serve to create a better balance between economic, social and environmental priorities.

While OHBA is generally supportive of the direction the provincial government has taken in the draft statements, this submission will suggest a number of additional recommendations to improve the PPS. OHBA notes that the PPS should not be viewed in isolation, but rather as a set of minimum policies within the broader context of the *Planning Act*, provincial plans and the *Housing Supply Action Plan*. We are therefore supportive of the guiding principles to protect provincial land use interests that are important to the long-term economic, environmental and social well-being of Ontario. OHBA is committed to working with the Provincial Government in the delivery of modernize public policy and to ensure that Ontario communities prosper and grow while maintaining an appropriate balance with other key objectives to enhance the quality of life for all Ontarians.



Vision for Ontario's Land Use-Planning System

Ontario is a vast, diverse province with local communities having very different urban, suburban and rural contexts. OHBA is therefore generally supportive of the "Vision for Ontario's Land-Use Planning System" within the PPS including the proposed amendments. OHBA specifically notes and supports the proposed amended language to encourage more housing supply within the vision statement: "Planning authorities are encouraged to permit and facilitate a range of housing options, including new developments as well as residential intensification, to respond to current and future needs."

1.0 Building Strong and Healthy Communities

1.0. – OHBA supports language that recognizes the diversity of settlement areas ranging from rural areas to urban areas including the size and characteristics of these communities so that all areas of Ontario can relate to the policies contained in the PPS.

Managing and Directing Land-Use to Achieve Efficient and Resilient Development and Land use Patterns

1.1.1. (b) – OHBA believes that it is appropriate to consider local market factors in estimating long term needs for residential, commercial and industrial uses. To build strong communities, OHBA is therefore supportive of the proposed inclusion of "market-based" language. It is also important to consider other factors that influence the need for these and other land uses. Examples of other factors that affect long-term needs for various land uses include population growth, changes in the age profile of the population, environmental change, etc. OHBA is also supportive of proposed language that specifically identifies a range and mix of residential types including "single-detached, additional residential units and multi-unit housing". OHBA recommends for clarity that the province consider defining "market based". OHBA further recommends language to be added to "promote housing affordability and choice."

1.1.1 (e) – The existing PPS policy is a useful mechanism for demonstrating why it is in the public interest to have municipal planning policies that minimize the consumption of land and the cost of servicing new housing and commercial and industrial buildings. Promoting the integration of land use planning, growth management, transit-supportive development where planned and provided for and infrastructure planning is a worthwhile objective on its own.

OHBA is concerned that mixing this objective with the objectives of cost-effective development and minimizing land consumption and servicing costs may weaken or obscure both objectives. OHBA suggests that it would be better to keep policy 1.1.1 (e) as it is, and add a new policy under 1.1.1 that says: "promoting the integration of

land use planning, growth management, transit-supportive development, intensification and infrastructure planning.”

While the integration of these activities assist to achieve cost-effective development patterns and minimize land consumption and servicing costs, it has other public policy benefits including environmental benefits and improvements in the quality and reliability of public services (e.g. water and wastewater, public transit, etc.).

1.1.2. – OHBA strongly supports the amendment that “sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon up to 25 years”. This amendment extending the time from 20 years to 25 years is supported by OHBA. It is our position that municipalities, especially those experiencing growth, need to evaluate their land and infrastructure needs beyond the current 20-year mark. This is a position that OHBA has previously recommended through other reviews of the PPS, however OHBA recommends the words “up to” be removed as the planning time horizon should be for 25-years.

OHBA would welcome the reintroduction of provincial guidelines to replace the Projection Methodology Guideline. The old Projection Methodology Guideline (PMG) provided clear technical instructions and advice regarding forecasting population growth, housing needs (by type, tenure and affordability), and employment and employment land needs. While the methodology and advice set out in the old PMG is still largely applicable, it should be updated. Changes in computer hardware and software, and the quality and quantity of data available now permit more sophisticated modelling of current and future housing requirements.

The new provincial guidelines should, of course, reflect current provincial planning policy. However, the implementation of provincial planning policy should take into account evidence-based forecasts of housing and employment land needs.

Settlement Areas

1.1.2 – OHBA suggests adding language in the first paragraph that, “a sufficient supply of housing is essential to improve affordability, housing choice and quality of life.”

1.1.3.2 – OHBA recommends “designated growth areas” be added to the final sentence so that it states: “Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification, redevelopment* and *designated growth areas* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 – OHBA notes that not all types of desirable intensification are transit supportive and not all types of intensification accommodate a significant supply of new housing. For example, some small settlements in Ontario have no public transit and no future prospects for public transit. Regardless, it is still good public policy to promote appropriately scaled infill development, and the redevelopment of previously developed and now vacant properties in these settlements. Therefore, OHBA recommends that policy 1.1.3.3 remain as is, and an additional policy be added to promote higher concentrations of intensification in proximity to existing and planned transit, and the provision of a significant supply and range of housing options through intensification and redevelopment where appropriate.

1.1.3.6. – OHBA supports the proposed amendment from “shall” to “should” to ensure a better balance between infill, intensification, redevelopment and expansion to provide for greater housing choice in the marketplace.

1.1.3.7. - OHBA has previously expressed concern that this policy brings growth planning principles into the PPS and this policy suggests that intensification targets must be met prior to settlement area expansion. OHBA believes that the policy is redundant in the GGH and not appropriate for most Ontario medium and smaller sized communities, therefore OHBA recommends this policy be removed. Alternatively, if the policy is to remain, OHBA supports the proposed amendment from “shall” to “should”.

1.1.3.8. (a) – OHBA is generally supportive of the proposed amendment “to satisfy market demand”. However the proposed amendments to this policy suggest that market demand and projected needs are different things. Projected needs should take into account market demand, as well as demographic and economic trends and forecasts. For example, based on current market demand someone might conclude there is little need for new single detached houses in the Greater Toronto Area. However, the absence of apparent market demand is a reflection of unaffordable housing prices and not an absence of the need for housing that is suitable for families with children. OHBA therefore recommends additional language, “and to satisfy projected needs.”

1.1.3.8. (c) 2 – OHBA is concerned with reporting and study requirements that may arise when demonstrating that alternative locations have been evaluated and providing approval authorities with proof that alternative locations have been fully vetted and would be unsuitable for development. OHBA suggests this is already included in the definition of comprehensive review and applies more broadly. Furthermore, 1.1.3.8 (c) ii should be removed.

1.1.3.8. (d) –OHBA is concerned that new residential development in urban expansion areas will have to be separated from agricultural uses based on the MDS. This is problematic in the orderly expansion of urban areas as those expansions typically occur on former agricultural lands. OHBA is concerned the MDS policy is too prescriptive and as such, may be misinterpreted. While 1.1.3.8 (e) mitigates policy (d) through avoidance and minimalization, OHBA simply recommends this policy be removed.

1.1.3.8 (f) – OHBA recommends an additional policy (f) be added so that settlement area expansions be delineated by logical boundaries that result in complete communities such as, but not limited to major roads and natural features.

1.1.3.8 (e) – OHBA supports the proposed language that the level of detail of an assessment should correspond with the complexity and scale of the settlement boundary expansion or the proposed development. This amendment will support new housing supply and reduce regulatory burdens on both proponents and municipalities.

1.1.3.9 – OHBA is strongly supportive of this new proposed policy that will increase flexibility by permitting minor adjustments to settlement boundaries outside the comprehensive review process. OHBA supports the proposed amendment and notes that it aligns well with the parallel policy contained in the Growth Plan for the Greater Golden Horseshoe.

Coordination

1.2.1. (a) – OHBA supports the proposed language “that is integrated with infrastructure planning”.

1.2.2 – The use of the term “shall engage” in respect of Aboriginal communities has the potential to cause confusion and debate. OHBA respects the relationship to the Province’s constitutional Duty to Consult. However the obligations in the PPS are unclear as it suggests municipalities must introduce new processes within their review, although the current engagement and consultation is prescribed in existing legislation and/or professional licenses.

1.2.4. (c) – OHBA is concerned by policies to identify intensification targets that should be met prior to the boundary expansion of settlement areas. For larger settlement areas, OHBA recommends instead of “before” for a change to “before or concurrent with”. Furthermore, OHBA notes that many smaller Ontario communities have limited growth potential and that intensification policies such as this can be a significant barrier to investment and those limited opportunities for growth.

1.2.4. (d) – OHBA believes it is problematic because achieving density targets along transit corridors is often a long-term planning exercise and dependent on higher density housing and commercial development. If expansion of settlement area boundaries should not be permitted until a minimum density target is achieved in these corridors, this may create a shortage of land for ground-related housing. This is an unreasonable constraint on settlement area boundary expansion in a section that deals with coordination.

Land Use Compatibility

1.2.6 - Revisions should be considered to Policy 1.2.6 to ensure the scope of this policy is appropriately scoped. The policy itself is clear regarding planning for major facilities and sensitive land uses. However, many municipalities adopt an overly broad interpretation of the definition of sensitive land uses to include uses that are not truly ‘sensitive’ within the intent of this policy. For example, some municipalities consider office uses to be ‘sensitive’, which results in the potential for such uses to be prohibited in certain employment areas or in proximity to transit (which is considered a rail facility). Specifically excluding office uses from the definition of sensitive uses would be one method to address this issue but, regardless, some consideration should be given to effective scoping of this policy to reflect its true intent.

1.2.6.1 – OHBA recommends “prevent adverse effects” be replaced with “minimize externalities”.

OHBA is concerned that the proposed amendment to policy 1.2.6.1 and the introduction of policy 1.2.6.2 do not appear to reflect the reality of Ontario’s communities where industrial areas and other major facilities are located adjacent to residential communities. Modern land use planning practice does not provide for buffers of vacant undevelopable land between industrial areas and residential communities. Where potential land use conflicts may be managed through design and/or other mitigation measures, this should be promoted as has been proposed in 1.2.6.2 (b).

Of particular concern is the proposed language of “if avoidance is not possible” in 1.2.6.1 and 1.2.6.2, as this could potentially be interpreted to suggest that a sensitive land use should not be approved, even where appropriate mitigation of potential adverse effects is feasible, as it is always “possible” to avoid potential

adverse effects simply by refusing an application. In this regard, it is noteworthy that the term “major facilities” is broadly defined in the PPS, including “transportation infrastructure and corridors”, resulting in a policy that could therefore have the unintended consequence of restricting transit-supportive development.

Employment Areas

1.3.1. (a) – OHBA supports proposed language, “and, mixed uses” to reflect modern planning and city building practices.

1.3.1. (c) – OHBA supports this new proposed policy to facilitate economic investment.

1.3.1. (d) – OHBA supports encouraging municipalities to facilitate the conditions for economic investment.

1.3.2.2 – OHBA supports allowing additional uses, or conversion of uses, in the absence of comprehensive review, where such addition or conversion is otherwise in compliance with the PPS. The expansion of existing uses would allow better opportunities to maximize infrastructure and land-uses to achieve the objectives of the PPS and growth plans. OHBA notes the economic base of the province is in transition and that some employment areas should be planned for a mix of residential, retail and commercial office uses. The PPS should allow for the opportunity of mixed-use communities that maximize land-uses including mixed-use in employment areas and districts.

1.3.2.5 – OHBA strongly supports proposed amendments for additional flexibility for conversion to non-employment uses in areas not identified as provincially or regionally significant.

1.3.2.7. - Municipalities should be given the opportunity to look out beyond 20 years to plan for employment land objectives. OHBA is therefore supportive of the proposed amendment from 20 years to 25 years.

Provincially Significant Employment Zones (PSEZs) - Policy 2.2.5.12 of The Growth Plan for the Greater Golden Horseshoe (2019) allows a Minister to identify PSEZs and provide specific direction for planning in those areas through appropriate official plan policies and designations and economic development strategies. While the draft PPS recognizes PSEZs and the potential for conversions of non-PSEZs outside a comprehensive review, it does not propose a policy similar to Policy 2.2.5.12 of the Growth Plan to ensure that any Ministerial direction implemented through Policy 2.2.5.12 is consistent with the PPS. A policy similar to Policy 2.2.5.12 of the Growth Plan, or other mechanism, should be considered

Housing

1.4.1. – OHBA supports policies for a diverse range of housing and for providing “housing choice” to consumers. OHBA supports the proposed amended language from “housing types” to “housing options”.

OHBA also supports proposed language to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment and land in draft approved and registered plans.

1.4.1 (a) – OHBA strongly supports the proposed increase in the requirement to maintain the ability to

accommodate residential growth from the current minimum of “10 years”. This will support increasing housing supply. OHBA however recommends that the increase be to 15 years, rather than the proposed 12 years, as this would correspond with the proposed five-year increase in planning in policy 1.1.2 from 20-to-25 years, it would coincide with the 5-year increments for Census data that is often used for residential growth management purposes, and it would better reflect the often lengthy approvals process for developing residential land.

1.4.1 (b) – OHBA recommends that maintaining land with servicing capacity and availability is critical to meeting the intent of this policy as well as extending the time horizon to five years. Therefore, OHBA recommends additional wording “...land with servicing capacity *and availability* sufficient to provide a 5-year supply of residential units...”.

1.4.2 (a) and (b) – OHBA recommends that “allocation” be replaced with “minimum forecasts” in both (a) and (b).

1.4.3. – OHBA supports the proposed amendment from “types” to “options” and “requirements” to “market-based needs”.

OHBA notes however, that the projection of housing needs (or requirements) should reflect both market factors and demographic factors. The introductory part of this policy should use the same or very similar language as the introductory part of 1.4.1.

1.4.3. (b) – OHBA supports the proposed amendments.

1.4.3. (e) – OHBA supports the proposed amendments that will support transit-oriented housing supply for lands in proximately to existing and future facilities.

1.4.3. (f) – OHBA is supportive of policies that would “minimize the cost of housing and facilitate compact form”. However, OHBA notes that many municipal policies are being applied that are detrimental to new home buyers in intensification areas by artificially raising the cost of intensified housing product.

Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1. – OHBA is concerned by undefined terms and how they are interpreted by municipalities. What specifically does “foster social interaction” and “community connectivity” mean? These policies require clarification from a land-use planning perspective or should be removed from the PPS.

Infrastructure and Public Service Facilities

1.6.1 – OHBA supports the removal of language related to electricity generation facilities and transmission and distribution systems.

1.6.2. – OHBA is concerned that the definition of “green infrastructure” mixes the intent of technology and the function of the natural landscape. The term “green infrastructure” is defined however it is confusing because the detailed list in the definition is not consistent with what is more commonly referred to as “infrastructure” (sewers, laterals, roads etc.).

Sewage, Water and Stormwater

1.6.6.1 – OHBA supports streamlined language that reduces regulatory burden.

1.6.6.4. – OHBA is concerned by “no negative impacts”. This is an exceptionally high standard that is difficult to prove. The PPS should allow for mitigation opportunities to reduce impacts and therefore recommends that policy state “minimize adverse impacts where feasible”. Furthermore, OHBA recommends “for infilling and minor rounding out of existing developments” be replaced with “when municipal or private communal sewage or water services are not available.”

1.6.6.5. (b) – Again, OHBA is concerned that “no negative impacts” is too high a standard. The definition of “no negative impacts”, with respect to the policies, provides that hydrogeological or water quality impact assessments are to be completed in accordance to provincial standards demonstrating no negative impact. Furthermore, OHBA recommends “for infilling and minor rounding out of existing developments on partial services” be replaced with “when municipal or private communal sewage or water services are not available.”

1.6.6.7. – OHBA is greatly concerned by the layers of storm water management (SWM) policies that are covered by other legislative and regulatory mechanisms within the PPS. OHBA strongly cautions against including this level of detail with respect to SWM in the PPS. OHBA questions how subsection (e) can be implemented in a greenfield development site or within a settlement area boundary expansion. Any new development occurring on a greenfield site will increase impervious surfaces and likely reduce the extent and function of vegetative surfaces. OHBA would support language amendments in (d) to “mitigate” risks.

Transportation Systems

1.6.7.2. – OHBA supports the proposed amendment from “shall” to “should”.

Transportation and Infrastructure Corridors

1.6.8.5. – OHBA supports the proposed new policy for co-location of linear infrastructure.

Waste Management

1.6.10.1. – OHBA supports the language being removed from this section. OHBA articulated concern in the 2012 PPS review of the unintended consequences of this policy that draws linkages between land-use patterns and waste diversion.

Energy Supply

1.6.11.1. – OHBA supports the proposed language to provide opportunities for “district energy, and renewable energy systems and alternative energy systems.”

Long-Term Economic Prosperity

1.7.1. (a) – OHBA recommends a clearer definition of what “community investment readiness” actually means. If the policy is with respect to long-term land supply, infrastructure and transit funding, which OHBA would support, the intent of the policy should be clearer.

1.7.1. (b) – OHBA supports the proposed new policy.

1.7.1. (c) – OHBA supports streamlined language.

1.7.1. (i) – OHBA supports the clarity provided as to the intent of the policy.

1.7.1. (j) – OHBA supports the streamlined language.

Energy Conservation, Air Quality and Climate Change

1.8.1. (e) – Although encouraging transit-supportive development and intensification is a worthwhile policy that promotes energy conservation and improved air quality, adding those words to this section of the policy obscures another worthwhile policy – encouraging a mix of employment uses and housing in communities so that more people can walk or cycle to work and, for those who drive to work, the length of their commute is minimized. This is a valid planning objective regardless of the whether the development occurs at transit-supportive densities or through intensification of previously developed lands.

1.8.1. (g) – This level of land-use planning detail is not appropriate and could be problematic to implement. OHBA recommends this policy be removed.

2.0 Wise Use and Management of Resources

Natural Heritage

2.1.1. – OHBA is concerned that the language stating that Natural features and areas shall be protected for the long term is vague and potentially overly inclusive. It lacks clarity with respect to what features and areas are intended to be protected. The term ‘natural features and areas’ is not italicized, and therefore not defined, however, the term *Natural heritage features and areas* is defined. Furthermore, a different lense in terms of protection, mitigation and avoidance should be applied within settlement areas versus outside of settlement areas.

2.1.3. – OHBA is concerned that this policy has elevated insignificant features for protection. Essentially natural heritage systems have been more likely to be incorporated into local Official Plans as an additional feature requiring consideration. OHBA is concerned there may not be appropriate tests of significance and that municipalities may map and protect features to obtain provincial protection. This policy has led towards a number of relatively minor features being elevated in status.

2.1.7. – OHBA had previously expressed concern in the last PPS review of the potential impact with respect to the Ministry ESA permitting and that this policy encouraged other agencies and/or local levels of government to insert themselves into a provincial process. The ESA Permit is an end of process permit and local approval authorities should not hold up planning related approvals while proponents work with MECP through the Overall Benefit Permitting process or other processes such as the Species at Risk Conservation Trust.

2.1.8. – This policy has remained the same from the previous PPS and is prohibitive in its wording and the definitions provided when it states that “Development and site alteration will not be permitted on adjacent lands to 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions.” This is a very strong statement which suggests that mitigation measures cannot be considered and implemented. OHBA recommends that the Policy 2.1.8 be modified to allow for mitigation measures being implemented on adjacent lands in order to demonstrate that there will be no negative impacts on the natural features or ecological functions of the identified areas.

Water

2.2.1. (i) – This policy has remained the same from the previous PPS and requires that all planning authorities ensure “storm water management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.” This is in contradiction to the thrust of the PPS policies that require intensification, even in new development areas, and require the efficient use of land for housing. Intensification, by its definition, requires that the site is developed at a higher density. This precludes the stated goal of Policy 2.2.1 (i) to increase the extent of vegetative and pervious surfaces. OHBA recommends that the Policy 2.2.1(i) be removed.

Agricultural

2.3.2 – OHBA is concerned by additional regulatory burdens and protections being added to the PPS.

2.3.3.3. – OHBA is supportive of language amendments that clarify this policy only applies to prime agricultural areas. OHBA has a longstanding position that the MDS should not apply to designated urban/settlement areas or in circumstances where MDS would have the potential to affect lands within an urban/settlement area.

Cultural Heritage and Archaeology

2.6.1. – This section has not changed from the previous PPS and OHBA supports the conservation and protection of Ontario’s cultural heritage resources where appropriate. However, a greater emphasis on intensification and redevelopment inevitably leads to greater development pressure on built heritage resources and significant cultural heritage landscapes. OHBA cautions that heritage lands and buildings may impact land availability and supply and therefore create conflicts with intensification targets. Therefore, OHBA recommends section 2.6.1 of the PPS be amended to support mitigation and avoidance.

OHBA recommends that the definition of *Significant cultural heritage landscapes* specifically exclude rural road streetscapes, farm building clusters and view corridors within urban areas. The preservation of extensive agricultural landscapes in an urban context is counterproductive and contrary to so many other policies of the

PPS, yet some planning authorities have applied the definition in this manner to preserve these features in an urban context as *Significant cultural heritage landscapes* – OHBA recommends that the province provide clarity that the interpretation of this section of the PPS does not include such areas to be within the definition of a *Significant cultural heritage landscapes*.

OHBA further notes Policy 2.6.1 requires the conservation of significant built heritage resources and significant cultural heritage landscapes. Both definitions, however, remain broad and should be narrowed to be more consistent with the definition of protected heritage property. For example, the definition of built heritage resource includes listed and designated properties, meaning that a municipality need only list a property to engage the Provincial Policy Statement. A municipality should have to designate a property to engage policy 2.6.1. Also, the definition of cultural heritage landscape remains vague and broad. Consideration should be given to requiring a landscape to be identified through a process in order to engage the Provincial Policy Statement.

2.6.2. – OHBA is concerned this policy is restrictive as it relates to the development of sites with archaeological resources. The term “conservation” is used, which could mean leaving these resources in place. Archaeological management has always meant proper documentation and preservation of resources, but not preventing development, except in exceptional cases. Furthermore, OHBA believes that Stage One and Two Archeological Assessments should be sufficient for non indigenous sites.

2.6.3. – OHBA is concerned the language that “planning authorities shall not permit development or site alteration...” provides the ability to sterilize a site. OHBA is very concerned that without the ability for mitigation, some sites will not be developable. OHBA anticipates that intensification oriented policies, directing growth towards existing communities and downtowns, will continue to mount pressure on heritage buildings and the inevitable conflicts between heritage conservation and intensification (especially when municipalities interpret “conserve” as “preserve”) will become an even more significant issue for stakeholders in the years ahead. OHBA is concerned that the draft policy limits opportunities for mitigation or creative solutions and simply does not permit development or site alteration.

2.6.5 – OHBA recognizes the constitutional duty to consult, however we note that there is confusion in the private sector with respect to how to satisfy this obligation for private sector applications.

3.0 Protecting Public Health and Safety

Natural Hazards

3.1.3. – OHBA questions how specifically planning authorities shall prepare for the potential impacts of a changing climate that may increase the risk associated with natural hazards. This type of policy can be troublesome from the point of view of a development proponent as the test for assessing risk is not clear. This will likely necessitate technical studies that forecast the impacts of climate change on factors such as flooding – something that can be considerably difficult to model. OHBA recognizes the need to plan for a changing climate, our concern is specifically with respect to unclear requirements for how to do so.

3.2.3 – OHBA is supportive of the new PPS policy with respect to supporting, where feasible, on-site and local re-use of excess soil.

4.0 Implementation and Interpretation

4.2 – OHBA is supportive of a simplified and clearer policy for 4.2.

4.4 – OHBA is not clear with respect to how the Human Rights Code or the Charter impact the implementation of the PPS.

4.6 - OHBA has expressed concerns to the Ministry of Municipal Affairs and Housing for many years that many municipalities have out-dated zoning by-laws and some large municipalities have not modernized their zoning in a couple of decades. It is critical that municipalities update and modernize zoning to reflect the current planning framework. Up-to-date municipal official plans are the key implementation tool for the PPS and *A Place to Grow*. OHBA is therefore supportive with respect to clear and definitive language in the PPS to keep these municipal implementation documents up-to-date.

4.7. – OHBA is very supportive of new language regarding the identification and fast tracking of priority applications to support increased housing supply and to facilitate timely and streamlined approvals.

6.0 Definitions

OHBA is generally supportive that the province has provided greater clarity with respect to a number of definitions. OHBA suggests that the definition of housing options may need to be better organized if it is to be effective.

-) Housing structure types (e.g. single detached houses, semi-detached houses, row houses, stacked and back-to-back townhouses, apartments in apartment buildings, tiny houses, additional residential units, etc.);
-) Financial arrangements for housing (e.g. owner-occupied, rental, life lease, co-ownership, cooperative housing, community land trusts, government subsidized housing, condominiums, etc.);
-) Affordability (housing that meets the PPS definition of affordable housing, as well as housing options that are affordable to people at all other levels of income);
-) Housing for people with special needs; and
-) Housing related to employment, institutional and educational uses.

It may be useful to provide a better organized (albeit longer) definition of housing options. Alternatively, a policy could be added to section 1.4 (housing) to provide more detail regarding the range and mix of housing options the Province is seeking for Ontario residents. Proposed changes to specific land use planning definitions are also noteworthy, particularly the definitions for *cultural heritage landscape* and *transit supportive*. Under previous PPS iterations, cultural heritage landscapes were defined as geographical areas that have a defined cultural heritage value or interest, but there were limited provisions in place that allowed these areas to be protected within local planning policies. The revised proposed definition goes so far as to say that cultural heritage landscapes can be protected through official plans, zoning by-laws or other land use planning mechanisms, which is a concern to OHBA.

Also of particular concern to OHBA is the proposed addition of the words “and that must be retained” in the definition of “heritage attributes”. The proposed change could be interpreted to mean that all identified heritage attributes (the principal features or elements that contribute to the cultural heritage value or interest of a property) must be retained/kept when making planning decisions. The term “retained” is contrasted with the term “conserved” — whereas the latter term is defined in the PPS and has a broad and more flexible meaning, the former is not defined and is arguably more inflexible. In our view, the proposed amendment runs counter to the “shall be conserved” standard of the cultural heritage policies in the PPS. This standard requires that the property’s “cultural heritage value or interest” be retained, but not that all individual heritage attributes be kept. Indeed, the proposed amendment would create an apparent contradiction in Policy 2.6.3, which states that the “*heritage attributes of the protected heritage property will be conserved*”, whereas the proposed amendment would seem to require that the heritage attributes actually be retained.

Further, the proposed amendment to the definition of “heritage attributes” is also inconsistent with the recent Bill 108 amendment to the *Ontario Heritage Act*, which amends the demolition control provisions in section 34 to add “heritage attributes”, along with buildings and structures, as features of a property that can be demolished and/or removed. It seems odd that the Province would, in one context, establish a process by which a property owner can apply and potentially appeal an application to demolish or remove “any of the property’s heritage attributes” and, in a related context, direct that a property’s heritage attributes “must be retained”. Thus, OHBA recommends that the proposed addition of the words “and that must be retained” be removed from the definition of “heritage attributes”.

OHBA is concerned that *Natural Heritage Systems* has too broad a definition, which could be used to restrict development on too many lands that are not “significant” in any way. This is very evident in that the system can include areas with neither ecological importance nor ecological functions (i.e., “... *lands that have the potential to be restored to a natural state...*”). The term ‘working landscapes that enable ecological functions’ could describe most lands. Additional clarity is required.

OHBA is concerned by the definition of *Comprehensive Review*. Sec a) 2 – includes language “...considers physical constraints to accommodating the proposed development within existing settlement area boundaries.” OHBA is concerned that new language suggests an additional hurdle or complexity to urban boundary expansions – clarification of the intent of this definition is recommended. Sec a) 3- suggests consideration for “...financial viability over the life cycle of these asset”. Similar to concerns raised earlier in this OHBA PPS submission, OHBA is unclear as to the intention of the new wording and what unintended or additional requirements may be included in an already complex process. Lastly new language “In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the proposal” – OHBA notes that comprehensive reviews can be a very lengthy and costly undertaking, so flexibility to reduce the scope for less complex and smaller scale proposals would be welcome.

Within the definition of “Natural Heritage System”, OHBA recommends that clarity be provided that within settlement areas an appropriate balance needs to be established between the need to protect and maintain natural processes while making efficient use of land for compact transit oriented communities.

The definition of “significant” as it relates to natural heritage merits some additional consideration. While

criteria is recommended by the Province, municipal approaches that achieve or exceed the same objective may also be used. This approach has tipped the playing field in favour of the assignment of natural heritage significance to unnecessarily and unreasonably large land areas within the urban and near urban areas. This has created a challenging circumstance for those interested in the ability to reach balanced and appropriate land-use planning decisions. Further guidance is required from the Province to prevent such occurrences from becoming inefficient and contrary to the Province's interests.

Conclusion

The Provincial Policy Statement should be a strategic document to protect provincial interests and set broad planning parameters, goals and objectives. OHBA is generally supportive of efforts by the Ministry of Municipal Affairs and Housing to streamline the PPS and to set clearer goals and priorities that define the provincial interest. OHBA believes that the PPS should provide strategic responses to support Ontario in a transitioning economy. An overly regulated planning framework and heavily taxed housing sector negatively impacts housing affordability and, therefore the financial stability of the citizens of Ontario. OHBA is supportive of the Province's *Open for Business* approach while still providing strong protections for what Ontarians value.

While OHBA is generally supportive of the direction the provincial government has taken in the draft amendments, OHBA has provided a number of additional recommendations to improve the PPS. OHBA notes that the PPS should not be viewed in isolation, but rather as a set of minimum policies within the broader context of the *Planning Act*, provincial plans and the *Housing Supply Action Plan*. We are therefore supportive of the guiding principles to protect provincial land use interests that are important to the long-term economic, environmental and social well-being of Ontario. During the last review of the PPS, OHBA was particularly concerned about restrictive policies that would drive land prices upwards and with the increased need for technical studies to address escalating levels of complexity and broad policy language with unclear definitions. OHBA stated in both our 2010 and 2012 submissions that the PPS was too detailed and prescriptive leaving little room for flexibility and creativity.

The PPS as currently proposed and with our recommendations would be strategic in nature and less prescriptive, affording greater flexibility to protect what is important while facilitating economic growth and providing guidance to local governments and their Official Plans. Lastly OHBA believes that the PPS should recognize the regional differences and the diversity of settlement areas that exist across the province. OHBA is committed to working with the Province in creating the right balance and to ensure that Ontario is prosperous and healthy. We are committed to working with the Provincial Government to ensure that Ontario communities prosper and grow to enhance the quality of life for all Ontarians.