

Bill 23, More Homes Built Faster Act, 2022 - Public Hearing Requirements for Plans of Subdivision

Presented To:	Planning Committee
Meeting Date:	October 21, 2024
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/24-07

Report Summary

This report provides a recommendation regarding amendments to the City's Official Plan, as amended, in response to legislative changes resulting from Bill 23, More Homes Built Faster Act, 2022.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the Official Plan Amendment to implement Bill 23, More Homes Built Faster Act, 2022 with respect to changes to public hearing requirements for plans of subdivision, as outlined in the report titled "Bill 23, More Homes Built Faster Act, 2022- Public Hearing Requirements for Plans of Subdivision", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 21, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

This report is an operational matter under the Planning Act to which the City is responding

Financial Implications

There are no financial implications associated with this report.

Report Overview

This report will focus on examining the changes to statutory public meeting requirements for plans of subdivision within the Planning Act and the implications from a public consultation perspective.

Staff Report

Background:

Bill 23 - More Homes Built Faster Act received Royal Assent on November 28, 2022 and is intended to support Ontario's Housing Supply Action Plan with a stated aim of increasing the supply of housing in the Province. Bill 23 made several legislative changes to various Acts, including the Planning Act. One of the Planning Act changes in effect as of November 28 2022 is that public meeting requirements for plans of subdivision applications have been removed. It is noted that the requirement for public circulation of the notice of application has not been removed or altered and would continue to allow for written public comments to be received and included as part of a Committee decision. The opportunity for oral comments, however, is no longer a mandated requirement of the Planning Act. That being said, the legislation does not prevent Municipalities from having public meetings, making the decision to have one optional. It is noted that there have been no changes to appeal rights for plans of subdivision as a result of Bill 23, meaning a member of the public will not be permitted/able to appeal. Bill 108, which received Royal Assent on June 6, 2019 removed the ability for a member of the public to appeal plans of subdivision.

At the June 24, 2024 Planning Committee Meeting, staff brought forward a report regarding these changes. Planning Committee Resolution PL2024-100 stemming from that report states:

THAT staff be directed to initiate the process to amend the Official Plan to remove the requirement of a public hearing for Plan of Subdivision Applications in accordance with the Planning Act, as outlined in the report entitled "Bill 23, More Homes Built Faster Act, 2022-Public Hearing Requirements for Plans of Subdivision", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 24, 2024.

This report is to address the required changes to the Official Plan to comply with Bill 23 and as directed by Planning Committee in Resolution PL2024-100 and Council Resolution CC2024-140.

Policy and Framework:

City of Greater Sudbury Official Plan

Section 19.11 of the Official Plan speaks to citizen participation and public meetings. More specifically, Section 19.11.1 contains policies on public notification requirements for planning act applications. In terms of plans of subdivision the current standard is as follows:

"Where the City proposes to approve a draft plan of subdivision, a public meeting will be held no sooner than 14 days after the requirements for the giving of notice have been complied with."

It is recommended that Section 19.11.1 be amended to delete the above text. Removing the above would have the effect of being consistent with the *Planning Act* and provincial direction. The detailed amendment can be found in Appendix A.

Public Consultation:

Notice of the Application was published in the September 14, 2024 Newspaper and Notice of Public Hearing was published in the September 28, 2024 Newspaper in accordance with the Planning Act. At the time of writing the subject report no written or oral submissions were received from the public.

Analysis:

Should Committee be favorable to an Official Plan Amendment to remove the requirement for public hearings for plans of subdivision it is anticipated that minor process changes would occur that would increase the efficiency while maintaining public input as part of the decision-making process. Notice of Application would still be circulated in the newspaper, to landowners within the buffer radius, and to departments and agencies. Comments received would continue to be included with the staff recommendation report. Reports would be considered as Manager Reports on the agenda rather than under the Public Meeting section. Members of the public currently are unable to appeal plans of subdivision, this would remain unchanged.

It is noted that more often than not, plans of subdivision are accompanied by an official plan amendment and/or zoning by-law amendment, which do legislatively require a public meeting under the Planning Act.

Conclusion:

It is recommended that the amendment to the Official Plan to implement the required changes from Bill 23, More Homes Built Faster Act, 2022 with respect to public hearing requirements for plans of subdivision be approved as described in the resolution.

**AMENDMENT NUMBER 137
TO THE CITY OF GREATER SUDBURY OFFICIAL PLAN**

Components of the Amendment:

Part A, the Preamble, does not constitute part of this Amendment.

Part B, the Amendment, constitutes Amendment 137 to the City of Greater Sudbury Official Plan.

PART A - THE PREAMBLE

Purpose of the Amendment:

The proposed amendment is to remove the requirement for a public hearing for plans of subdivision and condominium, in accordance with the changes to the *Planning Act* through Bill 23, the *More Homes Built Faster Act, 2022*.

Location:

All lands within the City of Greater Sudbury.

Basis:

In effect as of November 28, 2022, through Bill 23, public meeting requirements for plans of subdivision applications have been removed from the *Planning Act*. A City initiated Application for Official Plan Amendment (File #701-6/24-07) has been submitted for consideration by Planning Committee and Council in order to implement the policy change.

PART B - THE AMENDMENT

The Official Plan is hereby amended, as follows:

- 1) In Part 19.0 Implementation, 19.11 Citizen Participation and Public Meetings, 19.11.1 Public Notification by deleting 'Where the City proposes to approve a draft plan of subdivision, a public meeting will be held no sooner than 14 days after the requirements for the giving of notice have been complied with.'