

Council voices 'disdain' for Bill 109; asks Province to reopen it

By Mark PavilonsEditor

Fears that Bill 109 will severely hinder municipal autonomy has prompted King councillors to ask the Province to put the breaks on the legislation. Council passed a motion recently, asking that the Province 'take no further action' with Bill 109, the More Homes for Everyone Act, 2022, which received Royal Assent on April 14, until municipalities and other stakeholders can be included in a consultation process. Township planning staff produced a 26-page document in response to the release by the Province of draft Bill 109 for comment. King's report outlines concerns that include timelines for municipalities to review planning applications, and the refund of fees to developers if those timelines are not met; increased Ministerial powers regarding land use decisions and appeals; and amendments to site plan control. While municipal input was sought, the Province jumped the gun, pre-empting any meaningful consultation, giving it Royal Assent April 14. That was ahead of its supposed April 29 deadline for receiving comments. The Province tabled Bill 109 on March 30; moved to a second reading on March 31, and to Standing Committee on April 4. Township staff voiced their concern that the Province moved ahead with approval, prior to receiving all the municipal input. The King motion asks the Province to review all comments received and conduct an open and comprehensive consultation with all interested parties to this Bill, especially with municipalities that will be a significant partner in implementing Bill 109. King wants a 'revised' Bill 109 to be released for comment for a period of a minimum of 60 days. Councillors and members of the public shared their shock and opposition to this latest move. 'King has worked well with the Provincial government and has seen many positive projects move forward. It is concerning, however, that Bill 109, the More Homes for Everyone Act, received Royal Assent on April 14 during what should be a consultation process,' said Mayor Steve Pellegrini. 'Municipalities need a seat at the table to ensure that there is a thoughtful approach to planning the future of our cities, towns and villages, giving Council and the community the time and resources needed to make important planning decisions together. The changes approved in the More Homes for Everyone Act pose a potential threat to the autonomy of Ontario's 444 municipalities in determining their own futures.' He noted the public needs to be aware that in most cases, provincial policy trumps local planning powers. And Bill 109 makes things worse. The timelines contained in the legislation for municipal review and approvals are 'ridiculous,' according to the mayor. He pointed out that not one municipal representative sat on the task force looking into housing solutions. 'This has caused outrage in the municipal world,' he said. The bill puts all the blame, and all the costs, on municipalities, which is 'totally unfair.' Councillor Avia Eek agreed, noting this is not how good governance is delivered. Debbie Schaefer voiced her outrage, noting Bill 109 is 'insulting to municipalities and disrespectful of the citizens of Ontario.' 'I say it's insulting as most of the recommended so called improvements to the process are ones which indicate that the municipalities cannot be trusted: their scope of decision making is being reduced and they are to be punished with financial penalties if critical decisions are not made within arbitrarily chosen short timelines.' 'It's disrespectful to the citizens as the proposed so called improvements to the process will not result in livable, healthy, sustainable communities as there is inadequate time to assess developments applications and critical choices are being made by the province.' Schaefer pointed out there is a housing crisis and Bill 109 does not provide one of the obvious solutions, which is getting developers to start building what has already been approved. In the Greater Golden Horseshoe there are 250,000 units approved but not yet built; there are 50,000 in York Region. In King City, there are roughly 400 housing units approved, but there have been no shovels in the ground. A recommendation to use a Ministry of Finance forecast is 'ridiculous' as municipalities across the province are feverishly working to get new OPs through to 2051 done using forecasts which Bill 109 indicates are incorrect. 'My disdain for Bill 109 was also amplified by illuminating any timing expectations on the minister to approve official plans. Bill 109 is unforgiving in the timeline for municipalities to approve development applications but the minister has no timeline.' Resident Susan Beharriell noted local staff worked 'long and hard, including on the weekend, to meet this deadline.' Then we find that this same government approved the Bill hours before Good Friday. It was passed with no public input or comment. There was no feedback or suggestions from other levels of government. This is hardly a good example of democracy at work! 'In all our lives there are times of frustration and 'battling the system.' This must be a prime example of the futility that we all have faced in our professional lives.' Beharriell thanked Township staffers Aloma Dreher and Kristen Harrison for their hard work. 'Let us hope that the (provincial) government sees the error in its ways and acts more democratically in future,' she said.