

## MEMORANDUM

To: Regional Chair Emmerson and Members of Regional Council

From: Paul Freeman  
Chief Planner

Date: June 19, 2023

Re: Regional Planning Transition Plan

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This memorandum updates Council on the approach to transition Regional planning services due to legislative changes introduced through the [More Homes Built Faster Act, 2022](#) (Bill 23).

### **Bill 23, when fully implemented will fundamentally change Ontario's land use planning system**

Bill 23 is omnibus legislation introduced on October 25, 2022. In response to a [November 10, 2022](#) report containing a high-level assessment of proposed changes on Bill 23, Council requested the Province halt Bill 23 to allow for fulsome consultation. On [December 15, 2022](#) Council endorsed comments submitted to the Province before Bill 23 received Royal Assent on November 28, 2022. On February 23, 2023 a [report](#), [memo](#) and [presentation](#) provided additional information, and Council considered the opportunities and challenges with Bill 23, including addressing housing affordability and maintaining municipal financial sustainability.

One of the updates provided through Bill 23 removes planning responsibilities from prescribed upper-tier municipalities, including York Region. These changes remove Regional Council's approval authority over local municipal official plans and amendments, requiring local municipalities to implement the Regional Official Plan, and remove the Region's right to appeal land use planning decisions. Many of the approaches to transition responsibilities will not be triggered until further proclamation occurs, the date of which is currently unknown. Material released with the proposed Provincial Planning Statement indicated the earliest this could occur is winter 2024.

## **Transition planning is advancing in collaboration with all nine local municipalities**

York Region and local municipal planning staff have a long standing, collaborative relationship on land use planning matters, underpinned by a shared interest in achieving complete communities. One-on-one meetings with local municipal staff have occurred to begin supporting transition of planning responsibilities. Most local official plan amendments are already exempt from Regional approval, and there is a shared interest in continued streamlining of the development review and approval process to build more homes faster. These meetings are a first step towards retooling how to support the planning process post Bill 23. Regional staff will continue to comment on planning applications and assist local municipalities with ensuring conformity and addressing cross boundary issues.

The current status of approaches to transition Regional planning services, and a list of activities planned or underway is provided through Appendix A. The intent is to provide value added service. Further discussions with the local municipalities will occur to identify opportunities tailored to meet the needs of each and ensure a smooth transition.

## **Growth management will remain critical to coordinate growth with infrastructure service delivery and maintain financial sustainability**

Growth management is intricately linked to land use, infrastructure and financial planning. Growth forecasts are used to plan communities and determine infrastructure and services required to serve residents and businesses. Continued coordination of growth management, land use planning and the development approvals process will be required to avoid slower planning approvals, delays in infrastructure delivery, and competing local municipal priorities. As a result, York Region will continue to support its local municipalities from a growth management perspective.

## **A collaborative approach to the planning process will continue, to ensure public safety and interests are addressed**

When the Bill 23 changes related to the Region's planning authority are in full force and effect, the Region will continue to support the local municipalities by providing expertise and insights into the approvals process as outlined in Appendix A. Specifically, there is a continued shared need and interest in aligning growth with infrastructure, addressing housing affordability, assisting with implementation of Regional and Provincial policy and streamlining planning approvals. There is also continued need to protect the safety of the Region's roads and transportation system, which benefits all nine local municipalities. This will be done through commenting on new development and construction approvals, and other tools such as a Right-of-Way Management Bylaw.

Ongoing data stewardship, monitoring and reporting will provide timely, standardized information on growth and development, affordable housing, economic development, and other key elements of complete communities. It is anticipated that, through this transition of planning

authority, partnerships and opportunities to collaborate will be strengthened, and roles and responsibilities more clearly defined.

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For more information on this memo, please contact Sandra Malcic, Director Planning, Policy and Data at 1-877-464-9675 ext. 75274. Accessible formats or communication supports are available upon request.



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Paul Freeman, MCIP, RPP  
Chief Planner



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Bruce Macgregor  
Chief Administrative Officer

June 16, 2023  
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Appendix A – Summary of Approaches to Transition Regional Planning Services (Bill 23)

### Summary of Approaches to Transition Regional Planning Services (Bill 23)

Description of York Regional Planning Role/Responsibility	Status as of Today (June 2023)	Transition Approach and Timing	Description of End State (Proclamation TBD – possibly Q1 2024)
<b>1. Municipal Comprehensive Review (MCR) and Official Plan Update</b>	MCR completed and the new Official Plan has been adopted by Council and approved by MMAH in November 2022.	Region will continue to assist local municipalities with their Official Plans to ensure conformity with the approved ROP and inclusion of added policies to embed any necessary Regional policies into the local OPs (i.e. Regional road planned widths, MTSA policies, growth management).	Region will continue to gather and analyze data to forecast growth to assist local municipalities and Regional Council coordinating growth, determining infrastructure needs and phasing within the financial sustainability framework and to inform master and capital planning.
<b>2. Responsibility for Regional Official Plan</b>	Region has the responsibility to continue to make decisions and offer advice regarding conformity to the Regional Official Plan.	<p>Region will continue to work with each local municipality to determine needs in preparing the local municipality to assume responsibility for implementation of the Regional Official Plan.</p> <p>Region will continue to provide comments and bring locally adopted OPs to Regional Council to achieve timely approvals that incorporate the approved ROP and provincial policy direction.</p>	Region will continue to support administering and interpreting the Regional Official Plan following proclamation.

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<b>3. Approval Authority for Local Official Plans and Amendments</b>	Region is approval authority for Local Official Plans and Amendments – Amendments meeting criteria defined in Regional Official Plan policy 7.3.8 can be exempted from Regional approval.	Region will continue to apply the exemption criteria where possible to streamline the approval process. Some amendments may still be subject to Regional approval delegated to staff per the delegation bylaw or approved by Regional Council, striving to achieve approval within prescribed timelines.	Upon Proclamation, Region is no longer approval authority for local Official Plans and Amendments and will no longer collect decision fees.  Regional staff will continue to advise local municipalities through comments with the goal of achieving approval ready OPAs that respect local, Regional Council and provincial policy directions within the prescribed timeframes.
<b>4. Region's participation in Local Official Plans, Amendments, Secondary Plans and related background studies</b>	Region participates in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies. The amendments are circulated to the Region for review and comment following adoption. The Region is the approval authority for Official Plans, Amendments and Secondary Plans	Region will continue to participate in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies.  Region will continue to work with local municipalities to achieve approval ready OPs, OPAs and Secondary Plans.	Region will continue to participate in reviewing and providing comments on Official Plans, Amendments and Secondary Plans and related background studies, with focus on Regional matters such as: <ul style="list-style-type: none"> <li>• Municipal water and wastewater servicing</li> <li>• Regional Transportation Systems</li> <li>• Growth management linked to the fiscally sustainable provision of regional infrastructure and services</li> <li>• Affordable and Assisted Housing</li> <li>• Responsibilities associated with a specific mandate prescribed by</li> </ul>

Description of York Regional Planning Role/Responsibility	Status as of Today (June 2023)	Transition Approach and Timing	Description of End State (Proclamation TBD – possibly Q1 2024)
<b>5. Region's participation in reviewing and commenting on development applications</b>	<p>Region is circulated, reviews and provides comments on development applications in accordance with public and resident interests</p>	<p>All development applications continue to be circulated to Region.</p> <p>Region continues to be circulated, review and provide comments on development applications in accordance with public and resident interests.</p>	<p>legislation (e.g. sourcewater protection, public health)</p> <ul style="list-style-type: none"> <li>Other Regional Services and Council priorities.</li> </ul>
	<p>Region is circulated all development applications to capture growth data in a comprehensive manner and provide products back to individual local municipalities such as housing supply and servicing allocation dashboards.</p>		<p>All development applications should continue to be circulated to Region for monitoring, reporting and growth management.</p> <p>Region will continue to review and provide comments on development applications related to Regional matters such as:</p> <ul style="list-style-type: none"> <li>Municipal water and wastewater servicing</li> <li>Regional Transportation Systems</li> <li>Growth management linked to the fiscally sustainable provision of regional infrastructure and services</li> <li>Affordable and Assisted Housing</li> <li>Responsibilities associated with a specific mandate prescribed by legislation (e.g., sourcewater protection, public health)</li> <li>Other Regional Services that have a land component</li> </ul>

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<b>6. Right to Appeal to the Ontario Land Tribunal (OLT)</b>	Although rare, the Region has the ability to appeal decisions to the Ontario Land Tribunal Appeal of local planning matters is subject to Council direction.	Region will not exercise its right to appeal, except for circumstances where public and resident interests are critically impacted, in recognition of its changing role, subject to Council direction.	Upon proclamation, Region is no longer able to appeal decisions to the OLT.
<b>7. Party to an OLT Hearing</b>	Region is currently a party to many active files under litigation at the Ontario Land Tribunal.	<p>Region will actively seek opportunities to limit its involvement as a party at new Ontario Land Tribunal Hearings unless matters of critical importance to Regional Council is an issue. Staff will seek Regional Council direction for any involvement at OLT in these cases.</p> <p>Region will discuss with local municipalities the inclusion of typical Regional standards for development to ensure Regional infrastructure and assets are not compromised. Regional participation in hearings to ensure this is a smooth process may still be required during this transition period.</p>	<p>Upon proclamation, Region no longer able to be a party to a Hearing. The proposed transition provisions allow the Region to remain a party to an appeal, if it was granted party status prior to sections removing its rights came into force.</p> <p>Regional staff will make themselves available to local municipalities where requested, including authorization by Council.</p>

### List of Activities planned or underway to prepare for proclamation and implementing the future state

- Retooling of Planning and Economic Development workplan priorities is based on the following priorities:
  - Agility & innovation related to Provincial legislative changes
  - Timely development comments and approvals while mandated
  - Growth management to align infrastructure and growth
  - Local municipal support to implement complete communities, address housing affordability and promote economic development
  - Planning data/analytics to monitor targets and trends to inform Council
- Continue to develop dashboards and growth analysis products such as housing supply for use by local municipalities and the Province.
- Continue to facilitate process improvement and standardization such as the Collaborative Application Preparation (CAP) process in partnership with local municipalities to streamline the development process and meet Provincially mandated timeframes.
- Clearly define the services provided by the Region to local municipalities through MOUs, including additional items not referenced in this table as may be requested by the local municipality.
- Continue to progress the open sharing of development data and information through the establishment of data exchanges and reporting.
- Explore options for environmental plan review (natural heritage and water resources) to ensure local municipalities have consistent professional natural heritage advice without incurring additional costs or delays.
- Continue to assist local municipalities with embedding ROP policies into local plans.
- Ensure protection of critical Regional infrastructure and safety for all travelers through the implementation of a Right-of-Way Management Bylaw.
- Continue to monitor growth and inform local municipalities of trends impacting community objectives.
- Determine the need to update the Archaeological Master Plan.
- Region to finalize work with Conservation Authorities and execute agreements to deliver non-Planning Act services.