**Industry Claims about Delays in Planning System Rich in Hypocrisy**

Reducing “red tape” by seeking efficiencies in land use planning approval and permitting processes is a valid and worthy goal, particularly in an increasingly complex environment made necessary by the impacts of human activity on the landscape. Indeed, it has been and is a constant effort of continual improvement including multiple major provincial, agency and municipal initiatives over the last 10 years. As such, it is important to continue such efforts.

However, as the development industry continues its efforts to blame governments and our award winning Greenbelt and Growth Plans with its recent reports, it is apparent that it continues to rely on misleading and/or erroneous information. The most recent hypocritical statements blame the plans for lengthening land development approvals while castigating municipalities for not yet amending their official plans to conform with the Growth Plan.

The reality is that almost all 110 municipalities in the GGH have amended their official plans to conform with the Growth Plan. The hypocrisy arises from the fact that, as the chart below shows, the 6 largest upper tiers in the region and the City of Hamilton approved their conformity exercises within provincial timeframes while the Ministry issued approvals within an average of 1 year/5 months.

However, the appeals of these plans to the OMB by industry resulted in an average additional delay of 3 years/5 months. These appeals were all aimed at seeking more land for ground related housing and all were dismissed by a traditionally developer friendly OMB given the data and evidence soundly refuted those inaccurate claims.

These appeals in turn delayed all the lower tier conformity exercises within these upper tiers – which were further delayed by even more industry appeals to the OMB – overall costing municipalities tens of millions of dollars in legal and planning costs.

It is these industry driven delays which directly led to the recent OMB streamlining reforms which prohibit industry appeals of Growth Plan conformity amendments, provincial plan conformity amendments and new/revised official plans where the Province has issued an approval. These reforms also provide a 2 year restriction on appeals of new secondary plans (unless supported by a municipal council) and a 5 year restriction on Community Planning Permit System by-laws as it was clear that industry was launching appeals before the proverbial ink was even dry on new municipal policies and by-laws.

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| Timelines of Municipal Growth Plan Conformity Exercises |
|  | Council Adoption | Ministry Approval | Date of OMB Approval (Time at OMB) | **Delay caused by industry appeals to OMB** | Total Time between adoption and OMB Approval |
| Niagara | May 28, 2009 | N/A (Exempt from MMAH approval) | Aug 8, 2014 | **5 yrs/3 mths** | 5 yrs/3mths |
| Durham | Jun 3, 2009 | Oct 27, 2010(1yr/4 mths) | Jan 2013 | **2 yrs/3 mths** | 3 yrs/7 mths |
| Waterloo | Jun 16, 2009 | Dec 22, 2010(1 yr/6 mths) | Jun 18, 2015 | **4 yrs/6 mths** | 6 yrs/2 mths |
| Hamilton | Jul 9, 2009 | Mar 16, 2011(1 yr/8 mths | Aug 16, 2013 | **2 yrs/5 mths** | 4 yrs/1 mth |
| York | Dec 16, 2009 | Sept 7, 2010(9 mths) | Apr 1, 2014 | **3 yrs/7 months** | 4 yrs/4 mths |
| Halton | Dec 16, 2009 | Nov 24, 2011(1 yr/11 mths) | Aug 24, 2016 | **4 years/9 months** | 6 years/8 mths |
| Peel\* | Apr 22, 2010 | Sep 23, 2011(1 yr/5mths) | Nov 30, 2012 | **1 yr/2 mths** | 2 yrs/7 mths |
| Average Time |  | 1 yr/5 months |  | **3 yrs/5 mths** | 4 yrs/7 mths |

\*Peel was much shorter since it did not include any urban expansions. It’s subsequent urban expansions amendments were all appealed to the OMB by industry.

**Major Streamlining Initiatives**

As mentioned at the outset, there have been multiple major provincial, agency and municipal initiatives over the last 10-12 years – undertaken in collaboration with municipalities, agencies and industry – and entailing millions of dollars of public funds to develop and implement. Following is a selection of key provincial efforts, noting that many municipalities have embarked on internal streamlining efforts of various kinds including public facing application tracking systems.

**Environmental Assessment Act**

Over 10 years ago the Act was amended to allow for an “integrated process” whereby *Planning Act* and *Environmental Assessment Act* approvals could follow a combined process where they could rely on the same studies, public notices and public meetings. Provincial review of the Municipal Engineers Class Environmental Assessment within the last five years furthered this streamlining.

**Red Tape Reduction and Open for Business Burden Reduction Reviews**

There have been two major provincial government-wide streamlining reviews over the last ten years. With respect to land use planning, the latter led to a major effort by the Ministry of Environment to develop the Environmental Activity and Sector Registry (EASR). This Registry allows for many permits to be obtained through industry self-regulated procedures subject to sign-off from qualified private sector professionals.

Similarly, the Ministry of Natural Resources and Forestry established a variety of industry self-regulated permitting processes for various permits under the *Fish and Wildlife Conservation Act*, the *Lakes and Rivers Improvement Act* and the *Endangered Species Act*.

**Aggregate Resources Act**

The Ministry of Natural Resources and Forestry recently completed a major, multi-year review of this Act which included a variety of streamlining efforts for approvals and permits and new/expanded pits and quarries. This culminated in both legislative and regulatory changes.

**The Conservation Authorities Act**

The Ministry of Natural Resources and Forestry has led two major reviews of Conservation Authorities over the last ten years including the recently completed major, multi-year review of the *Conservation Authorities Act.* Again, this culminated in legislative, regulatory and policy changes including a specific emphasis on streamlining and transparency.