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May 10, 2024

Provincial Planning Policy Branch  
777 Bay Street, 13th floor  
Toronto, ON M7A 2J3

**ERO: 019-8369; Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)**

We request that Schedule 12 of Bill 185 be amended to ensure that the public's ability to appeal the adoption or amendment of Official Plans and Zoning By-Laws is maintained and protected. As currently drafted, Bill 185 seeks to remove these critical, long-standing rights to appeal local land use decisions to the Ontario Land Tribunal (OLT). Similar amendments were first included in Bill 23 in 2022 but were rightly removed from that Bill in response to public concern.

*The Georgian Bay Association (GBA) is an umbrella organization for 18 community associations along the east and north shores of Georgian Bay, representing approximately 3,000 families. We have been advocating on behalf of our members for over 100 years and estimate that we reach and influence over 30,000 residents of the Georgian Bay. Our mandate is to work with our water-based communities and other stakeholders to ensure the careful stewardship of the greater Georgian Bay environment.*

GBA works closely with Canadian Environmental Law Association (CELA) on many issues, including this matter. We know that CELA has worked with countless community groups all over the province on local land use planning matters, as we have with the five coastal municipalities where our members reside. Land use planning is critical to a healthy local environment. A strong land use planning system can ensure that all developments are correctly located, sustainable, and avoid environmentally destructive mistakes. We attach CELA's letter dated May 9, 2024 on this matter and confirm our support for their recommendations.

When the land use planning regime works well, it helps protect critical resources like agricultural land and water. Municipalities' core role in developing official plans and zoning by-laws in consultation with the public means these decisions are responsive to local circumstances. Robust community engagement is critical to the development of sustainable, healthy, climate-safe communities.

Inclusive public hearing processes, including citizen engagement at the OLT, are deeply important to a healthy democracy. The former chair of the Ontario Municipal Board from 1960 to 1972, J.A. Kennedy, stated that: *“Public participation is an important feature of the Planning Act, and it has served this province well. The administration of the natural environment is also public business...”* He also noted the importance of the public having a voice in formulating plans and policies that affect their neighbourhoods. In Georgian Bay we have many residents who are committed to preserving the natural beauty of the area, and have often taken planning issues to the OMB and OLT over the years to ensure that precedent setting, unsustainable developments are challenged.

In 2003, David J. Johnson, Chairman of the Ontario Municipal Board (OMB), the former name of the OLT, stated: *“At the OMB, the impact of decisions can be far-reaching. People rightly hold strong opinions on questions of planning and development in their communities. Given such diverse viewpoints, making decisions on matters affecting people and their neighbourhoods is a significant challenge. Debate and media reports on the OMB tend to focus on large-scale development, sometimes questioning the very existence of the Board. This debate and coverage is healthy, articulating and reinforcing the importance people place on the future of their communities.”*

If Schedule 12 of Bill 185 is not amended, residents will be unable to request that the OLT conduct a reasoned, fair, and transparent review of development they view as problematic. Without this long-standing safety valve mechanism for challenging or reversing poor municipal planning decisions at the OLT, we agree with CELA that public consultation rights under the Planning Act will be "hollow and illusory."

We are also concerned with CELA's assessment that the bill as drafted could increase court-based litigation, which might then have unanticipated consequences, such as delays to needed developments and high costs for all parties.

The public deserves to maintain their say in how their neighbourhoods develop and the quality of their local environments. Please consider amending Schedule 12 of Bill 185 to preserve these democratic rights.

Yours sincerely,



**Rupert Kindersley**  
**Executive Director**

**Copy to:**

Premier, Doug Ford  
Minister of Municipal Affairs & Housing, Paul Calandra  
Minister of Red Tape Reduction, Parm Gill  
Standing Committee on Finance and Economic Affairs:  
Ernie Hardeman, Chair; Vanessa Kattar, Clerk