

November 15, 2022

Honorable Steve Clark  
Minister of Municipal Affairs  
and Housing  
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Honorable Vic Fedeli  
Minister of Economic Development, Job  
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[Victor.Fedeli@Ontario.ca](mailto:Victor.Fedeli@Ontario.ca)

Standing Committee on Heritage, Infrastructure and Cultural Policy  
Isaiah Thorning  
Committee Clerk  
[schicp@ola.org](mailto:schicp@ola.org)

**Re: Bill 23 - More Homes Built Faster Act, 2022**  
**ERO number: 019-6163**

Dear Ministers,

We are writing on behalf of the undersigned associations to propose targeted amendments to Bill 23, supporting the spirit of the legislation to build more homes for Ontarians while also protecting employment opportunities for those same people to prosper and thrive in our communities.

Ontario needs more people. In a recent survey conducted by Canadian Manufacturers & Exporters, 79% of manufacturers in Ontario reported labour and skills shortages and identified \$4 billion in economic losses related to lost sales, penalties for late deliveries and delayed or cancelled capital projects. That is money left on the table because we cannot find the workers to fill open positions. Getting more homes built is key to address this and increase economic immigration in support of Ontario's prosperity.

At the same time, the Not-in-my-Backyard attitudes which prevent much needed homes from being built affect employers too. Many Ontario neighborhoods, especially in Toronto have become less tolerant toward manufacturing operations, which face continual pressure from developers to convert industrial land to other uses. The resulting encroachments and outdated perceptions about our sector complicate the co-existence of our member companies with residential areas, even when they meet the highest standards in terms of cleanliness, noise control and environmental management.

Because manufacturing is a GDP intensive sector, creating significant spin-off benefits which 30% of our economy relies on, this has implications for our collective prosperity. Without good jobs, our citizens cannot afford adequate housing. Any action to streamline development must be balanced by a robust policy framework to protect employment lands and provide recourse for employers when legitimate requests to densify areas turn hostile and threaten continued business operations.

This should be done in a nuanced and targeted way, providing manufacturers with the same appeal rights which the current Bill currently grants to utilities, telecom, gas, oil, mining, propane, and railway providers that participate in the planning process.

To that end, we propose the following immediate actions:

1. Modify amendments to Schedule 9 under the *Planning Act* to include Class 1, 2, and 3 Industrial Facilities in the definition of “specified persons”, ensuring they have a recourse to maintain operations and limit encroachment on employment lands (see detailed recommendation enclosed).
2. Ensure new developments located in proximity to industrial operations (especially Class 2 and 3) continue to contain appropriate ‘warning clauses’, which promote transparency with prospective buyers and maintain the social licence for manufacturing in urban areas.
3. Create a multi-ministry committee, led jointly by MMAH and MEDJCT, to work on improving protections under the Provincially Significant Employment Zones (PSEZs) framework within the context of a broader Advanced Manufacturing strategy and the provinces’ welcome action to expand the supply of housing for Ontarians.

As you consider input on Bill 23, we hope you will consider our proposal to improve on the legislation. We would welcome discussing those recommendations with you at the earliest opportunity.

Sincerely,



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Cc: Hon. Monte McNaughton, Minister of Labour, Immigration, Training and Skills Development  
Hon. Parm Gill, Minister of Red Tape Reduction  
Hon. Kaleed Rasheed, Minister of Public and Business Service Delivery  
Stephen Rhodes, Deputy Minister, Economic Development, Job Creation and Trade

## DETAILED REGULATORY PROPOSAL

### ISSUE

The Planning Act currently allows third party appeals for all planning matters (official plans, official plan amendments, zoning by-laws, zoning by-law amendments, consents and minor variances). Third party appeals are generally appeals made by someone other than the person who made the planning application.

Schedule 9 of Bill 23 (amendments to the *Planning Act*), as currently written, removes third party appeal rights for industrial operators. A planning approval of sensitive land uses proposed within influence areas of Class 1, 2, and 3 Industrial Facilities would no longer be able to be appealed to the Ontario Land Tribunal and/or Local Appeal Body. This could have serious implications for the stability of industrial and manufacturing sector in the Greater Toronto Area.

At the same time, Bill 23 maintains the right of appeal for applicants, the province, public bodies including Indigenous communities (“Public Bodies”), and “Specified Persons”, such as utility, telecom, gas, oil, mining, propane and railway providers that participated in the planning process.

### PROPOSED AMENDMENT

CME and TIN propose that the following wording be added to the Schedule 9 amendments to Planning Act’s definition of “specified person”, which is listed in a new definition in subsection 1 (1):

- (1) *“A company operating an Industrial Facility any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply.”*

### RATIONALE

Including Class 1, 2, and 3 industrial facilities in the definition of “specified persons” will protect the viability of those industrial and manufacturing operations and continue to provide a stable business environment for them to continue to locate, operate and grow within the Greater Toronto Area, and province.

The Provincial D-Series Guidelines states that a 300m distance is the influence area of a Class 3 Industrial Facility. Therefore, if there are sensitive land uses proposed within the 300m influence area, an Industrial Facility may produce adverse effects upon the sensitive land use. In addition, the D-Series Guidelines also include land use compatibility considerations related to the other operations (gas, oil, sewage, utilities) which highlights the uniformity of approach to include Class 1, 2, and 3 Industrial Facilities in the proposed definition of “specified persons”.

The Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) require land use compatibility decisions to be made in accordance with provincial guidelines. The proposed inclusion in the definition of “specified persons” would ensure that planning approvals are made in accordance with those provincial guidelines.

The PPS, in Policy 12.6, ensures the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Policy 12.6.2 states that planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing, or other uses that are vulnerable to encroachment. This ensures that the planning and development of proposed adjacent sensitive land uses are only permitted if a number of criteria listed in the policy are demonstrated to be in accordance with provincial guidelines, standards and procedures; and most importantly, that the potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

There is also a direct correlation of our request in the continued protection of industrial and manufacturing operations, which request is consistent with PPS Employment Areas Policies 13.2.1 to 13.2.6, and conforming to Growth Plan Employment Policies 2.2.5.1, 2.2.5.5 to 2.2.5.10, and especially with respect to Provincially Significant Employment Zones as outlined in Policy 2.2.5.12.

## CONCLUSION

The omission of Industrial Facilities within the proposed definition of “specified persons”, means that Class 1, 2, and 3 Industrial Facility operators would no longer be afforded the right to test the planning merits of a planning approval at the Tribunal for any land uses approved within their influence areas.

Those land uses may adversely affect the industrial and/or manufacturing operations and cause business uncertainty and create an additional barrier to investment to the industrial and manufacturing sector in Ontario.

The inclusion of Class 1, 2, and 3 Industrial Facilities in the definition of “specified persons” in the Planning Act would continue to ensure that industrial and manufacturing operations have protections under the relevant PPS and Growth Plan’s Land Use Compatibility Policy and Employment Policy framework.