Caledon set to implement official process for dealing with Ministerial Zoning Orders

Ultimately, Province can still bypass Caledon's new process if desired

By Zachary Roman

The Town of Caledon is going to establish an official procedure for Ministerial Zoning Order (MZO) and Community Infrastructure and Housing (CIHA) requests.

At Caledon Council's May 16 Planning and Development meeting, a presentation was given about a new procedure for MZO and CIHA requests. Bindu Shah, a strategic lead in Caledon's Planning department, delivered the presentation before Council voted in favour of the new procedure.

Shah explained Council first asked Town Staff to develop a procedure for dealing with MZOs in February 2022. Since then, the Provincial Government has introduced CIHAs, which Shah said are a ?more transparent and improved version of the MZO.?

Staff took the liberty of including CIHAs in its new procedure process as well.

Shah noted that while staff developed the new procedure for dealing with MZO and CIHA requests, it does not encourage the use of them in Caledon. She said the requests should only be used in extraordinary circumstances. By developing a procedure for dealing with MZO and CIHA requests, Shah said Caledon's interests will be better accounted for when processing the requests.

MZOs can be used to expedite development by bypassing consultation and public notice requirements. They are given out by Ontario's Minister of Municipal Affairs and Housing, Steve Clark. CIHAs are also used to expedite development, but require a Council resolution and public consultation before they're implemented.

Shah said when the Town receives an MZO request in the future, they'll see if it can be converted to a CIHA as a first step.

?We want to streamline expectations for the development industry, Council, and the public? we want to align any applications we receive with whatever secondary planning and growth-facing work that's ongoing,? said Shah. ?We have also included a cost recovery mechanism when we process these applications.?

Currently, the Town isn't able to collect any fees from MZO and CIHA applications. Under the new procedure, Caledon would collect a full cost recovery, plus a 20 per cent administration fee, for any and all services performed by Town staff for a MZO or CIHA application.

Shah said in talking to Provincial Government staff, Town staff found there's no guideline for when MZOs will be used versus when CIHAs will be used. Shah said Provincial staff assume MZOs will be issued for Provincial priorities and CIHAs issued for municipal priorities. Ultimately, the final decision to implement an MZO lies solely with the Minister of Municipal Affairs and Housing.

?All we can do is send a resolution to them, and then the Minister can make a decision,? said Shah. Important to note is that if Council does not support a CIHA with a resolution, it won't be sent to the Minister.

There is no legislative requirement for Council to provide its support for a MZO through a resolution. However, Clark has publicly stated that he wants a resolution to be included when a municipal Council requests an MZO. Town staff are recommending that a Council resolution be passed for all future MZOs.

A municipal Council's decision to request, or refuse, a MZO or CIHA cannot be appealed to the Ontario Land Tribunal (OLT).

Town staff said any MZO or CIHA requests should be forwarded directly to them right away going forward.

?Any requests for a CIHA or MZO should be forwarded to staff, whether they are received directly by a developer to Council? or come from the Province to Council,? said Shah, adding this will ensure the Town's interests are considered.

Shah explained Town staff have come up with a detailed list of criteria to evaluate MZO and CIHA requests against, including things like Caledon's strategic plan priorities, Caledon's Official Plan, and community needs.

Shah said going forward, within 10 days of receiving a MZO or CIHA request, planning staff will provide notification to and initiate consultation with the public through typical means like a public meeting, mailouts, signage, and a webpage.

The five steps in Caledon's new MZO and CIHA request process are: request made or received; notice and consultation; staff recommendation report; Council decision; and notification to the applicant and Minister of Municipal Affairs and Housing.

Regional Councillor, Wards 4, 5 and 6 Mario Russo said while Caledon is choosing to be a leader in developing policies to deal with MZOs and CIHAs, Minister Clark can still choose to grant an MZO without notifying Caledon Council if he so desires.

?If it doesn't come through us, the process? can't be adhered to,? said Russo. ?We're spending a lot of time developing these processes, and it's important to have, but they can be circumvented.?

Caledon's Chief Planner, Antonietta Minichillo, said MZOs issued without public consultation are egregious to the community. She also said MZOs are ?absolutely onerous? on Town staff as it takes them away from their other priorities.

?The Province could still do this to us? but they cannot say there's no other option in Caledon,? said Minichillo of the new process. ?We would prefer if you're going to do an MZO, work with us. That's why you developed this tool, Province. Here is [our] path that is more expeditious in nature, but still allows us to have some meaningful public consultation? and some ability to recoup costs that are quite significant to the municipality.?

Ward 2 Councillor Dave Sheen echoed Russo's remarks and said there's going to be times when the Province thinks its priorities trump Caledon's.

?There's all kinds of things where the Province can jump in and thwart our plans? I'm just trying to be really clear about where the authority lies, and when it comes to MZOs it lies with the Minister,? said Sheen.

Ward 3 Councillor Doug Maskell said while Caledon's new process doesn't level the playing field, it does at least ?put (Caledon) on the playing field somewhat.?

Council unanimously supported implementing the new MZO and CIHA request procedure.