



March 8, 2023

Planning Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, ON M7A 2J3

RE: 23-MMAH001 – Municipal Reporting on Planning Matters – Proposed Minister’s Regulation under the Planning Act

Dear Ministry Officials:

I am writing on behalf of the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO). Thank you for the opportunity to provide input into the proposed minister’s regulation under the *Planning Act*: **Municipal Reporting on Planning Matters**.

AMCTO represents excellence in local government management and leadership. With more than 2,100 members working in municipalities across Ontario, AMCTO is Ontario’s largest voluntary association of local government professionals, and the leading professional development organization for municipal professionals.

Reducing the municipal reporting burden continues to be an advocacy priority for AMCTO and our members. We have expressed the importance of considering existing reporting burdens on municipalities, the rationale for the collection of new data, whether the information can be collected from other sources, and reporting timelines and frequency.

Reporting requirements, while important, can take away from operational needs and require staff to spend their limited time responding to requests for information. It is with this in mind, that we put forward our submission to the proposed regulation.

While we understand the need for data to understand the effectiveness of policy decisions, we encourage the Province to consider whether these data points are the right ones to measure progress, and if the investment required by municipal staff to meet these requirements is best directed.

We are always ready and willing to collaborate and co-design with the Province to work together towards positive outcomes for residents across Ontario.



For any questions, please do not hesitate to contact David Arbuckle,
darbuckle@amcto.com who will be happy to assist.

Yours sincerely,

Elana Arthurs
AMCTO President

cc. Caspar Hall, Assistant Deputy Minister, Local Government Division
Ruchi Parkash, Director, Municipal Finance Policy Branch



**Submission: 23-MMAH001 – Municipal Reporting on Planning Matters – Proposed
Minister’s Regulation under the Planning Act**

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We thank the Ministry of Municipal Affairs and Housing for the opportunity to provide input into the proposed minister's regulation under the *Planning Act*: **Municipal Reporting on Planning Matters**.

We understand that other municipal associations will also be making submissions on this proposal. We anticipate that they will have more technical advice from a land-use planning perspective.

We are pleased to see the Province introduce measures to collect accurate and up to date data that can be used to measure progress towards Housing Supply Action Plan commitments. Data collection is important to support evidence-based policy and decision-making.

As the ministry is well aware, AMCTO has lead advocacy work on reducing the municipal reporting burden. We have expressed many times the importance of considering the existing reporting burdens on municipalities, the rationale for the collection of any new data and whether the information can be pulled from other sources and consider increasing timelines and reducing frequency of reporting requirements.

Reporting requirements, while important, can take time away from operational needs and require staff to spend their limited time responding to requests for information. We had been assured that reducing the municipal reporting burden is a priority for the ministry.

While the Province remains committed to reducing 'red tape' and burden on businesses, more must be done to reduce the burden on municipalities. Recognizing and making changes to improve municipal reporting will not automatically solve the bigger policy issues that municipalities are tasked with, but it will give staff the opportunity to mitigate barriers to effective service delivery.

Principles of Municipal Reporting

On municipal reporting, we have recommended that the Province:

1. Work with AMCTO and other municipal associations through an iterative process to simplify, reduce, and condense various application and reporting requirements on municipalities while ensuring accountability and transparency.
2. Maintain an updated listing of municipal reporting requirements and make it publicly available as open data. This list should include opt-in programs. Other orders of government should be able to effectively maintain a current list of all reports required of municipalities and provide sound rationale for the purpose of collecting such data including how this information will be used.
3. Apply lean, agile, and user-centred design principles to the review of reporting and application requirements.

4. Recognize the burden and look for opportunities to streamline and reduce the regulatory and reporting regime for Ontario's municipalities for current and future programs. Build a provincial government cultures that look at the value of the information collected, rather than collecting data for the sake of it. This would help define return on investment of municipal staff time.
5. In the spirit of openness, share data and information collected by ministries so municipalities can benchmark and compare their services and operations against others to improve their operations.

These recommendations would align well with the objectives and outcomes of the [Ontario Onwards Action](#) plan and related implementation initiatives.

With this proposal, we would add one more principle: there must be assurances that the types of data collected are the right data.

We are concerned about the added burden this proposal would have on municipalities if approved. Particularly, in the anticipation of increases to planning and land development matters as a result of housing quotas the Province has imposed onto municipalities.

Compliance Costs and Impacts to Staff

We appreciate that the ministry staff have attempted to estimate administrative costs that may occur. However, we believe that these are considerably underestimated.

New systems and/or applications may be required to collect, track, and consolidate the required information. The information that is being requested in the regulation could currently be collected by different departments across the municipality, which would require planning department staff to coordinate cross-department participation, and may require the input of IT staff, clerks department staff who manage planning and council governance.

Moreover, while this regulation would immediately apply to 29 municipalities, it is unclear whether it would apply to other municipalities in the future. There are municipalities who will not have the staffing and resourcing capacity to respond to these significant reporting demands in addition to reviewing applications and doing the core work. Some of the information being requested may not be regularly collected in all 444 municipalities. Should the regulation be more broadly applied, additional consideration should be given to time needed to collect data that is not currently being collected.

As noted above, AMCTO recommends that the Province apply lean, agile and user-centred design principles when considering reporting requirements. Municipal staff are spending time trying to understand and comply with new legislative requirements, developing analyses and readjusting forecasts as a result of unilateral changes brought forward by Bill 23, in addition to other legislative changes brought forward in previous years already in addition to their day to day work loads.

Timing

As AMCTO and others have noted time and again, implementation of new Provincial directed initiatives, policies, programs and initiatives must come with adequate lead time, to allow municipalities the time to do the work the Province requires of them. With the pace of change in the last couple of months, municipal staff are already dealing with new legislative requirements, which takes away time from doing application reviews and core work.

We would also note that by the time the regulation is approved and posted, municipalities will only have a few months to compile, consolidate and send this information to the Province for the first request for quarterly information this June. We highly recommend reducing the frequency of reporting to one or two times a year to help reduce reporting burden and bureaucratic aspects of the regulation. This may also result in more robust data gathering.

Datasets and Historical Data

On top of the quarterly reporting requirement, providing historical information from the past 5 years will require additional staff time to compile as it is not something currently aggregated.

As the utility of this historical data is unclear, and it will require a significant investment of time and resources, we would highly recommend removing this requirement.

Moreover, as there is no information provided publicly on what format the Province will require, what guidance may be available nor the process or application that will be used to submit the data. Until this is available, municipalities will be unable to work on compliance with the regulation resulting in delays.

The Province should provide a standard data tracking system which is compatible with the programs and systems used by municipalities as it would allow for easier exporting of the information for the Province to receive.

Relevance of Proposed Data Points

While we understand the need to see what is happening in the Province in order to measure progress towards the Province's goal of construction of 1.5 million homes, the Province must consider whether these data are the right ones. When only certain data points are collected there may be an inherent bias in interpreting the meaning of the data.

For example, the regulation asks for information on land severance and minor variance applications. When looked at in isolation these figures could be misleading when trying to determine whether new housing units are being built. There are many different types of consents besides just new lots (e.g. lot additions, long-term leases, easements), which do not necessarily support new housing. Many minor variance applications also

do not support new housing, and rather are related to changes an existing homeowner might make.

As we have reiterated a number of times over the past few months, most-recently in our Pre-Budget Submission. AMCTO must convey its deepening concern for the position municipalities are being put in, and the standard held to because of recent legislation: focussing narrowly on local governments does not account for the many other factors that affect housing supply.

While municipalities must develop pledges outlining how they will meet their assigned housing quotas the development sector has not been held to the same requirements. We are concerned that this data will not provide an accurate reflection of progress in light of the fact that there remain tens of thousands of units across the Province that have not yet been built by industry. For instance, [the City of London recently reported](#) that just over 18,000 residential units are yet to be built by developers despite having advanced through or in the later stages of Planning Act processes.

Municipalities are held to construction targets, while there is no required commitment for industry to develop and build. Addressing the critical shortage of affordable and attainable housing will take participation across the board, from all orders of government and from builders and developers.

AMCTO believes that the collection of data related to building permits issued or occupancy permits issued may provide more relevant and accurate data to inform new housing units than data proposed in the regulation. We encourage the Province to be more selective and consider the utility of this data over the ones currently proposed, and consult with municipal planning staff to discuss the usefulness of this data both to the Province and to municipalities.

Any consultation with municipalities and their staff prior to proposing a significant new reporting burden may have assisted the Province in understanding what data is currently available, what data may be helpful to the Province as it looks to achieve its housing supply targets, and what data gathering is feasible.

Recommendations

1. Work with the municipal sector to ensure that data, including historical data, requested is the right data to measure housing supply progress in Ontario, and do not expand the regulation to the other 415 municipalities without first ensuring that the regulation is providing the ministry with the appropriate data.
2. Remove the requirement for 5 years of historical data which will be time consuming for municipalities who are already short-staffed and over-extended and as the utility of the data is in question.
3. Provide information collected through this exercise as aggregated open data so municipalities can utilize the data as well.

4. Reduce the frequency of reporting to one or two times a year to help reduce reporting burden and bureaucratic aspects of the regulation. This may also result in more robust data gathering.
5. Ensure reporting timelines adequately reflect the time and resource investment required by municipalities.
6. Ensure that the data collected by the Province and shared should be contemplated within the principles of Ontario's privacy legislation.

Looking ahead

AMCTO and our members firmly believe that data collected and analyzed by the Province should be shared back with municipalities so that they too can benefit from information-sharing. We look forward to seeing the ministry's plans to share this data back with the municipal sector.