

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto (Ontario) M7A 2J3
Tél. : 416 585-7000



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November 18, 2024

Your Worship
Mayor Andrea Horwath
City of Hamilton

City Hall, 71 Main Street West,
Hamilton ON L8P 4Y5
andrea.horwath@hamilton.ca

Dear Mayor Horwath:

Bill 185, the *Cutting Red Tape to Build More Homes Act*, was passed on June 6, 2024, to create policy and economic conditions to get 1.5 million homes built by 2031. As part of this Bill, Ontario has exempted undertakings of publicly-assisted universities for the objects of the university from the *Planning Act*. This exemption applies to the *Planning Act* in its entirety, for all planning matters (e.g., official plans, zoning, site plan, etc.).

We have received several inquiries over the past few months regarding the application of this exemption. Though neither I, nor my Ministry can comment on whether any specific project is within the scope of the exemption for university undertakings in the *Planning Act*, I want to provide clarity on the intent behind these reforms.

First and foremost, the exemption's aim was to enable more housing faster for students on university lands. I want to be clear that university undertakings can include a broad range of potential partnerships, whether strictly public or with the private sector, including variations in the associated ownership, financing, construction, operation, and other arrangements for these projects.

When determining whether a proposed project is subject to an exemption, section 62.0.2 of the *Planning Act* sets out two key elements that must be satisfied: the project must be "an undertaking of a post-secondary institution" and it must be for "the objects of the institution."

Of course, the university will need to consider the details of the proposed project, as well as the "objects" of the institution, to assess whether it would be exempt from the *Planning Act*. The details being considered could include the project's ownership model, financing, any potential partnerships, how its final use will meet the university's primary objectives, and whether the use will change over time.

It should also be noted that in undertaking any projects, universities will need to continue to work with municipalities. University projects benefitting from the *Planning Act* exemption would still be subject to approvals under other provincial legislation (e.g., *Ontario Heritage Act*,

Conservation Authorities Act, Building Code Act, Environmental Protection Act, etc.) as well as other municipal permits (e.g., road occupancy, tree by-law, etc.).

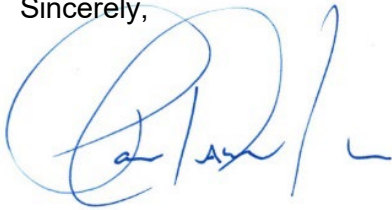
There may also be site-specific issues that institutions and municipalities would need to address in respect of projects that are subject to the *Planning Act* exemption, such as water and wastewater connections, stormwater management, or utility provision (i.e., electricity).

Agreements with the municipalities or other entities may also be required related to such issues.

With the above in mind, the university and/or external party should still obtain independent legal advice when considering the application of s. 62.0.2 of the *Planning Act* to a specific project.

Should you have any questions or comments, please do not hesitate to contact Laura Evangelista, Director, Planning Policy Branch, Ministry of Municipal Affairs and Housing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Calandra', with a large, stylized initial 'P' and 'C'.

Hon. Paul Calandra
Minister of Municipal Affairs and Housing

- c. Marth Greenberg, Deputy Minister
Jessica Lippert, Chief of Staff
Laura Evangelista, Director, Provincial Planning Branch MMMAH
Kinney Butterfield, Director, Postsecondary Education Policy Branch MCU