

Committee of the Whole (2) Report

DATE: Tuesday, September 20, 2022

WARD(S): ALL

TITLE: AMENDMENTS TO CITY OF VAUGHAN BY-LAW 005-2018 TO ADDRESS CHANGES MADE TO THE PLANNING ACT BY BILL 109, MORE HOMES FOR EVERYONE ACT, 2022

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

This report outlines proposed changes to City of Vaughan By-law 005-2018 a *By-law to authorize delegation of approval of certain administrative matters to Staff and to repeal By-law 195-2015* (“**By-law 005-2018**”) to address changes made to the *Planning Act* through Bill 109, More Homes for Everyone Act, 2022 (“**Bill 109**”), to include the authority to grant a one-time reinstatement of a Draft Plan of Subdivision for which the approval has lapsed within the past 5 years and to extend Draft Plans of Subdivision approval prior to lapsing.

Report Highlights

- Bill 109 was introduced by the Province on March 30, 2022 and became law on April 14, 2022.
- A new *Planning Act* ability given to municipalities is to grant a one-time reinstatement of a Draft Plan of Subdivision for which the approval has lapsed within the past 5 years.
- Such reinstatement would require the subject lands not to have already been pre-sold according to the lapsed Draft Plan of Subdivision.
- Previously the *Planning Act* extensions to the approval time for meeting Draft Plan of Subdivision conditions could only be given before that approval time lapses.
- Changes to By-law 005-2018 are proposed to delegate the authority to extend the approval and to deem the approval of a Draft Plan of Subdivision not to have lapsed to staff.

Recommendation

1. THAT City of Vaughan By-law 005-2018 be amended to address changes to Section 51 of the *Planning Act* made through Bill 109, by granting delegated authority to the Deputy City Manager of Planning and Growth Management or designate, with respect to the extension of draft plan of subdivision approvals and the one-time reinstatement of lapsed draft plan of subdivision approvals.

Background

Bill 109 was introduced by the Province on March 30, 2022. It was passed at the Legislature and received Royal Assent on April 14, 2022. It is now law and amends the *Planning Act* and other pieces of legislation in several ways. The changes to Section 51 (Subdivision Control) of the *Planning Act* are summarized below:

1. Regulatory Power on Subdivision Conditions

- Prior to Bill 109, the *Planning Act* limited municipal authority to impose subdivision approval conditions to those that are “reasonable, having regard to the nature of the development proposed for the subdivision”. Bill 109 adds Ministerial authority to pass regulations on “prescribed matters” that cannot be imposed as subdivision conditions.
- There is currently no regulation with respect to what subdivision conditions will be prohibited, and therefore no further action on the City’s end is required at this time.

2. Ability to Reinstate Lapsed Draft Plans of Subdivision Section 51(33.1) *Deemed not to have lapsed*

- A new *Planning Act* ability is given to municipalities to grant a one-time reinstatement of a Draft Plan of Subdivision for which the approval has lapsed within the past five years. Such reinstatement would require the subject lands to not have already been pre-sold according to the lapsed Draft Plan of Subdivision. The ‘Deemed not to have lapsed’ approval granted by the authority must also specify the time period in which this new approval lapses.
- Prior to Bill 109, *Planning Act* extensions to the approval of Draft Plan of Subdivision conditions could only be given *before* the approval time lapses. This clause still applies and was amended to add that no further extensions can be given to a Draft Plan of Subdivision if a plan is ‘deemed not to have lapsed’ under Section 51 (33.1) of the *Planning Act* by an approval authority.

In order to deal with requests for reinstating lapsed Draft Plan of Subdivision approval or the extension of soon to lapse Draft Plans of subdivision approvals in an efficient manner, changes to By-law 005 2018 are recommended, to delegate approval of such requests to reinstate lapsed Draft Plans of Subdivision to the Deputy City Manager of Planning and Growth Management or designate.

Previous Reports/Authority

[C34 Communication - Council April 26, 2022 \(CW 2\) - Report No. 19 Item 18](#)

[Bill 109, More Homes For Everyone Act, 2022, Report No. 19, Item 18](#)

Analysis and Options

Amendments to City of Vaughan By-law 005-2018 are recommended to address the changes to Section 51 of the Planning Act

By-law 005-2018 delegates the approval of certain administrative matters to Staff. It is the opinion of Staff that the application of the new *Planning Act* Section 51(33.1) 'Deemed not to have lapsed' is a matter that can be delegated to Staff pursuant to Sections 23.1 to 23.3 of the Municipal Act, 2001. Given that Council has previously granted the original Draft Plan Approval of an application, Staff considers the reinstatement or the extension of the draft plan approval status to be an administrative matter which can be appropriately delegated. It is recommended that the delegation be granted to the Deputy City Manager of Planning and Growth Management or designate.

The *Planning Act* Section 51(33.1) has requirements that are required to be met prior to Staff deeming the approval of a plan of subdivision to still be valid. The requirement for a 5-year time period will ensure that the conditions imposed by Council at the time of Council's original consideration of the application remain relevant. Draft Plans of Subdivision that have expired (inactive for longer than 5 years) must restart the planning approval process (Public Meeting and Committee of the Whole) by submitting a new Draft Plan of Subdivision for Council's consideration. This will ensure the Draft Plan of Subdivision application and conditions of draft approval are in conformity with current planning practices and regulations.

For this reason, Staff is of the opinion it would be appropriate for the "deeming not to have lapsed" approval be delegated to the Deputy City Manager of Planning and Growth Management or designate to administer. Should they believe that an extraordinary situation has arisen and that it would be appropriate for Council to re-

examine the draft plan, it would then be presented to Council for a formal decision on the applicability of Section 51(33.1).

Financial Impact

Currently the Development Planning fees in the Fees and Charges By-law 158-2021 includes a fee for the extension of a Draft Plan of Subdivision. A new fee will be created for lapsed Draft Plans of Subdivision in the new year.

Broader Regional Impacts/Considerations

Currently Draft Plans of Subdivision are circulated to York Region for review and comment. Conditions of Draft Plans of Subdivision approval are provided by the Region. The Region will also be circulated when a request to deem a Draft Plan of Subdivision not to have lapsed is received.

Conclusion

Bill 109 introduces changes to Section 51 (Subdivision Control) of the *Planning Act*. These changes include the ability for an approval authority to grant a one-time reinstatement of expired Draft Plans of Subdivision subject to the conditions as outlined in this report. Given that the changes to the *Planning Act* as a result of Bill 109 impose a 5-year time limit on the ability to deem a draft plan not to have lapsed, Staff is of the opinion that the granting of this deeming is an administrative matter which can be appropriately delegated. Should the draft plan exceed the 5-year limit, Council would have the ability to reconsider the draft plan and impose further conditions should they be applicable. Staff therefore recommends that By-law 005-2018 be amended accordingly to grant the delegation of this approval to the Deputy City Manager, Planning and Growth Management, or designate, in addition to delegating the extension of Draft Plan of Subdivision approvals for a specified period.

For more information, please contact: Carmela Marrelli, Senior Manager of Development Planning, ext. 8791.

Attachment

1. [By-law 005-2018](#)

Prepared by

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Approved by

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Haiqing Xu, Deputy City Manager,
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Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager