

Committee of the Whole (2) Report

DATE: Tuesday, October 22, 2024

WARD(S): ALL

TITLE: REPEAL OF BY-LAW 102-2023 ADOPTING OFFICIAL PLAN AMENDMENT NUMBER 93
REPEAL OF BY-LAW 104-2023 AMENDING THE PRE-APPLICATION CONSULTATION PROCESS
FILE NO.: 25.7

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Council approval to repeal By-law 102-2023 adopting Official Plan Amendment Number 93 (“OPA 93”) and to repeal By-law 104-2023 amending the Pre-Application Consultation (“PAC”) process.

Report Highlights

- On June 20, 2023, OPA 93 and By-law 104-2023 were adopted by Council to respond to amendments made to the *Planning Act* implemented through Bill 109, *More Homes for Everyone Act, 2022* (“Bill 109”).
- OPA 93 amended Policy 10.1.3 of Vaughan Official Plan, 2010 (“VOP 2010”) regarding the City’s PAC requirements.
- By-law 104-2023 amended the PAC process to conform with OPA 93.
- OPA 93 has been appealed to the Ontario Land Tribunal (“OLT”) and the majority of OPA 93 is not in force.
- On June 6, 2024, Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (“Bill 185”) received royal assent which included amendments to the *Planning Act* that now supersede changes implemented through OPA 93 and By-law 104-2023.

Report Highlights continued

- Given the changes under Bill 185, staff determined that OPA 93 and By-law 104-2023 are no longer necessary and are proposed to be repealed.
- The PAC process will be updated through the Official Plan Review Process (“OPR”) to conform with the requirements of the *Planning Act*.

Recommendations

1. THAT the repeal of By-law 102-2023 adopting Official Plan Amendment Number 93 and the repeal of By-law 104-2023 amending the Pre-Application Consultation process BE APPROVED.
2. THAT all necessary by-law(s) be enacted.

Background

On June 20, 2023, Council adopted OPA 93 and By-law 104-2023.

OPA 93 amended Policy 10.1.3 of VOP 2010 regarding the City’s PAC requirements. It responded to amendments made to the *Planning Act* implemented through Bill 109, which introduced time limits for municipalities to review certain planning applications, after which a series of refunds to an applicant were required at increments of 50%, 75%, and 100%, depending on the delay from the prescribed timelines to review the applications (the “Refund Regime”). Those changes came into force on July 1, 2023.

OPA 93 and By-law 104-2023 were intended to revise the PAC process to enable the City to meet the *Planning Act* deadlines.

OPA 93 has been appealed to the OLT by a number of appellants. The majority of OPA 93 is not in force.

On June 6, 2024, Bill 185 received Royal Assent which includes amendments to the Planning Act with respect to the PAC process and the Refund Regime.

Bill 185 contains amendments to the *Planning Act* including removing the Refund Regime, subject to transition, as well as removing the authority to require, by by-law, a mandatory PAC process prior to the submission of a planning application. Therefore, the PAC process is now voluntary and at the discretion of an applicant.

Given the changes to the *Planning Act* implemented through Bill 185, staff determined that OPA 93 and By-law 104-2023 are not necessary and are proposed to be repealed.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol.

- a) Date the Notice of Public Meeting was circulated: August 16, 2024

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca.
- b) Notice was sent to all Registered Ratepayers' Organizations in the City and to anyone on file with the Office of the City Clerk having requested notice.
- c) Date of Public Meeting: September 10, 2024, ratified by Council on September 24, 2024

On September 10, 2024, a Committee of the Whole (Public Meeting) was held to receive comments from the Committee of the Whole and the public on the proposed repeal of OPA 93 and By-law 104-2023. No deputations or written submissions were received at the Committee of the Whole (Public Meeting) on September 10, 2024, and no further comments have been received.

On September 24, 2024, Council ratified the recommendations of the Committee of the Whole (Public Meeting) to receive the September 10, 2024 report and to forward a comprehensive report to the Committee of the Whole.

Previous Reports/Authority

[Amendment to the Vaughan Official Plan 2010, Volume 1 "Pre-Consultation and Complete Application Submission Requirements", Chapter 10.1.3, File 25.7](#)

September 13, 2022, Committee of the Whole Public Meeting (Item 6, Report 33)

[Proposed Amendment to Vaughan Official Plan 2010, Volume 1, Policy 10.1.3 and By-Law 278-2009 as Amended in Response to Bill 109 \(More Homes for Everyone, 2022\) File 25.7](#)

June 6, 2023, Committee of the Whole (2) (Item 6, Report 28)

[Repeal of By-Law 102-2023 Adopting Official Plan Amendment Number 93 Repeal of By-Law 104-2023 Amending the Pre-Application Consultation Process File No.:25.7](#)

September 10, 2024, Committee of the Whole Public Meeting (Item 1, Report 28)

Analysis and Options

OPA 93 and the PAC by-law conflict with changes implemented through Bill 185.

OPA 93 and By-law 104-2023 require applicants to participate in a mandatory PAC process prior to the submission of a planning application. However, given the PAC process is now voluntary as a result of amendments introduced to the *Planning Act*

through Bill 185, OPA 93 and By-law 104-2023 are contrary to the requirements of the *Planning Act*. As a result, staff determined that OPA 93 and By-law 104-2023 are no longer necessary and are proposed to be repealed.

Further changes required to update the PAC process to conform with the requirements of the *Planning Act* will be undertaken through the OPR process.

Although the Refund Regime has been removed through the Bill 185 amendments to the *Planning Act*, the timelines for processing an application and for an applicant to appeal an application remain. Staff will continue through best efforts to meet the timeframes prescribed by the *Planning Act*.

The repeal of OPA 93 will lead to the eventual resolution of the outstanding appeals, the details of which are included in Attachment 1 (Confidential Memorandum).

Financial Impact

There are no requirements for new funding associated with this report.

Operational Impact

Policy Planning and Special Programs and Development Planning staff consulted Legal Services to understand the amendments to the *Planning Act* implemented through Bill 185 and the process to repeal OPA 93 and By-law 104-2023.

Broader Regional Impacts/Considerations

On November 22, 2022, York Region exempted OPA 93 from approval by the Regional Committee of the Whole and Council.

On July 1, 2024, York Region became a Region without planning responsibilities in accordance with Bill 185. As such, there are no broader regional impacts or considerations associated with this report.

Conclusion

Given the amendments to the *Planning Act* implemented through Bill 185 with respect to the PAC process and the Refund Regime, staff determined that OPA 93 and By-law 104-2023 are no longer necessary and are proposed to be repealed. Further changes required to update the PAC process to conform with the requirements of the *Planning Act* will be undertaken through the OPR process.

For more information, please contact Vivian Wong, Planner, Policy Planning and Special Programs Department, ext.8623.

Attachments

1. Confidential Memorandum from the Deputy City Manager, Legal and Administrative Services & City Solicitor and the Deputy City Manager, Planning and Growth Management, dated October 22, 2024 (Mayor and Members of Council only).

Prepared by

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