

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 29, 2020

Item 2, Report No. 30, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 29, 2020.

This matter was forwarded to Council without recommendation. No further action was taken on the matter.

2. THE LIFTING OF THE TEMPORARY SUSPENSION OF TIMELINES TO MAKE DECISIONS WITHIN THE PLANNING ACT

A vote was taken and failed to carry on the following resolution from Councillor Shefman, dated June 29, 2020:

It is therefore recommended:

1. A request is made of the Minister of Municipal Affairs and Housing to exercise his authority under the Planning Act to amend Ontario Regulation 149/20 to extend the timelines for making decisions during the COVID-19 emergency on applications made under the Planning Act for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision before an appeal can be filed to the Local Planning Appeal Tribunal for non-decision;
2. The extension should align with the timelines as they existed under the Planning Act as of September 2, 2019 resulting in timelines of 210 days for Official Plan Amendment, 150 days for Zoning by-law Amendments, and 180 days for Draft Plan of Subdivision (except where the applications are submitted together wherein the timelines should align with the timeline afforded to an application for Official Plan Amendment (210 days);
3. The extension in timelines should apply to all development applications which received the benefit of the suspension in timelines within O. Reg 149/20, prior to the O. Reg 278/20 amendment. As an example, if an Official Plan Amendment was 60 days into the 120-day timeframe as of March 17, 2020, the municipality would have 150 days after June 22, 2020 to make a decision (the remaining 60 days plus an additional 90 days to align with pre-Bill 108 timelines); and,
4. That this resolution be forwarded to the Minister of Municipal Affairs and Housing as a statement of Council's position on the lifting of the temporary suspension of the Planning Act timelines, and be copied to the Regional Municipality of York.
5. That this resolution also be forwarded to the Association of Municipalities of Ontario and all GTA municipalities requesting their support for this request.

This matter was forwarded to Council with no recommendation.

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Member's Resolution

Submitted by Councillor Shefman

Whereas, the Province of Ontario enacted the Coronavirus (COVID-19) Support and Protection Act, 2020 (the “COVID-19 Act”) on April 14, 2020. The COVID-19 Act, among other things, amended the Planning Act to give the Ministry of Municipal Affairs and Housing the power to make regulations in relation to the various time periods in the Planning Act during the provincially declared emergency; and

Whereas, this authority was used to file Ontario Regulation 149/20: Special Rules Relating to Declared Emergency (“O. Reg 149/20”). O. Reg 149/20 came into effect on April 15 and suspended some of the timelines provided for within the Planning Act retroactively to the start of the provincially declared emergency on March 17; and

Whereas, O. Reg 149/20 was amended by Ontario Regulation 278/20 on June 15 to end the suspension of the timelines provided within the Planning Act as of June 22, resulting in the end of the 97-day suspension for certain timelines identified within the Planning Act; and

Whereas, the timelines for those matters that were deemed suspended retroactively to March 17 recommenced as of June 22 with no consultation or lead time for municipalities to prepare; and

Whereas, during the period of the suspension of timelines, efforts were made to continue with business as usual notwithstanding COVID-19 so as to lessen the negative effects of the pandemic on the economy and to continue with City building, and that notwithstanding these efforts, a number of development applications still need to be brought forward for statutory public meeting; and

Whereas, the City of Vaughan has one of the most active development environments in the province with a large number of significant buildings of all types being proposed; and

Whereas, the City has attempted, during the suspension of timelines, to hold statutory electronic public hearings, but received a storm of criticism from ratepayer associations and residents who argued that their right to comment on proposed developments would be compromised through their inability to comment in person on the proposals; and

Whereas, the City has continued to find an approach that would allow full public participation in public hearings by spending considerable time responding to the concerns from the public with respect to electronic public meetings to allow for education and training regarding public participation in same; Even so there is still significant resistance among ratepayer groups and the general public to participate electronically; and

Whereas, the City held the first ever electronic-participation Committee of the Whole (Public Hearing) meeting on June 23 to receive development

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applications, and hear comments from the public with respect to the proposed development applications as part of the statutory public meeting requirements of the Planning Act. The applications heard at the meeting were selectively included in the agenda based on an analysis relating to their level of public interest; and

Whereas, the additional 97 days granted to municipalities to process development applications (which benefited from the suspension of timelines) is not enough to allow for the City to meet the timelines within the Planning Act owing to the impact of the COVID-19 pandemic; and

Whereas, prior to the proclamation of certain Bill 108 amendments to the Planning Act as of September 3, 2019 the timelines afforded to municipalities to make decisions on Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision were 210, 150, and 180 days respectively, and now, since the September 3, 2019 proclamation of the Bill 108 amendments the timelines are 120, 90 and 120 respectively; and

Whereas, Vaughan Council is committed to ensuring that notwithstanding COVID-19 that city-building not only continues but thrives, and believes that additional time to make decisions during this time would benefit all stakeholders and result in less appeals to the LPAT; and

Whereas, Vaughan Council deems it appropriate to request an extension of the timelines within the Planning Act to make decisions during the period of the global pandemic to the pre-Bill 108 timelines.

It is therefore recommended:

1. A request is made of the Minister of Municipal Affairs and Housing to exercise his authority under the Planning Act to amend Ontario Regulation 149/20 to extend the timelines for making decisions during the COVID-19 emergency on applications made under the Planning Act for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision before an appeal can be filed to the Local Planning Appeal Tribunal for non-decision;
2. The extension should align with the timelines as they existed under the Planning Act as of September 2, 2019 resulting in timelines of 210 days for Official Plan Amendment, 150 days for Zoning by-law Amendments, and 180 days for Draft Plan of Subdivision (except where the applications are submitted together wherein the timelines should align with the timeline afforded to an application for Official Plan Amendment (210 days);
3. The extension in timelines should apply to all development applications which received the benefit of the suspension in timelines within O. Reg 149/20, prior to the O. Reg 278/20 amendment. As an example, if an Official Plan Amendment was 60 days into the 120-day timeframe as of March 17, 2020, the

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municipality would have 150 days after June 22, 2020 to make a decision (the remaining 60 days plus an additional 90 days to align with pre-Bill 108 timelines); and,

4. That this resolution be forwarded to the Minister of Municipal Affairs and Housing as a statement of Council's position on the lifting of the temporary suspension of the Planning Act timelines, and be copied to the Regional Municipality of York.
5. That this resolution also be forwarded to the Association of Municipalities of Ontario and all GTA municipalities requesting their support for this request.

MEMBER'S RESOLUTION

Meeting/Date	COMMITTEE OF THE WHOLE (1) – June 29, 2020
Title:	THE LIFTING OF THE TEMPORARY SUSPENSION OF TIMELINES TO MAKE DECISIONS WITHIN THE PLANNING ACT
Submitted by:	Councillor Alan Shefman

Whereas, the Province of Ontario enacted the *Coronavirus (COVID-19) Support and Protection Act, 2020* (the "COVID-19 Act") on April 14, 2020. The COVID-19 Act, among other things, amended the *Planning Act* to give the Ministry of Municipal Affairs and Housing the power to make regulations in relation to the various time periods in the *Planning Act* during the provincially declared emergency; and

Whereas, this authority was used to file Ontario Regulation 149/20: Special Rules Relating to Declared Emergency ("O. Reg 149/20"). O. Reg 149/20 **came into effect on April 15 and suspended some of the timelines provided for within the *Planning Act* retroactively to the start of the provincially declared emergency on March 17;** and

Whereas, O. Reg 149/20 was amended by Ontario Regulation 278/20 on June 15 to end the suspension of the timelines provided within the *Planning Act* as of June 22, resulting in the end of the 97-day suspension for certain timelines identified within the *Planning Act*; and

Whereas, the timelines for those matters that were deemed suspended retroactively to March 17 recommenced as of June 22 with no consultation or lead time for municipalities to prepare; and

Whereas, during the period of the suspension of timelines, efforts were made to continue with business as usual notwithstanding COVID-19 so as to lessen the negative effects of the pandemic on the economy and to continue with City building, and that notwithstanding these efforts, a number of development applications still need to be brought forward for statutory public meeting; and

Whereas, the City of Vaughan has one of the most active development environments in the province with a large number of significant buildings of all types being proposed; and

Whereas, the City has attempted, during the suspension of timelines, to hold statutory electronic public meeting, but received a storm of criticism from ratepayer associations and residents who argued that their right to comment on proposed developments would be compromised through their inability to comment in person on the proposals; and

Whereas, the City has continued to find an approach that would allow full public participation in statutory public meetings required under the *Planning Act* by spending considerable time responding to the concerns from the public with respect to the format of public meetings during the COVID-19 emergency to allow for education and training regarding public participation in same. Even so, there is still significant resistance among some ratepayer groups and the general public to participate electronically; and

Whereas, the City held the first ever electronic-participation Committee of the Whole (Public Hearing) meeting on June 23 to receive development applications, and hear comments from the public with respect to the proposed development applications as part of the statutory public meeting requirements of the *Planning Act*. The applications received at the meeting were selectively included on the agenda based on a disciplined and objective approach of distinguishing among the applications in queue, with a view of bringing the less complex applications forward first in order to establish that the format of an electronic public meeting can work for a statutory public meeting required by the *Planning Act*; and

Whereas, the additional 97 days granted to municipalities to process development applications (which benefited from the suspension of timelines) is not enough to allow for the City to meet the timelines within the *Planning Act* owing to the impact of the COVID-19 pandemic; and

Whereas, prior to the proclamation of certain Bill 108 amendments to the *Planning Act* as of September 3, 2019 the timelines afforded to municipalities to make decisions on Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision were 210, 150, and 180 days respectively, and now, since the September 3, 2019 proclamation of the Bill 108 amendments the timelines are 120, 90 and 120 respectively; and

Whereas, Vaughan Council is committed to ensuring that notwithstanding COVID-19 that city-building not only continues but thrives, and believes that additional time to make decisions during this time would benefit all stakeholders and result in less appeals to the Local Planning Appeal Tribunal; and

Whereas, Vaughan Council deems it appropriate to request an extension of the timelines within the *Planning Act* to make decisions during the period of the global pandemic to the pre-Bill 108 timelines.

It is therefore recommended:

- 1. A request is made of the Minister of Municipal Affairs and Housing to exercise his authority under the Planning Act to amend Ontario Regulation 149/20 to extend the timelines for making decisions during the COVID-19 emergency on applications made under the Planning Act for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision before an appeal can be filed to the Local Planning Appeal Tribunal for non-decision;**
- 2. The extension should align with the timelines as they existed under the Planning Act as of September 2, 2019 resulting in timelines of 210 days for Official Plan Amendment, 150 days for Zoning by-law Amendments, and 180 days for Draft Plan of Subdivision (except where the applications are submitted together wherein the timelines should align with the timeline afforded to an application for Official Plan Amendment (210 days));**
- 3. The extension in timelines should apply to all development applications which received the benefit of the suspension in timelines within O. Reg 149/20, prior to the O. Reg 278/20 amendment. As an example, if an Official Plan Amendment was 60 days into the 120-day timeframe as of March 17, 2020, the municipality would have 150 days after June 22, 2020 to make a decision (the remaining 60 days plus an additional 90 days to align with pre-Bill 108 timelines); and,**
- 4. That this resolution be forwarded to the Minister of Municipal Affairs and Housing as a statement of Council's position on the lifting of the temporary suspension of the Planning Act timelines, and be copied to the Regional Municipality of York.**
- 5. That this resolution also be forwarded to the Association of Municipalities of Ontario and all GTA municipalities requesting their support for this request.**

Respectfully submitted,

Councillor Alan Shefman