



August 6, 2019

## City of Vaughan Comments Regarding Proposal No. 019-0181

Re: proposed new regulation and regulation changes under the Planning Act, including transition matters

### Transition under the Planning Act

The expanded grounds for appeal should not apply to appeals that have already been made, regardless of whether a hearing has been scheduled by the LPAT. The expanded grounds should only apply on a go-forward basis after the Bill 108 changes to the Planning Act are in force and effect.

It is proposed that the reduced timelines for making decisions concerning OPAs, ZBAs, and Plans of Subdivision will apply to complete applications submitted on or after June 7, 2019. The reduction in decision timelines should only apply on a go-forward basis after the Bill 108 changes to the Planning Act and the prescribed regulations are in force and effect, or January 1, 2020 (whichever is later), in order to allow the City time to adjust its internal review process (which includes consultation and review with external parties such as York Region, the Toronto and Region Conservation Authority (TRCA), and on occasion, the Province of Ontario), with a mind to making decisions within the new statutory timeframes.

### Community Planning Permit System

Request for clarification/guidance as to whether an Official Plan adopted to implement a non-ministry directed CPP system in an MTSA would continue to be sheltered from an appeal under the rules applying to MTSAs.

### Additional Residential Unit Requirements and Standards

The proposed new regulation should indicate that additional residential units can only be established if it can be demonstrated, per provincial/municipal standards and guidelines, that the new development will not have adverse impacts on human health and the environment.

Request for clarification regarding what is "a structure ancillary to". For example, is an attached garage "a structure ancillary to"?



## Housekeeping Regulatory Changes

The City supports the proposal to remove the redundant notice of subdivision application.

## Other

1. While not specifically referenced in the proposal for regulation changes, the City notes that Section 12 to Bill 108 includes provisions in relation to information and material being presented at a hearing of an appeal of a major planning application that was not provided to the municipality before the Council made the decision that is the subject of the appeal. When this is the case, the new provisions provide that a Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the Council's decision, and if the Tribunal considers that it could have done so, it shall not be admitted into evidence until the Tribunal notifies Council that it is being given the opportunity to:

- (a) reconsider its decision in light of the information and material, and
- (b) make a written recommendation to the Tribunal.

Prescribed time periods are to be established under the following subsections of the Planning Act, as amended by Bill 108, but not yet proclaimed:

- 17(44.4)
- 34(24.4)
- 51(52.4)

The City requests that the time ascribed in connection to the foregoing subsections be as follows: 120 days; 90 days; and 120 days (to allow the City sufficient time to reconsider its decision in light of the new information/material and make a written recommendation to the Tribunal).

2. For more than 10 years, subsection 34(16) of the in-effect Planning Act has permitted conditional zoning and the ability to require agreements on a title in connection thereto. However, because a regulation regarding the prescribed conditions remains outstanding, the ability to utilize conditional zoning has never been realized. This represents an unutilized tool in the Planning Act for both municipalities and developers; consideration should be given to bringing forward a regulation prescribing the conditions that can be imposed by a municipal authority in connection to zoning approvals

