

November 19, 2021.

Planning Consultation

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Ministry of Municipal Affairs and Housing (MMAH)

777 Bay St.

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Dear MMAH

On October 7, 2021 the Ministry of Municipal Affairs and Housing (MMAH) posted Bill 13, the proposed *Supporting People and Businesses Act, 2021*. Schedule 19 of the Bill proposes to make changes to the *Planning Act, Municipal Act, 2001 and the City of Toronto Act, 2006* ([ERO Posting 019-4419](#)).

It is understood that the purposed of Schedule 19 is to add a new section 39.2 to the *Planning Act*. Section 39.2 provides that the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality.

The proposed addition of Section 39.2 to the Planning Act, R.S.O. 1990 will expand permissions for delegation of decisions made under Section 34 (Zoning By-laws) of the Planning Act, to municipal committees or an officer/employee/agent of the municipality. Pursuant to proposed Section 39.2 (2) the type of by-law to be delegated for decision would be required to be described within the municipality's Official Plan. Additional Section 39.2 (3) provides guidance on what could be considered within scope of the additional delegative powers; however, it is understood the examples provided are not intended as an exhaustive list. The examples given are: lifting of Holding (H) provisions, and approval of temporary uses. Through additional guidance provided in the registry posting it is understood that 'minor' zoning by-law amendments could also be considered within the auspices of the proposed legislative changes.

Other sections of the Planning Act, R.S.O. provide for delegation of authority for decision making on specific matters (consents, subdivisions, local official plan amendments, etc.). These existing delegative powers are generally provided through fairly prescriptive legislative language. In its current form Schedule 19 utilizes much less prescriptive language in detailing what decisions are considered minor. This legislative direction is supported as it is viewed as attempting to provide the most flexibility to local municipalities in their decision-making processes. It is understood that should the new delegative powers be utilized by the City of Burlington and City Council, that a corresponding Official Plan Amendment (OPA) would be required to define the type of decisions to be delegated. Conditions for newly established delegative authorities may be prescribed through by-law. City of Burlington By-law 99-2012 is the current vehicle that provides for the delegation of various decision making within the City.

Should the proposed legislative changes be implemented, it may be prudent for the Province to provide additional guidance to municipalities on what characteristics of a zoning by-law amendment would make it 'minor' and thus within the scope delegative authority per Section 39.2 of the *Planning Act*.

Overall, there is support for the proposed legislative changes to the *Planning Act* as detailed through Schedule 19 of Bill 13. The proposed changes are viewed as attempting to provide municipalities the flexibility to find operational efficiencies within the decision-making process without giving up the rigor of application review or rights of appeal.

Sincerely,

A handwritten signature in black ink, reading "Mark Simeoni". The signature is written in a cursive style with a large, stylized initial "M".

Mark Simeoni, MCIP, RPP
Director of Community Planning
Community Planning Department