

November 18, 2021

Planning Consultation  
Municipal Affairs and Housing  
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**Re: Proposed Changes to the Planning Act Identified in Schedule 19 of Bill 13, the Supporting People and Businesses Act, 2021 (Ontario's Regulatory Registry - Proposal Number: 21-MMAH025 and ERO number 019-4419)**

On behalf of the City of Toronto I am pleased to submit comments from City Planning staff regarding the proposed amendments contained in Schedule 19 of Bill 13, the Supporting People and Businesses Act, 2021, identified as Proposal Number: 21-MMAH025 on Ontario's Regulatory Registry and as number 019-4419 on the Environmental Registry of Ontario (ERO). As articulated, the Province is seeking comments regarding the proposal to provide for the Additional Delegation of Planning Decisions.

### **Additional Delegation of Planning Decisions**

A review of the Bill indicates that the proposed delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights. It also would not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans. Further, it is our understanding that the proposed changes would be implemented at the discretion of municipal councils and that it would be up to each municipality to determine whether to exercise this proposed new authority and the types of minor zoning by-law amendment decisions to delegate.

### **Analysis**

City Staff are supportive of the discretionary nature of the proposed authority to delegate additional powers as this would allow municipalities to determine locally whether the implementation of such delegated authority would provide benefits associated with the streamlining of the local planning process. The proposed delegated authority, if implemented, could reduce the number of decisions that are made by Council and potentially enable Council to deal with other more strategic issues in a timely manner. These time savings would result in costs savings to the proponents and could allow staff to focus on matters that would benefit from additional review and expenditures of time.

While City Planning Staff are supportive of the proposed changes contained in the Bill it is our position that the legislation could be enhanced. We respectfully request that the following recommended changes be considered to be included in the Bill.

*Enabling OPA should not be appealable*

If it is determined that enabling official plan policies are required these amendments should not be subject to appeal. It is believed that if the enabling official plan amendments are appealable, the implementation of those policies would be delayed and frustrate efforts to streamline current processes. Since the delegation authority is implemented at the discretion of municipal councils and since it would be up to each municipality to determine whether and how to exercise this proposed new authority any appeal of the enabling policies may circumvent the decision of Council. In addition, since the proposed delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights, residents would still be able to voice any concerns or appeal the matter being delegated.

*Provide greater clarity regarding what is considered a minor amendment to a zoning by-law*

Under Bill 13, it is again our understanding that municipalities will need to make their own determination of what is considered a "minor" amendment to a zoning by-law. It is staff's opinion that what is considered minor by one municipality may not be considered minor in another municipality. Without a framework or criteria to establish what is "minor" this could lead to a patchwork of policies and approaches by neighbouring municipalities. Furthermore, the terminology that is being used is similar to the use of "minor variances" under s. 45 of the *Planning Act*. Currently it is standard practice that if a proposed change doesn't conform exactly to the zoning by-law, but follows its general intent, one can apply for a minor variance. A minor variance does not change a zoning by-law rather it simply exempts the applicant from a specific requirement of the by-law and allows them to obtain a building permit. It can become confusing for residents and developers alike if the Bill does not distinguish between planning decisions which could be considered a "minor amendment" versus those that are currently considered to require an minor variance.

*Delegation of part lot control exemption by-law*

In addition to the proposed expanded authority to delegate by-laws under section 34 that are of a minor nature, Bill 13 should permit delegation of Part Lot Control Exemption by-laws under subsection s.50 (7.2). Part lot control exemption by-laws are enacted by the council of the municipality where a landowner wishes to further subdivide a lot that had previously been created by way of a plan of subdivision. This approach avoids the necessity of obtaining consents (severances) for this lot creation. The minor nature of a by-law passed under this section is a matter for which delegation should be permitted.

## Conclusion

Thank you for the opportunity to provide these comments. City staff would be pleased to have further dialogue with the Province regarding the changes proposed in Bill 13. Please feel free to follow up with me directly or with Kerri Voumvakis, Director, Strategic Initiatives, Policy & Analysis.

Regards,



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City Planning Division