



November 19, 2021

Hon Steve Clark  
Minister of Municipal Affairs and Housing  
17<sup>th</sup> Floor, 777 Bay Street  
Toronto, ON, M7A 2J3

**Re: OACA Review & Comment on Bill 13, Supporting People and Businesses Act,  
ERO Number 019-4419**

The Ontario Association of Committee of Adjustment and Consent Authorities (OACA) submits the following comments regarding the proposed amendments to the *Planning Act* under Bill 13, Supporting People and Businesses Act.

Bill 13 proposes to add the following new section under the Section 39 of the *Planning Act*:

*Section 39.2 (new) 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 Schedule also makes consequential amendments to the Municipal Act, 2001 and the City of Toronto Act, 2006.*

The proposed amendments would expand existing *Planning Act* powers and allow further use of delegated approval authority for matters that must currently be made by municipal council. Council will be allowed to delegate minor zoning by-law amendments subject to criteria established in their official plan to a committee of council (e.g., Planning Committee, Zoning by-law Committee, Committee of Adjustment) or municipal staff (e.g., Director of Planning, Municipal Clerk). The minor zoning matters could include temporary use by-laws, lifting of holding symbols, and in essence a new “minor” category of zoning by-law amendment. 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. The proposal would not impact current notice, public meeting requirements and appeal rights to the Ontario Land Tribunal.

OACA generally supports the proposed amendment to permit the delegation of powers to further include an officer, employee or agent of the municipality for the purposes of approving approvals for temporary use by-laws, lifting of holding symbols and minor amendments to zoning by-laws that are technical/administrative in nature subject to the criteria established by the municipality in their respective Official Plan.

OACA would like to express concern that the term “minor zoning amendment” is not defined by the proposed changes to the *Planning Act*. Specifically, OACA feels that further clarification is required to define the term minor to include the delegation of temporary use by-laws, removal of holding symbols and other matters that are administrative and technical in nature and outside the authority of the Minor Variance process regulated under Section 45 of the *Planning Act*.

The proposed changes to Section 39 of the Planning Act provide municipalities with the discretion to determine the types of “minor” zoning by-law amendment decisions to delegate to staff. If approved, these undefined provisions may place municipal staff in a position to render decisions on minor amendments to the zoning by-law to facilitate development approvals. This can be problematic in maintaining the openness and transparency of public participation in the local planning approval process. Our opinion is that the public interest is better served when the approval authority is made up of multi-panel, locally elected Councils and appointed Committees and Boards who incorporate public input into local development decisions. To support this position, it is important to highlight that committee of council and Committees of Adjustment are bound by statutory requirements and rules and procedures that ensure the principles of natural justice are upheld in the decision-making process.

OACA would like to highlight that the *Planning Act* currently contains provisions for municipalities to establish a Community Planning Permit System (CPPS). By incorporating this process, municipalities can streamline the development approval process to support local priorities. The CPPS combines the zoning, site plan and minor variance processes into one application and the authority to approve these applications can be delegated to a committee of Council or a municipal employee. Given that the creation of a CPPS is subject to public process, OACA supports this approach to further delegation to municipal staff.

In summary, OACA supports the proposed amendment to delegate powers to approve minor amendments to the zoning by-law requiring a public meeting only to committees of Council and any matters not requiring a public meeting could be delegated an officer, employee, or agent of the municipality. OACA maintains the position that any zoning amendments that require a public meeting, especially those to facilitate development approvals, be maintained with Council or a committee of Council, such as the Committee of Adjustment. OACA understands that the proposed changes to Section 39 will not impact public notice and public meeting requirements.

Lastly, we ask that the Ministry consider providing further clarification in the proposed amendment to Section 39 to ensure that delegated authority to municipal staff be restricted to matters that are technical or administrative in nature, which may include the authority to approve temporary use by-laws and removal of holding symbols and minor zoning matters that are and outside the authority of the minor variance process regulated under Section 45 of the *Planning Act*.

OACA wants to thank the Ministry for considering stakeholder input into Bill 13 and looks forward to continuing work with the Ministry on any initiative to further enhance efficiencies to the planning process in particular matters around the minor variance and consent process with the goal of streamlining, finding efficiencies and lowering costs for developers and residents.

Sincerely,

A handwritten signature in cursive script that reads "Sean Kenney".

Sean Kenney, OACA President

cc. OACA Board of Directors  
cc. OACA Members