

November 21, 2021

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

***OPPI Comments on Proposed Additional Delegation of Planning Decisions (ERO 019-4419)***

Dear Minister Clark,

On behalf of the Ontario Professional Planners Institute (OPPI), I am pleased to provide our comments on your Ministry's recent consultation posting regarding the Proposed Additional Delegation of Planning Decisions (ERO 019-4419).

***About OPPI***

As you know, OPPI is the recognized voice of Ontario's planning profession. With over 4,500 members, it serves as both the Professional Institute and regulator of Registered Professional Planners (RPP) in the province. Our members work across the planning spectrum, for consulting firms, provincial and municipal approval bodies, private developers, community agencies and academic institutions.

RPPs are skilled, professional, and dependable navigators employed to help lead communities towards the Ontario of tomorrow. RPPs are the local experts who bring together differing points of view; they consult and develop recommendations that provide informed choices for decision-makers and elected officials. RPPs act in the public interest as professionals who work to improve the quality and livability of communities in Ontario today and for their sustainability long-term.

***Additional Delegation Measures***

OPPI is delighted to see measures that enhance delegation of land use planning matters in the Province of Ontario. Proposed changes in Schedule 19 of Bill 13, *Supporting People and Businesses Act, 2021*, will allow municipal Councils to delegate additional items to heads of planning departments and save months in the approvals process.

In a 2020 survey by OPPI, among respondents, 63% of heads of planning departments reported a 2–3-month reduction in development approval timelines and 11% reported a 4–5-month reduction in timelines when delegation is implemented in their municipality. Delegation is a proven approach to streamline approvals in the planning system.

The Ministry's proposed framework for a new discretionary authority to delegate minor decisions under Section 34 of the *Planning Act* (zoning by-laws), subject to criteria established through official plan policies, is a well-considered approach and welcomed by OPPI.

OPPI looks forward to partnering with the Ministry and other stakeholders on educational content to promote the benefit of this new authority among municipalities.

### ***Recipient of Delegated Authority***

The proposed changes permit municipal Councils to delegate these additional planning decisions to either a committee of Council; or an individual who is an officer, employee, or agent of the municipality.

Given the technical aspects of Section 34 decisions, it would be prudent to ensure these matters are delegated to qualified persons and not individuals who are unfamiliar with the *Planning Act* and its application.

Accordingly, OPPI recommends the provision be amended to allow delegated authority to:

- a) a committee of Council, or
- b) an individual who is an officer, employee or agent of the municipality **and is a qualified person such as a Registered Professional Planner (RPP).**

### ***Appropriate Oversight of Decision Makers***

As the use of delegation increases across the municipal sector, aligned with the provincial priority to streamline the planning system, it becomes increasingly important to ensure appropriate oversight exists for those professionals who are making these decisions.

The Ministry of Municipal Affairs and Housing is familiar with a proposal that seeks to provide the regulator of Registered Professional Planners (RPPs) in Ontario with basic oversight abilities that most professional regulatory body in Ontario already has.

These include:

- jurisdiction to continue investigating members who resign during an open investigative process to avoid consequences for professional misconduct; and
- ability to impose cost orders on professionals convicted of malpractice. This would avoid bad actors leveraging delay tactics with the hope that the regulator may not have sufficient resources to continue.

Government adoption of this legislative proposal would protect the public interest and ensure the new and expanded delegation framework has appropriate safeguards to avoid malpractice by planning professionals.

### ***Two-year Ban on Minor Variances***

OPPI recommends a house keeping clean-up to a framework in Section 45 of the *Planning Act* that adds unnecessary burden in the planning approvals process. Section 45, sub 1.3 and 1.4 indicates that an application for a minor variance is prohibited within two-years of a zoning by-law amendment unless Council allows it.

This extra layer of approval can be streamlined by allowing Councils to delegate the authority for an exemption to this ban (i.e., staff be allowed to grant the ability for a proponent to seek a minor variance through the Committee of Adjustment).

To use an example, if a noise wall is required to move due to review at the Site Plan phase, the proponent would need to go back to Council to request the ability to go to the Committee of Adjustment to seek a minor variance.

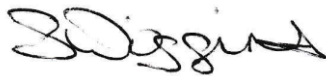
A simple housing keeping clean-up to this framework would remove one step in the process. This would potentially save months in the process by avoiding the need to wait for space on a subsequent Council agenda to obtain the ability to seek a minor variance.

### ***Conclusion***

OPPI thanks the government and Minister Clark for taking these important steps towards a more streamlined planning approvals system in the Province of Ontario. Our members support these measures, and we look forward to continuing to work with your government on ways planners can help improve Ontario's land use planning system.

OPPI would be pleased to have further discussions with the Ministry on our submission. If you and/or your staff have any questions, please feel free to contact me at 647-326-2328 or by email at [s.wiggins@ontarioplanners.ca](mailto:s.wiggins@ontarioplanners.ca).

Sincerely,



Susan Wiggins, CAE, Hon IDC  
Executive Director  
Ontario Professional Planners Institute

CC: Kristin Jensen, Director of Policy – Office of the Minister of Municipal Affairs & Housing  
CC: Jonathan Lebi, Assistant Deputy Minister of Planning & Growth Division – MMAH  
CC: Ewa Downarowicz, Director of Planning Policy Branch – MMAH  
CC: Allyson Switzman, Manager of Legislation & Research Unit – MMAH