

From: Jeff Davis <M.F.I.P.P.A Sec. 14(1)>
Sent: Thursday, December 8, 2022 4:18 PM
To: clerks <clerks@oshawa.ca>; * Council <council@oshawa.ca>
Subject: Please add to correspondence for Monday's Council Meeting.

Mayor and Council,

I would like to refer to Report ED-22-216 of the November 28, 2022 Economic and Development Services Committee meeting.

In part, Report ED-22-216 states:

"For the purpose of this Report, certain elements of the above actions are being recommended in response to certain amendments made by the Province to the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") in recent years, including those amendments resulting from Bill 109, "More Homes For Everyone Act, 2022, S.O. 2022, c. 12" ("Bill 109"). Other elements of the above recommendations are intended to improve the City's ability to respond to planning applications in an appropriate and timely manner."

The wording "**in recent years**" appears to indicate that we are falling behind in complying with provincial legislation.

The wording "**in an appropriate and timely manner**" appears to indicate we have not been meeting those standards of appropriate and timely.

Among the recommendations of the Report we find:

"Process improvements include but are not limited to:

§ Updating Zoning By-law 60-94 to allow for appropriate intensification in more areas in accordance with the Durham Regional Official Plan and the O.O.P., thereby reducing the number of Z.B.A. applications. Amendments to Zoning By-law 60-94 require a statutory public meeting and Council approval. Staff will bring forward potential amendments at an appropriate time.

Using more holding symbols and implementing conditions to help approve a Z.B.A. application within 90 days (or 120 days if combined with an O.P.A. application). Conditions that are not consequential to the principle of the land use, building massing, parking, etc. will be addressed subsequent to the approval of the Z.B.A. application;"

Consequences of failing to update our processes and By-laws could include:

"Without process improvements, the City may have to refund up to approximately \$600,000 annually in Z.B.A. and site plan approval application fees."

Further, Report ED-22-216 refers us to a Linked report, DS-22-83
(comments relating to proposed Amendments under Bill 109)

One of the highlighted changes proposed by Bill 109 is:

Other proposed changes would increase transparency in the planning process and support dispute resolution by:

§ Requiring municipalities with a community benefits charge ("C.B.C.") by-law to undertake and complete a review, including consulting publicly, on their by-law at least once every five years after the by-law is passed, and every five years thereafter

Increasing Transparency is never a bad thing.

Whereas certain policies, processes and By-Laws, particularly within the Planning Department, are currently outdated, it is suggested that the City of Oshawa consider and approve a By-law review timeline, similar to that proposed in Bill 109, for review, public consultation, and necessary amendment at least once every five years.

To ensure that this is not misconstrued to unfairly identify the Economic and Development Services department as the only applicable review requirement, I also refer to **CF-22-70 - Review of The City of Oshawa's Municipal Election Recount Policy (All Wards)** from the November 28, 2022 Corporate and Finance Services Committee Meeting, which was approved by Committee.

Similarly, **SF-22-02 - Proposed Snow and Ice Removal By-law Enforcement Approach** on the Safety and Facilities Services Committee Meeting of December 5, 2022, further suggests that a fulsome review of ALL City By-Laws, including the Administrative Monetary Penalty By-laws (both parking and non parking) might be beneficial, and a best practice approach be adopted, consistent with the 5 year review timeline suggested by the proposed Bill 109 suggestion.

I would be remiss to not include the findings during the last term of Council that included the use of an extremely outdated Freedom of Information Policy which has since been updated.

The consideration and adoption of a robust review policy for City By-laws, processes and Policies would be a great addition to the Accountability and Transparency of the City of Oshawa and should focus on streamlining, condensing, and making such By-laws, policies and procedures more user friendly and easier to understand for the stakeholders at the City of Oshawa.

I believe this correspondence should be referred to the new Corporate and Finance Services Committee or appropriate staff for consideration and a report on current practices and potential improvements to include a By-Law review timeline, similar to that proposed in Bill 109, for review, public consultation, and necessary amendments at least once every five years.

I believe City policies and practices should also be reviewed under a similar timeline, as a best practice.

Thank you for your consideration,
Jeff Davis
<M.F.I.P.P.A Sec. 14(1)> (cell)