

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-04

Date of Report: January 3, 2024

Date of Meeting: January 8, 2024

Subject: Policy for Public Meetings with respect to Applications for Draft  
Plans of Subdivision

Ward: All Wards

File: 12-03-3531

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## **1.0 Purpose**

The purpose of this Report is to recommend that Council adopt a policy with respect to public meetings for applications for draft plans of subdivision.

The above-noted actions to implement a policy is 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 2022, via the following legislation:

- Bill 109, More Homes for Everyone Act, 2022, S.O. 2022, c. 12 ("Bill 109"), and,
- Bill 23, More Homes Built Faster Act, 2022 ("Bill 23").

These amendments to the Planning Act removed the previous requirement that the municipality hold a public meeting on proposed draft plans of subdivision before a decision is made on the application by the approval authority. In Oshawa's case, approval authority for draft plans of subdivision has been delegated by the Region of Durham to the Council for the City of Oshawa.

A copy of Bill 109 which received Royal Assent on April 14, 2022 can be found at the following link: [https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-04/b109ra\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-04/b109ra_e.pdf).

A copy of Bill 23 which received Royal Assent on November 28, 2022 can be found at the following link: [https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-11/b023ra\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-11/b023ra_e.pdf).

Attachment 1 is a proposed policy for public meetings with respect to draft plan of subdivision applications.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-24-04 dated January 3, 2024, the proposed policy for public meetings with respect to applications for draft plans of subdivision as outlined in Attachment 1 be approved in principle; and,
2. That a formal Policy document be developed to the satisfaction of the Commissioner, Economic and Development Services Department and Director, Legislative Services/City Clerk.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

The following were consulted in the preparation of this Report:

- Director, Legislative Services/City Clerk
- City Solicitor

## **5.0 Analysis**

Bill 23 made several changes to the Planning Act amongst other legislation. The Province's stated purpose of Bill 23 is to change various components of the land use planning and development processes to make it easier and less expensive to build new homes in Ontario and provide increased certainty of development processes and costs to home builders.

Bill 23 amended the Planning Act to remove the requirement that municipalities hold a public meeting on proposed draft plans of subdivision before a decision is made on the application. Prior to the enactment of Bill 23, the Planning Act stipulated that before a decision is made by an approval authority on an application for a draft plan of subdivision, the approval authority shall ensure that a public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed subdivision.

These amendments do not prevent a municipality from having a policy requiring public meetings for subdivision applications. However, the city does not currently have a formal policy requiring public meetings for subdivisions, since the city relied on the previous provisions of the Planning Act which required a public meeting.

Many draft plan of subdivision applications are submitted concurrently with associated applications to amend the Oshawa Official Plan and/or Zoning By-law 60-94, as amended ("Zoning By-law 60-94"), and the Planning Act continues to require a public meeting for zoning by-law amendment applications.

The Province's stated purpose of Bill 109 is to have homes built faster by expediting approvals and providing increased certainty of development costs to developers. One of the changes has the effect of requiring municipalities to partially or fully refund application fees to applicants if the municipality does not make a decision on their Zoning By-law Amendment ("Z.B.A.") application within 90 days of the submission of the complete application or 120 days if submitted concurrently with an Official Plan Amendment ("O.P.A.") application. The Planning Act continues to require a statutory public meeting for Z.B.A and O.P.A. applications.

Bill 109 did not introduce refund requirements for draft plan of subdivision applications or O.P.A. applications.

In response to Bill 109, the city adopted a by-law imposing a requirement for mandatory pre-consultation, requiring applicants for draft plan of subdivision, draft plan of condominium, Z.B.A., O.P.A., and site plan approval to undertake a prescribed multi-stage pre-consultation process with the city. As part of this pre-consultation process, city staff recommend and strongly encourage that applicants for draft plans of subdivision, Z.B.A.s and O.P.A.s undertake their own privately managed public engagement session(s) with the surrounding community, in the form of a public meeting, open house or public information centre. This is in consideration that once a Z.B.A. application is formally submitted to the city, a decision must be made on the application within 90 days or else risk having to refund a portion of the application fee back to the applicant.

Notwithstanding the amendments to the Planning Act to remove the requirement for a public meeting for applications for draft plans of subdivision, it is important to continue to provide the public with an opportunity to make representations in respect of proposed subdivisions of a consequential size or scale. Otherwise, staff would be required to provide a recommendation report directly to the Economic and Development Services Committee and Council without holding a public meeting.

This Report recommends that Council adopt the following as the basis for a policy outlining when a public meeting is required for a proposed draft plan of subdivision:

- A public meeting held by the Economic and Development Services Committee shall be required for any application for a draft plan of subdivision that is accompanied by a zoning by-law amendment application. This shall not extend to a draft plan of subdivision that is submitted subsequent to a decision by City Council on a related zoning by-law amendment application.
  - This scenario represents the majority of cases.
- A public meeting held by the Economic and Development Services Committee shall be required for any application for a draft plan of subdivision that proposes four or more lots or blocks (not including any road widening blocks or 0.3 metre reserve blocks), except in the case of a proposed draft plan of subdivision directly intended to create

parcels of tied land based on a concurrently proposed common elements draft plan of condominium.

- In some cases applications for draft plans of subdivision are submitted to the city but the subdivision is for only one, two or three large blocks. This is usually the case when the applicant is proposing a common elements plan of condominium for block townhouses on the lands. The rationale for such an approach lies in the fact that it enables the applicant to register a one-, two- or three-block subdivision on the lands which will in turn allow them to use the removal of part-lot control provisions under Subsection 50(7) of the Planning Act to further subdivide the block(s) into common elements and parcels of tied land based on the individual parcels for the townhouse units. In these cases, the creation of a one-, two- or three-block subdivision does not need a public meeting as it has no bearing on the permission for the built form. Rather, the permission for the actual development (i.e. rezoning to permit block townhouses, etc.) would be subject to a public meeting for the related O.P.A. and/or Z.B.A. Where a site is already zoned to permit the use, and the applicant needs to register a plan of subdivision to be able to use part-lot control, the submission of the draft plan of subdivision would not trigger the need for a public meeting under the recommended policy given that the permission for the development and the related zoning standards (e.g. height, density, parking, setbacks, etc.) are already in place under Zoning By-law 60-94.
- Under the recommended policy, a public meeting would be required where four or more lots or blocks (not including road widening blocks or 0.3 metre reserve blocks) are being proposed. This would include a scenario where the lands are already zoned for the proposed land use, but the subdivision proposes four or more lots. An example of where a public meeting would still be required under this scenario is the subdivision that created Western Crescent and the 32 single detached dwelling lots on Western Crescent. The lands were already zoned R1-C (Residential), and the applicant proposed to develop the site with a draft plan of subdivision in accordance with the R1-C (Residential) Zone regulations. Consequently, a Z.B.A. application was not required. In such a case, due to the scale of the development and the creation of a new public road, the recommended policy would still require a public meeting to be held by the Economic and Development Services Committee as there are no refund requirements in the Planning Act related to draft plan of subdivision applications, the time required to hold such a public meeting would not be a factor.
- Staff note that this scenario will rarely occur.
- A public meeting held by the Economic and Development Services Committee shall be required for any application for a draft plan of subdivision that proposes to create a new or extended public road or similar new public infrastructure, regardless of the number of lots or blocks proposed.
- This would address the scenario where an applicant proposes to extend an existing road and create only one, two or three new lots. In this case, a public meeting would be required under the recommended policy.

- All other types of draft plan of subdivision applications shall not require a public meeting.
- Where there is a conflict between these provisions, the provision that requires a public meeting shall prevail.
- Applicants are strongly encouraged to hold their own public meeting, open house and/or public information centre for proposed draft plans of subdivision containing four or more lots or blocks (not including road widenings or 0.3 metre reserve blocks) during the pre-consultation process and prior to the submission of the draft plan of subdivision application to the city.

The proposed policy for public meetings for draft plan of subdivision applications is attached to this Report as Attachment 1.

Notice of application for a proposed draft plan of subdivision under the Planning Act is still required by the Planning Act, regardless of the scale of the subdivision. Therefore, once staff has determined a draft plan of subdivision application to be a “complete application”, staff will have to issue notice of complete application to the applicant and a notice of application to the public by mailing the notice to landowners within 120 metres (394 ft.) of the subject lands. The applicant will be required to post a notice sign on the property. In addition, the notice will be circulated in accordance with the city’s recently updated Public Notice Policy GOV-23-02 which was approved by Council on November 20, 2023 in accordance with Paragraph 4 of Subsection 270(1) of the Municipal Act, 2001.

Council approval is still required for draft plans of subdivision regardless of whether city policy requires a public meeting or not. In instances where a public meeting is not required under the new recommended policy, staff will nonetheless prepare a recommendation report to Economic and Development Services Committee and Council at the appropriate time.

## **6.0 Financial Implications**

There are no financial implications associated with the recommendation in this Report.

## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendation in this Report advances the Economic Prosperity and Financial Stewardship and the Accountable Leadership goals of the Oshawa Strategic Plan.



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Planning Services



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

## Draft Plan of Subdivision Application Public Meeting – Proposed Policy

### 1.0 Background

On November 28, 2022, Royal Assent was given to Bill 23, the *More Homes Built Faster Act, 2022* (“Bill 23”).

One of the effects of Bill 23 was to amend the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) by repealing Subsections 51(20) to 51(21.1). These subsections stipulated that before a decision is made by an approval authority on an application for a draft plan of subdivision, the approval authority shall ensure that a public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed subdivision. The effect of Bill 23, in part, is to remove the requirement for a municipality to hold a public meeting on a proposed draft plan of subdivision.

Notwithstanding these amendments to the Planning Act, it is important to continue to provide the public with an opportunity to make representations in respect of proposed subdivisions of a consequential size or scale.

The following draft plan of subdivision application public meeting policy is established by City Council.

### 2.0 Draft Plan of Subdivision Application Public Meeting Policy

- 2.1 A public meeting held by the Economic and Development Services Committee shall be required for any application for a draft plan of subdivision that is accompanied by a zoning by-law amendment application. This shall not extend to a draft plan of subdivision that is submitted subsequent to a decision by City Council on a related zoning by-law amendment application.
- 2.2 A public meeting held by the Economic and Development Services Committee shall be required for any application for a draft plan of subdivision that proposes four or more lots or blocks (not including any road widening blocks or 0.3 metre reserve blocks), except in the case of a proposed draft plan of subdivision directly intended to create parcels of tied land based on a concurrently proposed common elements draft plan of condominium.
- 2.3 A public meeting held by the Economic and Development Services Committee shall be required for any application for a draft plan of subdivision that proposes to create a new or extended public road or similar new public infrastructure, regardless of the number of lots or blocks proposed.
- 2.4 All other types of draft plan of subdivision applications shall not require a public meeting.

- 2.5 Where there is a conflict between these provisions, the provision that requires a public meeting shall prevail.
- 2.6 Applicants are strongly encouraged to hold their own public meeting, open house and/or public information centre for proposed draft plans of subdivision containing four or more lots or blocks (not including road widenings or 0.3 metre reserve blocks) during the pre-consultation process and prior to the submission of the draft plan of subdivision application to the City.

### **3.0 General Information**

- 3.1 The draft plan of subdivision application public meeting policy shall be included in the relevant application processing manuals in Planning Services.