

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-22-61

Date of Report: March 2, 2022

Date of Meeting: March 7, 2022

Subject: New Municipal Powers with Respect to Delegation of Planning
Act Decisions Pursuant to Schedule 19 to Bill 13, Supporting
People and Businesses Act

Ward: All Wards

File: 12-02

1.0 Purpose

The purpose of this Report is to seek Council authorization to initiate the public process under the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) to amend the Oshawa Official Plan to implement certain delegation powers passed under Schedule 19 to Bill 13, Supporting People and Businesses Act, 2021 (“Bill 13”). The delegation powers relate to the passing of by-laws to remove holding symbols.

The subject changes to the Planning Act came into effect on December 2, 2021.

Attachment 1 is a copy of Schedule 19 to Bill 13. Bill 13 is not attached to this Report owing to its size. However, it can be viewed at the following link:

https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2021/2021-12/b013ra_e.pdf.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-22-61 dated March 2, 2022, the Development Services Department be authorized to schedule a statutory public meeting under the Planning Act to consider an amendment to the Oshawa Official Plan as outlined in Section 5.3 of said Report concerning the potential delegation of authority to City staff for the passing of by-laws to remove holding symbols.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- City Solicitor

5.0 Analysis

5.1 Background

Bill 13 was introduced to the Legislative Assembly of Ontario on October 7, 2021. The amendments under Schedule 19 of Bill 13 introduced, among other matters, changes to the Planning Act to expand the matters that the Council of a local municipality may delegate to a Committee of Council or staff in an effort to streamline planning approvals. The amendments provide a new discretionary authority to delegate the authority to administratively pass by-laws dealing with the removal of holding symbols.

Bill 13 received Royal Assent and the aforementioned changes to the Planning Act came into effect on December 2, 2021 (see Attachment 1).

It is up to the Council of each municipality to determine whether or not to exercise this new authority.

The powers afforded under Schedule 19 of Bill 13 would not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection. Consequently, an amendment to the Oshawa Official Plan (“O.O.P.”) would be required in order to permit such powers to be delegated to staff or to a Committee of Council.

The amendments under Schedule 19 of Bill 13 did not alter any notice requirements, public meeting requirements or appeal rights under the Planning Act. The amendments also did not change the Planning Act requirements for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with Provincial plans such as the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan.

5.2 Existing Delegation of Authority

Schedule “A” of the City’s Delegation of Authority By-law 29-2009, as amended (the “Delegation By-law”), outlines those matters currently delegated to Development Services Committee and/or Development Services staff.

The amendments to the Planning Act under Schedule 19 of Bill 13 made changes to expand the matters that the council of a local municipality may delegate, in an effort to streamline planning approvals.

As it relates to the removing of holding symbols, Section 54 of Schedule “A” of the City’s Delegation By-law already delegates authority with respect to Section 36 of the Planning Act to the Commissioner of Development Services. The delegated authority allows the Commissioner of Development Services to approve applications to remove a holding symbol, with the restriction that conditions for removal of the holding symbol must be satisfied. However, authority to approve the associated By-law to remove a holding symbol currently resides with Council. Through Schedule 19 of Bill 13, authority to approve such By-laws can now be delegated to staff or a Committee of Council should Council wish to do so and if advanced by the City, would be an extension of a delegated authority that already exists for the approval of applications to remove holding symbols.

Since 2010, Development Services staff have processed 86 applications to remove a holding symbol. All were approved by the Commissioner of Development Services and Council passed each of the associated By-laws.

5.3 Recommended Approach to Delegate the Authority to Pass By-laws to Remove Holding Symbols

The process for staff to investigate a proposed new delegation of authority to City staff or a Committee of Council for passing of a by-law for the removal of holding symbols as permitted under Schedule 19 of Bill 13, would involve a public process under the Planning Act.

Staff recommend that a public process be initiated to amend the Oshawa Official Plan to delegate authority to staff to pass by-laws to remove holding symbols for the following key reasons:

- It would result in more timely development to advance increased assessment, new jobs and economic development growth in the City;
- It is estimated that delegating the passing of a by-law for the removal of a holding symbol would reduce the delay between staff’s approval of the decision and Council’s approval of the By-law by 2 to 10 weeks depending on the circumstances (i.e. regular Council meeting cycle versus summer recess or election period);
- Removal of holding symbols could be advanced by City staff during Council summer recess as well as during an election when Council would not otherwise be meeting, thereby eliminating unnecessary delays in the planning approvals process;
- City staff are already delegated the authority to approve an application for removal of holding, and the proposed delegation of authority for City staff to now also administratively pass a by-law to remove a holding symbol, would be a logical extension of that delegated authority; and,
- Council will still be informed of the passing of a by-law to remove a holding symbol by the Director of Planning Services.

If the Development Services Committee and Council wish to authorize staff to hold a statutory public meeting concerning the delegation of authority to pass by-laws for the

removal of holding symbols to staff, Section 2.0 of this Report contains the appropriate language.

6.0 Financial Implications

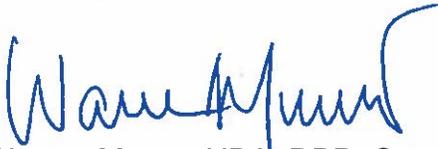
There are no financial implications associated with the comments in this Report.

7.0 Relationship to the Oshawa Strategic Plan

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



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Development Services Department

**SCHEDULE 19
PLANNING ACT**

1 The *Planning Act* is amended by adding the following section:

Minor by-laws — delegation

39.2 (1) Subject to subsection (2), 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) a committee of council; or
- (b) an individual who is an officer, employee or agent of the municipality.

Official plan requirement

(2) Subsection (1) does not apply unless there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority under that subsection.

Same

(3) Without limiting the generality of the meaning of a by-law passed under section 34 that is of a minor nature, such by-laws may include,

- (a) a by-law to remove a holding symbol; and
- (b) a by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39 (1).

Conditions

(4) A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council, by by-law, provides.

Withdrawal of delegation

(5) A council may, by by-law, withdraw a delegation of authority made by it under subsection (1), and the withdrawal may be in respect of one or more by-laws in respect of which a final disposition was not made before the withdrawal.

Municipal Act, 2001

2 Paragraph 5 of subsection 23.3 (1) of the *Municipal Act, 2001* is amended by adding “except as provided under section 39.2 of that Act” at the end.

City of Toronto Act, 2006

3 Paragraph 5 of subsection 22 (1) of the *City of Toronto Act, 2006* is amended by adding “except as provided under section 39.2 of that Act” at the end.

Commencement

4 This Schedule comes into force on the day the *Supporting People and Businesses Act, 2021* receives Royal Assent.