



**City of Kingston
Information Report to Council
Report Number 21-263**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: November 16, 2021
Subject: Proposed Changes to the *Planning Act* – Additional Delegation of Planning Decisions

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

On October 7, 2021, the Province introduced Bill 13, the proposed *Supporting People and Businesses Act, 2021*. The amendments contained in the proposed *Supporting People and Businesses Act, 2021* focus on “reducing red tape and helping to build a more efficient Ontario for people and businesses coming out of the COVID-19 pandemic”. Bill 13 proposes amendments to 29 Acts.

This report focuses on Schedule 19 of the Bill which proposes changes to the *Planning Act*. The *Planning Act* currently allows Council to delegate certain decisions (to a committee of council, to staff, or to a committee of adjustment), for example those related to Site Plan Control applications, plans of subdivision and consents.

The proposed amendments would make changes to the *Planning Act* to expand the matters that municipal Councils may delegate to help streamline planning decisions. This authority could include delegating decisions for temporary use by-laws, the lifting of holding symbols, and other minor zoning by-law amendments, subject to criteria established through Official Plan policies. 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.

November 16, 2021

Page 2 of 8

Schedule 19 also proposes to make consequential amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006*.

A 45-day posting to the [Environmental Registry of Ontario](#) has been initiated by the Province on the proposed changes to the *Planning Act*, with comments due by November 21, 2021.

Recommendation:

This report is for information only.

November 16, 2021

Page 3 of 8

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Craig Desjardins, Acting Commissioner, Corporate Services	Not required
Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Transportation & Public Works	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

November 16, 2021

Page 4 of 8

Options/Discussion:

On October 7, 2021, the Province introduced Bill 13, the proposed *Supporting People and Businesses Act, 2021*. These legislative changes are being led by the Ministry of Economic Development, Job Creation and Trade (MEDJCT), and focus on reducing red tape and helping to build a more efficient Ontario for people and businesses coming out of the COVID-19 pandemic. Areas of focus include:

- making Ontario more competitive;
- supporting tourism and local recovery;
- boosting rural and northern economies; and
- making health services a priority across sectors.

Bill 13 proposes to amend the following Acts:

1. *Barristers Act, 1990*
2. *Cannabis Control Act, 2017*
3. *Cannabis Licence Act, 2018*
4. *City of Toronto Act, 2006*
5. *Collection and Debt Settlement Services Act*
6. *Courts of Justice Act, 1990*
7. *Crown Administration of Estates Act, 1990*
8. *Crown Forest Sustainability Act, 1994*
9. *Development Charges Act, 1997*
10. *Education Act, 1990*
11. *Electricity Act, 1998*
12. *Environmental Assessment Act, 1990*
13. *Ontario Agency for Health Protection and Promotion Act, 2007*
14. *Liquor Licence and Control Act, 2019*
15. *Mining Act, 1990*
16. *Ministry of Infrastructure Act, 2011*
17. *Municipal Act, 2001*
18. *Northern Services Boards Act, 1990*
19. *Occupational Health and Safety Act, 1990*
20. *Ontario Cannabis Retail Corporation Act, 2017*
21. *Ontario College of Teachers Act, 1996*
22. *Ontario Energy Board Act, 1998*
23. *Planning Act, 1990*
24. *Police Record Checks Reform Act, 2015*
25. *Professional Foresters Act, 2000*
26. *Provincial Parks and Conservation Reserves Act, 2006*
27. *Public Lands Act, 1990*
28. *Toronto Atmospheric Act, 2005*
29. *Water Opportunities Act, 2010*

The full text of Bill 13 is available on the Legislative Assembly of Ontario's [website](#).

November 16, 2021

Page 5 of 8

Out of the 29 individual Acts, the Province is requesting feedback on the proposed amendments to the following Acts through the [Environmental Registry of Ontario](#):

- *Environmental Assessment Act* – amendments clarifying the authority to change the classes of projects to which a class environmental assessment process applies.
- *Planning Act, 2001* – proposed additional delegation of planning decisions, with consequential amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006*.
- *Mining Act, 1990* – amendments to support the recovery of minerals from waste at current operating, closed or abandoned mine sites in Ontario through reprocessing of minerals, including critical minerals; and to allow lessees, licensees and owners of mining lands to sell and retain the proceeds from materials extracted for the purposes of testing without the requirement for a mine production closure plan to have first been filed.
- *Crown Forest Sustainability Act, 1994* – amendments to reduce red-tape for the harvest of Crown forest resources for personal use.
- *Public Lands Act, R.S.O. 1990* – amendments to reduce red-tape for clients. Changes would improve customer service and government efficiency, reduce unnecessary burdens, and provide a greater ability to make public lands available for economic development opportunities, particularly in the North.
- *Professional Foresters Act, 2000* – amendment to improve the delivery of professional forestry in Ontario in support of the Fall 2021 Red Tape Reduction Bill.

The proposed amendments to the remainder of the Acts are not the subject of public consultation.

This report to Council focuses on Schedule 19 of the Bill which proposes to make changes to the *Planning Act, Municipal Act, 2001* and *City of Toronto Act, 2006*. The proposed amendments would make changes to the *Planning Act* to expand the matters that municipal councils may delegate to help streamline planning decisions.

A 45-day posting to the [Environmental Registry of Ontario](#) has been initiated by the Province on the proposed changes to the *Planning Act*, with comments due by November 21, 2021.

Proposed Changes to the *Planning Act* – Additional Delegation of Planning Decisions

The *Planning Act* currently allows Council to delegate certain decisions (to a committee of council, to staff, or to a committee of adjustment), for example those related to site plan control applications, plans of subdivision and consents.

The proposed amendments would make changes to the *Planning Act* to expand the matters that the Council of a local municipality may delegate to help streamline planning decisions. This authority could include delegating decisions for temporary use by-laws, the lifting of holding

November 16, 2021

Page 6 of 8

symbols, and other minor zoning by-law amendments, subject to criteria established through Official Plan policies.

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 Schedule also would make consequential amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006*.

The proposed delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights. It also would not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans.

City of Kingston By-Law Number 2006-75 “Delegated Authority”

City of Kingston By-Law Number 2006-75 sets out the planning approvals that have been delegated to the Director of Planning Services and the procedures for the processing of planning applications that are subject to the delegated authority. The approvals delegated to the Director include:

- Approval of Site Plan Control applications (unless an application is referred to the Planning Committee (“bumped-up”) for final approval at the request of a member of Council, the applicant, or the Director of Planning Services);
- Requests to reduce or release Site Plan Control securities;
- Signing of Draft Plans of Subdivision for the purpose of indicating draft plan approval, changing Conditions of Draft Plan Approval where such change is consistent with the Council recommendation respecting the Draft Plan of Subdivision; and deciding whether a change to a condition of Draft Plan Approval is minor for the purpose of giving notice;
- Approval of applications for Final Subdivision Approval (unless an application is referred to Council (“bumped-up”) for final approval at the request of a member of Council, the applicant, or the Director of Planning Services);
- Approval of Consents that comply with the Zoning By-Law and Technical Consents (applications to sever along a common party wall, to create or extend a right-of-way or easement, to adjust a lot boundary or facilitate a simple lot addition, for consent to a power of sale or mortgage, consent to lease in excess of 21 years, and for validation of title), unless the application is referred to the Committee of Adjustment where a disputed Application cannot be resolved without a hearing;
- Approval of applications for lifting Part Lot Control and Holding Symbol removal (the by-law must still be presented to Council for enactment);

November 16, 2021

Page 7 of 8

- Requests to Release Agreements (for example, Development Agreements, Site Plan Control Agreements, Subdivision Agreements);
- Approval of amendments to a Condominium Description and/or Declaration;
- Approval of applications for Cash-in-Lieu of Parking; and
- Issuance of a municipal statement of concurrence for applications for radiocommunication facilities.

Discussion

As per the [Regulatory Registry](#) of Ontario, the discretionary nature of the proposed authority to delegate additional powers would allow municipalities to determine locally whether the implementation of such delegated authority would provide benefits associated with the streamlining of the local planning process that would outweigh any costs. Municipalities that implement the proposed changes would reduce the number of decisions that are made by Council and potentially enable Council to deal with other more strategic issues sooner. By avoiding a Council reporting cycle and utilizing the new delegations, some planning applications might obtain approval one to four months faster. These time savings would result in costs savings to the proponents and would accelerate development.

If approved by the Legislative Assembly in its current form, and should Council wish to exercise this new authority, the City's Official Plan would need to be amended to specify the types of by-laws in respect of which there may be a delegation of authority. These may include minor zoning by-law amendments, removal of a holding symbol and temporary use by-laws.

Following the Official Plan amendment, Council would need to pass a by-law to delegate the authority with respect to passing a by-law for a minor zoning by-law amendment, removal of a holding symbol, and/or temporary use.

As indicated in the previous section, Council has delegated the authority to the Director of Planning Services to approve applications for the removal of a holding symbol. However, the by-law to remove the holding symbol must still be presented to Council for enactment. The changes provided through Bill 13 would allow Council to delegate the authority to pass by-laws, with respect to certain types of applications as indicated above, to:

- a committee of Council, or
- an individual who is an officer, employee, or agent of the municipality.

Given that the amendments are primarily intended to help streamline planning decisions, staff see these as positive changes. It would be up to the sole discretion of Council whether to exercise this proposed new authority and the types of minor zoning by-law amendment decisions to delegate.

November 16, 2021

Page 8 of 8

Staff will be submitting comments prior to the November 21, 2021 deadline, primarily to seek guidance and greater clarity from the Province with respect to what constitutes a minor zoning by-law amendment. Staff will continue to monitor the proposed changes to the *Planning Act* through Bill 13, and report back to Council, as necessary.

Existing Policy/By-Law:

Planning Act

City of Kingston Official Plan

By-Law Number 2006-75, A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures For The Processing Of Planning Applications Subject To Delegated Authority

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Sukriti Agarwal, Manager, Policy Planning, 613-546-4291 extension 3217

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

None