



## **The Corporation of the Town of LaSalle**

**To:** Mayor and Members of Council

**Prepared by:** G. Beggs, Director of Planning & Development

**Department:** Planning, Building and Property

**Date of Report:** May 16, 2022

**Report Number:** PBP-17-2022

**Subject:** Bill 109, the More Homes for Everyone Act, 2022 and Amendments to the Planning Act

### **Recommendation**

That the report of the Director of Planning and Development dated May 16, 2022 (PBP-17-2022) regarding the recently approved Provincial Bill 109 and subsequent amendments to the *Planning Act* be received.

And THAT Council approve the site plan delegation by-law (within the by-law section of the agenda) in accordance with the provincially legislated requirements, which delegates site plan approval authority to staff and appoints the Director of Planning and Development, Gudrin Beggs and, in the alternative Deputy Chief Administrative Officer, as the assignees responsible to oversee and approve site plan control applications.

### **Report**

#### **Background**

On March 30<sup>th</sup>, 2022, the Provincial government introduced Bill 109, known as the *More Homes for Everyone Act, 2022*. The Bill was passed by the Legislature and received Royal Assent on April 14<sup>th</sup>, 2022. The mandate behind the Act is to introduce a range of cross-government initiatives targeted towards improving the housing crisis, increase supply, and help address market speculation. Key initiatives surrounding the legislation include helping to streamline the municipal development approvals process as well as encouraging timely decision-making. The legislative and regulatory changes called for amendments to the *Planning Act*, the *Development Charges Act, 1997* and the *City of Toronto Act, 2006*, as well as amendments to the regulations under these Acts. As part of this platform of changes, the Province has committed to funding policy and program changes that will help increase housing supply and affordability.

## Summary of Legislative Changes

The changes to the *Planning Act*, *Development Charges Act* and the *City of Toronto Act* can be summarized as follows:

- Changes related to zoning, plan of subdivision and site plan application processes to expedite approvals and encourage timely decision-making on the part of municipalities;
- Ensure provincial housing policies are implemented and priority projects are expedited by making changes to provide the Minister of Municipal Affairs and Housing with new tools to address dispute resolution and;
- Enhance transparency and increase certainty of development costs through changes to disclosure of development-related charges.

While there are a series of amendments being introduced by way of Bill 109, there are only a few of the regulatory changes that directly apply or have implications for planning and development within the Town of LaSalle. The following chart helps to summarize the nature of each proposed change, the rationale behind the amendment, and outlines the provincially mandated timelines associated with implementing the change.

### Amendments Resulting from Bill 109 Pertinent to the Town of LaSalle

Item	Nature of Amendment & Proposed Rationale	Schedule for Implementation	Action Item/Notes
Mandatory Site Plan Approval Delegation	The legislation requires municipalities to pass a by-law to appoint an authorized designate to oversee and approve site plan control applications. The intent of the change is to streamline the municipal approval process for the development community and depoliticize site plan matters.	July 1, 2022.	Pass a by-law to authorize the Director of Planning and Development and, in the alternative the Deputy CAO to issue site plan approval on behalf of the municipality.
Pre-consultation for Planning Act Application	The new legislation establishes rules around conducting pre-consultation for site plan approval applications.	July 1, 2022	No action required. Our current Official Plan outlines policies requiring Pre-consultation requirements (Section

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			7.12.1 of the Town's Official Plan).
Site Plan Complete Application	Complete application requirements are prescribed within the new legislation, mandating that the municipality inform the applicant of a complete <i>Planning Act</i> application within 30 days of it being formally received.	January 1, 2023	Our current Official Plan outlines policies with respect to complete application requirements. (Section 7.12.3 of the Town's Official Plan).  Town staff will be reviewing and amending our current site plan approval application form to ensure it complies with the complete application requirements.
Partial to full Refund of Application Fees if decision is not reached within the statutory timeframe	The legislation contains new punitive provisions requiring municipalities to refund, in part or in full, fees for applications if a decision by the municipality is not made within the timelines prescribed within the <i>Planning Act</i> . This change is meant to incentivize timely decision making related to municipal approvals.	January 1, 2023	No action required at this time. The Province continues to explore how this amendment should be implemented.  <i>Site Plan Approval Timeline</i> - 60 days following confirmation of receipt of a complete application  <i>Rezoning Approval Timeline</i> - 90 days following confirmation of receipt of a complete application
Acceptance of Surety Bonds as a form of Financial Security	The legislation looks at the acceptance of different financial securities required to secure commitments made as part of a	January 1, 2023	No action required at this time. The Province continues to explore the different formats of surety and their relative applicability.

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	municipal planning approval.		

**Site Plan Approval Delegation**

Site plan control is a tool that is used by the Town in accordance with the provisions of Section 41 of the *Planning Act*, to make sure that commercial, industrial, institutional, and multi-unit residential development is designed, built and maintained appropriately.

The Council adopted and approved Official Plan establishes the objectives for using this planning tool, including:

- Ensuring safe and efficient vehicular and pedestrian access;
- Minimizing incompatibilities between new and existing development;
- To establish the location of parking, loading and other site details;
- Ensuring that the required easements and/or land dedications are obtained as needed for road widenings, public infrastructure, and site drainage.

No public meetings are required for the Town to approve a site plan control application, and no external appeals are permitted. Under the *Planning Act*, only the Applicant can appeal a site plan control application decision.

One of the more pertinent amendments to the *Planning Act* resulting from Bill 109, removes Council’s approval authority for site plans and transfers that approval authority to a delegate pursuant to Bill 109. What this means is that site plan matters will no longer be reviewed and discussed before Council but will instead be part of administration’s responsibility to review and approve. The Province’s rationale for these amendments to the *Planning Act* will help to fast-track the municipal approval process for site plan, and reduce the interference often encountered during what is intended as a technical function. This change is not a request from the Province, but rather a mandatory change required as part of Bill 109.

It should be noted that many of the municipalities in our region have already delegated this approval authority to staff, and from the information gathered to-date, it appears to have resulted in a more efficient approval process. Municipalities that have already delegated this approval authority have reduced the number of decisions that need to be made by Council and have enabled Council to deal with more pressing, strategic issues.

**Internal Site Plan Approval Process**

When an expression of interest is made as it relates to a site plan control application, planning staff will conduct a pre-consultation with the applicant. This initial meeting is used as a way for the applicant to explain the development proposal in greater detail, as well as a venue for administration to communicate any development constraints or opportunities associated with the application. The municipal requirements necessary for a complete application are discussed, and staff will outline for the applicant the drawings and reports required to accompany the request, so that the application can be deemed complete.

Administration will then circulate the application to internal staff and agencies for their collective review and consideration. A Site Plan Review meeting will then be held with Planning, Building, Fire, Legal and Engineering so that these concerns/questions can be discussed collaboratively, and the proposal can be assessed against current municipal standards and relevant Council adopted policies. These comments will then be relayed back to the applicant for their review, and a resubmission that incorporates staff comments will be prepared.

Once administration is satisfied with the proposal, ensuring that all municipal and land-use planning requirements have been met, final drawings will be prepared by the applicant and a draft site plan agreement will be circulated by the Town's Solicitor. This agreement will contain standard clauses with respect to site plan control as well as provisions specific to the development application the agreement applies to. The agreement will be signed by both the Town of LaSalle and the owner of the lands and registered on title prior to the start of construction.

This internal review process will continue as established, encouraging collaboration with the applicant and municipal administration. While Council will no longer be approving site plan control applications, there should be a general level of comfort among members of Council given that administration has a robust process in place to assess these applications, and that the assessment is completed using Council adopted policies, by-laws and municipal standards. The Town of LaSalle remains committed to improving the development review process for applicants, staff, partners and the public.

## **Conclusion**

Ultimately the new legislation is targeted at reducing "red tape", accelerating the development application review timelines, and streamlining the approvals process. We will continue to monitor the treatment and interpretation of the changes made by Bill 109 and provide periodic updates as the information becomes available.

## **Consultations**

The development of this report was prepared in consultation with Ministry of Municipal Affaires and Housing, neighboring Windsor-Essex County municipalities as well as internal staff including the Town's Clerk, Town Solicitor, municipal engineering, and the Fire Chief.

## Financial Implications

While there are no immediate financial implications resulting from the amendments required by way of Bill 109, the changes ultimately have an impact on the Town's ability to review applications in a timely manner, given refund requirements legislated as part of the Bill. This may result in the need to retain additional staff resources to process site plan review in accordance with the legislated timelines, thus minimizing application fee refunds.

### Prepared By:



Director of Planning and Development

Gudrin Beggs

## Link to Strategic Goals

1. Enhancing organizational excellence - Yes
2. Strengthen the community's engagement with the Town - Not Applicable
3. Grow and diversify the local economy - Not Applicable
4. Build on our high-quality of life - Not Applicable
5. Sustaining strong public services and infrastructure - Yes

Where enhancing organizational excellence and sustaining strong public services continue to be identified as goals outlined in our strategic plan, these amendments to the *Planning Act*, specifically related to the site plan delegation – an amendment intended to encourage efficient decision-making – will undoubtedly assist the Town to help achieve these strategic objectives.

**Report Approval Details**

Document Title:	Bill 109 Update and Implications PBP-17-2022.docx
Attachments:	
Final Approval Date:	May 27, 2022

This report and all of its attachments were approved and signed as outlined below:



Chief Administrative Officer

Joe Milicia