

Date: 2022-07-25

Subject: **Recommendation Report – City Initiated Official Plan Amendment and Administrative Authority By-law Amendment (Bill 13, Supporting People and Businesses Act, 2021 – Expanded Delegated Authority).**

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Recommendations:

1. THAT the report titled “Recommendation Report – City-Initiated Official Plan Amendment and Administrative Authority By-law Amendment (Bill 13, Supporting People and Businesses Act, 2021 - Expanded Delegated Authority)” to the Planning and Development Committee meeting of July 25, 2022, be received;
2. THAT the Official Plan Amendment be approved, on the basis that it conforms with recent administrative changes made to the Planning Act, and;
3. THAT the amendment to the Official Plan, as attached as Appendix A to this report, be adopted, and;
4. THAT staff be directed to amend the City’s Administrative Authority By-law to implement the delegated authority to the Commissioner of Planning, Building and Economic Development, as attached as Appendix C to this report.

Overview:

- **Bill 13, the *Supporting People and Businesses Act, 2021*, received royal assent on December 2, 2021, which introduced amendments to the *Planning Act* to expand the matters that Council may delegate to help streamline planning decisions.**
- **The *Planning Act* amendments allow Council to delegate planning decisions related to minor amendments to zoning-bylaws, subject to the**

establishment of Official Plan policies that specify the types of by-laws to be delegated.

- **A Statutory Public Meeting to present the draft Official Plan Amendment was held on May 16, 2022. Details of the Statutory Public Meeting are included in Appendix B.**
- **The purpose of this report is to present for Council adoption the City-Initiated Official Plan Amendment to delegate authority to the Commissioner of Planning, Building and Economic Development, or their delegate, to pass by-laws for:**
 - **Removing a holding “H” symbol; and,**
 - **Housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of a zoning by-law.**
- **This report also includes as Appendix C the amendment to the City’s Administrative Authority By-law (216-2017) to implement:**
 - **the above noted Official Plan amendments to delegate authority to the Commissioner of Planning, Building and Economic Development,**
 - **an additional delegated authority to the Commissioner of Planning, Building and Economic Development for the execution of agreements associated with Consent to Sever and Minor Variance applications.**
- **Delegated authority does not alter any notice or public meeting requirements.**
- **Delegated authority to the Commissioner of Planning, Building and Economic Development, or their delegate, will result in reducing application processing time and create capacity for staff and Council to focus on more substantive issues. Applicants will benefit from quicker approvals and potentially reduced application fees.**

Background:

Bill 13, the *Supporting People and Businesses Act*, 2021, received royal assent on December 9, 2021. Schedule 19 of the Bill made changes to the *Planning Act*, *Municipal Act*, and the *City of Toronto Act*, that enables municipal councils to, by by-law, delegate the authority to pass by-laws under section 34 of the *Planning Act* (Zoning By-laws) that are of a minor nature, to a committee of Council, or an individual who is an officer, employee or agent of the municipality.

The delegation of authority to pass by-laws under section 34 of the Planning Act includes removing of a holding “H” provision, authorizing the temporary use of land, buildings, or structures (Temporary Use By-laws), and other minor zoning by-law amendments as determined by the municipality.

In order to delegate authority, the amendments to the Planning Act require that the Official Plan provide policies to specify the types of by-laws that may be delegated. The Planning Act also notes that Council may withdraw this authority at any time through a by-law.

The delegation of these planning matters does not alter any notice or public meeting requirements, limit appeal rights, or change the requirement for planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans.

These changes to the Planning Act were made to assist municipalities streamline their planning processes for more routine and technical applications, and lessen the administrative burden of making decisions under the Planning Act from elected officials to municipal staff or committees. These changes also support applicants in avoiding delays in approvals due to Council meeting and reporting cycles.

Current Situation:

The responsibility for all decisions related to the approval of a Zoning By-law currently resides with Brampton City Council, irrespective of the nature of the by-law.

Many zoning by-law applications relate to how land can be used, such as the location and use of buildings and structures, and specific requirements for parking, setbacks and other design aspects.

Zoning By-law amendments of this nature require a review to allow staff, the public, and Council, to comment and determine if the proposal is appropriate and conforms to City and Provincial planning guidance. Zoning By-law applications of this nature require public notice, a mandatory public consultation, and are appealable to the Ontario Land Tribunal (OLT).

Zoning By-law amendments for the lifting of Holding (‘H) provisions and for the purpose of housekeeping amendments have already been subject to a full Zoning By-law amendment review process, including public consultation, and are generally not appealable to the OLT, with the exception being that applicants retain their appeal rights. Public notice of intent to remove a Holding is required to be published. An application to remove a Holding provision is technical in nature, as the applicant is only required to address the conditions of holding provision removal.

Housekeeping amendments are City-initiated and are used to make minor modifications or corrections.

In spite of the difference in technical nature and purpose, as well as public consultation requirements, all Zoning By-law amendments are processed identically, requiring a Recommendation Report and approval by Council.

Staff are proposing that approval of Zoning By-law amendments for the purpose of lifting of Holding ('H) provisions, and housekeeping amendments, be delegated to the Commissioner of Planning, Building and Economic Development, or their delegate, in an effort to streamline the process, expedite approvals for applicants and reduce fees, and remove administrative burden from Council.

Proposed Approval Process

The current process to remove Holding provisions or to make a housekeeping amendment requires a Recommendation Report to be written by staff and presented to Planning and Development Committee before advancing to Council for approval.

The proposed approval process would see the Recommendation Report replaced with an Approval Memo for the lifting of Holding provisions which outlines the development proposal and how the conditions of the Holding provision have been met. For housekeeping amendments, the Approval Memo would outline the specific changes, why they are needed and the effect of these changes.

This memo would be provided to the Commissioner of Planning, Building and Economic Development, or their delegate, for review and approval.

Public notice is a requirement for all Zoning By-law Amendments, and this requirement is not affected by the proposed change. Notice, by way of posting in the newspaper and publishing on the City's website, will remain.

Implementation

To implement this revised process, amendments to Brampton's Official Plan and the City's Administrative Authority By-law must be made.

The purpose of the proposed Official Plan Amendment (Appendix A) is to amend Section 5.0 (Implementation) to include a new Delegated Authority section that allows the approval of lifting of a Holding symbol, and housekeeping amendments, to be delegated to the Commissioner of Planning, Building and Economic Development, or their delegate.

An amendment to Schedule A of the Administrative Authority By-law (216-2017) to put the OPA into effect (Schedule C) will also be required.

In addition, Schedule A will also be amended to identify the authority of the Commissioner of Planning, Building and Economic Development to execute agreements associated with consent to sever applications and minor variance applications. These agreements are sometimes needed to satisfy technical matters associated with consent

and minor variance applications, and where needed are included as a condition of the Committee of Adjustment's approval.

Community Engagement

The public meeting to present the proposed Official Plan Amendment was held on May 16, 2022. There were no members of the public in attendance, and no comments were received.

Policy Analysis

The proposed Official Plan Amendment conforms with updated provisions made to the Planning Act through Bill 13, specifically Part V, Section 39.2 Minor By-laws –delegation.

Outcomes

As noted before, changes to the Planning Act were made to assist municipalities to streamline their planning processes and to shift some of the administrative burden from Council to municipal staff. These changes were also made to assist applicants avoid delays in approvals due to Council meeting and reporting cycles.

Other anticipated outcomes of implementation of Delegated Authority will include:

- Accelerated and responsive approvals – reduction of report lead time for eScribe, removal of extended review and sign offs, reduction in staff time for report writing
- Less administration by Council with fewer technical and clerical matters, allowing Council to focus on broader priorities – removal of 10 to 15 holding/housekeeping reports annually
- Cost and time savings for applicants, including the ability to reduce fees for applications to lift a holding provision

Corporate Implications:

Financial Implications

There are no financial implications directly associated with this report.

Other Implications

No other implications associated with this report have been identified at this time.

Term of Council Priorities:

Term of Council Priorities (2019-2022)

This report directly aligns with the Strategic Direction – Brampton is a Well-Run City. The proposed amendments to the Official Plan and the Administrative Authority By-law will improve day-to-day operations by streamlining service delivery.

Living the Mosaic – Brampton 2040 Vision

This Report has been prepared in full consideration of the overall vision that the people of Brampton will 'Live the Mosaic' through enabling greater internal capacity and enhancing our commitment to customer service.

Conclusion:

This report recommends that Council enact the Official Plan Amendment attached hereto as Appendix A, and the enabling amendment to the Administrative Authority By-law.

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Attachments:

Appendix A: Official Plan Amendment

Appendix B: Results of the Public Meeting

Appendix C: Administrative Authority By-law Amendment