



Report to: Development Services Committee

Meeting Date: November 8, 2021

SUBJECT: Provincial Consultation on Bill 13, *Supporting People and Businesses Act, 2021 (Development Charges Act, 1997 and Planning Act)*

PREPARED BY: John Yeh, MCIP, RPP, Manager, Strategy & Innovation (ext.7922)
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RECOMMENDATION:

1. That the report entitled, “Provincial Consultation on Bill 13, *Supporting People and Businesses Act, 2021 (Planning Act and Development Charges Act, 1997)*” dated November 8, 2021 be received;
2. That this report including the recommendations and comments from the City of Markham on proposed additional delegation of planning decisions from Bill 13, *Supporting People and Businesses Act, 2021*, be forwarded to the Ministry of Municipal Affairs and Housing;
3. That the Province’s proposal to provide for the discretionary delegation of the authority to pass by-laws under section 34 of the *Planning Act* that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality be supported;
4. That the Province be requested to consider a delegation of Council’s authority to grant an exemption to Part Lot Control under Section 50(7) of the *Planning Act* to a committee of council, or an individual who is an officer, employee or agent of the City; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The commenting period for the Province’s proposed Bill 13, *Supporting People and Businesses Act, 2021* is open until November 21, 2021. This report provides staff comments in response to Bill 13 and in particular, the proposed amendments to the *Development Charges Act, 1997* in Schedule 7 and the *Planning Act* in Schedule 19

BACKGROUND:

On October 7, 2021 the Province introduced Bill 13, [*Supporting People and Businesses Act, 2021*](#) which proposes to amend twenty nine statutes. According to the Province, Bill

13 focuses on reducing red tape and helping to build a more efficient Ontario for people and businesses coming out of the COVID pandemic with the following areas of focus:

- Making Ontario more competitive
- Supporting tourism and local recovery
- Boosting rural and northern economies
- Making health services a priority across sectors

The *Planning Act*, *Municipal Act, 2001*, and *City of Toronto Act, 2006* are three of the twenty nine statutes proposed to be amended to provide additional delegation of planning decisions to a committee of council or an individual who is an officer, employee or agent of the municipality - <https://ero.ontario.ca/notice/019-4419>. According to the Province this proposal will help streamline planning decisions.

The City of Markham welcomes suggestions and opportunities to help streamline and improve the development review process and planning decisions. The October 25, 2021 Development Services Committee staff report titled “Implementation of Recommendations from the Development Review Process Assessment” provided a status update on the implementation of KPMG’s twenty one recommendations to improve Markham’s development review process. The staff report also noted examples of development review process improvements from staff and external feedback including from the Markham City Builders Forum. Development Services Committee members also offered concrete solutions on the challenges of the planning process and opportunities for improvements. Staff will continue to examine opportunities for process improvements including the potential implementation of the Province’s proposed delegation of additional planning matters.

Proposed Bill 13 also recommends changes to the *Development Charges Act, 1997* to allow development charges to fund the capital costs associated with the Yonge North subway extension. The Province is not seeking comments on this proposed amendment.

The Province has provided a 45 day commenting period for the proposed changes to the *Planning Act*, *Municipal Act, 2001*, and *City of Toronto Act, 2006* which concludes on November 21, 2021.

DISCUSSION:

The *Planning Act* permits Council to delegate certain decisions to a committee of council, to staff, or, in some cases, to a committee of adjustment which Markham has implemented. Examples of delegated decisions include site plan, plans of subdivision and consents. The City of Markham’s [Delegation By-law 2002-202](#) for Development Approval Authority provides the Director of Planning & Urban Design delegated authority to approve plans and drawings of various classes of development for site plan development applications.

The proposed changes to the *Development Charges Act, 1997* and *Planning Act* (see **Appendix ‘A’**) along with staff comments and recommendations are provided below.

The proposed changes to the *City of Toronto Act, 2006* are not applicable to Markham. And are therefore not included.

Expanding planning matters that a council may delegate to a committee of council or an individual who is an officer, employee or agent of the municipality

Proposed changes to the *Planning Act* would allow a council the discretion to delegate planning decisions dealing with minor amendments to zoning by-laws, subject to criteria in official plan policies. Delegated decisions that Council could consider include the removal of holding symbols and authorizing temporary use of land, buildings or structures in accordance with the *Planning Act's* temporary use provisions.

Should Bill 13 come into force, the proposed ability to delegate additional matters provides an opportunity for Council to consider streamlining the process by potentially providing for quicker planning decisions.

Recommendation 1: That the Province's proposal to provide for the discretionary delegation of the authority to pass by-laws under section 34 of the *Planning Act* that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality be supported.

Province should consider including Part Lot Control as a delegated matter

While not directly related to zoning, which is the subject of the changes in Bill 13, Section 50(7) of the *Planning Act* permits Council to pass a by-law to exempt a block or lot within a plan of subdivision from part lot control, allowing an Owner to subdivide the land. Council typically grants this authority for the creation of freehold townhouses, which has become a popular housing form in the City. The power to grant an exemption from part lot control rests solely with Council, does not require specialized notice or a public meeting, and is not appealable to the Ontario Land Tribunal.

Requests for part lot control exemption by-laws have become frequent and routine. As a result, the process for adoption has been streamlined through staff bringing these by-laws directly to Council and identifying the area and purpose of these by-laws in an explanatory note attached to the by-law. However, the City has encountered challenges when owners and developers have requested by-laws on an urgent basis in between Council meetings, or during a Council break. This was the case in August 2021 where two part lot control by-laws were requested on an urgent basis during Council's summer recess, and for which Council convened a special meeting on August 26, 2021.

To address such situations, staff recommend that the Province be requested to consider a similar delegation of the authority to pass a part lot control exemption by-law to either a committee of council, or an individual who is an officer, employee or agent of the municipality.

Recommendation 2: That the Province be requested to consider a delegation of Council's authority to grant an exemption to Part Lot Control under Section 50(7) of the *Planning Act* to a committee of council, or an individual who is an officer, employee or agent of the City.

The Province has indicated that procedural requirements related to delegated minor zoning by-law amendments will remain the same

According to the Province, the proposed delegation of planning matters pursuant to section 34 of the *Planning Act* will maintain the requirement for public notice and public meeting requirements (e.g. timelines, notice details, etc) as well as maintaining appeal rights. Also, land use planning decisions are still required to be consistent with the Provincial Policy Statement and to conform or not conflict with Provincial Plans.

Proposed changes to the *Development Charges Act, 1997* to allow development charges to fund the capital costs associated with the Yonge North subway extension

The Province is proposing the Yonge North subway extension be added to the list of services in the *Development Charges Act, 1997* where development charges can be required to pay for increased capital costs associated. While the Province is not seeking comments on proposed changes to the *Development Charges Act, 1997*, staff supports the ability for York Region to use development charges to fund the capital costs of building the Yonge North subway extension.

FINANCIAL CONSIDERATIONS

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Provincial tools from the *Development Charges Act, 1997* to help fund the building of the Yonge North subway extension and *Planning Act* to help streamline planning decisions aligns with the City's strategic focus of Growth Management, Transportation/Transit, and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

Planning & Urban Design, Finance, and Legal Services

RECOMMENDED BY:

Biju Karumanchery, MCIP, RPP
Director, Planning and Urban Design

Claudia Storto
City Solicitor and Director, Human
Resources

Arvin Prasad, MCIP, RPP
Commissioner Development Services

ATTACHMENTS:

Appendix 'A' – Bill 13, Schedule 7 *Development Charges Act, 1997* and Schedule 19 *Planning Act*