

City of Mississauga

Corporate Report



<p>Date: February 11, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: LA.07-BIL</p>
	<p>Meeting date: March 7, 2022</p>

Subject

INFORMATION REPORT (All Wards)

Bill 13, *Supporting People and Business Act* – Expanded delegated authorities

File: LA.07-BIL

Recommendation

1. That the report dated February 11, 2022, from the Commissioner of Planning and Building entitled "Bill 13, *Supporting People and Business Act* - Expanded delegated authorities" under file LA.07-BIL, be received for information.
2. That staff be directed to return to Planning and Development Committee (PDC) for a statutory public meeting with recommendations and draft Official Plan Amendments (OPA) to delegate approval authority for the removal of holding provision applications to the Commissioner of Planning and Building.

Executive Summary

- Bill 13, *Supporting People and Business Act* received royal assent on December 2, 2021 which provides a new discretionary authority to Council to delegate planning decisions dealing with zoning by-laws amendments of a minor nature to committees of council or municipal staff, subject to criteria being established through official plan policies
- Staff recommend Council consider delegating approval authority to the Commissioner of Planning and Building for holding provision removal applications
- Delegating approval authority to the Commissioner of Planning and Building on holding provision removal applications will reduce application fees and processing times by three to four months

Background

Bill 13 received royal assent on December 2, 2021 introducing process changes to the *Planning Act* for applications under Section 34 that are minor in nature. The bill provides new discretionary authority to Council to delegate planning decisions dealing with zoning by-law amendments of a minor nature; such as removal of holding provisions, temporary zoning by-law amendments and extensions to temporary use by-laws to committees of council or delegated officials, subject to criteria being established through official plan policies. Each municipality must determine whether to exercise this new authority and the types of applications they choose to delegate. This report is staff's proposed response to Bill 13 and recommended implementation measures.

PROPOSAL

Since applications to remove holding provisions are technical in nature, staff recommend Council consider delegating approval authority to the Commissioner of Planning and Building.

Comments

Bill 13 has been enacted as Chapter 34 of the Statutes of Ontario, 2021 and is in force and in full effect with the incorporation of Section 39.2– Minor by-laws – delegation into the *Planning Act*. The bill does not alter any notice or public meeting requirements or limit appeal rights. It also does not change the requirements under the *Planning Act* for land use planning decisions including consistency with the Provincial Policy Statement and conformity with Provincial Plans.

Removal of the Holding Provision Applications

Under Section 36 of the *Planning Act*, the purpose of 'H' holding provisions in a zoning by-law is to permit future uses of lands and/or buildings with specified regulations but delay development until the developer has met technical requirements and/or conditions. These requirements and conditions can include the execution of a development agreement including engineering schedules, land dedications, Section 37 agreements, environmental requirements and/or streetscape commitments. Properties with a holding provision have already been subject to a full zoning by-law amendment review process, including public consultation. The exception to this would be in our City Centre District that have holding provisions on the majority of lands. The City Centre zones and accompanying holding provisions were implemented as part of a City initiated zoning by-law amendment in 2001.

Removal of the holding provision applications are mostly technical in nature, as the applicants need only to address the conditions of holding provision removal prior to submitting an application for its removal. A formal public meeting is not required under the *Planning Act*, however, notice of Council's intention to pass the amending by-law to remove a holding provision under Subsection 36(4) of the *Planning Act* must be given in accordance with Ontario Regulation 545/06. Approval of this amending by-law is not appealable by the City or the public.

Staff recommends a revised process for removal of holding provision applications that will abbreviate the process and reduce application fees. The revised process will delegate approval authority to the Commissioner of Planning and Building Department, pursuant to Section 39.2 of the *Planning Act*. The current process to remove the holding provision involves a recommendation report from the Commissioner of Planning and Building to be prepared and presented to PDC. The revised process will entail the Planning and Building Department preparing a detailed memorandum outlining the development proposal and how the conditions of the holding provision have been met. This memorandum will be sent to Mayor and Council for their information and would simply replace the Recommendation Report that is currently prepared. This process revision is anticipated to reduce application processing times by three to four months. Formal public notice of Council's intention to remove the holding provision will still be provided in accordance with the requirements under the *Planning Act*. The proposed process is illustrated in Appendix 1 of this report. An anticipated time saving of three to four months is projected upon the implementation of this revised process. In order to implement this revised process, amendments to Mississauga Official Plan (MOP) must be presented at a Public Meeting and receive subsequent Council approval. A by-law authorizing the Commissioner of Planning and Building to become the delegated approval authority for the revised process will also need to be approved by Council.

Temporary Use By-law Extension Applications

Section 39 of the *Planning Act*, permits Council to pass by-laws regarding the temporary use of lands, buildings or structures for a maximum period of three years at a time, with the ability to grant further extensions. Staff will investigate further and report back to PDC with the recommendations to modify the temporary use by-law application process in a separate report.

Financial Impact

A review of planning application fees is currently underway. Should Council approve this new process, appropriate fee would be established.

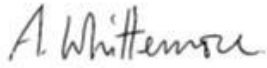
Conclusion

Mississauga's proactive approach to reviewing our planning processes would make Mississauga one of the first municipalities to implement the new Bill 13 legislation approvals. The recommended process represents a progressive approach to addressing Provincial objectives to streamline the development approval processes.

In order to implement this revised process, amendments to Mississauga Official Plan (MOP) must be presented at a Public Meeting and receive subsequent Council approval. A by-law authorizing the Commissioner of Planning and Building to be the delegated approval authority for the revised process will also need to be approved by Council. Staff will also be investigating any necessary modifications to our ePlans system to accommodate the revised approval process for removal of the holding provision applications.

Attachments

Appendix 1: Proposed Removal of the Holding Provision Process



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Mila Yeung, Development Planner