

City of Mississauga
Corporate Report



<p>Date: June 10, 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 (All Wards)</p>
	<p>Meeting date: July 5, 2022</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (ALL WARDS)

Bill 13, Supporting People and Business Act – Expanded Delegated Authorities

File: LA.07-BIL (All Wards)

Recommendation

1. That the proposed Mississauga Official Plan Amendment contained in the report titled "Bill 13, *Supporting People and Business Act* – Expanded Delegated Authorities" dated June 10, 2022, be approved.
2. That authority to approve removal of holding provision applications and pass amending by-laws be delegated to the Commissioner of Planning and Building and that a by-law authorizing the delegation of authority be prepared pursuant to Section 39.2 of the *Planning Act*.
3. That a by-law be enacted to amend the Council Procedure By-law 0044-2022 to reflect the authority of the Commissioner of Planning and Building to enact by-laws to amend the Zoning By-law 0225-2007 to remove holding provisions in accordance with Section 39.2 of the *Planning Act* as outlined in the report dated June 10, 2022 from the Commissioner of Planning and Building.

Background

An information meeting was held by the Planning and Development Committee on March 7, 2022, at which time an Information Report (<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=21168>) was received by the Committee. Recommendation PDC-0018-2022 was then adopted by Council on March 23, 2022.

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.

Since the Information Report, staff have prepared the proposed official plan policy stipulating the proposed scope of authority to be delegated to the Commissioner of Planning and Building by Council pursuant to Section 39.2 – Minor by-laws delegations of the *Planning Act*. Appendix 1 of this report, Information Report, Bill 13, *Supporting People and Business Act* – Expanded delegated authorities, contains the background and rationale for the delegation authority to the Commissioner of Planning and Building. These applications are mostly technical in nature and involve staff ensuring that the conditions of approval imposed through a rezoning application process have been met to the City's satisfaction

Comments

Bill 13 has been incorporated in the *Planning Act* as Section 39.2 – Minor by-laws – delegation and is now in full force and effect. Section 39.2 provides new discretionary authority to Council regarding the delegation of planning decisions on minor zoning by-law amendment applications such as the removal holding provisions, temporary use and extensions to temporary use by-law applications. Council can also delegate the approval of the implementing by-laws for these applications to committees of council or delegated officials, subject to criteria being established through official plan policies. Bill 13 does not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement (PPS), conform with and not conflict with provincial plans and conform to regional and local official plans.

Each municipality has the option to determine whether to exercise this new authority and the types of applications they choose to delegate to staff or committee. At this time, staff are only recommending that Council delegate the authority to approve applications to remove holding provisions and to approve amending by-laws to the Commissioner of Planning and Building. Staff will report back to Council about the delegation of other applications and/or zoning by-laws of a minor nature in the future.

REVISED REMOVAL OF THE HOLDING PROVISION PROCESS

Since the Information Report was presented to PDC on March 7, 2022, a further delegation of authority is now being recommended. The revised process now includes Council's delegated

authority to allow the Commissioner of Planning and Building to approve by-law amendments to remove holding provisions in addition to approving the applications. Appendix 2 of this report, contains the revised removal of the holding provision application process compared to the current application process. The proposed process is anticipated to significantly reduce application processing times from the current application process by three to four months. The formal public notice from the Commissioner of Planning and Building will identify the earliest date that the Commissioner will approve an amending by-law to remove a holding provision. Staff will also discuss and keep the applicable Ward Councillor and Council fully informed via a detailed memorandum of the development application and its status prior to passing the by-law to remove the holding provision. Since the memorandum will replace the official recommendation report, the application processing timelines will be significantly reduced, benefitting Council, staff and applicants.

COMMUNITY ENGAGEMENT

The Planning and Development Committee on July 5, 2022 will be considered the official public meeting for members of the public to comment on the proposed amendments to Mississauga Official Plan (MOP) in accordance with Bill 13, *Supporting People and Business Act* or section 39.2 of the *Planning Act*. Notice of this proposed official plan amendment has been provided in accordance with the provisions of the *Planning Act*.

PLANNING ANALYSIS SUMMARY

The delegation of authority to pass zoning by-laws of a minor nature, such as the removal of the holding provisions, does not change any notice or public meeting requirements or limit appeal rights under the *Planning Act*. It also does not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement (PPS), conform with and not conflict with provincial plans and conform to both the Region of Peel Official Plan and the City of Mississauga Official Plan. For the removal of the holding provision applications, a formal public meeting is not required under the *Planning Act*. A notice advising of the Commissioner of Planning and Building's intention to pass an amending by-law to remove a holding provision under subsection 36(4) of the Act must still be given in accordance with Ontario Regulation 545/06.

Appendix 3 of this report, contains the proposed amendment to the Mississauga Official Plan (MOP). This amendment is necessary to delegate application and by-law approval authority to the Commissioner of Planning and Building for holding provision removal applications.

Financial Impact

A review of planning application fees is currently underway. Should Council approve this new process, the current fee will be reviewed and amended to reflect the new process.

Conclusion

The proposed amendment to MOP conforms to the new *Planning Act* provisions under section 39.2. The proposed MOP amendment, revised application process, and the delegation of by-law approval represents a progressive approach to addressing the Provincial objective of streamlining the development approval process.

Should the proposed policies be approved by Committee, the implementing official plan policies and a by-law delegating authority to the Commissioner of Planning and Building to pass by-laws to remove holding provisions will be brought forward to Council at a future date.

After the passage of the implementing official plan amendment and delegation By-law by Council, staff will make the necessary modifications to our ePlans system to implement the new planning application process.

Attachments

Appendix 1: Information Report

Appendix 2: Revised Removal of the Holding Provision Process

Appendix 3: Excerpt of Draft Official Plan Amendment



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

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