



**City of Hamilton**  
**OPEN FOR BUSINESS SUB-COMMITTEE**

**Meeting #:** 19-002  
**Date:** June 10, 2019  
**Time:** 1:30 p.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

Loren Kolar, Legislative Coordinator (905) 546-2424 ext. 2604

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**1. CEREMONIAL ACTIVITIES**

**2. APPROVAL OF AGENDA**

(Added Items, if applicable, will be noted with \*)

**3. DECLARATIONS OF INTEREST**

**4. APPROVAL OF MINUTES OF PREVIOUS MEETING**

4.1 February 27, 2019

**5. COMMUNICATIONS**

5.1 Correspondence from the Hamilton Burlington Society of Architects respecting Site Plan Approval System Proposed Improvements Report

Recommendation: Be received.

**6. DELEGATION REQUESTS**

**7. CONSENT ITEMS**

7.1 Continuous Improvement Team Process Review – Water and Sewer Permits for New Single Family, Two Family and Townhouse Dwellings – Case Study No. 23

7.2 Building Division Key Performance Indicators (KPI) and Dashboards – Building Division Dashboard and Plan Examination Performance Dashboard – Case Study No. 24

7.3 Continuous Improvement Team Process Review- Zoning Review of Tents and Temporary Structures for Building Permits – Case Study No. 25

7.4 Continuous Improvement Team Site Plan Waivers – Case Study No. 26

**8. PUBLIC HEARINGS / DELEGATIONS**

**9. STAFF PRESENTATIONS**

9.1 Construction Management Plan (to be distributed)

**10. DISCUSSION ITEMS**

**11. MOTIONS**

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



# Hamilton

## **OPEN FOR BUSINESS SUB-COMMITTEE MINUTES 19-001**

**Wednesday February 27, 2019**

**9:30 a.m.**

**Council Chambers, 2<sup>nd</sup> Floor  
Hamilton City Hall**

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**Present:** Mayor Eisenberger, Councillor M. Pearson (Chair)  
Councillor J. Farr (Vice-Chair), J. P. Danko, L. Ferguson and  
A. VanderBeek

**Also in attendance:** Ed Fothergill, Hamilton Chamber of Commerce  
Adam Hitchcock, Hamilton Halton Home Builders Association  
Matteo Patricelli, Flamborough Chamber of Commerce  
Kyle Slote, Hamilton Burlington Society of Architects  
Kathy Wakeman, Stoney Creek Chamber of Commerce

**Absent with Regrets:** Councillor T. Whitehead – Personal  
Councillor J. Partridge – Personal

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### **THE FOLLOWING ITEMS WERE REFERRED FOR THE CONSIDERATION OF THE GENERAL ISSUES COMMITTEE:**

**1. APPOINTMENT OF CHAIR AND VICE CHAIR (Item 1)**

**(Farr/Ferguson)**

- (a) That Councillor M. Pearson be appointed Chair of the Open for Business Sub-Committee for the 2018-2022 term; and

**(Pearson/Ferguson)**

- (b) That Councillor J. Farr be appointed Vice-Chair of the Open for Business Sub-Committee for the 2018-2022 term.

**CARRIED**

2. **Continuous Improvement Team - Process Review - Micro-breweries - Case Study No. 20 (Item 7.1)**

**(Ferguson/Farr)**

That the Continuous Improvement Team - Process Review - Micro-breweries - Case Study No. 20, be received.

**CARRIED**

3. **Continuous Improvement Team - 2018 Special Occasion Permit Review – Case Study No. 21 (Item 7.2)**

**(Farr/Danko)**

That the Continuous Improvement Team - 2018 Special Occasion Permit Review – Case Study No. 21, be received.

**CARRIED**

4. **Open for Business Future Ready Leadership Program (PED19058) (City Wide) (Item 7.3)**

**(Farr/Danko)**

That Report PED19058 respecting the Open for Business Future Ready Leadership Program, be received.

**CARRIED**

5. **2019 ePLANS Launch - Online Building Permit Submissions - Case Study No. 22 (Added Item 7.4)**

**(Farr/Ferguson)**

That the 2019 ePLANS Launch - Online Building Permit Submissions - Case Study No. 22, be received.

**CARRIED**

6. **Rural Development and Sustainable Private Servicing (PED18191) (Wards 9, 11, 12, 14, 15) (Item 9.1)**

**(Farr/Ferguson)**

That Report PED18191, respecting Rural Development and Sustainable Private Servicing, be received.

**CARRIED**

7. **Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19 (Item 9.2)**

**(Eisenberger/VanderBeek)**

That the Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19, be received.

**CARRIED**

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised of the following change to the agenda:

**1. CONSENT ITEMS**

7.4 2019 ePLANS Launch - Online Building Permit Submissions - Case Study No. 22

**2. STAFF PRESENTATIONS**

9.1 Rural Development and Sustainable Private Servicing (PED18191) (Wards 9, 11, 12,14, 15) (from the September 6, 2018 meeting where quorum was lost)

9.1.a Revised Presentation (to be distributed by staff at the meeting)

9.3 Open For Business Accomplishments (to be distributed)

9.3.a Presentation (to be distributed by staff at the meeting)

**(Ferguson/VanderBeek)**

That the agenda for the February 27, 2019 meeting be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 3)**

None.

**(c) APPROVAL OF MINUTES (Item 4)**

**(i) March 27, 2018 (Item 4.1)**

**(Ferguson/VanderBeek)**

That the Minutes of the March 27, 2018 meeting be received, as presented.

**CARRIED**

**(ii) Clerk's Report – September 6, 2018 (Item 4.2)**

**(VanderBeek/Whitehead)**

That the Clerk's Report of the September 6, 2018 meeting be received, as presented.

**CARRIED**

**(d) STAFF PRESENTATIONS (Item 9)**

**(i) Rural Development and Sustainable Private Servicing (PED18191) (Wards 9, 11, 12,14, 15) (Item 9.1)**

Heather Travis, Senior Project Manager, gave an overview of PED18191 respecting Rural Development and Sustainable Private Servicing, with the aid of a PowerPoint presentation.

**(Danko/VanderBeek)**

That the presentation respecting Rural Development and Sustainable Private Servicing (PED18191), be received.

**CARRIED**

The presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca), or through the Office of the City Clerk.

For further disposition of this matter, please refer to Item 6.

**(ii) Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19 (City Wide) (Item 9.2)**

Brian Hollingworth, Director, Transportation Planning and Parking, introduced Steve Molloy, Manager, who gave an overview of Case Study No. 19 respecting a Continuous Improvement Process Review – Transportation Reviews for Development.

**(Danko/Ferguson)**

That the presentation respecting the Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19, be received.

**CARRIED**

The presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca), or through the Office of the City Clerk.

For further disposition of this matter, please refer to Item 7.

**(iii) Open For Business Accomplishments (Item 9.3)**

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting Open For Business Accomplishments, with the aid of a PowerPoint presentation.

**(Eisenberger/VanderBeek)**

That the presentation respecting Open For Business Accomplishments, be received.

**CARRIED**

The presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca), or through the Office of the City Clerk.

**(e) ADJOURNMENT (Item 15)**

**(Danko/Farr)**

That there being no further business, the meeting of the Open For Business Sub-Committee be adjourned at 11:50 a.m.

**CARRIED**

Respectfully submitted,

Councillor M. Pearson, Chair  
Open for Business Sub-Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk







Hamilton/Burlington  
Society of Architects

May 16, 2019

Hamilton City Hall  
71 Main Street W.,  
Hamilton, ON L8P 4Y5

Attention: His Worship Mayor Fred Eisenberg  
Members of Hamilton City Council

**Re: Site Plan Approval System Proposed Improvements Report**

Dear Mayor Eisenberg and Members of Council,

Our Members are keenly committed to our community's future, and we work hard both as professionals and volunteers to make our community a better place.

Ensuring that municipal approvals are effective and timely is a critical issue to members of the Hamilton Burlington Society of Architects (HBSA) and the Ontario Association of Architects (OAA). The Site Plan Approvals (SPA) Process has been flagged by members as an area of concern resulting in a comprehensive study by the OAA, which we have attached for your information.

The OAA regulates the practice of architecture in Ontario and works to ensure the public interest is served and protected. Delays created by an inefficient SPA process costs both the provincial economy and the public interest. Our proposed changes will reduce the amount of time it takes to complete the SPA process and will significantly reduce the negative impact on the economy.

The HBSA would be pleased to help with any potential changes to improve the Site Plan Approval process, or to meet to discuss this further. We have a unique opportunity to improve our critical planning tools, and correct past errors in both rules and process. With the right tools our city will better encourage and support economic development and positive change.

Please do not hesitate to contact us if we can help further to improve our community.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Eisenberg', written over a horizontal line.

*Chair, Hamilton & Burlington Society of Architects*

cc. Hamilton Halton Homebuilders Association  
Hamilton Chamber of Commerce  
Hamilton Development Industry Liaison Group (DILG)  
Hamilton Open for Business Committee

Attachment: Ontario Association of Architects Report, dated March 12, 2019.



Ontario Association of Architects

March 12, 2019

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay St., 17th Floor  
Toronto, ON  
M5G 2E5

Dear Minister,

As you may be aware, the OAA has long been in favour of critical reforms to the Site Plan Approval (SPA) process. Established in 1889 and incorporated by the *Architects Act, 1890*, the OAA “regulates the practice of architecture...in order that the public interest may be served and protected.” It is with both of these objectives in mind that we write to you today.

### Overview

Responding to feedback from our membership, the building industry and from government itself, the OAA commissioned an independent study in 2013 entitled *A Review of the Site Plan Approval Process in Ontario*. This report, which studied a 100-unit condominium apartment and a 50,000-square-foot office building, found that inefficient SPA added significant costs to end users (homeowners and businesses). The total cost to all stakeholders, including government, on the 100-unit condominium was estimated to be between \$396,500 and \$479,800 per month. For the 50,000-square-foot office building, the estimated total cost was \$123,400 to \$136,800 per month. The report went on to identify a series of recommendations aimed at reducing the delays (and costs) associated with SPA.

While the report was well received and widely lauded in professional, policy and media circles, it left an important question unanswered: How much is this all costing the province? As the project-specific analysis did not provide an answer to this question, the OAA engaged Altus Group Economic Consulting to provide another independent report. Released in July 2018, this report quantified the effects of site plan delays and found a staggering provincial cost of \$100 million per month Ontario-wide. As we know, the average time for SPA is six or more months (some can take years), and the total cost of delays was found to cost as much as \$900 million per year in Ontario.

This number is astounding, but may actually be understated due to Altus’ conservative interpretation of the total volume of building permit data that would be subjected to SPA. It is very possible, and perhaps even quite likely, that the cost to the provincial economy exceeds \$1 billion per year.

In light of these findings, the OAA has proposed a series of updated recommendations that are focused on improving administrative and procedural matters regarding Site Plan Approval—none of which should be misconstrued as diminishing design. The OAA is committed to design excellence. Design Review Panels are also something the OAA recommended back in 2006, and we continue to recommend them as a mechanism through which a committee of qualified experts and practitioners can provide design feedback on a project. These panels exist outside of Site Plan Approval and deal with a much broader set of considerations. Just as they existed prior to the introduction of design control in 2006, we are confident they will continue to exist going forward to improve matters of design that affect the public realm.

## Why This All Matters

The OAA has long heard stories about how SPA adds significant costs to businesses and increases the price of housing. It has threatened to derail building projects and, at times, has even killed businesses before they open their doors.

In 2006, the American Institute of Architects (AIA) released a report from PricewaterhouseCoopers entitled *The Economic Impact of Accelerating Permit Processes on Local Development and Government Revenues*. This report found that “communities with a more efficient building permitting process can gain millions of dollars in tax revenues and significantly bolster their economic development.” Commenting on the report, PricewaterhouseCoopers noted that “Inefficient permitting processes are equivalent to a drain on economic development” while “efficient and predictable permitting processes will attract investment by reducing the risk of scheduling delays and cost overruns.”

While we have perhaps collectively been asleep at the wheel on this issue, the international community has taken far more notice. Each year, the World Bank Group publishes an annual report, *Doing Business*, with a subsection on *Dealing with Construction Permits*. It is important to keep in mind that while the ranking is assigned to Canada, it is based on a construction project in Toronto. Therefore, while the ranking refers to Canada, it can be viewed as a direct proxy for Ontario.

In 2019, the World Bank Group ranked Canada 63<sup>rd</sup> in terms of dealing with construction permits. This is one behind the Maldives and just narrowly ahead of Mozambique. Comparing against some of Canada’s G7 counterparts, the United Kingdom ranks 17<sup>th</sup>, France 19<sup>th</sup>, Germany 24<sup>th</sup> and the United States 26<sup>th</sup>. In Canada, SPA is the predominant factor in this ranking, taking 180 of the 249 days (or 72.3 per cent of the total time required). According to the report, the average total time in high-income OECD countries is 153.1 days, almost 100 days faster than in Canada. The average duration to obtain a construction permit amongst the top 10 ranked countries is only 67.9 days. The United States takes only 80.6 days.

The report also assigned scores based on a “building quality control index.” Of the 42 countries achieving a comparable or better building quality, Canada places 39<sup>th</sup> in terms of time (days). Only Romania, Lebanon and Albania rank worse. Canada (Ontario) has more processes and takes longer than virtually any other comparable country, yet achieves no better building quality as a result.

We know that we do not have an efficient—or even predictable—permitting process, and we know that SPA is the culprit. We have fallen behind our peers by any measure, and must take decisive action to fix this problem if we are genuinely committed to cutting red tape, increasing housing supply and making Ontario open for business.

## Recommendations

Given the exorbitant cost to the province, the OAA contends that SPA reform is possibly the most significant red tape issue before the government today. As a result, the OAA encourages the province to put SPA front and center in the current red tape reduction process. Due to the interconnected parts, SPA reform may require consultation and feedback from a number of stakeholders.

It is important to note that the OAA is not proposing to eliminate SPA. Architects recognize the importance of the process and are only concerned with ensuring that it functions more efficiently. Architects similarly understand the importance of design for the communities in which we live, work and play. These proposed recommendations are envisioned not to hamper the quality of architecture in the province, but to enable it to flourish.

With that said, representatives from the OAA had the pleasure to meet with MPP Donna Skelly, Parliamentary Assistant to the Minister of Economic Development Job Creation and Trade, on

October 1, 2018. During that meeting, Ms. Skelly asked the OAA to issue its own recommendations on how to solve this crisis. As a result, the OAA recommends the following:

### **1. Restoring the Section 41 exclusions of the Planning Act**

In 2006, the *Planning and Conservation Land Statute Amendment Act* was introduced, making a number of changes to the *Planning Act*. Prior to 2006, the *Planning Act* exempted the “colour, texture and type of materials, window detail, construction details, architectural detail and interior design of buildings” as conditions of SPA. After the legislation passed, many of these exclusions were removed and only interior design, the layout of interior areas and the manner of construction and standards for construction remained exempted. We refer to this as the implementation of design control within the *Planning Act*. It is an action that may have put the *Planning Act* into conflict with the *Architects Act* and, as one lawyer opined in 2006, may actually violate the Canadian Charter of Rights and Freedoms.

In July 2006, the OAA had issued the following caution to the Standing Committee: “the OAA is extremely concerned that such authority will focus design review on architectural details that have little impact on the public realm and could frustrate the design review and planning approval process.”

After more than a decade, these concerns seem to have been well-founded, with stories of long and protracted fights between the development community and city planners over such minor elements as the colour of a church door. SPA is generally considered by architects to be a technical review of elements such as set backs, lot coverage, greenspace, building height and parking. Perhaps with a few notable exceptions such as heritage buildings, site plan should not have been applied to such things as the colour of doors based on personal preferences.

Concerns have been raised, including by municipal staff outside of their planning departments, that municipal planners are contravening the *Architects Act* by trying to design buildings by proxy, relying on the apparent authority given to them by the *Planning Act*. This suggests that the *Planning Act* may need to be amended to avoid a legislative contradiction even independent of our recommendations.

In the OAA's 2006 submission regarding the *Planning and Conservation Land Statute Amendment Act*, the OAA encouraged the Government to “focus on issues related to the public realm, not issues of architectural ‘style.’” In the end, our recommendation comes full circle as the OAA asks for the pre-existing design exemptions be restored to the *Planning Act*.

This change will expedite the process, making it far more predictable by refocusing on the technical issues that truly matter, including public safety, as opposed to a planner's personal preferences regarding aesthetics. Existing mechanisms such as Design Review Panels and urban design guidelines are the appropriate mechanism for municipalities to engage with design. In particular, Design Review Panels pre-date the 2006 changes to the *Planning Act* and there is no reason to believe that restoring these exclusions to the *Planning Act* would have an impact on their ability to continue operating and delivering value to municipalities.

Refocusing on technical issues is expected to significantly reduce costs and help incite investments on the residential, commercial and industrial side. This will also have the added benefit of speeding up the review process by freeing up more of a planner's time to review site plan applications.

### **2. Increasing Accountability to the Public**

In 2011, the City of Toronto adopted a requirement that architectural recognition be prominently affixed near the main entry or prominent façade of the structure for any building over a certain size threshold. The sponsoring Councillor at the time wrote:

*By requiring that all new buildings...be required to display the name of the Architect of Record or primary Design Architect, an ongoing record of the history and development of the City of Toronto can be created. This will also serve to engage the public more in the debate about architecture, design and creativity that is growing in Toronto. Such debate can only lead to better design as the public will increasingly demand it.*

The OAA supported architectural recognition then and continues to support architectural recognition now. We believe this is an important move not only to further public dialogue about architecture, but also to enhance accountability to the public for the legacy that architects leave behind on our built environment.

While architectural recognition is currently already in place in the City of Toronto and other municipalities are actively working toward adopting similar provisions, there has been discussion as to whether municipalities have the statutory authorities to require this as a condition of SPA. Consequently, the OAA has proposed for this authority to be formally integrated into the *Planning Act*.

### **3. Setting and Enforcing a New Timeline**

Efforts to expedite the process mean little without adequate enforcement mechanisms. It is important to note that municipalities are already compelled to issue a decision on a site plan application within 30 days under Section 41(12) of the *Planning Act*, though this deadline is widely disregarded by municipalities throughout the province. Section 41(12) states:

#### **Appeal to L.P.A.T. re approval of plans or drawings**

(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 30 days after they are submitted to the municipality, the owner may appeal the failure to approve the plans or drawings to the Tribunal by filing with the clerk of the local municipality a notice of appeal accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017. 2017, c. 23, Sched. 3, s. 13 (1).

While this right to appeal by Tribunal must be preserved, we must also recognize that an appeal to the LPAT will not result in an expedited SPA, which is the ultimate and necessary goal. For this, we must (re)set a rigid deadline for approval and then add in deemed approval for failure to issue a decision within the prescribed timeframe.

To consider how this could work, the OAA looked to language within the Ontario Building Code (OBC) that deems an application to be approved if the municipality fails to render a decision:

#### **1.3.1.3 Period Within Which a Permit is Issued or Refused**

(1) Subject to Sentences (2) and (3) and unless the circumstances set out in Sentence (6) exist, if an application for a permit under subsection 8 (1) of the Act that meets the requirements of Sentence (5) is submitted to a chief building official, the chief building official shall, within the time period set out in Column 2 of Table 1.3.1.3 corresponding to the class of building described in Column 1 of Table 1.3.1.3 for which the application is made,

- (a) issue the permit, or
- (b) refuse to issue the permit and provide in writing all of the reasons for the refusal.

Table 1.3.1.3 separates classes of buildings into four larger groupings, and assigns approval timelines of 10, 15, 20 or 30 days.

The OAA proposes that approval or refusal must be issued in writing on or before the 30<sup>th</sup> day. By this deadline, a failure to either approve, or refuse to approve (listing all of the reasons for the refusal in writing), will result in the application being deemed approved.

The clock on when a review period commences will be set to the immediate business day following a submission, and not when those on staff commence their review. While the OAA is extremely sympathetic to resource concerns, delays within municipal planning departments can no longer come at the detriment of the process, the applicant, the end user or the province on the whole.

The phrase “completed application” raises concerns as the term is currently used in good faith for incomplete applications and, in bad faith, to restart the clock on the 30-day approval deadline that currently exists. Each change, no matter how trivial, can lead to numerous resubmissions and an indefinite period of delay. In the aforementioned instance of the OBC, failure to clarify a process beyond refusing to issue a permit can theoretically put a project into permanent limbo as no subsequent process or timelines are defined.

To address these concerns around the phrase “completed application” and deemed approval, municipalities should give deference to requirements already identified in Section 42 of the *Planning Act* and to ensure that any additional requirements are clearly defined in terms of both what is required and the manner in which it will be required. It must be made explicitly clear what a completed application means, so there can be a fair and objective measure of when an application is incomplete.

As currently enabled in the *Planning Act*, municipalities could still consider pre-application consultation meetings for certain applications where a list of required studies, reports or drawings will be formally set and agreed to, along with guidelines or formal terms of reference for each study, report or drawing required. While this list could be useful in helping to objectively determine what constitutes a completed application, pre-application consultations must not be used to further delay the process. For this reason, the OAA recommends that pre-consultation meetings be held within five days of an applicant expressing their intention to submit an application.

However, the OAA proposes that a new requirement be implemented for a cursory review to occur on or before the fifth day. This cursory review will not be based on the planning merits of the application, but rather to notify an applicant in writing of any missing studies, reports or drawings that the municipality will require to consider, and subsequently either approve or refuse the application. In effect, what will be required to be considered a “complete application.”

If no deficiencies are identified on or before the fifth day, then the application will be considered no later than the prescribed deadline, on its merits and according to the documentation submitted. A municipality will not be permitted to introduce new requirements if it failed to do so during the cursory review.

If deficiencies are identified in writing on or before the fifth day, the municipality and applicant should agree to one of the following courses of action at this point:

- a) For the applicant to return the missing information within the remaining five-day time allotment and for the application to be approved or refused by the prescribed approval deadline;
- b) For the applicant to return the missing information by a revised approval deadline; or
- c) For the applicant to resubmit their application at an undefined date, restarting a 30-day approval timeframe (if no other agreement can be reached).

In Option (a) or (b), the municipality will not be permitted to introduce any new requirements as a condition of approval.

Approval or refusal must be provided in writing on or before the prescribed deadline. As previously mentioned, a failure to approve or refuse an application in writing will result in the application being deemed approved.

In Option (c) (i.e. resubmission), the municipality will again not be permitted to introduce any new requirements as a condition of approval unless the applicant has altered their original submission beyond recommended or required changes identified by the municipality in writing during the first submission. As in the first submission, a failure to approve the plans or drawings by the prescribed deadline will result in the application being deemed approved.

#### 4. Adjudication

The aforementioned changes will solve all situations with the exception of when a municipality refuses a resubmission by putting in writing that an applicant has still failed to resolve the deficiencies identified during the first submission.

In this instance, the *Planning Act* should be amended to allow for an appeal to be made not only before the LPAT (as is currently written), but also before an independent adjudicator. The costs associated with the adjudicator should be borne by the applicant unless a determination is made in their favour, in which instance the costs should be borne by the municipality. The awarding of costs is intended to discourage both frivolous appeals by the applicant and unsound refusals by the municipality.

<b>First Submission</b>	
Pre-consultation (optional)	
Submission received	Timeline begins on next business day after submission
Cursory review	Day 5
Approval/Deemed Approval/Refusal	Day 30
<b>Resubmission (if needed)</b>	
Resubmission received	Timeline begins on next business day after submission
Cursory review	Day 5
Approval/Deemed Approval/Refusal	Day 30
<b>Dispute resolution*</b>	
Adjudication	Decision rendered in 15 days
Length of process	No more than 75 days
<i>Current process**</i>	<i>54% &gt; 6 months, 36% &gt; 9 months</i>

\* Timing of decision by the LPAT at the Tribunal's discretion

\*\* As identified in *A Review of the Site Plan Approval Process in Ontario* (Oct. 2013)

The OAA recognizes that making municipalities accountable to the already existing deadline in the *Planning Act* may prove challenging within some municipalities. The OAA believes that refocusing the SPA process on achieving regulatory compliance as opposed to discussions around subjective things like brick colour will significantly expedite the process. Certainty in the timeline should also reinforce the submission of complete applications. Put together, the significant time that will be freed up should allow municipalities to perform their necessary work within the prescribed timelines.

The government may wish to consider implementing a mandatory reporting period to ensure that its red tape objectives are being satisfied. Municipalities could be required to maintain and publicly report on their progress toward full compliance with the revised requirements of the *Planning Act*.

This change is expected to make the process more standardized and predictable, which will reduce costs and improve timelines (which is then expected to have significant impact on our world ranking). This will also reduce the costs associated with lengthy LPAT appeals, and will free up the Tribunal's docket to focus on important civic matters or files that are less suited for arbitration. These changes should spur investment on the residential, commercial and industrial side and will stop instances whereby projects are delayed for years and/or outright abandoned as a result of SPA.

### **Working Together**

The OAA has been very encouraged by the preliminary response from the Ministry of Economic Development, Job Creation and Trade as well as the Ministry of Municipal Affairs and Housing. There is no better time than now to reform the SPA process, given the Government's actions toward making Ontario "Open for Business." Reforming SPA will spur economic development, create jobs and have the added benefit of delivering more housing faster and at a reduced cost.

We have attached proposed revisions to the *Planning Act*, which we believe would accomplish these objectives. Parallel changes would similarly need to be considered for the *City of Toronto Act, 2006*. We look forward to working with you on this important endeavour.

Sincerely,

Kathleen Kurtin, Architect



OAA, MRAIC  
President

cc. The Honourable Todd Smith, Minister of Economic Development, Job Creation and Trade







Hamilton

Planning and Economic  
Development Department

## Memorandum

**Date:** June 10, 2019

**To:** Chair and Members  
Open for Business Sub-Committee

**From:** Ed VanderWindt  
Director, Building and Chief Building Official  
Planning and Economic Development Department

**Subject:** **Continuous Improvement Team Process Review – Water and Sewer Permits for New Single Family, Two Family and Townhouse Dwellings – Case Study No. 23**

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### BACKGROUND

The role of the Planning and Economic Development Department / Public Works Department Continuous Improvement Team (CIT) is to review select case studies after they have been through the approval process to identify any lessons learned and opportunities for process improvements.

During a recent review of our building permit processes it was determined that the current practice of issuing both a building permit for the building and a building permit for the water and sewer connections for every new single family, two family and townhouse dwellings could be streamlined by combining both permits and issuing only one building permit.

### OBSERVATIONS AND ISSUES

As noted above, the Building Division has been issuing two building permits for every new single family, two family and townhouse dwellings, one for the construction of the building and the other for the water and sewer connections to City services. Under this process an applicant has to submit two building permit applications, one for the building and another for the water and sewer connections, together with two separate permit fees. These applications are then entered into AMANDA (database) and two separate folders are created. Once the permit review is completed, two separate building permits (one for the building and one for the water and sewer connections) are printed and issued.

After carefully reviewing this process, staff of the Building Division noted that time and effort could be saved by combining both the building permit for the building and the

**SUBJECT: Continuous Improvement Team Process Review – Water and Sewer Permits for New Single Family, Two Family and Townhouse Dwellings – Case Study No. 23**  
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building permit for the water and sewer connections. This would eliminate the need for two separate building permit applications, the creation of two separate AMANDA folders and the issuance of two building permits for each new dwelling. The only change required in combining these permits would be to include the size of the water line, and the size of the sanitary and storm sewers in the description area of the building permit for the building, thus eliminating the requirement for the issuance of a separate building permit for the water and sewer connections. This would save time for both the applicant and staff, since only one building permit would have to be applied for and issued instead of the current two.

## **OUTCOME**

The Building Division is pleased to announce that as part of its ongoing efforts to seek continuous improvement solutions in the delivery of its services, a new procedure has been developed for the issuance of building permits for single family, two family and townhouse dwellings. Effective January 1, 2019, only one building permit application is required for both the building construction and for the water and sewer connections to the City service stubs. The size of the sewers (sanitary and storm) is to be indicated on the description area of the application form and will also be printed on the building permit once it is issued.

Building Division staff also recommended the addition of two new fee categories for new water service and new sewer service for single family, two family and townhouse dwellings for when the water and sewer permit is included as part of the building permit application for a new building. This fee is lower than a standalone new water and sewer permit fee since there is less administrative work in processing these applications when they are included with the building permit. These two new fees were included as part of our annual review of building permits fees under the Building By-law which were approved by Council in December of 2018 and came into effect on January 1, 2019.

EV:jc



Hamilton

Planning and Economic  
Development Department

## Memorandum

**Date:** June 10, 2019

**To:** Chair and Members  
Open for Business Sub-Committee

**From:** Ed VanderWindt  
Director, Building and Chief Building Official  
Planning and Economic Development Department

**Subject:** **Building Division KPI and Dashboards -  
Building Division Dashboard and Plan Examination Performance  
Dashboard - Case Study No. 24**

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### BACKGROUND

The role of the Planning and Economic Development Department Continuous Improvement Team (CIT) is to review select case studies after they have been through the approvals process to identify any lessons learned and opportunities for process improvements.

Over the past few years The Planning and Economic Development Department has been tracking and developing Metrics and KPI's for the various services in each Division. Specifically, in this instance the Building Division's Our People Survey working team was created in May 2018, and one of the improvement opportunities identified by the working team was to create a metric system where staff can receive performance updates periodically. The Building Division also recognizes that to achieve their vision of Building the Best City Together, it is important to set performance indicators that measure how well the division and sections are meeting both the internal and legislative service delivery standards. In addition, the division needs to have accurate and up-to-date information in real time and on demand.

The Building Division has reviewed existing reports, streamlined business processes and gathered information from multiple sources to determine the required information to establish this metric.

### OBSERVATIONS AND ISSUES

The Building Division has approximately 150 reports in the AMANDA system and dozens of other reports stored in local and shared drives. While there are a variety of reports available, each report only provides a portion of the information. Management usually goes through multiple reports before getting the required information which

**SUBJECT: Building Division Performance Metrics -  
Building Division Dashboard and Plan Examination Performance  
Dashboard - Case Study No. 24 - Page 2 of 2**

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hinders timely decision making. Staff has also expressed a need for a performance metric, so that they can stay informed on how well they are meeting their goals. Some of the other issues that were identified include:

- a) Current reports are too late, after the fact, limiting the potential for course correction;
- b) Current reports lack the ability to provide high-level information with the option to drill down, which makes it difficult to identify root causes; and,
- c) There are limited forward-looking reports to articulate resources, set strategic direction and explain future risks and opportunities.

## **OUTCOME**

The Building Division is pleased that the first version of the Building Division Dashboard and the Plan Examination Performance Dashboard has been created.

The Building Division Dashboard contains high-level metrics that track the current year's performances, year-over-year trends, permit volume by community and on-time permit review percentage. As the dashboard continues to develop, it will be shared with the teams involved. When the Division is fully comfortable with the use and display options, this dashboard will be shared openly with both internal and external stakeholders. Some of the advantages of utilizing the Building Division Dashboard include:

- a) Customers will have a better understanding of Building Division's services and performances;
- b) Customers are better informed on the average review times of the permits they are applying for;
- c) Management will easily identify trends and improvement opportunities through the dashboard, which leads to better decisions and action plans; and,
- d) Alignment to the City Wide 2016-2025 Strategic Plan in Community Engagement and Participation as well as Our People and Performance.

The Plan Examination Performance Dashboard tracks sectional progress towards meeting the performance goals. It includes: volume of permits reviewed broken down by permit and work type, on-time review percentage, distribution of workload among the teams, average review days, week over week trends, review letter issued percentage and volume of permits that are due in the following weeks. The dashboard will be introduced to the Divisional Leadership Team by the end of Q2 in 2019. The Plan Examination Performance Dashboard will be utilized in the following areas:

- a) Supervisors will be able to recognize exceptional performance and learn from best practices, improving employee morale and creating a continuous learning atmosphere;

**SUBJECT: Building Division Performance Metrics -  
Building Division Dashboard and Plan Examination Performance  
Dashboard - Case Study No. 24 - Page 2 of 2**

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- b) Supervisors will be able to identify weak performance and provide further training where needed. This creates an open, honest and trusting culture with solution-orientated development plans; and,
- c) Supervisors will be able to review the permits due in the following weeks and manage resources accordingly to avoid future risks.

EV: at





Hamilton

Planning and Economic  
Development Department

## Memorandum

**Date:** June 10, 2019

**To:** Chair and Members  
Open for Business Sub-Committee

**From:** Ed VanderWindt  
Director, Building and Chief Building Official  
Planning and Economic Development Department

**Subject:** **Continuous Improvement Team Process Review -  
Zoning Review of Tents and Temporary Structures for Building  
Permits – Case Study No. 25**

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### BACKGROUND

The role of the Planning and Economic Development Department / Public Works Department Continuous Improvement Team (CIT) is to review select case studies after they have been through the approval process to identify any lessons learned and opportunities for process improvements.

### OBSERVATIONS AND ISSUES

Article 1.4.1.3. of the *Ontario Building Code (OBC)*, identifies that a zoning by-law made under section 34 *Planning Act* is an applicable law which is required to be in compliance prior to the acceptance and issuance of a building permit. To streamline the building permit application review and approval process, the building division allows for the acceptance of a building permit application while zoning by-law compliance is completed concurrently with the review for OBC compliance. This allows for a faster application turn-around time instead of a sequential process that would have required clearance of zoning by-law compliance prior to building permit application submission.

In addition to the building permit application fee, there is an associated Applicable Law Review fee for review of compliance with the seven zoning by-laws within the City of Hamilton. However, the Building Division recognizes there are some instances and type of building permit applications where zoning by-law review is not necessary; especially in the cases of recurring or annual applications. In those cases, omitting the Applicable Law Review fee should be considered.

**SUBJECT: Continuous Improvement Team Process Review - Zoning Review of Tents and Temporary Structures for Building Permits – Case Study No. 25 - Page 2 of 2**

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**OUTCOME**

The Building Division has adopted a policy where the Applicable Law Review is not applied towards the construction and installation of tents and other temporary structures. The policy addresses the situation of requiring zoning by-law compliance review for recurring or annual applications using the same installation and location.

The Applicable Law Review fee is not applied to building permit applications for the following one-time or annually recurring temporary structures:

- Where a previous building permit has been issued for the same use; it is the same size and location; and the zoning of the property has not changed:
  - **Tents**
  - **Garden Centres**
  - **Stages**
  
- Where it is accessory to a single or two-family dwelling
  - **Tents**

EV:do





**Hamilton**

Planning and Economic  
Development Department

## Memorandum

**To:** Dio Ortiz  
Manager, Building Engineering and Zoning

**From:**  Trudy Kennedy, Senior Project Manager (ext. 5863)  
Development Planning, Heritage and Design-Rural

Yvette Rybensky, Senior Project Manager (ext. 5134)  
Development Planning, Heritage and Design-Suburban

Shannon McKie, Senior Project Manager (ext. 1288)  
Development Planning, Heritage and Design-Urban

**Date:** **Date**

**Subject:** **Exemption from Site Plan Control By-law No. 15-176 for Property Address for Development within or adjacent to Core Areas**

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In accordance with Section 9.1 of Site Plan Control By-law No. 15-176, Site Plan Control shall apply to “*any buildings or structures, including accessory buildings and structures, decks and additions to existing buildings, situated Adjacent to or within a Core Area (s), except for single detached, duplex, semi-detached or street townhouse dwellings located within a plan of subdivision or plan of condominium draft approved after January 1, 2013*”.

Proposed Development (Please briefly describe proposed development and attach concept plan/map):

Description

Core Areas include:

\_\_\_\_\_

Based on a review of the proposed development, the following is applicable:

- Proposed development is located within the footprint of an existing structure.
- Proposed development is located within a disturbed area (i.e. manicured area).
- Proposed development is located at least metres metres away from the Core Areas.
- Correspondence has been provided by the relevant Conservation Authority (attached).

Therefore:

- 2 -

- Site Plan is Required (Provide brief explanation below):  
Explanation
- Site Plan is Waived

Natural Heritage Planner Initials: \_\_\_\_\_

**Notes:**

Additional Comments

This memo does not exempt the proposal from the requirements of a building permit, nor does it exempt the proposal from the requirements of the Zoning By-law or any further regulations. Please be advised that should the application change, the Planning Division has the right to review the revised submission.

If you have any questions, please contact [Planner].