



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 7, 2015
SUBJECT/REPORT NO:	Bill 73 – <i>Smart Growth for Our Communities Act, 2015</i> – Draft Amendments to the <i>Planning Act</i> (PED15093) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Anita Fabac Manager of Development Planning, Heritage and Design (905) 546-2424 Ext.1258 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council endorse Report PED15093 and that staff be directed to forward Report PED15093 to the Ministry of Municipal Affairs and Housing as formal comments on Bill 73 – *Smart Growth for Our Communities Act, 2015*;
- (b) That the Province include the City of Hamilton as part of its working groups to be established to review land use planning elements and propose solutions;
- (c) That the Province be requested to expand the scope of its review to include a review of Ontario Municipal Board (OMB) operations, practices and procedures, as well as alternatives to the OMB.

EXECUTIVE SUMMARY

Between October 2013 and January 2014, the Ministry of Municipal Affairs and Housing (MMAH) consulted with municipalities, the public and other stakeholders on what changes were needed for the land use planning and appeal system. The City provided comments and recommendations for legislative and procedural changes to the Province in early 2014, which were outlined in Report PED14004.

The result of the Provincial consultation is Bill 73 – the proposed *Smart Growth for Our Communities Act, 2015*. The *Smart Growth for Our Communities Act* received its first reading in the Legislature on March 5, 2015 and second reading on April 21, 2015. Bill 73 will amend both the *Development Charges Act, 1997* and the *Planning Act*, creating changes to the existing planning framework. The Province has provided time for the public to comment on the proposed legislation. The deadline for comments was June 3, 2015. Draft comments were submitted to the Province on June 2, 2015 and are attached as Appendix “A” to this Report. Once endorsed by Council, this Report and its appendix will be forwarded to the Province as the City’s final comments. This Report does not review the changes proposed to the *Development Charges Act, 1997*.

Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

In October of 2013, the Provincial Government announced a review of the “Land Use Planning and Appeal System” and “Development Charges in Ontario”. The need for this review was the result of the number of changes made to the planning system over recent years and continuing concerns raised about parts of the land use planning and appeal system. The purpose of the review was to ensure that the land use planning and appeal system in Ontario is “predictable, transparent, cost-effective and responsive to the changing needs of communities”.

Between October 2013 and January 2014, the Ministry of Municipal Affairs and Housing (MMAH) consulted with municipalities, the public and other stakeholders on what changes were needed for the land use planning and appeal system. The City provided comments and recommendations for legislative and procedural changes to the Province in early 2014, which were outlined in Report PED14004. Comments dealing with the “Development Charges in Ontario” were outlined in Report FCS14010.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The land use planning and appeal system is guided by the *Planning Act* which sets out how land use decisions are made and how they can be appealed to the Ontario Municipal Board (OMB).

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

MMAH has completed its province-wide consultation, which looked at the way development is planned and paid for. The consultation focused on:

- How the Province's land use planning and appeal system can be improved;
- The *Development Charges Act*;
- Parkland dedication; and,
- Section 37 of the *Planning Act* (bonusing).

The 2013-14 consultation by the Province did not consider the following:

- Eliminating or changing the OMB's operations, practices and procedures;
- Removing or restricting the Provincial Government's approval role and ability to intervene in matters;
- Removing municipal flexibility in addressing local priorities;
- Changing the "growth pays for growth" principle of development charges;
- Education development charges and the development charges appeal system; and,
- Other fees and taxes and matters involving other legislation, unless housekeeping changes were needed.

The result of this consultation is Bill 73 – the proposed *Smart Growth for Our Communities Act, 2015*. The *Smart Growth for Our Communities Act* received its first reading in the Legislature on March 5, 2015 and second reading on April 21, 2015. Bill 73 will amend both the *Development Charges Act, 1997* and the *Planning Act*, creating changes to the existing planning framework. The Province has provided time for the public to comment on the proposed legislation. The deadline for comments was June 3, 2015. Draft comments were submitted to the Province on June 2, 2015 and are attached as Appendix "A" to this Report. Once endorsed by Council, this Report and its appendix will be forwarded to the Province as the City's final comments. This Report does not review the changes proposed to the *Development Charges Act, 1997*.

The Province has also indicated that they will be setting up working groups of stakeholders to review further more complex development charges issues, and to take a considered look at some land use planning elements, and propose solutions.

Review of Bill 73 - Changes to the *Planning Act*

Based on the number of recommendations received from various partners and stakeholders as a result of the 2013-14 consultation, the government is proposing a number of changes to the *Planning Act*. Broadly speaking these changes aim to:

- Allow for more effective citizen engagement in the planning process;
- Provide more stability for municipal planning documents and increase municipal accountability;
- Strengthen the protection of provincial interests;
- Encourage more upfront planning; and,
- Provide enhanced tools at the local level.

The following discussion outlines the revisions to the *Planning Act* proposed by Bill 73 that are of particular interest to the City, followed by the City's comments for the proposed changes.

It is important to highlight that in many cases the changes proposed by Bill 73 implement what the City already does and considers to be best practice for land use planning in the City.

1. 90-day Extension

Currently under the *Planning Act*, appeals arising from an approval authority's failure to make a decision for an Official Plan Amendment may be made after 180 days.

Bill 73 would allow for one, 90-day extension to that time period. In the case of an application under Section 22 of the *Planning Act* (a privately initiated Official Plan Amendment), the person or public body requesting the amendment can exercise the right to the extension by giving written notice to the City. The same right may be exercised by the City upon written notice to the person or public body. Notice of the extension must be given before the expiry date of the 180-day period. Only one extension may be given. If both sides give a notice to extend the period, the notice that is given first governs. The person, public body or municipality that gave or received the notice may terminate the extension at any time by giving another written notice. No notice of extension or termination need be given to any other person or entity.

Comment:

The one-time, 90-day extension for applications for Official Plan Amendments will provide the City with some additional time to make a well informed decision, however, Bill 73 only provides for the one-time extension of 90 days and only

applies to Official Plan Amendments. Even with the one-time additional extension proposed, the processing period for Official Plan Amendments will still be very restrictive for the amount of work and complexity of issues that arise. In addition, Bill 73 gives permission for the extension to be terminated at any time. Should a municipality give notice of the extension to an applicant for an Official Plan Amendment, the applicant could then in turn terminate the additional timeframe, negating the ability for the municipality to have additional time to review the application.

The proposed changes to Bill 73 should require, through legislation, a lengthened timeframe for Official Plan Amendments without the need for giving notice and termination and should be expanded to apply to Zoning By-law Amendments and Plans of Subdivision.

In Report PED14004, staff recommended that the Province conduct a review of the 120-day (rezoning) / 180-day (Official Plan Amendments and Subdivisions) prescribed timeframe under which a decision must be made to determine if it is an appropriate length of time for a municipality to make a well informed decision on an application. Staff also recommended that this review investigate lengthening the timeframe or providing municipalities with the ability to restart the timeframe if additional information is deemed necessary by the municipality and that the 120-day / 180-day timeframe begin on the day an application is deemed complete or significantly revised. Staff continue to recommended that the Province expand the prescribed timeframe for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision.

Recommendation: Bill 73 allow for a lengthened timeframe commencing on the day an application is deemed complete for Official Plan Amendments without the need for giving notice and should be expanded to apply to Zoning By-law Amendments and Plans of Subdivision.

Recommendation: The Province should provide municipalities with the ability to restart the timeframe if additional information is deemed necessary by the municipality or conversely the application is amended by the applicant which results in a recirculation of the application to the prescribed agencies / bodies for review and comment.

Recommendation: Should the Province proceed with the one-time extension, the ability to terminate the 90-day extension be removed.

2. Parkland Dedication

Currently under the *Planning Act*, an approval authority may impose, as a condition of approval of a residential Plan of Subdivision, that land be conveyed

to the municipality for park purposes or that cash-in-lieu of parkland be provided. Currently the rate of parkland dedication is 5% of the land area or one hectare for each 300 dwelling units.

Bill 73 would reduce the rate to one hectare for each 500 dwelling units. However, the lower rate does not apply if, before the date that the Amendment comes into force and effect, a payment-in-lieu has been made or arrangements for payment-in-lieu that are satisfactory to the City, have been made.

In addition, before adopting Official Plan policies authorizing payment-in-lieu as an alternative to providing parkland, the City must prepare a parks plan, in consultation with every local school board and any other person or public body deemed appropriate by the municipality. Bill 73 would also require the City to disclose how they spend money obtained through cash-in-lieu of parkland.

Comment:

With respect to parkland dedication, staff feel that determining dedication rates should be left to each individual municipality to account for its own specific needs. The reduction proposed by Bill 73 may assist in encouraging residential projects throughout areas of the City where an increase in density is envisioned and encouraged by the Official Plan and reduce economic hardship on developers. However, the appropriate rate should be determined by each individual municipality.

The City undertakes parks planning as a best practice and is supportive of the requirement for a parks plan as proposed by Bill 73, and is supportive of the requirement to disclose how money obtained through cash-in-lieu of parkland is spent.

However, the City recommends that parkland dedication deferrals, similar to deferrals for Development Charges under the *Development Charges Act* to allow for phased payments and the registration of deferral agreements on title, be permitted by the *Planning Act*.

Recommendation: The Province provide municipalities with the flexibility to determine their own parkland dedication rate and provide municipalities with the ability to defer dedication through registered agreements.

3. Two-year Moratorium

Bill 73 would prohibit applications to amend a new Official Plan or Comprehensive Zoning By-law for a period of two years after the plan or by-law comes into effect and prohibits any application for a minor variance from Zoning

By-law provisions that have been amended in response to an application by an owner or authorized agent, for a period of two years following the passing of the amendment. Subject to further consultation, Bill 73 will also define what constitutes a minor variance, which in turn would provide the City with the ability to make a regulation that would clarify what constitutes a minor variance.

Comment:

These proposed changes to Bill 73 would provide for a period of time (two years) when no applications for an amendment would be permitted. It is important to clarify that this would only apply to a new Official Plan or complete replacement of a Zoning By-law, and not to a City Initiated Official Plan Amendment or Housekeeping Amendment to the Zoning By-law.

These proposed changes may provide needed time to test the appropriateness of new Official Plan policies and new Zoning By-law regulations, but may prevent unforeseen development applications that would benefit the City. It may result in an increase in the number of appeals filed. In addition, because complete replacement of Official Plans and Zoning By-laws may not be preferred, this moratorium would not apply. Through Report PED14004, staff recommended that when there is an Official Plan Amendment or Zoning By-law Amendment that support matters that are provincially approved, that the right to appeal these amendments be removed. Bill 73 has not addressed this recommendation.

With respect to further consultation, staff recommends that the Province meet directly with the City to discuss our experiences with minor variances and what we believe constitutes a minor variance to assist the Province with defining Province-wide, exactly what constitutes a minor variance. Alternatively, the City requests that it be included in the provincial working groups to be established to review various land use matters.

Recommendation: That the Province expand this moratorium to all amendments that constitute a new Official Plan and comprehensive Zoning By-law, and provide Council with the ability to determine if an amendment is needed in the case of an error.

Recommendation: That Bill 73 remove the right to appeal Official Plan Amendments and Zoning By-law Amendments that support matters that are Provincially approved.

Recommendation: The Province meet directly with the City to discuss our experiences with minor variances and what we believe constitutes a minor variance to assist the Province with defining Province-wide what constitutes a minor variance.

4. Limiting Appeals for Certain Official Plan Matters

Bill 73 would remove the ability to appeal certain Official Plan matters to the OMB including:

- Appeals of a Council's entire decision to adopt all of a new Official Plan, "a global appeal", however part of the decision or part of the plan may still be appealed except any part of an Official Plan that implements certain matters relating to vulnerable areas under the *Clean Water Act*, Lake Simcoe watershed, Greenbelt, Protected Countryside and specialty crop areas under the *Greenbelt Act*, or the Oak Ridges Moraine Conservation Plan Area; or,
- Population and employment Growth Plan forecasts.

The *Planning Act* would continue to allow appeals relating to part of a decision or part of an Official Plan.

In addition, Bill 73 proposes changes to the *Planning Act* to remove any ability to appeal second unit policies in Official Plans.

Comment:

In Report PED14004, the City recommended that the Province remove the right to appeal an entire Official Plan Amendment. The proposed changes to Bill 73 address this and will not permit "global appeals". Staff are very supportive of this proposed change. In addition, staff are supportive of not permitting appeals of any part of an Official Plan that relates to vulnerable areas under the *Clean Water Act* and the *Greenbelt Act*. In addition, staff are supportive of removing the ability to appeal the Official Plan with respect to the population and employment Growth Forecasts and for second units, which are already contained within our Official Plans.

These proposed revisions will assist in reducing delays in final implementation of municipal Official Plans. However, staff continue to recommend that the Province remove the ability for Official Plans, Zoning By-laws or related amendments that support all matters that are Provincially approved (e.g. land budgets), to be appealed, and refine and narrow the range of appeal permissions under the *Planning Act*, in particular conformity exercises which implement Provincial Plans.

Recommendation: The Province remove the ability for Official Plans, Zoning By-laws or related amendments that support all matters that are Provincially approved, to be appealed, and refine and narrow the range of appeal permissions under the *Planning Act*, in particular conformity exercises which implement Provincial Plans.

5. Dispute Resolution

Bill 73 will permit Alternative Dispute Resolution (ADR) techniques to be used by a municipal council in resolving appeals related to Official Plans and Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision and Consent Applications to avoid a hearing at the OMB. When a municipality chooses to use the ADR process, the deadline to forward appeals to the OMB is extended from 15 days to 75 days after the appeal period expires.

It will be the responsibility of Council to give notice of its intention to use ADR to all the appellants. The Council will be required to give an invitation to participate in the dispute resolution process to as many appellants as appropriate, the applicant (if not the appellant) and any other persons or public bodies considered appropriate. Participation of those who receive an invitation is voluntary.

Comment:

Staff are supportive of applying ADR techniques to assist in resolving appeals related to Official Plan and Zoning By-law Amendments, Plans of Subdivision and Consent Applications. This will assist in saving time and money for the municipality, applicants / appellants and other interested parties. Additionally, this could also reduce the number of appeals being heard by the OMB.

It should be noted that this process would not apply to minor variance appeals and the rationale for excluding minor variance appeals has not been provided. As the majority of appeals that the City participates in relate to minor variances, the application of ADR techniques would be most beneficial. In Report PED14004, the City recommended that the existing process for minor variances be modified by looking at eliminating the Committee of Adjustment, delegating decisions for minor variances and consents to the City or allowing appeals to the OMB on error of law only. Staff continue to recommend a further comprehensive review of the existing Committee of Adjustment process to provide municipalities with a streamlined process to support and encourage greater municipal leadership in local planning decisions.

Recommendation: The Province expand the use of ADR techniques to minor variances.

Recommendation: The Province modify and streamline the existing approval and appeal processes for minor variance and consent applications.

6. Dismissal without a Hearing

Where an appellant intends to argue that Council's decision to adopt an Official Plan is inconsistent with a policy statement, or fails to conform with or conflicts with a provincial plan, the notice of appeal must explain how the decision is inconsistent or lacks conformity. A similar requirement has been included respecting appeals of a Council decision to pass a Zoning By-law amendment. In either case, failure to include the required explanation in the notice of appeal constitutes a ground for dismissal of the appeal without a hearing.

Comment:

Staff are supportive of the proposed requirement that notices of appeal relating to Official Plans explain how the decision is inconsistent or lacks conformity with a policy statement or a provincial plan. This level of detail will provide clarity to the OMB, municipalities and other interested parties in the reason for the appeal and will ensure that there are fewer frivolous appeals filed.

In Report PED14004 staff suggested that for appeals to an entire Official Plan or Zoning By-law an appellant should be able to demonstrate proof that they have engaged the municipality in a fulsome way. The Report also advocated for stronger criteria for determining frivolous and vexatious appeals. Bill 73 does not address these recommendations.

Recommendation: The Province require, as part of an appeal, demonstration that the appellant has engaged the municipality in a fulsome way.

7. Notice of Decisions

Bill 73 would require a Council, an approval authority and a Committee of Adjustment to include a brief explanation in a notice of a decision of the effect that written or oral submissions made at a public meeting had on the decision reached by Council. The obligation applies to decisions regarding Official Plans amendments, Zoning By-laws amendments, Minor Variances, Plans of Subdivisions and Consents.

Comment:

Staff are supportive of this proposed change and this was identified in Report PED14004. This will benefit those that participated in a public meeting or Committee of Adjustment meeting and provided written or oral submissions in that they could see and understand how their input was considered by Council and the Committee of Adjustment and provide transparency. However, it is important to note that in major planning projects this will cause delays. As

outlined in Report PED14004, staff suggest that clear guidelines be provided that identify the information to be included and how this information is to be shared. It is important to note that the City includes a summary of all consultation received and an analysis of how it has been addressed in all of its staff reports as a matter of best practice. Furthermore, staff are currently reviewing the process to identify and assess options for further public input at earlier stages of the review process.

Recommendation: The Province develop clear guidelines that identify the information to be included in a notice of decision and how this information is to be shared.

8. Information Considered by Council

Bill 73 would require Council and the OMB to “have regard” for information and material considered by Council in making its decision and includes any written and oral submissions from the public. In addition, when the OMB makes a decision regarding a matter that is appealed due to failure to make a decision, the OMB would be required to consider the information and material that Council received, including written and oral submissions from the public.

Comment:

Staff are supportive of this proposed change. In Report PED14004 staff recommended that the *Planning Act* be changed to require the OMB to have regard to a Council decision after an appeal for non-decision has been filed. As Council receives the benefit of a staff review, planning opinion and an analysis of written comments from the public, the OMB should have regard for Council decisions in these circumstances.

9. Official Plan Reviews

Bill 73 proposes that new comprehensive Official Plan reviews, particularly those that are intended to address Provincial Plan review matters, occur on a ten-year cycle rather than the current five-year cycle. A review of the Plan will be required every five years after that unless the Plan has been replaced by another new Official Plan. For the purposes of establishing the ten-year and five-year review periods, an Official Plan is considered to have come into effect even if there are outstanding appeals relating to those parts of the plan that propose to specifically designate land uses. In addition, Bill 73 gives council the discretion to combine a provincial plan conformity exercise with an update of the Official Plan.

Comment:

Report PED14004 requested that the Province align the review of major Provincial Plans and policy documents. Bill 73 does give Council the discretion to combine a provincial plan conformity exercise with an update of the Official Plan, but it does not require the Province to align its reviews.

Report PED14004 also recommended that the Province increase the mandatory five-year review period for municipal documents to ten years. While Bill 73 does permit a new comprehensive Official Plan process to occur on a ten-year cycle, it will still require that Official Plan reviews be undertaken every five years. Staff continue to express that Official Plan reviews should be completed every ten years to provide more certainty and predictability into the process.

Recommendation: That Bill 73 be revised to require the Province to align its own policy reviews and increase the mandatory five-year Official Plan review period to ten years.

10. Employment Areas

Bill 73 has proposed removing the requirement to revise employment land policies at the time of an Official Plan update.

Comment:

Staff are supportive of this proposed change as it provides municipalities with more protection of its Official Plan policies and the long-term protection of employment lands within the City.

11. Public Consultation

Bill 73 has proposed a repealing of the requirement for an Open House if an Official Plan is being revised under Section 26 of the *Planning Act*. In place of this, Official Plans may set out alternative measures for informing and obtaining the views of the public.

In addition, Bill 73 will require municipalities to include public consultation policies in their Official Plans.

Comment:

The City of Hamilton Official Plan contains policies on public consultation and staff support alternative mechanisms and formats for obtaining public input on major initiatives. As such, staff are supportive of this proposed amendment as it

will ensure that the consultation the City does as a best practice will be a requirement through Official Plan policy.

12. Planning Advisory Committee

Bill 73 proposes that every single-tier and upper-tier municipality must appoint a planning advisory committee. The planning advisory committee shall be chosen by Council and shall include at least one resident who is neither a member of a municipal Council nor an employee of the municipality.

Comment:

While staff are supportive of the use of advisory committees to Council and the benefits that these committees bring to the decision making process, staff seek further direction from the Province on the role and scope of the advisory committee and whether the existing advisory committees would qualify as a “planning advisory committee”. The City has a number of advisory committees that deal with land use planning matters (i.e. Environmentally Significant Areas Impact Evaluation Group, Agricultural and Rural Affairs, Cross-Melville District Heritage Committee, Hamilton Municipal Heritage Committee, Heritage Permit Review Sub-Committee). Utilizing existing advisory committees and reducing duplication would allow the City to utilize existing resources in providing advice on land use planning matters.

Recommendation: The Province define the role and scope of the planning advisory committee and confirm that the City’s existing citizen advisory committees meet the intent of the regulation and that no further committees are required.

Additional Recommendations

Through Report PED14004, staff recommended additional changes to the Land Use Planning and Appeal System that have not been addressed by Bill 73. Staff continue to stress the importance of these concerns and the need for the Province to review and address these issues. These include:

- Achieve more predictability, transparency and accountability in the planning / appeal process and reduce costs:
 - The Province align the review of major Provincial plans and policy documents;
 - The Province conduct a review of the current OMB process and investigate different tribunal models for appeals to Minor Variance and Consent applications;

- The Province create stronger criteria for determining frivolous and vexatious appeals;
 - The Province eliminate the right to appeal for non-decision, defer the 120- / 180-day period to the date an application is deemed complete (as opposed to accepted), or alternatively refine the permissions for appeals for non-decision;
 - The Province make the necessary legislative changes to disallow *de novo* appeals;
 - The Province require that no new information be presented at OMB Hearings, and in circumstances where new information is presented, it be referred back to Council for a decision; and,
 - The Province is encouraged to develop a Regulation for Section 34(16) of the *Planning Act* (zoning with conditions).
- Support greater municipal leadership in resolving issues and making local land use planning decisions:
 - The Province amend the *Planning Act* to make pre-consultation with municipalities mandatory for applications under the *Planning Act*, except minor variance and consent applications, and ensure that an application cannot be deemed complete unless all required applications are submitted as a complete package.
- Better engage citizens in the local planning process:
 - The Province amend the *Planning Act* to include the requirement / discretion for further consultation with a pause in the timing for review of a *Planning Act* applications if there are outstanding issues; and,
 - The Province amend the *Planning Act* to require giving notice through means other than newspapers or mail, and to expand the notification requirements to include tenants.
- Protect long-term public interests, particularly through better alignment of land use planning and infrastructure decisions, and support for job creation and economic growth
 - The Province make the appropriate legislative changes to allow municipalities to plan for a 50-year planning horizon instead of 20 years; and,
 - The Province make the appropriate legislative changes to give more power to municipalities to protect future employment lands and uses, and make provision for “soft infrastructure” for the long-term benefit of the municipality.

In addition, Council identified the following recommendations be forwarded to the Province for review:

- That notification be provided by first class Canada Post Mail, and that the notification be provided to each and every resident within 500 m around the subject property, with the additional postage cost be at full cost recovery;
- That the OMB take into consideration the state of the soft infrastructure around any subject property and include it into their decision regarding the timing of the subject property for that approval; and,
- That applicants be required to hold appropriate neighbourhood public meeting(s) as part of the consultation process with respect to all major applications, i.e. official plan, development, zoning and, that where applicable, the Neighbourhood Associations be advised of such public meetings.
- Inclusionary Zoning
 - The Province should investigate providing municipalities with the authority to seek affordable housing through the use of inclusionary zoning (a share of new construction to be affordable by people with low to moderate incomes) to support the City's Housing and Homelessness Action Plan to increase affordable housing projects in the City.
- Public Health
 - The Province should amend the transportation and land use planning policies to better support the achievement of compact, complete communities with increased active transportation and public transit use through changes to the *Planning Act*, the land use appeal process and the OMB's mandate.
 - The Province should support a public health perspective on the achievement of healthy, compact, complete communities by actively supporting the involvement of health units in land use planning in municipalities.
- Ontario Municipal Board
 - The Province should expand the scope of the Provincial review to include the OMB operations, practices and procedures. This review should investigate whether the OMB should be eliminated, scoped or replaces with a difference system. A comparison of other models and narrowing of appeal permissions should be investigated.

Staff continue to recommend that the Province review the items listed above and make the necessary legislative and procedural changes to implement these recommendations.

ALTERNATIVES FOR CONSIDERATION

The Province is consulting with the public on proposed changes to the *Planning Act* through Bill 73. The City could forego the opportunity to provide comments to the Province on Bill 73.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.
- 3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Draft Comments to the Ministry of Municipal Affairs and Housing

:AF/th