



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 19, 2016
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED16096)
WARD(S) AFFECTED:	City Wide
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SIGNATURE:	

Council Direction:

At the June 16, 2015 Planning Committee, staff were “directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies”.

This report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, the report summarizes OMB appeals over the last five years. Finally, this report also outlines a process going forward for reporting to Planning Committee on active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

Policy Implications and Legislated Requirements:

Land use planning is guided by the *Planning Act* which sets out how land use decisions are made and how and when they can be appealed to the Ontario Municipal Board (OMB). The *Planning Act* prescribes the situations in which an applicant may file an appeal for Official Plan Amendment, Zoning By-law Amendments and Plans of Subdivision for lack of a decision by Council.

For Zoning By-law Amendments, Section 34 (11) of the *Planning Act* states that:

“Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision on it within 120 days after the receipt by the clerk of the application, any of the following may appeal to the Municipal Board by filing a notice of appeal with the clerk of the municipality:

1. The applicant.”

For Official Plan Amendments, Section 17(40) of the *Planning Act* states that:

“If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority, any person of public body may appeal to the Municipal Board with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority.”

For Plans of Subdivision, Section 50(34) of the *Planning Act* states that:

“If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within 180 days after the day the application is received by the approval authority, the applicant may appeal to the Municipal Board with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee prescribed under the Ontario Municipal Board Act.”

Information:

1. Summary of Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable 120 or the 180 day statutory timeframe applies. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

Attached as Appendix “A” to Report PED16096 is a table outlining the active applications, sorted by Ward, from oldest application to newest.

As of February 11, 2016 there were 27 active Official Plan Amendment Applications, 62 active Zoning By-law Amendment Applications and 20 active Plan of Subdivision Applications. Combined to reflect property addresses, this results in 62 active “projects”.

Within 60 to 90 days of April 19, 2016, 11 applications will be approaching the 120 or the 180 statutory timeframe and will be eligible for appeal. Fifty-one applications have passed the 120 or 180 statutory timeframe.

2. Ontario Municipal Board (OMB) Appeals

It is important to note that only eight applications (2% of the total number of appeals) have been appealed to the OMB over the last five years for lack of a decision by Council. Within this time period (2011 – 2015) a total of 420 applications for Official Plan Amendment, Zoning By-Law Amendment and Plan of Subdivision were received and, as such, the eight non-decision appeals represents less than 2% of the total number of applications received.

Appeals to the OMB over the last five years are summarized as follows:

Applicant appeal of Council decision	214	52.7%
Non-applicant appeal of Council decision	18	4.4%
Applicant appeal for non-decision	8	2%
Committee of Adjustment appeals	161	39.7%
Other (i.e. parkland dedication appeals)	5	1.2%
Total	406	100%

3. Future Reporting

Staff will provide an updated table on a monthly basis to Planning Committee for all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications upon full implementation of the AMANDA system. In addition, with AMANDA the table will also include a qualitative analysis of the status of active applications. It is anticipated that the monthly reporting, including the qualitative analysis, will be available in Q3 of 2016.

Appendices and Schedules Attached:

Appendix “A”: List of Active Development Applications

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