





CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal Services
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 11, 2017
SUBJECT/REPORT NO:	Bill 139, <i>Building Better Communities and Conserving Watersheds Act, 2017</i> - Ontario Proposed Changes to the Land Use Planning and Appeals System LS16027(a)/PED16237(a) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joanna Wice, ext. 4638 Solicitor, Legal Services Anita Fabac, ext. 1258 Manager, Development Planning, Heritage and Design
SUBMITTED BY:	Nicole Auty City Solicitor, Corporate Services Department  Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council adopt the submissions and recommendations as provided in Report LS16027(a)/PED16237(a) regarding Schedules 1, 2, 3, and 5 of Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*;
- (b) That the Mayor be authorized to sign and City Clerk be directed to submit the letter contained at Appendix "A" of Report LS16027(a)/PED16237(a) to Ken Peterson, Manager, Ministry of Municipal Affairs and Housing, to be considered as the City of Hamilton's comments on Schedule 3 of Bill 139; and,

- (c) That the City Solicitor and the Director of Planning and Chief Planner be authorized to make submissions consistent with the recommendations of Report LS16027(a)/PED1627(a) to the appropriate Standing Committee of Legislative Assembly, including participating as part of a panel with other municipalities who may share similar views.

EXECUTIVE SUMMARY

On May 30, 2017, Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, was introduced at the Legislature. If enacted, this Bill would eliminate the Ontario Municipal Board (the “Board”), and instead create the Local Planning Appeal Tribunal (the “Tribunal”). It would also create the new Local Planning Appeal Support Centre (the “Centre”). The Bill also introduces a number of changes to the *Planning Act* which relate to Official Plan policies, Secondary Planning and Interim Control By-laws.

Other changes to the land use appeals process would be made, reducing the types of appeals that can be made – particularly to Official Plan approvals. It would also change the nature of the hearings, from the current “de novo” hearings, to reviews of Council decisions based on consistency with policies and conformity with plans.

In large part, the submissions made to the Ministry by the City last December relating to Board reform were incorporated into changes proposed in the Bill. Other changes are proposed by the Bill, such as substantive planning changes and changes to the *Conservation Authorities Act* (details of which were reported separately to General Issues Committee on June 21, 2017.).

The deadline for comments on the amendments made by Schedule 3 of the Bill on the Environmental Registry is August 14, 2017. This Report provides a summary of the details of Bill 139 and includes comments and recommendations for additional legislative and procedural changes of particular interest to the City. These comments and recommendations reflect the changes proposed by Bill 139 and also include previous comments made to the Ministry on the land use planning and appeals system. If endorsed by Council, the letter contained at Appendix “A” will be forwarded to the Ministry as the City’s submission on Schedule 3 of Bill 139 for this submission. Additionally, staff would be authorized to speak at Standing Committee in support of the Bill, consistent with the specific recommendations of this Report.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A as it relates to Schedules 1, 2, 3 and 5 of Bill 139 only.

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Staffing: N/A

Legal: Legal Services along with Planning staff will continue to monitor the status of Schedules 1, 2, 3 and 5 of Bill 139 and report back if necessary for Planning Committee and Council's consideration.

HISTORICAL BACKGROUND

Reports PED14004, PED15093 and PED16152 provided comments and recommendations regarding the Board's operations, practices and procedures, as well as alternatives to the Board and on the land use planning system. As a result of those Reports, Council directed that submissions be provided to the Ministry on both changes to the land use planning system and the Board.

On December 6, 2016, in Report LS16027/PED16237, Legal Services and Planning staff reported to Planning Committee regarding the Provincial Review being undertaken of the Board's appeals process. At that time, the Ministry was seeking submissions on proposed possible reforms. As a result of that Report, Council directed that submissions be provided to the Ministry; those submissions were sent to the Ministry of Municipal Affairs and Ministry of the Attorney General on December 19, 2016.

On May 30, 2017, Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* was introduced in the Legislative Assembly and received first reading. This Report serves to provide an update on the legislative changes being proposed as they relate to the planning process (includes appeals) and provide information about timing for these types of legislative changes.

ANALYSIS

Summary of Bill 139

The Bill has been structured to contain the proposed changes in five separate schedules:

- Schedule 1 – creates the *Local Planning Appeal Tribunal Act, 2017*;
- Schedule 2 – creates the *Local Planning Appeal Support Centre Act, 2017*;
- Schedule 3 – makes changes to the *Planning Act, City of Toronto Act, 2006*, and the *Ontario Planning and Development Act, 1994*;
- Schedule 4 – makes changes to the *Conservation Authorities Act*; and,
- Schedule 5 – makes consequential changes to various Acts.

As a general comment, this Bill would be the next in a long history of amendments to the *Planning Act*. This statute, last consolidated in 1990, now contains the result of over 26 years of amendments. The Bill has been drafted in a style that has many cross-references to provisions elsewhere in the *Planning Act* and language that detracts from the overall readability of the statute. The ongoing amendments to the *Planning Act* contribute to creating a document that is increasingly difficult to read. While the substantive changes to the *Planning Act* are generally supported as noted in further detail below, a general request would be that the Ministry consider updating the consolidation of the *Planning Act* in the future with the goal to improve the use of plain language for readability so that the public has a better ability to understand the planning process in Ontario.

There are two entries on the Environmental Registry; one permits submissions to be made on Schedule 3, the other for Schedule 4 – there are not entries for Schedules 1, 2, or 5. Below, a summary of the changes proposed to be made by each schedule is outlined.

Schedule 1 - Local Planning Appeal Tribunal Act, 2017

If passed into law, Schedule 1 of the Bill would repeal the *Ontario Municipal Board Act* and create the new Tribunal. Although the new Tribunal's enacting provisions are quite similar to the Board's, there are a number of notable changes being proposed:

- Increased emphasis on procedures, including explicit provisions to allow the Tribunal to require case management conferences for any proceeding;
- A mandatory requirement for case conferences for certain types of appeals;
- A new provision allowing for regulations to be made with respect to the timelines for proceedings;
- A new set of provisions providing for when and how evidence may be introduced at a hearing, as well as when parties or other persons may be examined; and,
- A restriction on adducing evidence or calling witnesses at an oral hearing.

These changes implement many of the requests made in the City's December 2016 submissions. The changes would procedurally improve the appeal process, though there are processes that would need to be determined when or if the new Tribunal establishes its rules for practice and procedure. Nevertheless, the proposed new Act represents a significant improvement on the current process which can be lengthy and lacking in procedural rigour.

Transition would be dealt with by regulation and therefore it is unclear at this time how or when the process would convert from the Board to the Tribunal procedures. It is

recommended that the City request consultation on future transition regulations to ensure that the process is fair, planned, and administratively workable.

Schedule 2 - Local Planning Appeal Support Centre Act, 2017

If enacted, Schedule 2 of the Bill will create a new statute that will establish the Local Planning Appeal Support Centre, an entity charged with providing information and guidance on land use planning and Tribunal procedures, as well as possible representation in planning proceedings. The Centre would be independent from the Ministry and be required to establish a system to provide support to persons determined to be eligible. Implementation details on how the Centre will function (eg. Location) have not been provided.

Schedule 3 - Amendments to *Planning Act, City of Toronto Act, 2006* and *Ontario Planning and Development Act, 1994*

Schedule 3 of the Bill would make a number of changes to the *Planning Act* that relate to planning appeals as well as changes that relate to Official Plan policies, Secondary Planning and Interim Control By-laws. Some of those changes include:

Appeals

- Local appeal bodies would be permitted to deal with site plan control matters and consents;
- Appeals of the adoption of official plans would be restricted to the basis of consistency with policy statements, conformity with provincial plans or upper-tier official plans (in lower-tier municipalities) with further specific restrictions, including certain types of major transit station area policies;
- Where official plan appeals are allowed and a decision is determined to be inconsistent or nonconforming, the amendments would require the Tribunal to give the municipality an opportunity to make a new decision in the matter;
- Where the Minister approves an official plan or an amendment, there would be no right of appeal;
- Would extend timeline for making decisions by 30 days related to official plans (from 180 to 210 days) and zoning by-laws (from 120 to 150 days), and extended from 180 to 210 days where joint official plan and zoning amendment applications are made;
- Would restrict requests to amend secondary plans before their second anniversary after coming into effect;
- Would restrict appeals of interim control by-laws to the Minister when it is first passed, those given notice of an extension would have a right of appeal if it were extended;

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- Would amend the processes under both the *Planning Act* and *Ontario Planning and Development Act, 1994*, where the Minister exercises zoning or subdivision powers as it relates to the *Consolidated Hearings Act*, and when it may be referred to the Tribunal; and,
- On appeals of subdivisions, the changes would require the Tribunal to give notice to the approval authority that it is given opportunity to reconsider its decision in cases where new information or material is proposed to be presented at the hearing.

It is noted that Bill 68 amended the Planning Act to authorize the Minister, by order, to dissolve a local appeal body and also set out special rules that apply if such an order is made.

Many of the City's recommendations in the December, 2016 submissions are reflected in the above changes. Of note is the requirement to give Council a second opportunity to make a decision on an initial decision found to be inconsistent / nonconforming. This process would reemphasize the importance of the local decision making and would be a shift from the current process which allows the Board to substitute the Council decision with its own.

Schedule 3 would also make changes to the *Planning Act* that affect land use planning that are above and beyond the changes directly related to the planning appeals processes.

Decision Timeframes

As discussed above, the proposed changes to the Act would extend the timeline for making decisions by 30 days related to Official Plans (from 180 to 210 days) and Zoning By-laws (from 120 to 150 days), and extended from 180 to 210 days where joint Official Plan and Zoning By-law amendment applications are made. It is important to note that as per Bill 73, the one-time extension of up to 90 days would still be applicable therefore the timeline for making a decision on an Official Plan Amendment would be a total of 300 days.

This extension did not include Plans of Subdivision. Therefore, the timeline for appeals would still be 180 days which means that for applications for an Official Plan Amendment, Zoning By-law Amendment and Plans of Subdivision, three different timeframes would apply. It is recommended that one standard time frame should be applied for these applications as many of the applications Planning staff deal with are joint applications and there is the potential that Zoning By-law Amendments and Plans of Subdivision would be appealed to the Board prior to decisions being made on the overall land use through an Official Plan Amendment.

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In addition, it is recommended that the one-time extension of 90 days introduced in Bill 73 be expanded to apply to Zoning By-law Amendments and Plans of Subdivision. This would result in a timeframe of 300 days for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision.

Deemed Policy Statements

The current *Planning Act* contains a general description of provincial policy statements issued by any provincial minister, "on matters relating to municipal planning that in the opinion of the Minister are of provincial interest." Bill 139 would deem the following to be "policy statements" for the purpose of the *Planning Act*:

- Policy statements issued by the Minister of Transportation under the *Metrolinx Act, 2006* with respect to transportation planning in the "regional transportation area" comprising the cities of Toronto and Hamilton and the Regional Municipalities of Durham, Peel, York and Halton;
- Policy statements issued by the Minister of the Environment and Climate Change under the *Resource Recovery and Circular Economy Act, 2016* with respect to resource recovery and waste reduction; and,
- Any other policy prescribed by regulation.

This proposed change has the effect of elevating the status of these plans to be matters of Provincial interest and raises the question of whether the planning process is the appropriate way to implement these plans. It would mean that the City would have to have regard for these plans even when they may not align with municipal land use planning frameworks or decisions and when there might be inherent conflicts.

Climate Change

The proposed changes to the *Planning Act* would require Official Plans to contain policies relating to climate change which cannot be appealed except by the Minister. The policies shall identify goals, objectives and actions to mitigate greenhouse gas emissions and to provide for adaption to a changing climate, including through increasing resiliency.

Section 2 of the *Planning Act* currently requires the Minister, municipal councils, local planning boards and the Municipal Board to have regard to matters of provincial interest and lists examples of such matters. Through Bill 68 (Modernizing Ontario's Municipal Legislation Act, 2017 which received Royal Assent on May 30, 2017) added to the list of matters of provincial interest is the mitigation of greenhouse gas emissions and adaptation to a changing climate.

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Higher Order Transit

Bill 139 also proposes that Official Plans may contain policies regarding higher order transit stations and stops for single tier municipalities which cannot be appealed except by the Minister. The Bill would define “higher order transit” as:

“transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail and buses”.

It also further proposes that if the Official Plan contains these policies, it must also contain policies that:

- Identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;
- Identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and,
- Identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.

The Bill further proposes that when the climate change and transit stations and stops policies are contained in the Official Plan, Zoning By-laws that establish permitted uses, minimum and maximum densities and, except in certain circumstances, minimum and maximum heights cannot be appealed except by the Minister.

The proposed policy changes allow for successful planning around station stops and links directly with, and assists in implementing the new Places to Grow Plan. The proposed policy changes are supported but the Ministry is requested to further refine and narrow the range of appeal permissions under the *Planning Act* as further outlined in Appendix “A” to Report LS16027(a)/PED16237(a).

Secondary Planning

The proposed changes to the Act include a moratorium on appeals to a Secondary Plan before the second anniversary of the first day any part of the Secondary Plan comes into effect. This proposed change is supported as it gives greater strength to municipal decisions on Secondary Planning.

The Bill describes a Secondary Plan as being part of an Official Plan added by amendment that contains policies and land use designations that apply to multiple contiguous parcels of land, but not an entire municipality. It is important to note that the proposed definition only relates to multiple contiguous parcels of land but would not

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apply to one large parcel of land. The City has in the past prepared Secondary Plans for large individual parcels of land (ie Chedoke Brow Lands, HPH lands and US Steel lands). There may be opportunities to develop Secondary Plans for large, individual parcels of land and this proposed change would impact the City's ability to develop a Secondary Plan on single-parcel lands which would benefit from a Secondary Planning exercise.

The proposed moratorium on appeals to a Secondary Plan before the second anniversary of the first day of any part of the Secondary Plan coming into effect is supported however the Bill should be amended to revise the description of a Secondary Plan to include large, individual parcels of land.

Additional proposed changes to the Act include:

- The definition of "provincial plan" would be amended to include policies referred to in the *Lake Simcoe Protection Act, 2008*, the *Great Lakes Protection Act, 2015*, and the *Clean Water Act, 2006*;
- Approvals or determinations by Minister(s) may be required for matters that may be provided for in a policy statement;
- Certain statements issued under the *Metrolinx Act, 2006*, the *Resource Recovery and Circular Economy Act, 2016* and other statements that may be prescribed are deemed to be policy statements;
- Amendments to update references from the Board to the Tribunal; and,
- A new section that would allow the Minister to make regulations providing for transitioning the proceedings commenced before the Bill's enactment.

This Schedule also proposes similar changes to the *City of Toronto Act, 2006*, which do not apply to matters in the City of Hamilton.

Amendments to *Conservation Authorities Act*

This Bill also contains amendments to the *Conservation Authorities Act* in Schedule 4. Since these proposed changes relate to matters previously reported on (in Report LS15027, October 7, 2015 and Information Update LS15027(a), July 20, 2016), submissions for this Schedule were contained in a separate Report to GIC (LS15027(b) on June 21, 2017).

Other consequential amendments

Schedule 5 of this Bill would make technical changes to other pieces of legislation to update the terminology and update references, including to:

- *Aggregate Resources Act;*
- *City of Toronto Act;*
- *Conservation Authorities Act;*
- *Consolidated Hearings Act;*
- *Drainage Act;*
- *Expropriations Act;*
- *Housing Development Act;*
- *Housing Services Act;*
- *Municipal Act, 2001;*
- *Municipal Arbitrations Act;*
- *Ontario Heritage Act;*
- *Ontario Planning and Development Act, 1994;*
- *Ontario Water Resources Act;*
- *Planning Act;*
- *Public Transportation and Highway Improvement Act;*
- *Retail Business Holidays Act;* and.
- *Shortline Railways Act, 1995.*

Inclusion of Hamilton's December 2016 submissions within the Bill

The Bill was also reviewed in light of the submissions made by the City to the Ministry (which can be found in Report LS16027/PED16237). To the extent that the City's submissions could be incorporated at this time, the Bill was largely responsive to the City's recommendations. Some of the City's recommended changes included in the Bill are:

- Restrictions on Provincially-approved plans / amendments;
- Restrictions on appeals of matters that support transit infrastructure;
- Restrict appeals of interim control by-laws;
- Improving the ability for citizens to participate in the appeals process;
- Provide direction regarding multi-member panels for hearings;
- Implementing controls on witnesses and evidence;
- Increasing the use of written hearings; and,
- Not requiring mandatory mediation, but early case evaluation.

Other recommendations made by the City in its response could be captured at a later time, perhaps in procedural rules for the proposed new Tribunal. Some of those recommendations include:

- Using multi-member panels for less-complex hearings from time to time;

- Providing better clarity in written decisions (through subheadings, attachments, etc.);
- Setting specific timelines for hearing events to take place within;
- Improving procedures for the exchange of evidence;
- Discontinuing the use of “issues lists” to frame hearing events;
- Providing additional expedited mediator availability;
- Allowing for “docketing” of shorter-length hearing events to allow for multiple hearings in a single day; and,
- Modernizing the appeal body’s website and materials available on it.

However, some recommendations contained in the City’s submissions were not included in the Bill. It is recommended that these comments be forwarded to the Ministry for their consideration. Those are:

- Requiring that all planning decisions be based on legislation and policies in effect at the time of the decision;
- No mechanism to re-vest Council with jurisdiction to make final decisions where revisions are made for settlements;
- No mechanism to prevent appeal for non-decision during the time between Planning Committee decision and Council ratification of the decision; and,
- And, correcting the *Planning Act* to reduce litigation, such as the retroactive effect of zoning by-law passage.

Inclusion of Previous Comments on *Planning Act* Changes

In addition to the recommendations outlined above, Reports PED14004, PED15093 and PED16152 included a number of recommendations resulting from initial consultation on Bill 73 that were endorsed by Council and forwarded to the Ministry. As Bill 139 proposes changes to the *Planning Act* beyond those changes required for the appeals system, these comments are still applicable and it is recommended that these comments also be forwarded to the Ministry for their consideration. These recommendations are included in Appendix “A” to Report LS16027(a)/PED16237(a).

Procedural next steps

The Bill contains a number of provisions which would, if enacted, require that regulations be made. Those regulations would give more clarity about how the changes would be implemented.

As part of the Places to Grow Plan and Greenbelt Plan conformity exercises, the Official Plan will need to incorporate changes made to the *Planning Act* as a result of Bill 139, including to reflect the new policy statements identified by the Bill. In addition, the

Zoning By-law will need to be reviewed to ensure conformity. Legal Services and Planning staff will continue to monitor the progress of the Bill and any regulations that may be proposed, reporting back to Planning Committee and Council where it may be necessary.

At this time, Bill 139 has only been introduced at the Legislative Assembly and has passed first reading. The House is now on summer break, to return in September. Assuming that the Bill proceeds, it would then be subject to second reading (where the Bill is debated in principle). It could then be referred to Standing Committee where public hearings could be held and amendments considered. At third reading, a Bill (with possible amendments resulting from debates at Standing Committee) could receive final approval and await Royal Assent where the Bill becomes law. It could then come into force upon proclamation. By tradition, proclamation is usually either January or July 1st.

Given the nature of the reforms contained in this Bill, it should be expected that there will be those who will oppose to the proposed amendments. Since the Bill incorporates much of what was requested by the City in the submissions of last December, it is recommended that Legal staff be authorized to seek the opportunity to speak at Standing Committee to speak in support of the Bill, subject to the other comments contained in this Report. By Legal staff attending, there would be the ability to respond to any technical questions about the Bill or its implications that may arise. In the event that other municipalities seek to do the same, the submissions at Standing Committee may be advanced in the form of a panel.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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Our People and Performance

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APPENDICES AND SCHEUDLES ATTACHED

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

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August XX, 2017

Ken Petersen
Manager
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street
Floor 13
Toronto ON M5G 2E5

Dear Mr. Petersen:

Subject: City of Hamilton Submissions on Bill 139 – *Building Better Communities and Conserving Watersheds Act, 2017*, Schedule 3

On behalf of the City of Hamilton, I am pleased to provide this letter as the Hamilton's submission on Schedule 3 of Bill 139. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the land use planning appeals system and other planning changes contained in the Bill.

The Province should be commended for preparing this Bill and consulting with municipalities as key stakeholders. The City is optimistic that once in effect the changes proposed will lead to positive changes for the land use planning appeal system in Ontario. A greater emphasis on local decision-making is welcomed by the City.

We look forward to seeing the results of the consultation on Bill 139. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Mayor Fred Eisenberger

cc: Nicole Auty, City Solicitor
Joanna Wice, Solicitor
Steve Robichaud, Director of Planning and Chief Planner
Anita Fabac, Manager of Development Planning, Heritage & Design

City of Hamilton Submissions on Bill 139

Submissions on Schedule 3 changes to the land use planning appeals system:

- Generally, the City supports Bill 139 and the proposed changes to the land use planning appeals system.
- In particular, the City supports the proposed amendments to the *Planning Act* that would emphasize the importance of local decision-making.
- The City supports the changes proposed that would restrict the breadth of appeals that can be made against municipal decisions, particularly where those decisions were approved by the Minister.
- The City supports the proposed requirement to send matters back to the municipality for a second decision where the initial decision was found to be inconsistent or nonconforming with policies or plans.
- The City requests that it be consulted with on any future transition provisions or regulations necessary to give effect to the switch-over from the OMB to LPAT system.
- Generally, the *Planning Act* has become a cumbersome document and could be improved by updating and re-consolidating the Act, streamlining the numerical references and updating the language of the provisions for readability. The City would support a future repeal/replace of the Act with the goal to improve the language and readability of the planning processes.

Submissions on Schedule 3 changes to the land use planning system, as well as other submissions on land use planning provisions:

- The City supports the policy changes relating to climate change and higher order transit but request that the Ministry further refine and narrow the range of appeal permission under the *Planning Act*.
- The City supports the proposed moratorium on appeals to a Secondary Plan before the second anniversary of the first day of any part of the Secondary Plan coming into effect.
- The Bill should be amended to expand the description of a Secondary Plan to include large, individual parcels of land.
- The Bill should be amended to adjust the timeframe to make a decision on a Zoning By-law Amendment and a Plan of Subdivision to 210 days to create one

standard timeframe and expand the one-time extension of 90 days introduced by Bill 73 to Zoning By-law Amendments and Plans of Subdivision.

- Allow for a lengthened timeframe commencing on the day an application is deemed complete for Official Plan Amendments without the need to give notice. This should also be expanded to apply to Zoning By-law Amendments and Plans of Subdivision.
- Remove the ability to terminate the 90 day extension.
- The Bill 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.
- The Ministry should provide municipalities with the flexibility to determine their own parkland dedication rate and provide municipalities with the ability to defer dedication through registered agreements.
- The Bill should expand the two-year moratorium to amend Official Plans and Zoning By-laws to include all amendments that constitute a new Official Plan and comprehensive Zoning By-law and provide Council with the ability to determine if an amendments is needed in the case of an error.
- The Bill should remove the right to appeal Official Plan Amendments and Zoning By-law Amendments that support matters that are provincially approved.
- That the Ministry meet directly with the City to discuss our experiences with minor variances and what we believe constitutes a minor variance to assist the Ministry with defining what constitutes a minor variance.
- The Act should require, as part of an appeal, demonstration that the appellant has engaged with the municipality in a fulsome way.
- The Ministry should develop clear guidelines that identify the information to be included in a notice of decision and how this information is to be shared.
- That the *Planning Act* should be amended to require the Ministry to align its own policy reviews and increase the mandatory 5-year Official Plan review period to 10-years.
- The Ministry eliminate the right to appeal for non-decision, defer the start time to the date an application is deemed complete (as opposed to accepted), or alternatively, refine the permissions for appeals for non-decision.

- The Ministry is encouraged to develop a regulation for subsection 34(16) of the *Planning Act* (conditional zoning).
- The Ministry should 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.
- The Ministry should amend the *Planning Act* to include the requirement/discretion for further consultation with a pause in the timing for review of a *Planning Act* application if there are outstanding issues.
- The Ministry should amend the *Planning Act* to require giving notice through means other than newspapers or mail, and to expand the notification requirements to include tenants.
- The Ministry should make the appropriate legislative changes to allow municipalities to plan for a 50-year planning horizon instead of 20 years.
- The Ministry should 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.
- The Act should be amended such that notices be provided by first class Canada Post mail, that the notification be provided to every resident within 500m of the subject property, and with the additional postage cost be funded by the applicant.
- The Ministry 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 through changes to the *Planning Act*.
- The Ministry 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.