

# CITY OF HAMILTON

## MOTION

Council: February 28, 2018

**MOVED BY COUNCILLOR A. JOHNSON.....**

**SECONDED BY COUNCILLOR .....**

**Amendment to Item 20 of Planning Committee Report 18-002 respecting Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* - Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(c)/PED16237(b)) (City Wide)**

WHEREAS, the recommendations contained in Report LS16027(c)/PED16237(b) which were approved by Council on February 14, 2018 can be made public;

THEREFORE BE IT RESOLVED, that Item 20 of Planning Committee Report 18-002 respecting Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* - Ontario Proposed Changes to the Land Use Planning and Appeals System be deleted in its entirety and the following be inserted therein:

~~That the direction to staff outlined in the recommendations of Report LS16027(c)/PED16237(b) be approved and the report and appendices remain private and confidential and restricted from public disclosure.~~

WHEREAS, on May 18, 2010, staff were directed to report to Planning Committee on matters relating to non-decision appeals filed under the Ontario Municipal Board process and specific instructions have not yet been given;

NOW THEREFORE BE IT RESOLVED:

(a) That staff be instructed and directed as follows:

- (i) Where an appellant has agreed to postpone the scheduling of any hearing event until such time as Planning Committee has had an opportunity to consider the matter and that agreement has been communicated to the Ontario Municipal Board or its successor, that Planning staff be directed to process those matters accordingly and bring those matters to Planning Committee at a non-statutory public meeting for consideration and for direction to be given to the City Solicitor;

- (ii) Where an appellant does not agree as described in (i), that Planning and Legal Services be directed to report back on the specific matter for further instructions or direction;
  - (iii) That the City Solicitor be instructed to oppose these appeals until such time as further instruction is given on any specific appeal.
- (b) That, the City Solicitor and General Manager of Planning and Economic Development be authorized and directed to obtain any necessary legal, planning and engineering resources to manage any increased workloads due to Bill 139 transition appeals, including any required temporary contract staff and/or external legal counsel, planning and engineering resources;
- (c) That staff be directed to fund any additional planning and engineering resources referred to in subsection (b) from the Development Fee Stabilization Reserve (110086) for up to a maximum amount of \$800,000;
- (d) That staff be directed to fund any additional legal resources referred to in subsection (b) from the Tax Stabilization Reserve (110046) for up to a maximum amount of \$430,000;
- (e) That staff be directed to monitor the number of appeals and impacts on overall workload, and report back to Planning Committee if additional funding or resources are needed;
- (f) That Report LS16027(c)/PED16237(b) remain confidential.