

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 3, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (City Wide)
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 statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Background:

On April 19, 2016, Information Report (PED16096) was forwarded to the Planning Committee, which provided 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 and outlined a process for future reporting to the Planning Committee. The Report included a table outlining the active applications, sorted by Ward, from oldest application to newest. In addition, the Report summarized OMB appeals over the previous five years.

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096). An analysis of the information was also included in the

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year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192) and December 11, 2018 (PED18231).

Policy Implications and Legislative Requirements – Pre Bill 108

In accordance with the *Planning Act*, prior to September 3, 2019, an applicant had the right to appeal an Official Plan Amendment application after 210 days (subsection 17 (40)), Zoning By-law Amendment application after 150 days (subsection 34 (11)) and a Plan of Subdivision after 180 days (subsection 51 (34)).

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton had extended the approval period of Official Plan Amendment applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that either the City or the applicant were able to terminate the 90-day extension period if written notice to the other party was received prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment applications that were submitted together with a required Official Plan Amendment application were also subject to the statutory timeframe of 210 days.

Policy Implications and Legislative Requirements – Post Bill 108

On June 6, 2019, Bill 108 received Royal Assent, which reduced the statutory timeframes for non-decision appeals outlined in the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. The changes are applicable to complete applications received after September 3, 2019.

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application after 120 days (Subsection (40)), a Zoning By-law Amendment application after 90 days (Subsection 34 (11)) and a Plan of Subdivision after 120 days (Subsection 51 (34)). However, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 120 days. The 90-day extension previously prescribed in Bills 73 and 139 is no longer applicable.

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable statutory timeframes apply. 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.

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For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in Bill 73 and Bill 139 and new statutory timeframes prescribed in Bill 108.

Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “A” to Report PED19227 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of October 16, 2019, there were:

- 12 active Official Plan Amendment applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 21 active Zoning By-law Amendment applications; and,
- 8 active Plan of Subdivision applications.

Within 60 to 90 days of November 19, 2019, all of the development proposals have passed the 120, 180 and 270 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “B” to Report PED19227 is a table outlining the active applications received after December 12, 2017, but before Royal Assent/Proclamation of Bill 108, sorted by Ward, from oldest application to newest. As of October 16, 2019, there were:

- 25 active Official Plan Amendment applications, all of which were submitted after December 12, 2017, and therefore subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 42 active Zoning By-law Amendment applications; and,
- 9 active Plan of Subdivision applications.

Within 60 to 90 days of November 19, 2019, 6 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Forty applications have passed the 150, 180 and 300 day statutory timeframe.

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Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)

As of October 16, 2019, no applications have been deemed complete that are subject to the new statutory timeframes of the *Planning Act*. Future reports will include of table outlining active applications received after September 3, 2019.

Planning Division Active Files

Combined to reflect property addresses, there are 67 active development proposals. Twenty-three proposals are 2019 files, while 23 proposals are 2018 files and 21 proposals are pre-2018 files.

A table comparing the number of projects by application type by month for January to December 2018 (Figure 1) and for January to December 2019 (Figure 2) is attached as Appendix “C” to Report PED19227. This demonstrates that the number of active projects has remained relatively constant with an average of 73 in 2018 and a projected average of 70 in 2019. However, 21 of the active projects are pre-2018 files which have had limited activity in the past 18 months. Accordingly, a more accurate number of active projects by application type by month is closer to 50. It is noted that Planning staff monitor the activities associated with a file and if a file is considered to be inactive for more than 6 months, staff contact the applicant and request if the applicant wishes to withdraw the application and if not, request clarification of the applicants intention with respect to proceeding. If no response is received, staff will proceed to close the file.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in 2021 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

Appendices and Schedules Attached:

Appendix “A” – List of Active Development Applications (prior to December 12, 2017)

Appendix “B” – List of Active Development Applications (after December 12, 2017)

Appendix “C” - Number of Active Projects by Application Type by Month
(January to December, 2018 and January to December, 2019)

JG:mo