



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 16, 2021
<b>SUBJECT/REPORT NO:</b>	Bill 13, Proposed <i>Supporting People and Businesses Act, 2021</i> (PED21220) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Anita Fabac (905) 546-2424 Ext. 1258
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Council adopt the submission regarding Bill 13, the proposed *Supporting People and Businesses Act, 2021*, as provided in Report PED21220;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province, attached as Appendix “A” to Report PED21220;
- (c) That upon proclamation of the proposed changes to the *Planning Act* in Bill 13, that staff be directed and authorized to schedule a public meeting of the Planning Committee to consider an Official Plan Amendment, and any recommended policies and procedures, to give effect to the proposed changes.

**EXECUTIVE SUMMARY**

On October 7, 2021, the government introduced Bill 13, the proposed *Supporting People and Businesses Act, 2021*, which has received first reading in the legislature. The Bill, if passed, would amend the *Planning Act* to allow councils to delegate the authority to pass by-laws that are of a minor nature to a committee of council or staff. This could include decisions for temporary use by-laws, the lifting of holding provisions and other minor zoning by-law amendments.

The Ministry solicited feedback through the Environmental Registry of Ontario with a deadline for comments of November 21, 2021. As such and given the timing, staff-level comments have been submitted to the Province, through this Report, and are contained in Appendix “A” to Report PED21220. If the Recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submission made has been adopted by Council and of any amendments made by Council.

***Alternatives for Consideration – N/A***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

If passed, Bill 13 would allow the council of a local municipality to, by by-law, delegate the authority to pass certain by-laws under section 34 of the *Planning Act* that are of a minor nature to a committee of council, or an individual who is an employee of the municipality. In order to implement this, the *Planning Act* would require that the Official Plan specify the types of by-laws which may be delegated. The proposed changes could be used to pass a by-law which was minor in nature and could include the removal of a holding symbol and a temporary use by-law as well as other minor zoning by-law amendments.

As part of the City’s best practice reviews and streamlining measures, the City has delegated the authority to staff to approve applications in accordance with established policies and procedures. Specifically, Council has granted the authority to approve an application for approval of a Draft Plan of Subdivision or Draft Plan of Condominium to the General Manager, Planning and Economic Development Department.

In addition, the General Manager, Planning and Economic Development Department, has been granted the authority to approve an application for Part Lot Control or an application to remove a Holding Symbol. The implementing by-law is presented to Council for adoption.

The authority to approve applications for site plan control has been delegated to the General Manager, Planning and Economic Development Department.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

1. Staff have advised the Province of support for proposed Bill 13. The proposed changes would provide flexibility and reduce application processing timeframes for by-laws considered minor in nature. These by-laws could include the removal of a holding by-law, a temporary use by-law or zoning by-law amendments which would be considered minor in nature. All of these currently require Council approval.

Staff also asked that the Province clarify if the notice and statutory public meeting requirements will continue to apply to by-laws passed under Section 34 that have been delegated, and that if they will not apply, that Bill 13 be amended to reflect this.

Should these changes be approved by the Province, an Official Plan Amendment would be required to specify the types of by-laws which may be delegated in the City's Official Plans, as well as a delegated authority by-law which would delegate this authority to a committee of council or an employee of the municipality. Staff will report back to Council on implementation of these changes.

2. As part of the City's best practice reviews and streamlining measures, the City has delegated the authority to staff to approve applications in accordance with established policies and procedures. Specifically, Council has granted the authority to approve an application for approval of a Draft Plan of Subdivision or Draft Plan of Condominium to the General Manager, Planning and Economic Development Department.

In addition, the General Manager, Planning and Economic Development Department, has been granted the authority to approve an application for Part Lot Control or an application to remove a Holding Symbol. The implementing by-law is presented to Council for adoption.

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The *Planning Act* allows for the delegation of consent granting authorities to either a committee of council (e.g. the Committee of Adjustment) or an appointed officer by by-law. At the time of amalgamation, the former City of Hamilton Council approved the delegation of routine consent matters (easements, long term leases, farm consolidation consents). However, when the Committee of Adjustment was established for the amalgamated City of Hamilton, this option was inadvertently not included in the review of the roles and responsibilities of the consent process. By delegating the consent authority for easements and leases to staff, the current workload of the Committee would be reduced with the intent of reducing timelines

to get minor variance applications and more complicated consent applications to the Committee of Adjustment. Similar to the subdivision process, where an application cannot be supported by staff or the applicant objects to one or more of the proposed conditions of consent, then the matter could be referred to either the Committee of Adjustment or Planning Committee for their consideration and decisions.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21220 - Letter Submitted to the Province

AF:sd