



# INFORMATION REPORT

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | January 31, 2023  |
| <b>SUBJECT/REPORT NO:</b> | Active Official Plan Amendment, Zoning By-law Amendment,<br>and Plan of Subdivision Applications (PED23034) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Shannah Evans (905) 546-2424 Ext. 1928  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department                 |
| <b>SIGNATURE:</b>         |   |

## COUNCIL DIRECTION

In accordance with the June 16, 2015, Planning Committee direction, 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. In addition, this Report also includes a list and status of all Applications appealed to the Ontario Land Tribunal for non-decision.

## 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.

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*.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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

Attached as Appendix “A” to Report PED23034 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of December 16, 2022, there were:

- 4 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;
- 7 active Zoning By-law Amendment Applications; and,
- 4 active Plan of Subdivision Applications.

Within 60 to 90 days of December 16, 2022, all seven development proposals have passed the applicable 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 PED23034 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of December 16, 2022, there were:

- 4 active Official Plan Amendment Applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 8 active Zoning By-law Amendment Applications; and,
- 4 active Plan of Subdivision Applications.

Within 60 to 90 days of December 16, 2022, all eight development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

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

Attached as Appendix “C” to Report PED23034 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of December 16, 2022, there were:

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23034) (City Wide) - Page 3 of 4**

---

- 29 active Official Plan Amendment Applications;
- 59 active Zoning By-law Amendment Applications; and,
- 19 active Plan of Subdivision Applications.

As of December 16, 2022, 8 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Fifty-six (55) development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 79 active development proposals. Three (3) proposals are 2023 (4%), 39 proposals are 2022 files (49%), 37 proposals are pre-2022 files (47%).

A table comparing the number of projects by application type by month for 2021 (Figure 1) and 2022 (Figure 2) is attached as Appendix “D” to Report PED22034. This demonstrates that the number of active projects, reported monthly, have increased in 2022, with an average of 70 in 2021, and 82 in 2022. However, 16 of the active projects are pre-2020 files which have had limited activity in the past 18 months. 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 six 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 continue to work with the AMANDA Implementation Team to add enhancements to the database 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. 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, and an e-mail system will provide notification of when a new Application is received.

### **Current Non-Decision Appeals to the Ontario Land Tribunal**

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development Applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “E” to Report PED23034 is a table outlining Development Applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 20 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision to approve the Application.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23034 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED23034 - List of Active Development Applications (after December 12, 2017)

Appendix "C" to Report PED23034 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED23034 - Number of Active Projects by Application Type by Month (2021 and 2022)

Appendix "E" to Report PED23034 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal