




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**General Manager's Office**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 21, 2023
<b>SUBJECT/REPORT NO:</b>	Municipal Reporting on Planning Matters - Proposed Minister's Regulation Under the <i>Planning Act</i> (PED23082) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Rob Lalli (905) 546-2424 Ext. 4674
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That Appendix "A" to Report PED23082 be endorsed as the City of Hamilton's response to the Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the *Planning Act*.

## EXECUTIVE SUMMARY

In February 2023, a proposed Minister's regulation under the *Planning Act* was put forward for consideration outlining quarterly, annual and one-time reporting requirements on planning matters for select municipalities. If approved, the new reporting regulation would apply to 29 of Ontario's largest and fast-growing municipalities, including the City of Hamilton.

Staff have reviewed the proposed datapoints and the information to be reported as part of the proposed regulation and have identified a number of challenges related to data collection, data sharing, reporting frequency and indicator selection. Of particular concern to staff is the time and staff resources that will be required to comply with the regulation, especially given our current focus on expedited development review and development approvals. The current assessment of data availability and reporting efforts is based on a number of assumptions. More information, including data

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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.

definitions and reporting templates, is needed to understand the full impacts of the proposed reporting requirements.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** There are no financial implications associated with the adoption of this report. If the proposed regulation is implemented, the Ministry estimates an annual direct compliance cost of \$3,953 per municipality for the first year, and approximately \$3,193 per municipality annually thereafter. Staff have not undertaken a detailed cost estimate, but anticipate that the costs inclusive of staff time will be significantly higher than this estimate.

**Staffing:** There are no staffing implications associated with the adoption of this report. If the proposed regulation is implemented, a preliminary estimate by City staff is that, at minimum, 0.5 FTE will be needed to compile the required data and submit to the Ministry in the proposed format. More information, including data definitions and reporting templates, is needed to understand the full impacts of the proposed reporting requirements.

**Legal:** Not applicable.

**HISTORICAL BACKGROUND**

As part of the More Homes for Everyone Act, 2022, recent amendments have been made to the *Planning Act*. Under these amendments, the Minister of Municipal Affairs and Housing now has the authority to require municipalities and planning boards to report information of planning matters to the Province.

In February 2023, a proposed Minister's regulation under the *Planning Act* was put forward for consideration outlining quarterly, annual, and one-time reporting requirements on planning matters for select municipalities. The Ministry of Municipal Affairs and Housing (Ministry) has indicated that it intends to use the data collected through this regulation to inform evidence-based decisions for housing and planning policy and to measure progress towards the Housing Supply Action Plan, including the commitment for construction of 1.5 million new homes by 2031. If approved, the regulation would apply to 29 of Ontario's largest and fast-growing municipalities as listed in Appendix "B" to Report PED23082, including the City of Hamilton.

As part of the proposed Minister's regulation, municipalities would be required to report annually on Geographic Information System (GIS) datapoints related to:

- Areas identified as strategic growth areas;

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- Areas subject to an intensification target;
- Employment areas;
- Employment area conversions;
- Existing water and wastewater infrastructure;
- Major transit station area boundaries; and,
- Settlement area boundaries.

In addition to annual reporting, quarterly reporting would also be required starting June 30, 2023, and would include datapoints related to:

- Official Plan Amendment applications;
- Zoning By-Law Amendments;
- Plans of Condominium;
- Plans of Subdivision;
- Site Plan applications;
- Land Severances (consents);
- Minor Variances; and,
- Housing units built as-of-right.

Municipalities would also be required to submit a one-time five-year historical report (2018 – 2022) for all proposed datapoints listed above to the Ministry by December 31, 2023. A full list of proposed data to be reported under the requirement is included in Appendix “C” to Report PED23082.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

As part of the More Homes for Everyone Act, 2022, recent amendments have been made to the *Planning Act* which give the Minister of Municipal Affairs and Housing the authority to require municipalities and planning boards to report information of planning matters to the Province.

## **RELEVANT CONSULTATION**

Planning, Growth Management and Transportation Planning staff were consulted in preparing this report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Staff have reviewed the proposed datapoints and the information to be reported as part of the proposed regulation and have identified a number of challenges, many of which would result in significant impacts on staff resources:

- The City would not currently be able to generate automated reports from a single data source to satisfy all of the quarterly reporting requirements. This means that

more labour-intensive, manual processes would need to be used to consolidate data for quarterly reporting;

- Due to required changes in business processes over the past few years to adhere to the various provincial planning regulation amendments, not all historical data is available to satisfy the Ministry's one-time reporting requirement. This work would be required to be completed manually;
- Reporting will require changes to data entry processes to capture datapoints in alignment with Ministry requirements and to produce reliable automated reports in the future;
- Some of the required data (GIS-related data) is governed by strict data-sharing and licensing agreements. It is unclear whether this data can be shared with external parties; and,
- The form of the data requested does not reflect the planning process nor the full scope of planning applications. For example, the proposed format does not contemplate an application being deemed "incomplete" after being received, nor does the requested format differentiate between the purpose of a consent application (e.g. lot creation, easement, lot addition, mortgage) and similar for a plan of condominium that may not actually create any residential lots/units (e.g. a common element condominium limited to a private driveway).

Of particular concern to the City is the time and staff resources that will be required to comply with the regulation, especially given our current focus on expedited development review and development approvals. The Ministry has estimated a direct compliance cost of adhering to the regulation at \$3,953 per municipality for the first year, and \$3,193 per municipality annually thereafter. Based on the time required to compile this information as part of the City's internal reporting and Municipal Benchmarking Network Canada reporting, it is estimated that the actual cost will be significantly higher, especially for the historical data which may not be in an electronic format. Preliminary estimates anticipate that this regulation will require, at minimum, 0.5 FTE to compile and submit the required data to the Ministry in the proposed format. It is important to note that the assessment of data availability and reporting efforts is based on a number of assumptions. More information, including data definitions and reporting templates, is needed to understand the full impacts of the proposed reporting requirements.

To reduce administrative burden in reporting, the Ministry should ensure that the required data is not duplicated in other reporting mandates from the various provincial ministries and should also consider whether reduced reporting frequency (e.g. semi-annually or annually) would provide the same value to the Province.

In response to the proposed regulation, comments were invited by the Ministry. The City submitted comments to the Ministry highlighting challenges to the proposed reporting requirements as outlined in this report. The Association of Municipalities of Ontario (AMO) have also organized a response on behalf of the municipal sector focusing on many of the same challenges identified by staff (Appendix "D" to Report PED23082). If

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the regulation is approved, the Ministry will provide guidance documents, instructions and templates to support municipalities with compliance. Staff will continue to provide updates on this matter to the Planning Committee, including resource requests, if required.

**ALTERNATIVES FOR CONSIDERATION**

Council could amend or modify the staff comments attached as Appendix “A” to Report PED23082.

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

**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

**Built Environment and Infrastructure**

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**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 PED23082 – Response Letter to Proposed Minister’s Regulation Under the *Planning Act*

Appendix “B” to Report PED23082 – List of Proposed Municipalities

Appendix “C” to Report PED23082 – Proposed Datapoints and Information to be Reported

Appendix “D” to Report PED23082 – AMO’s Submission to Municipal Reporting on Planning Matters – Proposed Minister’s Regulation under the *Planning Act*