



## Report to Council

Department: Development Services

Division: Planning

Date: June 1, 2020

Prepared by: Rita Jabbour, R.P.P.  
Manager, Planning Services

Report Number: Planning2020-07

Subject: Changes to Planning Act Timelines during COVID-19  
Emergency

Number of Pages: 6

### Recommendation(s)

**That** Planning report Planning2020-07 Changes to Planning Act Timelines during COVID-19 Emergency prepared by Rita Jabbour, Manager, Planning Services dated June 1, 2020 be received, and

**That** Administration be directed to bring forward to Council for consideration Planning Act applications during the period of the COVID-19 emergency.

### Purpose

To inform Council of changes to Planning Act timelines during the COVID-19 emergency.

### Background and Discussion

On March 17, 2020, the Government of Ontario declared a state of emergency in an effort to contain the COVID-19 virus. In response, the provincial government enacted the *Coronavirus*

*Support and Protection Act, 2020* on April 14. The legislation amended the *Planning Act* to allow the Minister of Municipal Affairs and Housing to make regulations governing various timelines within the *Planning Act* during the period of any emergency declaration under the *Emergency Management and Civil Protection Act*.

Ontario's stated intent for passing these amendments is to provide municipalities the time they need to focus on local public health priorities by making it possible to suspend certain planning decision timelines during a declared state of emergency. As such, on April 15, 2020, Ontario Regulation 149/20 (O. Reg 149/20) came into effect and established special rules for a number of timelines under the *Planning Act*.

In summary, where a municipality wishes to pause the processing of a development application during the COVID-19 emergency declaration, the time during the emergency declaration (March 17-present) will not count towards non-decision appeals. Where a municipality wishes to process planning applications, they may still do so by holding virtual/electronic public meetings and making decisions on planning matters during the period of the COVID-19 emergency declaration.

Although the agenda concerned applications that were submitted for decision **before** the declared emergency, the Town of Essex Committee of Adjustment recently held its first virtual Committee meeting on May 20, 2020. All members and relevant staff were in attendance, including the applicants and their agents, if applicable. Notice of the meeting with instructions for virtual participation were provided to surrounding property owners. While no members of the public registered to be participants, the opportunity to submit comments via mail, email or by contacting the Secretary-Treasurer by telephone was also made available.


#### Processing of Town of Essex Planning Applications during the COVID-19 Emergency

Since a separate public meeting from a Regular Council meeting is **not** required, Administration continues to process the following types of planning applications:

- Site Plan Approval
- Holding Zone Removal
- Part Lot Control Exemption
- Extension of Draft Plan Approval

Since a separate public meeting from a Regular Council meeting **is** required, Administration has not been processing the following types of new Planning applications:

- Committee of Adjustment (consents to sever, minor variances, certificate of validations)
- Zoning Bylaw amendments
- Official Plan Amendments
- Plans of Subdivision and Condominiums

The above position has been in line with practices at the County level and amongst our neighbouring municipalities. With recent amendments to the Town's Procedural Bylaw to allow for electronic/virtual Council and Committee meetings during this period, Administration recommends that new planning applications, including official plan and zoning by-law amendments, draft plans of subdivision, consents to sever, or minor variance, which in the opinion of Administration will not generate a significant number of delegates seeking to address Council, be processed and brought forward to Council and the Committee of Adjustment for public hearing. This direction would prevent unnecessary backlogs of development applications and ensure continuity in the economic development of the community. The true  benefit stemming from the recommendations in this report is related to greater continuity of economic development and growth within the community.

With the support of Council, it is recommended that during the COVID-19 Emergency a public meeting under the Planning Act be accommodated through methods such as:

- providing notice of a virtual public meeting with instructions for participation to surrounding property owners;

- posting notice of a virtual public meeting with instructions for participation to the Town's website and Council calendar;
- utilization of web-forms or surveys seeking feedback from the public on an application; and
- providing for members of the public to submit comments via mail, email, or telephone.

If Council chooses to follow the recommendations of this report, and a decision is made on a Planning Act matter during the declared state of emergency, the following shall apply:

- A notice of decision must be issued in accordance with the ordinary Planning Act rules (i.e. in the case of a zoning by-law amendment within 15 days of the date the by-law is passed.)
- Appeal rights commence after the notice of decision is issued in accordance with the ordinary Planning Act rules.
- If no appeal is filed, the instrument comes into effect after the appeal period expires in accordance with the ordinary Planning Act rules.
- If an appeal is filed, the Approval Authority's obligation to forward the appeal record to the Local Planning Appeal Tribunal ("LPAT" or "Tribunal") within stipulated timeline is paused for the period of the declared state of emergency ,however this does not preclude the Approval Authority from forwarding the appeal record if it so chooses to.

## **Financial Impact**

The recommendation to bring forward Planning Act applications during the period of the COVID-19 emergency to Council for consideration may lead to collection of relevant planning application fees.

## **Consultations**

Lori Chadwick, Director, Development Services

## **Link to Strategic Priorities**

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

## Report Approval Details

Document Title:	Changes to Planning Act Timelines During COVID-19 Emergency.docx
Attachments:	
Final Approval Date:	May 25, 2020

This report and all of its attachments were approved and signed as outlined below:



**Lori Chadwick, Director, Development Services - May 25, 2020 - 10:44 AM**



**Chris Nepszy, Chief Administrative Officer - May 25, 2020 - 11:32 AM**