

Bill 139 – The Impact on Council and Councillors

Thoughts and Considerations by Mary Ellen Bench, Gary
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Introduction

- New Provisions
 - Start of a learning curve
- New Provincial Government
 - What changes may be coming?
- Municipal Processing & Council Approach
 - Impact on time, workload, altered focus
- Hearing of Appeals
 - Changed Role for LPAT & Interaction with Council

What Applications Affected?

- Official Plans
- Zoning By-laws
- Plans of Subdivision
- Minor Variances?
- Severances?
- Others?

Materials for Council

- Will they be different?
- Why?
- What will Applicants provide?
- What will Municipal Staff be providing?

Changes In Councillor's Role

- At Council
- Before Council
- With Ratepayers
- With Development Industry
- Time Involved

The New Test

- It is an appeal test
- Application consistent with PPS; conforms with Growth Plan AND Municipal instrument does not
- Impact on Municipally Initiated OP's and zoning?
- Applicant's Reports; staff reports; residents?

Deputations

- Time Limits?
- How time allocated?
- Record being created
- Experts deputations
- Enforcing Deputation Rules

Staff Position vs Council Position

- Staff's professional obligations
- Council best served by receiving staff's recommendations
- Council free to form its own view
- BUT, difficulties of a "fixed record"
- Change Process?

If LPAT Grants First Appeal

- The Two-stage appeal process
- Basis for granting the first appeal
- Council's role in addressing the matter again
- Staff's role in supporting Council's consideration
- Residents
- Applicants

Second Round Appeals

- LPAT's Role on a second round appeal
- Contrast with first round appeals
- Test that LPAT will apply
- Comparison to traditional OMB appeals

Councillors & Community & Lobbying

- Who will educate ratepayers/ ratepayer groups?
- Impact of Bill 139 on Lobbying by applicants
- Steps to Consider in Response
- Can Councillors continue to have community meetings?
- Who will educate ratepayers/ ratepayer groups?

Local Planning Appeal Support Centre

- Independent agency at 700 Bay St. 12th floor, Toronto
- Mandate: to help the public understand and navigate the land use planning and appeal process in Ontario
- Understanding the proposal and the policy framework, how to express concerns
- Preparing the appeal record, case synopsis, documents and submissions
- Preparing for case management conferences, mediations and hearings, motions

LPACS

- Has Posters and brochures for Municipalities to use
- Include information in Notices of Decision
- Involved in mediations already
- Role of Municipal Staff?
- Role of Counillors?

Thoughts on Impacts

- Appeals of Official Plans or Secondary Plans
- Time limits for applications
- Time limits for reconsideration – 90 days
- Cost implications
- Court Challenges – procedural, bias, substantive

Questions?

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