



Joint Planning and Housing Committee and the Agriculture and Rural Affairs Committee

Agenda

Meeting #: 01
Date: Tuesday, May 30, 2023
Time: 9:30 am
Location: Andrew S. Haydon Hall, 110 Laurier Avenue West, and by electronic participation
Members: Planning and Housing Committee Chair: Councillor Jeff Leiper, Planning and Housing Committee Vice-chair: Councillor Glen Gower, Agriculture and Rural Affairs Committee Chair: Councillor George Darouze, Agriculture and Rural Affairs Committee Vice-Chair: Councillor Clarke Kelly, Councillor Matt Luloff, Councillor Laura Dudas, Councillor Cathy Curry, Councillor Theresa Kavanagh, Councillor Laine Johnson, Councillor Tim Tierney, Councillor Ariel Troster, Councillor Riley Brockington, Councillor Catherine Kitts, Councillor David Brown, Councillor Wilson Lo

Kelly Crozier, Committee Coordinator
(613) 580-2424, ext. 16875
Kelly.Crozier@ottawa.ca

1. Notices and meeting information for meeting participants and the public

Notices and meeting information are attached to the agenda and minutes, including: availability of simultaneous interpretation and accessibility accommodations; *in camera* meeting procedures; information items not subject to discussion; personal information disclaimer for correspondents and public speakers; notices regarding minutes; and remote participation details.

Accessible formats and communication supports are available, upon request.

Except where otherwise indicated, reports requiring Council consideration will be presented to Council on Wednesday, June 14, 2023 in Joint Planning and Housing and Agriculture and Rural Affairs Committee Report 1.

The deadline to register by phone to speak, or submit written comments or visual presentations is 4 pm on Monday, May 29, 2023, and the deadline to register to speak by

email is 8:30 am on Tuesday, May 30, 2023.

2. Declarations of Interest
3. Planning, Real Estate and Economic Development Department
- 3.1 Bill 109 Implementation Phase 2

ACS2023-PRE-GEN-0004 - City Wide

Report recommendation(s)

That Planning and Housing Committee and Agriculture and Rural Affairs Committee recommend Council:

1. Receive for information the update on the internal process changes undertaken since July 6, 2022 and proposed to be undertaken as part of Bill 109 Implementation Phase 2 contained in this report;
2. Approve the amendments to the Pre-Consultation By-law 2009-320, as per Document 1 attached to this report, to introduce a Multi-tiered Pre-Consultation Process;
3. Approve the amendments to the Development Application Study Policy By law 2022-254, attached as Document 2 to this report;
4. Approve the amendments to the Public Notification and Consultation Policy, attached as Document 3 to this report;
5. Approve the amendments to the Planning Fees By-law 2023-139, attached as Document 4 to this report;
6. Receive for information, an update on future amendments to the Site Plan Control By-law;
7. Direct Staff to report back to Council via report with an Official Plan Amendment to explicitly define the types of applications that can be classified as minor zoning by-law amendments to set the stage for a future delegation of authority;
8. Approve the following amendments with respect to the Council and Committee governance processes, Terms of Reference, and the Procedure By-law, attached as Document 5, and as described in this report:
 - a. Schedule Council and Planning and Housing Committee meetings bi weekly on alternating Wednesdays, and that additional meetings scheduled during traditional legislative breaks in January, March break, July, August, and December, be convened as special meetings, if required, to consider any Zoning By-law amendments or any other time-

sensitive items approved by the Chair;

- b. Enact Zoning By-law Amendments (ZBLA) and Official Plan Amendment (OPA) by-laws at the same day as the policy report is before Council;
- c. Publish Zoning By-law Amendment reports six (6) calendar days before Committee; and
- d. Enable all zoning matters in any area of the city to have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee should there be a time pressure to meet the provincially imposed deadline.

9. Approve that Bill 109 timeline data be reported to Council annually through the Planning, Real Estate and Economic Development's Year-End Report.

3.2 Provincial Legislation Resource Impact Report

ACS2023-PRE-GEN-0005 - City Wide

Report Recommendation(s)

That the joint Planning and Housing Committee and Agriculture and Rural Affairs Committee recommend Council:

1. Approve a Planning Services Fee Adjustment to fund 32 full-time equivalent (FTE) positions at an approximate cost of \$1,112,500 for 2023, as per Document 1;
2. Approve the addition of five new temporary full-time equivalent (FTE) positions at an approximate cost of \$160,000 for 2023, from within existing resources; and
3. Approve the conversion of two existing temporary positions into permanent full-time equivalent (FTE); and
4. Direct staff to monitor the Zoning By-law Amendment and Site Plan Control application timelines and report back to Council in Q3 2024 or sooner with a status update.

3.3 Planning, Real Estate and Economic Development Department 2022 Delegated Authority Report

ACS2023-PRE-GEN-0002 - City Wide

Report Recommendation(s)

That Planning and Housing Committee and Agriculture and Rural Affairs, receive this

report for information.

4. In Camera Items
5. Notices of Motions (For Consideration at Subsequent Meeting)
6. Inquiries
7. Other Business
8. Adjournment

Comité conjoint de la planification et du logement et de l'agriculture et des affaires rurales

Ordre du jour

N° de la réunion : 01
Date : le mardi 30 mai 2023
Heure : 09 h 30
Endroit : Salle Andrew-S.-Haydon, 110, avenue Laurier Ouest, et participation par voie électronique
Membres : Comité de la planification et du logement Président : Jeff Leiper, conseiller ,
Comité de la planification et du logement Vice-président : Glen Gower, conseiller,
Comité de l'agriculture et des affaires rurales Président : George Darouze, conseiller ,
Comité de l'agriculture et des affaires rurales Vice-président : Clarke Kelly, conseiller, Matt Luloff, conseiller ,
Laura Dudas, conseillère, Cathy Curry, conseillère,
Theresa Kavanagh, conseillère, Laine Johnson, conseillère,
Tim Tierney, conseiller, Ariel Troster, conseillère, Riley Brockington, conseiller,
Catherine Kitts, conseillère, David Brown, conseiller, Wilson Lo, conseiller

Kelly Crozier, Coordonnatrice de comité
613-580-2424, poste 16875
Kelly.Crozier@ottawa.ca

1. Avis et renseignements concernant la réunion à l'intention des participants à la réunion et du public

Les avis et renseignements concernant les réunions sont joints à l'ordre du jour et au procès-verbal, y compris : la disponibilité des services d'interprétation simultanée et des mesures d'accessibilité; les procédures relatives aux réunions à huis clos; les points d'information qui ne font pas l'objet de discussions; les avis de non-responsabilité relativement aux renseignements personnels pour les correspondants et les intervenants; les avis relatifs aux procès-verbaux; les détails sur la participation à distance.

Des formats accessibles et des soutiens à la communication sont offerts sur demande.

À moins d'avis contraire, les rapports nécessitant un examen par le Conseil municipal seront

présentés au Conseil le mercredi 14 juin 2023 dans le rapport 1 du Comité conjoint de la planification et du logement et de l'agriculture et des affaires rurales

La date limite pour s'inscrire par téléphone, en vue de prendre la parole devant le comité, de soumettre des commentaires par écrit ou de faire une présentation visuelle, est le lundi 29 mai 2023, à 16 h, et la date limite pour s'inscrire par courriel, en vue de prendre la parole devant le comité, est le mardi 30 mai 2023, à 8 h 30.

2. Déclarations d'intérêt
3. Direction générale de la planification, de l'immobilier et du développement économique

3.1 Étape 2 de la mise en œuvre du projet de loi 109

ACS2023-PRE-GEN-0004 - À l'échelle de la ville

Recommandation(s) du rapport

Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales recommandent au Conseil de :

1. Prendre connaissance de la mise à jour sur les changements aux processus internes entrepris depuis le 6 juillet 2022 et qu'on propose d'entreprendre dans le cadre de l'étape 2 de la mise en œuvre du projet de loi 109 contenue dans le présent rapport;
2. Approuver la modification du Règlement sur la préconsultation (no 2009320), conformément au document 1 joint au présent rapport, afin de mettre en place un processus de préconsultation à différents paliers;
3. Approuver la modification du Règlement de la politique d'étude des demandes d'aménagement (no 2022-254), jointe en tant que document 2 au présent rapport;
4. Approuver la modification du Règlement sur la Politique d'avis et de consultation publique, jointe en tant que document 3 au présent rapport;
5. Approuver la modification du Règlement sur les droits d'aménagement (no 2023-139), jointe en tant que document 4 au présent rapport;
6. Prendre connaissance d'une mise à jour sur des changements futurs au Règlement régissant la réglementation du plan d'implantation;
7. Demander au personnel de présenter au Conseil un rapport contenant une modification du Plan officiel qui définit explicitement les types de demandes pouvant être classées comme changements mineurs au Règlement de zonage, afin de faciliter une future délégation de pouvoirs;
8. Approuver les changements suivants relativement aux processus de

gouvernance du Conseil et du Comité, au cadre de référence et au Règlement de procédure, présentés en pièce jointe en tant que document 5, tels que décrits dans le présent rapport :

- a. Tenir les réunions du Conseil et du Comité de la planification et du logement tous les deux mercredis, et faire en sorte que des réunions supplémentaires pendant les congés traditionnels de janvier, mars (relâche), juillet, août et décembre puissent être convoquées en tant que réunions extraordinaires, au besoin, pour examiner toute modification du Règlement de zonage ou toute autre question soumise à une échéance approuvée par le président;
 - b. Adopter les règlements régissant la modification du Règlement de zonage et la modification du Plan officiel le jour où le rapport sur la politique est présenté au Conseil;
 - c. Publier les rapports sur la modification du Règlement de zonage six (6) jours civils avant la réunion du Comité;
 - d. Faire en sorte que toutes les questions de zonage, peu importe le secteur de la ville, puissent être examinées par le Comité de la planification et du logement, ce qui permettra à un dossier de zonage rural d'être transmis au Comité de la planification et du logement plutôt qu'au Comité de l'agriculture et des affaires rurales, advenant une contrainte de temps pour respecter l'échéance imposée par le gouvernement provincial.
9. Approuver la présentation annuelle au Conseil des données relatives au calendrier du projet de loi 109, au moyen du Rapport de fin d'exercice de la Direction générale de la planification, de l'immobilier et du développement économique.

3.2 Rapport sur les répercussions de la législation provinciale sur les ressources

ACS2023-PRE-GEN-0005 - À l'échelle de la ville

Recommandation(s) du rapport

Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales recommandent au Conseil :

1. d'approuver le rajustement des frais des Services de planification pour le financement de 32 postes équivalents temps plein (ETP) pour un coût approximatif de 1,112,500 million de dollars, conformément au Document 1;
2. d'approuver l'ajout de cinq nouveaux postes équivalents temps plein (ETP)

temporaires, pour un coût approximatif de 160 000 dollars pour 2023, en puisant dans les ressources existantes;

3. d'approuver la conversion de deux postes permanents équivalents temps plein (ETP) temporaires en postes équivalents temps plein (ETP) permanents;
4. de demander aux membres du personnel de surveiller les calendriers des demandes de modification du Règlement de zonage et de la réglementation du plan d'implantation et de présenter un rapport au Conseil au troisième trimestre 2024 ou plus tôt, avec un compte rendu de la situation.

3.3 Rapport sur les pouvoirs délégués de 2022 de la Direction générale de la planification, de l'immobilier et du développement économique

ACS2023-PRE-GEN-0002 - À l'échelle de la ville

Recommandation(s) du rapport

Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales prennent connaissance du présent rapport.

4. Points à huis clos
5. Avis de motions (pour examen lors d'une réunion subséquente)
6. Demandes de renseignements
7. Autres questions
8. Levée de la séance



Notices to the public and participants regarding committee proceedings

Updated: December 30, 2022

Public notices

- Simultaneous interpretation in both official languages is available for any specific agenda item by contacting the committee coordinator at least 72 hours before the meeting date. For requests made within 72 hours of the Committee meeting, staff will endeavour to arrange simultaneous interpretation requests whenever possible.
- Accessible formats and communication supports are available, upon request to the committee coordinator or by completing the [Accessible Formats and Communication Supports Request Form](#). The City shall, upon request and in consultation with the person making the request, provide or arrange to provide accessible formats and communication supports for persons with disabilities. Accessible formats and communication supports shall be provided in a timely manner, taking into account the person's particular accessibility needs and at a cost that is no more than the regular cost charged to other persons, in accordance with the City's [Accessibility Policy](#) and its [Accessible Formats and Communication Supports Procedures](#).
- *In camera* items are not subject to public discussion or audience. Any person has a right to request an independent investigation of the propriety of dealing with matters in a closed session. A [Request for investigation of closed meeting form](#) may be obtained, without charge, online or in person from the Chair of the meeting. Requests are kept confidential pending any report by the Meetings Investigator and are conducted without charge to the Requestor.
- Items listed on the agenda under Communications and Information Previously Distributed do not form part of the regular agenda and will not be discussed by

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the Committee unless added to the agenda pursuant to Subsection 89(3) of the [Procedure By-law](#).

- **Information submitted to the Committee, including the full name of the correspondent/speaker, will form part of the public record and will be publicly accessible.** Correspondence, including personal and contact information, is distributed to the Members of the Committee, offices of Members of Council and relevant City officials and staff. The City posts audio of committee meetings online, including any oral submissions. For more information, contact the committee coordinator at the coordinates listed on the agenda.

Notices regarding minutes

- Underlining in the minutes indicates an amendment, approved by a committee, to recommendations or to a motion.
- Minutes are **draft** until confirmed by the Committee.

Hybrid meeting participation details

Meetings are held through a hybrid format with the option to participate in person or electronically in accordance with Section 238 of the *Municipal Act, 2001* as amended by the *COVID-19 Economic Recovery Act, 2020*.

Meetings in open session are open to the public and will in most cases be held at Ottawa City Hall (please refer to the agenda for the location of the meeting). Additionally, meetings will be hosted in [Zoom](#). Participants (such as Committee Members and registered speakers) may attend the meeting room, call a toll-free telephone number, or use Zoom software on a computer or mobile device.

Members of Committee and Council and required City staff

The committee coordinator will send a Zoom link and password prior to the meeting to Members of Committee and Council, and staff who are required to participate.

Other City staff, media and general public

Staff not participating in the meeting, the media and the general public must view the meeting on the [Ottawa City Council YouTube channel or on the City's agendas and minutes web portal \(eScribe\)](#). They may also attend the meeting in person in the public gallery.

In-room audience seating may have limited capacity and staff are asked to give priority to members of the media and public who wish to attend in person.

The City of Ottawa has implemented security measures to ensure a safe and secure environment for in-person Council and Committee meetings held in the City Hall Council Chambers – Andrew S. Haydon Hall. For more information visit [Ottawa.ca](https://ottawa.ca)

Submissions to Committee

Members of the public may provide either written or oral submissions (or both) to Committee meetings.

After the submission deadlines have passed, members of the public may submit comments to the appropriate standing committee (if applicable) and/or submit written comments to Council.

Comments received **after the submission deadlines have passed** will be acknowledged by the committee coordinator and provided to all Members of Council as soon as possible prior to Council's final consideration of the item (the Council date is noted on the Committee agenda), but may not be provided to the Committee prior to its meeting.

Written comments

Members of the public may submit written comments by email to the committee coordinator, or by calling the committee coordinator to have their comments transcribed.

Both written and oral comments are given equal consideration by the Committee.

To ensure that written comments can be provided to the Committee prior to the meeting, the deadline for submitting written comments is 4:00 PM on the business day before the meeting unless otherwise noted on the agenda.

Oral comments (public delegations)

Members of the public may register, by calling or emailing the committee coordinator, to provide oral comments during the meeting. They must include their name, telephone number and email address (if available). Registration is required so that the committee coordinator may provide Zoom meeting information to the speaker.

Neither a computer, nor a video sharing device, is required to participate in the Zoom meeting. Participants may join the Zoom meeting by calling a toll-free number.

Should you wish to speak for up to five minutes during the Committee meeting, you may register with the committee coordinator by phone prior to 4:00 PM on the business day before the meeting, or by email or in person no later than one hour prior to the start time set for the meeting, unless otherwise noted on the agenda.

Please note that screen-sharing will not be enabled for participants during this meeting. Those delegates who wish to provide a visual presentation (such as PowerPoint slides) are required to register to speak and provide those materials to the committee coordinator prior to 4:00 PM on the last business day prior to the meeting unless otherwise noted on the agenda.

The committee coordinator who is moderating the meeting will share your presentation from his/her screen as you speak.

More information

For more information, please visit the [Agendas, minutes and videos](#) page at ottawa.ca/agendas.

Avis à l'intention du public et des participants concernant les délibérations des comités

Mise à jour : Le 30 décembre 2022

Avis publics

- L'interprétation simultanée est offerte dans les deux langues officielles pour toute question à l'ordre du jour; il suffit de communiquer avec le coordonnateur de comité au moins 72 heures avant la réunion. Pour les demandes soumises dans les 72 heures avant la réunion du Comité, le personnel s'efforcera de faire le nécessaire pour répondre aux demandes d'interprétation simultanée.
- Des formats accessibles et des aides à la communication sont offerts après avoir effectué une demande auprès du coordonnateur de comité ou en remplissant la [Demande de documentation de la Ville d'Ottawa en formats accessibles](#). La Ville doit, sur demande et en consultation avec la personne qui présente la demande, fournir ou prendre des dispositions pour fournir des formats accessibles et des aides à la communication pour les personnes en situation de handicap. Des formats accessibles et des aides à la communication doivent être fournis en temps opportun, en tenant compte des besoins d'accessibilité particuliers de la personne et à un coût qui n'est pas plus élevé que le coût ordinairement demandé aux autres personnes, conformément à la [Politique sur l'accessibilité](#) de la Ville d'Ottawa et ses [Procédures concernant les formats accessibles et les aides à la communication](#).
- Le public ne peut pas assister aux discussions ni aux séances sur les points à l'ordre du jour débattus à huis clos. Toute personne a le droit de demander une enquête indépendante sur la légitimité de régler certaines questions à huis clos. Il est possible de se procurer sans frais une [Demande d'enquête sur le bien-fondé d'une réunion à huis clos](#) en ligne ou en personne auprès du président de la réunion en question. Les demandes d'enquête restent

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confidentielles tant que l'enquêteur n'a pas présenté son rapport et n'entraînent aucuns frais pour le demandeur.

- Les points énumérés à l'ordre du jour sous « Communications » et « Information distribuée auparavant » ne font pas partie de l'ordre du jour ordinaire et ne seront donc pas traités par le Comité, à moins qu'ils ne soient ajoutés à l'ordre du jour en vertu du paragraphe 89(3) du [Règlement de procédure](#).
- **L'information envoyée au Comité, y compris le nom complet des correspondants/présentateurs, sera versée aux dossiers publics et sera accessible au public.** La correspondance, coordonnées et renseignements personnels compris, est transmise aux membres du Comité, aux bureaux des membres du Conseil et aux cadres et employés de la Ville concernés. La Ville publie en ligne la version audio des réunions de comités, y compris les observations verbales. Pour en savoir plus, communiquez avec le coordonnateur de comité dont les coordonnées sont indiquées dans l'ordre du jour.

Avis relatifs aux procès-verbaux

- Le soulignement dans les procès-verbaux indique une modification, approuvée par un comité, de recommandations ou d'une motion.
- Les procès-verbaux sont **préliminaires** jusqu'à ce qu'ils soient approuvés par le Comité.

Participation aux réunions hybrides – détails

Les réunions se déroulent en format hybride, en vue d'offrir la possibilité aux participants d'y assister en personne ou par voie électronique, conformément à l'article 238 de la *Loi de 2001 sur les municipalités*, telle que modifiée par la *Loi de 2020 visant à favoriser la reprise économique face à la COVID-19*.

Les réunions en séance publique sont ouvertes à tous et se tiennent généralement à l'hôtel de ville d'Ottawa (veuillez consulter l'ordre du jour pour connaître le lieu exact de la réunion). La réunion est également présentée sur [Zoom](#). Les participants (tels que les membres des comités et les intervenants inscrits) peuvent y assister en personne, en téléphonant à un numéro sans frais ou en utilisant le logiciel Zoom sur un ordinateur ou un appareil mobile.

Membres du Comité et du Conseil, et personnel municipal tenu de participer à la réunion

Le coordonnateur de comité enverra un lien Zoom et un mot de passe avant la réunion aux membres du comité et aux membres du Conseil ainsi qu'au personnel municipal tenu de participer.

Autres employés municipaux, médias et public

Les employés qui ne participent pas à la réunion, les médias et le public peuvent suivre la réunion sur la [chaîne YouTube du Conseil municipal d'Ottawa](#) ou dans le [portail Web des ordres du jour et des procès-verbaux de la Ville \(eScribe\)](#). La participation en personne est également possible dans la galerie des spectateurs.

Les places assises peuvent être limitées. Nous prions donc le personnel de bien vouloir donner la priorité aux membres des médias et du public qui souhaitent assister à la réunion.

Pour les participants en personne, veuillez noter que la Ville d'Ottawa a mis en place des mesures de sécurité pour assurer un environnement sûr et sécuritaire pour les réunions en personne tenues dans la salle du Conseil de l'hôtel de ville - Salle Andrew S. Haydon. Pour plus d'informations, visitez Ottawa.ca.

Commentaires présentés au Comité

Le public peut formuler des commentaires par écrit ou de vive voix (ou les deux) lors des réunions du Comité.

Passé les échéances pour les soumissions, le public peut soumettre ses commentaires au comité permanent concerné (s'il y a lieu) ou au Conseil.

Les commentaires reçus **une fois les échéances passées pour les soumissions** seront traités par le coordonnateur du comité, puis transmis à tous les membres du Conseil dès que possible avant l'examen final du point par le Conseil (la date de la réunion du Conseil étant notée sur l'ordre du jour du comité), mais il se pourrait qu'ils ne soient pas communiqués au comité avant sa réunion.

Commentaires écrits

Les commentaires peuvent être envoyés au coordonnateur de comité par courriel ou en communiquant avec lui par téléphone pour que ces commentaires soient transcrits. **Les commentaires écrits et oraux reçoivent la même attention du Comité.**

Afin que les commentaires écrits puissent être communiqués au comité avant la réunion, l'échéance pour soumettre des commentaires par écrit est au plus tard à 16 h le jour ouvrable précédant la réunion, sauf indication contraire dans l'ordre du jour.

Commentaires oraux (intervenants du public)

Il est possible de s'inscrire auprès du coordonnateur de comité, par téléphone ou courriel, pour prendre la parole durant la réunion. Pour ce faire, l'intervenant doit fournir son nom, son numéro de téléphone et son adresse électronique (si possible).

L'inscription est requise pour recevoir les informations relatives à la réunion Zoom.

Il n'est pas obligatoire d'avoir un ordinateur ou un appareil de partage de vidéos pour participer à la réunion; il est possible de le faire en composant un numéro sans frais.

Si vous souhaitez prendre la parole (maximum de cinq minutes) pendant la réunion du comité, vous devez vous inscrire auprès du coordonnateur du comité, par téléphone, avant 16 h le dernier jour ouvrable précédant la réunion, ou par courriel ou en personne, au plus tard une heure avant le début de la réunion, sauf indication contraire dans l'ordre du jour.

Veillez prendre note que le partage d'écran ne sera pas autorisé pour les participants durant cette réunion. Les intervenants qui souhaitent faire une présentation visuelle (par exemple au moyen de PowerPoint) doivent s'inscrire pour prendre la parole et fournir cette présentation au coordonnateur du comité avant 16 h le dernier jour ouvrable précédant la réunion, sauf indication contraire dans l'ordre du jour.

Le coordonnateur du comité, qui anime la réunion, partagera la présentation à partir de son écran lors de l'intervention.

Pour en savoir plus

Pour obtenir de plus amples renseignements, veuillez consulter la page [Ordres du jour, procès-verbaux et vidéos](#).

Subject: Bill 109 Implementation Phase 2

File Number: ACS2023-PRE-GEN-0004

**Report to a joint Planning and Housing Committee and Agriculture and Rural
Affairs Committee on 30 May 2023**

and Council 14 June 2023

**Submitted on May 19, 2023 by Don Herweyer, Interim General Manager, Planning,
Real Estate and Economic Development**

**Contact Person: Emily Davies, Manager Special Projects (Bill 109), Planning, Real
Estate and Economic Development**

613-580-2424, 23463, emily.davies@ottawa.ca

Ward: Citywide

Objet : Étape 2 de la mise en œuvre du projet de loi 109

Dossier : ACS2023-PRE-GEN-0004

**Rapport présenté à la réunion conjointe du Comité de la planification et du
logement et du Comité de l'agriculture et des affaires rurales**

le 30 mai 2023

et au Conseil le 14 juin 2023

**Soumis le 19 mai 2023 par Don Herweyer, Directeur par intérim, Direction
générale de la planification, des biens immobiliers et du développement
économique**

**Personne-ressource : Emily Davies, Gestionnaire de Projets Spéciaux (Projet de
loi 109), Département Services de la planification, de l'immobilier et du
développement économique**

613-580-2424, 23463, emily.davies@ottawa.ca

Quartier : À l'échelle de la ville

REPORT RECOMMENDATIONS

That Planning and Housing Committee and Agriculture and Rural Affairs Committee recommend Council:

- 1. Receive for information the update on the internal process changes undertaken since July 6, 2022 and proposed to be undertaken as part of Bill 109 Implementation Phase 2 contained in this report;**
- 2. Approve the amendments to the Pre-Consultation By-law 2009-320, as per Document 1 attached to this report, to introduce a Multi-tiered Pre-Consultation Process;**
- 3. Approve the amendments to the Development Application Study Policy By-law 2022-254, attached as Document 2 to this report;**
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- 7. Direct Staff to report back to Council via report with an Official Plan Amendment to explicitly define the types of applications that can be classified as minor zoning by-law amendments to set the stage for a future delegation of authority;**
- 8. Approve the following amendments with respect to the Council and Committee governance processes, Terms of Reference, and the Procedure By-law, attached as Document 5, and as described in this report:**
 - a. Schedule Council and Planning and Housing Committee meetings bi-weekly on alternating Wednesdays, and that additional meetings scheduled during traditional legislative breaks in January, March break, July, August, and December, be convened as special meetings, if required, to consider any Zoning By-law amendments or any other time-sensitive items approved by the Chair;**

- b. Enact Zoning By-law Amendments (ZBLA) and Official Plan Amendment (OPA) by-laws at the same day as the policy report is before Council;
 - c. Publish Zoning By-law Amendment reports six (6) calendar days before Committee; and
 - d. Enable all zoning matters in any area of the city to have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee should there be a time pressure to meet the provincially imposed deadline.
9. Approve that Bill 109 timeline data be reported to Council annually through the Planning, Real Estate and Economic Development's Year-End Report.

RECOMMANDATIONS DU RAPPORT

Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales recommandent au Conseil de :

1. Prendre connaissance de la mise à jour sur les changements aux processus internes entrepris depuis le 6 juillet 2022 et qu'on propose d'entreprendre dans le cadre de l'étape 2 de la mise en œuvre du projet de loi 109 contenue dans le présent rapport;
2. Approuver la modification du *Règlement sur la préconsultation* (n° 2009-320), conformément au document 1 joint au présent rapport, afin de mettre en place un processus de préconsultation à différents paliers;
3. Approuver la modification du *Règlement de la politique d'étude des demandes d'aménagement* (n° 2022-254), jointe en tant que document 2 au présent rapport;
4. Approuver la modification du *Règlement sur la Politique d'avis et de consultation publique*, jointe en tant que document 3 au présent rapport;
5. Approuver la modification du *Règlement sur les droits d'aménagement* (n° 2023-139), jointe en tant que document 4 au présent rapport;
6. Prendre connaissance d'une mise à jour sur des changements futurs au *Règlement régissant la réglementation du plan d'implantation*;

7. Demander au personnel de présenter au Conseil un rapport contenant une modification du Plan officiel qui définit explicitement les types de demandes pouvant être classées comme changements mineurs au *Règlement de zonage*, afin de faciliter une future délégation de pouvoirs;
8. Approuver les changements suivants relativement aux processus de gouvernance du Conseil et du Comité, au cadre de référence et au *Règlement de procédure*, présentés en pièce jointe en tant que document 5, tels que décrits dans le présent rapport :
 - a. Tenir les réunions du Conseil et du Comité de la planification et du logement tous les deux mercredis, et faire en sorte que des réunions supplémentaires pendant les congés traditionnels de janvier, mars (relâche), juillet, août et décembre puissent être convoquées en tant que réunions extraordinaires, au besoin, pour examiner toute modification du *Règlement de zonage* ou toute autre question soumise à une échéance approuvée par le président;
 - b. Adopter les règlements régissant la modification du *Règlement de zonage* et la modification du Plan officiel le jour où le rapport sur la politique est présenté au Conseil;
 - c. Publier les rapports sur la modification du *Règlement de zonage* six (6) jours civils avant la réunion du Comité;
 - d. Faire en sorte que toutes les questions de zonage, peu importe le secteur de la ville, puissent être examinées par le Comité de la planification et du logement, ce qui permettra à un dossier de zonage rural d'être transmis au Comité de la planification et du logement plutôt qu'au Comité de l'agriculture et des affaires rurales, advenant une contrainte de temps pour respecter l'échéance imposée par le gouvernement provincial.
9. Approuver la présentation annuelle au Conseil des données relatives au calendrier du projet de loi 109, au moyen du Rapport de fin d'exercice de la Direction générale de la planification, de l'immobilier et du développement économique.

EXECUTIVE SUMMARY

Through Bill 109, the province mandated the refunding of fees for Site Plan Control and Zoning By-law Amendment applications that don't meet the new mandated timelines. New legislative timelines for the processing of Site Plan Control and Zoning By-law Amendment applications were approved as part of Bill 109 approval, effective April 14, 2022. Site Plan Control now has a required approval within 60 days whereas the City takes an average of 196 days. Zoning By-law Amendment applications have their timelines set at 90 days to receive a decision, whereas the City takes an average of 178 days. Should the new timelines not be met, refunds of the planning application fees are required by the province.

Building on the Bill 109 Implementation – Phase 1 report ([ACS2022-PIE-GEN-0011](#)) approved by Council on July 6, 2022, this report seeks Council approval of nine recommendations that form Ottawa's best foot forward to meeting the provincial legislation.

A thorough background is provided to frame the conversation around the nine formal recommendations including a high-level overview of the current processes and the opportunities that lay within. Definitions of specific terms, that have a specific meaning, are also provided to offer maximum clarity to readers.

The first recommendation provides an overview of the internal process changes that the corporation will be shifting toward, to realign staff effort for processing Zoning By-law Amendment and Site Plan Control applications.

The second recommendation introduces the proposed multi-tiered pre-consultation process in an effort to facilitate early, collaborative and structured opportunities for applicants to receive feedback on their development proposal. This change is intended to set up the applicant for success during the provincially mandated timed review of the application. The multi-tiered pre-consultation process introduces three phases to allow the applicant to discuss their idea to obtain preliminary feedback, present their refined idea and any draft studies for comment, and finally, submit their final proposal for the study review to ensure the studies are complete, consistent with one another, and contain enough information to allow a proper application processing during the provincially timed review.

The third recommendation will introduce changes to the recently amended *Development Application Study Policy By-law*. This by-law lists all of the plans, studies and materials

that could be requested by the City to form part of a “complete” Planning Act application submission. During the multi-tiered pre-consultation Phases 1 and 2, Staff will provide the applicant a preliminary (Phase 1), and then final list (Phase 2) of studies and materials that are to be submitted with their formal application. During the last several months, adjustments have been identified to the existing *Development Application Study Policy By-law* that are required to streamline the studies that may be requested and set the City up for success in detailing out an accurate list of submission materials.

The fourth recommendation will introduce changes to the recently amended Public Notification and Consultation Policy. This policy contains the commitments for informing the public of Planning Act applications and it requires adjustments to recognize the legislative changes applicable to Zoning By-law Amendment and Site Plan Control applications.

The fifth recommendation will introduce changes to the *Planning Fees By-law*. This by-law amendment is needed to institute fees for each multi-tiered pre-consultation phase, make the fees non-refundable/creditable, institute the language of a “notice” which is required to have Zoning By-law Amendments and Site Plan Control applications enter into the “official review”, and to remove fees impacted by Bill 23.

The sixth recommendation will introduce future changes to the *Site Plan Control By-law*. This future by-law amendment is needed to align the City’s by-law with the recent changes through Bill 23 that exempt residential development up to 10 dwelling units from having to go through Site Plan Control – province wide. A future report will speak to the Bill 23 and Bill 97 impacts on Site Plan Control.

The seventh recommendation seeks direction to report back to Council with an Official Plan Amendment (OPA) to explicitly define the types of applications that can be classified as a minor zoning by-law amendment to set the stage for the possibility of future delegation of authority for minor zoning by-law amendment types. Zoning applications under delegated authority can be approved by staff and therefore do not have to go through Committee and Council. This enables a faster timeline to the decision, and helps the City meet its 90-day obligation under Bill 109.

The eighth recommendation builds on the 2022-2026 Council Governance Review, which recommended that Council and Planning and Housing Committee meetings be held bi-weekly on alternating Wednesdays to enable more frequent opportunities for Council to reach a decision on development applications. With the condensed timelines imposed by Bill 109, more Council meetings enable staff to make the best use of the

90-day timeline, instead of waiting for the next meeting for a decision. To create further efficiencies, staff recommend publishing staff reports for Zoning By-law Amendments six (6) calendar days before Committee. To assist rural files in meeting the 90-day timelines, the report also recommends all zoning matters in any area of the city have the ability to be considered at Planning and Housing Committee. Agriculture and Rural Affairs Committee only meets once a month, and the rural files would be at a serious disadvantage should they continue to be only eligible for consideration at Agriculture and Rural Affairs Committee.

The ninth recommendation proposes data points be reported annually in the future with respect to the multi-tiered pre-consultation and the official review, for Site Plan Control and Zoning By-law Amendment applications. The objective is to report on whether the process changes proposed in this report are met and whether further process amendments or additional staff complement are required to meet the provincial timelines.

RÉSUMÉ

En adoptant le projet de loi 109, le gouvernement provincial oblige les municipalités à rembourser les frais facturés pour les demandes de réglementation du plan d'implantation et de modification du *Règlement de zonage* qui ne sont pas traitées selon les nouveaux échéanciers prescrits. De nouveaux échéanciers législatifs de traitement de ces demandes ont été approuvés lors de l'adoption du projet de loi 109, avec prise d'effet le 14 avril 2022. Les demandes de réglementation du plan d'implantation doivent désormais être approuvées dans les 60 jours, alors que la Ville met en moyenne 196 jours pour les traiter. Quant aux demandes de modification du *Règlement de zonage*, une décision doit être rendue dans les 90 jours, alors que la Ville met en moyenne 178 jours pour les traiter. Si les nouveaux échéanciers ne sont pas respectés, le remboursement des frais facturés pour les demandes d'aménagement est exigé par la Province.

S'appuyant sur le rapport de l'étape 1 de la mise en œuvre du projet de loi 109 ([ACS2022-PIE-GEN-0011](#)) approuvé par le Conseil le 6 juillet 2022, le présent rapport vise à obtenir du Conseil l'approbation de neuf recommandations qui constituent le meilleur plan d'action de la Ville d'Ottawa pour se conformer à la législation provinciale.

Un contexte détaillé est fourni pour donner le ton aux discussions entourant les neuf recommandations officielles, y compris une vue d'ensemble des processus actuels et

les possibilités qu'ils recèlent. Les définitions de termes particuliers ayant une signification spéciale sont aussi fournies pour offrir aux lecteurs un maximum de clarté.

La première recommandation donne un aperçu des changements au processus interne que l'organisation effectuera afin de réorienter les efforts du personnel pour traiter les demandes de réglementation du plan d'implantation et de modification du *Règlement de zonage*.

La deuxième recommandation met en place le processus de préconsultation à différents paliers proposé, dans un effort pour multiplier les possibilités d'offrir aux demandeurs de la rétroaction hâtive, collaborative et structurée sur leur proposition d'aménagement. Ce changement vise à favoriser le succès du demandeur durant l'examen de la demande, dont la durée est fixée par le gouvernement provincial. Le processus de préconsultation à différents paliers met en place trois étapes qui permettent au demandeur d'exposer ses idées pour obtenir une première rétroaction, de présenter ses idées reformulées et toute étude provisoire aux fins de commentaires et, enfin, de soumettre sa proposition finale aux fins d'examen, afin de s'assurer que les études sont complètes, cohérentes et contiennent assez de renseignements pour garantir un traitement adéquat de la demande durant la période d'examen fixée par la Province.

La troisième recommandation apportera des changements au *Règlement de la politique d'étude des demandes d'aménagement* récemment modifié. Ce règlement liste tous les plans, études et documents qui pourraient être exigés par la Ville afin de constituer une demande « complète » soumise en vertu de la *Loi sur l'aménagement du territoire*. Pendant les étapes 1 et 2 de la préconsultation à différents paliers, le personnel fournira au demandeur une liste provisoire (étape 1), puis une liste finale (étape 2), des études et des documents qui doivent accompagner sa demande officielle. Au cours des derniers mois, on a relevé des éléments qui devraient être mis au point dans le *Règlement de la politique d'étude des demandes d'aménagement* afin de simplifier les études. Ces changements pourraient être demandés, ce qui permettrait à la Ville d'accroître sa réussite en fournissant une liste détaillée de tous les documents à soumettre.

La quatrième recommandation apportera des changements à la *Politique d'avis et de consultation publique* récemment modifiée. Cette politique précise comment remplir les engagements consistant à informer le public des demandes soumises en vertu de la *Loi sur l'aménagement du territoire*, et elle doit être modifiée pour tenir compte des

changements législatifs applicables aux demandes de réglementation du plan d'implantation et de modification du *Règlement de zonage*.

La cinquième recommandation apportera des changements au *Règlement sur les droits d'aménagement*. La modification de ce règlement est nécessaire pour : imposer des frais pour chaque étape de la préconsultation à différents paliers; rendre les frais non remboursables créditailes; préciser la langue dans laquelle doit être rédigé l'« avis » requis pour que les demandes de réglementation du plan d'implantation et de modification du *Règlement de zonage* soient prises en compte dans « l'examen officiel »; et supprimer les frais visés par le projet de loi 23.

La sixième recommandation apportera des changements futurs au *Règlement régissant la réglementation du plan d'implantation*. Cette modification future est nécessaire pour aligner le règlement de la Ville sur les récents changements imposés par le projet de loi 23 qui évitent aux aménagements résidentiels d'au plus dix logements de se soumettre à la réglementation du plan d'implantation – à l'échelle de la province. Un rapport futur traitera de l'incidence des projets de loi 23 et 97 sur cette réglementation.

La septième recommandation invite le Conseil à donner des directives pour que le personnel lui présente un rapport contenant une modification du Plan officiel qui définit explicitement les types de demandes pouvant être classées comme changements mineurs au *Règlement de zonage*, afin de faciliter une future délégation de pouvoirs pour le traitement de tels changements mineurs. Les demandes de zonage traitées en vertu de pouvoirs délégués peuvent être approuvées par le personnel et n'ont donc pas à être présentées au Comité et au Conseil. Cela accélère la prise de décision et aide la Ville à remplir son obligation de donner une réponse dans les 90 jours en vertu du projet de loi 109.

La huitième recommandation s'appuie sur l'Examen de la structure de gestion publique du Conseil municipal pour 2022-2026, qui recommandait que les réunions du Conseil et du Comité de la planification et du logement se tiennent un mercredi sur deux afin de donner au Conseil des occasions plus fréquentes d'en arriver à une décision sur les demandes d'aménagement. Étant donné les délais écourtés imposés par le projet de loi 109, un plus grand nombre de réunions du Conseil permet au personnel de mieux utiliser les 90 jours accordés, au lieu d'attendre la prochaine réunion pour connaître la décision. Afin de rendre le processus encore plus efficace, le personnel recommande la publication des rapports qu'il prépare sur les changements au *Règlement de zonage* six (6) jours civils avant la réunion du Comité. Pour assurer le traitement des dossiers ruraux dans un délai de 90 jours, le rapport recommande aussi que toutes les questions

de zonage, peu importe le secteur de la Ville, soient examinées par le Comité de la planification et du logement. En effet, ces dossiers seraient sérieusement désavantagés s'ils étaient seulement examinés par le Comité de l'agriculture et des affaires rurales, étant donné que celui-ci se réunit seulement une fois par mois.

La neuvième recommandation propose qu'un rapport annuel soit désormais produit sur des points de données relativement à la préconsultation à différents paliers et à l'examen officiel des demandes de réglementation du plan d'implantation et de modification du *Règlement de zonage*. On vise ainsi à évaluer si les changements de processus proposés dans le présent rapport sont faits et si d'autres modifications du processus ou l'ajout de personnel sont requis pour respecter les échéanciers provinciaux.

BACKGROUND

On April 14, 2022, the province's Bill 109 received royal assent providing legislative direction to implement the *More Homes for Everyone Act*, 2022. At a high level, there are three deadlines to implement the province's Bill 109:

- Due July 1, 2022, the province mandated the "Delegation" of Site Plan Control Approvals to staff, removed Council's authority to approve Site Plan Control and removed the ability of municipalities to refuse Site Plan Control.
- Due January 1, 2023 (subsequently changed to July 1, 2023 by the province), the province mandated the refunding of fees for Site Plan Control and Zoning By-law Amendment applications that do not meet the new mandated approval timelines. New legislative timelines for the processing of Site Plan Control and Zoning By-law Amendment applications were approved as part of Bill 109, effective April 14, 2022. Site Plan Control now has a requirement of issuing an approval within 60 days (the City takes an average of 196 days). In addition, the City must make a decision within 90 days for Zoning By-law Amendment applications (the City takes an average of 178 days). Other aspects that went into effect after third reading on April 14, 2022 (appeal rights for clients; pre-consultation requirements, etc.) and other aspects that do not have a deadline to implement (ministerial zoning orders and surety bonds).

The new provincially mandated application review timelines have the following refund implications. Refunds would be issued as follows for Site Plan Control (SPC) if approval has not been given within the required timelines (note that municipalities effectively lost the ability to refuse Site Plan Control applications without offering a refund):

- No refund if approved within 60 days;
- 50 per cent refund if approved within 60 to 90 days;
- 75 per cent refund if approved within 91 to 120 days;
- 100 per cent refund if approved after more than 120 days.

Refunds would be issued for Zoning By-law Amendment (ZBLA) applications if a decision is not made within the following statutory timelines:

- No refund if decision made within 90 days, or 120 days if the ZBLA is concurrent with an Official Plan Amendment (OPA);
- 50 per cent refund if decision made within 91 to 150 days, or 121 to 180 days if concurrent with an OPA;
- 75 per cent refund if decision made within 151 to 210 days, or 181 to 240 days if concurrent with an OPA;
- 100 per cent refund if decision is made after 210+ days (or 240+ days if concurrent with an OPA).

Bill 109 Implementation – Phase 1 Report

On July 6, 2022, City Council approved the Bill 109 Implementation – Phase 1 ([ACS2022-PIE-GEN-0011](#)) recommendations which were intended to implement required changes mandated by the province's Bill 109.

The report was framed by the financial risk posed by the new timelines:

- Should the City decisively update its current approach to development application review to meet the new provincially mandated timelines and refunds, it would have colossal impacts on revenue and subsequently, service delivery. Development application review is a self-financed service offered by the City, where planning application fees pay for the majority of staff that do that work. This is part of a City commitment that “growth pays for growth”, meaning that the development industry pays for the services it needs to operate. Potential future refunds from unmet timelines would directly lead to the City having to either draw from tax base revenue to afford current service delivery or lead to service and staff reductions further risking planning application fees.

The Phase 1 report, as approved, amended three City by-laws and one City policy:

- Delegated Authority By-law 2022-29 – to appoint authority to staff to approve all Site Plan Control applications and remove Councillors from the SPC approval process, including concurrence; conditions of approval; and approval ability.
- Development Application Study Policy By-law 2001-451 – to update the list of studies that make an application “complete”. A “complete” application is the trigger for when the clock on the new timelines start ticking in the development application process.
- Public Notification and Consultation Policy – to reflect the changes to the delegation of authority to staff to approve Site Plan Control applications.
- Site Plan Control By-law – to align the inner urban Site Plan Control exemption threshold with the outside the greenbelt threshold. The by-law would permit buildings of six units or less to be exempt from Site Plan Control. This is reprioritizing the departmental effort to create capacity internally; reducing workload to enable adaptation to shorter and more intense timelines as well as reflecting on the Affordable Housing and Homelessness Crisis and Emergency, declared by Council on January 29, 2020, with [Motion NO 26/14](#), by allowing for streamlined approval process for low-rise infill units.

The Phase 1 report also proposed a phased approach to implement the Bill 109 changes, the second of which is this current report.

Bill 23: *More Homes Built Faster Act*

Provincial Legislation was tabled on October 25, 2022, that proposed further action from the province to streamline development approvals. The below gives some clear guidance on the province’s intent and direction for Bill 109 to meet the demand of the Housing Crisis. Extracts of the *More Homes Built Faster Act* announcements relevant to Bill 109’s implementation are listed below:

- In Spring 2022, the province committed to provide comments on any applications for housing developments within 45 days. For more complex applications, the province relies on providing upfront guidance, encouraging pre-consultation, and triaging to help ensure they meet their commitment.
- The province proposed to remove site plan control requirements for residential development up to 10 dwelling units (other than land lease community developments). It will reduce the number of approvals in the pipeline, speeding

things up for all housing proposals, while building permits and building/fire code requirements would continue to protect public safety.

- For larger projects, the province proposed to speed up approvals by focusing site plan control reviews on health and safety issues, like flood-plain management, rather than architectural or decorative landscape details.

Bill 23 provides some insight into the province's thinking and intent of Bill 109:

- The province moved towards a pre-consultation program to meet tighter approval timelines for their own applications.
- The Site Plan Control exemption for four to six units approved by Council as part of the Phase 1 report is in line with the provincial intent, given that they have moved to exempt development proposals for 10 units or less.
- The scope of review for Site Plan Control is being reduced to focus on matters of health, safety, sustainability, accessibility or the protection of adjoining lands, which affects the type of studies staff can request at SPC through the City's *Development Application Study Policy By-law*.

Ministerial Letter to AMO

The province had committed on November 30, 2022 to introducing legislation that, if passed, would delay the implementation of development application refund requirements set out in Bill 109 by 6 months, from January 1, 2023, to July 1, 2023. The delay of these measures will give municipalities more time to implement the Bill 109 measures.

This commitment was included in [a letter to the President of AMO](#) from Minister Clark who also committed to “ensure that municipalities are kept whole for any impact to their ability to fund housing enabling infrastructure because of Bill 23”. The letter was sent in the response to concerns and calls for infrastructure funding after [Bill 23 – More Homes Built Faster Act, 2022](#) received royal assent on November 28, 2022.

Bill 97

On April 6, 2023, the province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, which proposes legislative amendments with the goal of achieving the construction of 1.5 million new homes by 2031. The province also released for comment a new Provincial Planning Statement (PPS), which will replace the PPS and the Growth Plan.

Bill 97 confirmed the minister's commitment to change the effective date for planning application fee refunds where no decision is made within the Bill 109 timelines. If any fee refunds were owing as a result of applications filed and not decided on between January 1 and July 1, 2023, the refund is deemed not to have been required.

Additional changes introduced in Bill 97 include:

- New ministerial powers with respect to: Provincial Land Development Facilitators, exempt lands that are the subject of Ministerial Zoning Orders (MZOs) from complying with provincial policies and official plans when other planning approvals are applied for, and regulations regarding the powers of municipalities to regulate demolition and conversion of residential rental properties.
- Clarify that official plans and zoning by-laws can still require more than one parking space for the primary residential unit

The definition of an employment area is proposed to be limited to areas where manufacturing, research and development related to manufacturing, warehousing and ancillary uses occur.

Complementary Reports

There are two other reports with significant components of the City's response to the impacts of the province's Bill 109. The complete package is as follows:

1. [ACS2022-OCC-GEN-0030](#): 2022-2026 Council Governance Review
 - a. This report speaks to the Council and Committee structure and mandates, including meeting frequency and procedure for publication of agendas. Included in the report are impacts of Bill 109's condensed timeline to reach a decision on Zoning By-law Amendment reports that go through Planning and Housing Committee or Agriculture and Rural Affairs Committee, ahead of rising to Council for consideration. As a preliminary step to address timelines, the Planning and Housing Committee moved to the first and third Wednesday of the month, with the ability for the Chair to schedule additional regular meetings on another Wednesday (i.e., the fifth Wednesday of the month, when there is one) provided it does not conflict with Council.
2. ACS2023-PRE-GEN-0005: Provincial Legislation Resource Impact Report

- a. This report highlights the key workload impacts of the provincial Bills on City business, and asks Council for the corresponding staffing resources that, in staff's estimate, will set up the City to adapt to the changes.

Definitions

There are new terms that need to be defined ahead of the discussion below:

- “Pre-consultation”: period of time before an application is submitted for the “Official Review” by staff. It is an opportunity for an applicant to meet with the City and obtain clear feedback about the application they are intending to submit. The City’s professional staff from several groups (Urban Design, Heritage, Planning Services, Infrastructure, Transportation, Forestry...) are available to provide comments, with the expectation that applicants apply the feedback and update their proposal ahead of submitting for the “Official Review”.
- “Official Review”: period of time the City has to review a development application, measured by the province’s Bill 109 requirements (60 days for SPC, 90 days for ZBLA, 120 days for OPA/ZBLA). The clock starts when the City “deems an application complete” and stops when a delegated authority report for SPC has been finalized or for ZBLAs, either a refusal decision issued by Council or a by-law passage by Council. Should the provincial timeline for the Official Review not be met, the City must issue refunds of the application review fees.
- “Complete Application”: all materials and information for the “Official Review” has been received by the City. For the City of Ottawa, the moment an application is deemed complete is when all the studies are adequate, and payment for the planning application has been received.
- Application “Decision”: for Site Plan Control, is marked by the issuance of the Delegated Authority Report (DAR). For Zoning, the decision is marked by either Council’s refusal of the application or the third reading of the passed Zoning By-law by Council (assuming there is no notice of Mayoral Veto, which can take place within 2 days following Council).
- Refunds: should the Official Review take longer than the province allows, the applicant qualifies for a refund proportional to the amount of time over and above the provincial time allotment. The refund is applicable to any fees charged under Section 69 of the *Planning Act*.
- Post-approval: period of time after an application Decision is rendered.

Current Development Application Review Process

Bill 109 created mandatory timelines for Zoning By-law Amendments (ZBLA) and Site Plan Control (SPC) development applications. The “start” of this timeline is: the City “deeming an application complete” and the end of this timeline is the application decision.

To demonstrate what this means in the current process and the proposed process (enabled by the recommended By-law changes), the list below offers a high-level overview of the current development application process.

1. The process starts with “Pre-application consultation” where the applicant requests a meeting with City staff. In the meeting the applicant presents their development proposal. This may include a concept plan or proposed zoning changes. The request includes an application and a fee which may be refunded where the related development application is received within 12 months of the meeting.
2. The applicant refines their development project proposal and documentation then submits their application to the City for its official review.
3. The application is deemed complete by the City (meaning all materials are present but not yet reviewed and payment is received) and the application is publicly posted on [DevApps](#):
 - a) Technical Circulation begins with internal and external stakeholders (including the Community Associations, utilities, conservation authorities and Councillors) reviewing the application material, including studies;
 - b) City compiles and considers the comments received, providing a reconciled comment list to the applicant to action;
 - c) The applicant or the Councillor may initiate a community information and comment session; and,
 - d) The applicant amends their proposal, including study updates and submits the next iteration of their application.
 - e) The above a-c steps can be repeated until staff are satisfied with the development proposal and the submitted information and material which supports it.

4. The City prepares the Decision report.
 - a. In the case of SPC, the decision is an internal report (Delegated Authority Report – DAR) approved by the Director of Planning Services, or their Delegate.
 - b. In the case of ZBLA (or a joint ZBLA and OPA), a report to Planning and Housing Committee (or Agriculture and Rural Affairs Committee), with a recommendation, is prepared.
5. A zoning by-law amendment report is published 10 days in advance of the meeting, then considered by Planning and Housing Committee (or Agriculture and Rural Affairs Committee) and then Council.
6. Should Council approve the zoning by-law amendment report, the implementing by-law is enacted at the same Council the report is approved, or the following Council.
7. For Site Plan Control, Post-Approval takes place after the Decision is rendered. This involves satisfying conditions of approval, which may include signing and registering a Site Plan Control agreement. A registered site plan control agreement may be required prior to obtaining a building permit or commencing work on the site.

DISCUSSION

Bill 109 has imposed a reduced development application timeline for Site Plan Control and Zoning By-law Amendment applications with the subject application fee being mandated to be refunded should those timelines not be met. The recommendations of this Bill 109 report are centred around making adjustments to three areas:

1. Internal process changes to streamline the review of ZBL and SPC Planning Act application review (recommendation 1)
2. By-law amendments to further streamline planning application review to meet the provincially mandated timelines (recommendations 2, 3, 6, 7 and 8); and,
3. Directions for further action (recommendations 4, 5 and 9)

Bill 109 was imposed by the Province to get more homes built faster, and the content that follows are staff's recommendations on how to best position the City by adjusting internal process to meet the new provincial timeline requirements and, as much as

possible, prevent the refunds imposed by the Province. The recommendations below are not to be interpreted as “championed by staff”, but rather to serve as a mitigation plan for the provincially imposed financial risk to the way planning applications have historically been processed.

Recommendation 1: Receive for information the update on the internal process changes undertaken since July 6, 2022 and to be proposed to be undertaken as part of Bill 109 Implementation.

The changes to internal business processes center around a variety of areas that will improve the timelines to process Zoning By-law Amendment and Site Plan Control applications. The following is a high-level overview of the internal business process changes:

1. Study Terms of References: Completing and revising the Terms of References, which outline City requirements, for studies that are submitted as part of a complete *Planning Act* application. This effort supports Recommendation 3 where the *Development Application Study Policy By-law* lists all of the studies and plans that may form part of a complete application.
2. Ottawa.ca – Guide to Preparing Plans and Studies Webpage: Overhauling the front facing City webpage that hosts all of the information for the public and applicants to conform too, with regards to the studies and plans that form part of a complete *Planning Act* application. This supports Recommendation 3 where the *Development Application Study Policy By-law* lists all of the studies and plans that may form part of a complete application.
3. Pre-Consultation Forms and Checklists: Updating the existing pre-consultation forms and checklists so that a phased approach to pre-consultation can be implemented which also aligns with the information that could be requested as part of a complete *Planning Act* application. This supports Recommendation 2 and 3 where the *Development Application Study Policy By-law* lists all of the studies and plans that may form part of a complete application and the *Pre-consultation By-law* will implement a phased pre-consultation approach.
4. Tracking Systems: Updating the existing internal systems used to track pre-applications as well as formal applications so that the Provincial timelines can be entrenched. The updates ensure that staff time on applications can be tracked to ensure that cost recovery, through future updates to the *Fee By-law*, is possible.

5. **Technical Circulation:** There are three areas where the technical circulation process is being updated. Firstly, readjusting the administrative tasks of preparing for the technical circulation to start during the pre-consultation process and not during Official Review. Secondly, limiting the list of technical agencies, for ZBLA and/or SPC applications to be circulated in instances where a ZBLA and/or SPC application has been withdrawn and resubmitted within a one-year timeframe. Thirdly, limiting the circulation period for Site Plan Control applications from a 28-day comment period to a 14-day comment period, in alignment with past Committee consideration via [ACS2022-PIE-GEN-0002](#) report.
6. **Site Plan Control Public Information Sessions:** Removal of the opportunity for the Councillor to request a public information session as part of the official review of a Site Plan Control application. The 14-day timeline for public and agency comment does not allow enough time for a meeting, but the opportunity to provide written comment remains. Bill 23 originally intended to remove third party appeals, sending a signal that community participation in planning matters was being effectively removed. Paired with the reduced timelines and refunds under Bill 109, the City had to consider all options to reach the mandated 60-day timeline for a Site Plan Control review. Ultimately, Bill 23 did not remove third party appeals and there is no indication from the province that constructive consultation is not permitted. Rather than outright elimination of public input for SPC, staff opted to retain the commenting ability of the public during the 14-day circulation.
7. **Report Review:** Reducing the legislative agenda timelines for internal review of complementary departments, for example legal, finance and business and technical support services. This will allow for condensed provincially mandated timelines to be supported.
8. **Report Release:** Reducing the length of time that a staff report (for ZBLA files only) gets released for public review from 10 calendar days to six calendar days. This will allow for condensed provincially mandated timelines to be supported.
9. **Post Approval:** Shifting tasks to the post-approval phase where certain studies and requirements can be imposed as post-approval conditions. This strategy suggests that approval be given on an application conditional on work being completed to the satisfaction of the City after approval.
10. **New Team Approach for Planning Services:** The current approach to development application review is that one Planner and one Project Manager

(Engineer) manage all tasks for a file from pre-consult to end of post-approval, including report drafting, comment review and response, posting the sign, interaction with applicants, Councillors and the public, etc.. Progress of the file is affected when leads are on leave or change positions, and stretched Senior staff's do not have enough capacity to undertake mentoring and skill transfer time is spent on routine tasks.

The team approach reviews tasks and assigns them to the “right level, right job, right fit”, builds mentorship opportunities for all staff, and provides exposure to a variety of application types. Starting with Pre-Consultation and moving through post-approval of the associated application(s), the team members would each complete different tasks, while supporting one another. Each file would have a team composed of two to three planners (ranging from P1, P2 and P3) and two to three engineers (ranging from EIT, Project Manager to Senior Project Manager), depending on the complexity of the file.

The concept builds in cover-off for vacation, or when staff move to another position, to keep the file moving forward.

Recommendation 2: Approve the amendments to the *Pre-Consultation By-law 2009-320*, as per Document 1 attached to this report, to introduce a “Multi-tiered Pre-Consultation Process”.

The proposed multi-tiered pre-consultation process is the best mechanism to ensure the information staff need to make a decision is present in the requested studies and at a level that enables for a fast Official Review (timed by the province). The proposed process would only apply to Site Plan Control and Zoning By-law Amendment applications submitted after the approval of this report by Council.

The graphic below provides a high-level overview of the proposed process:

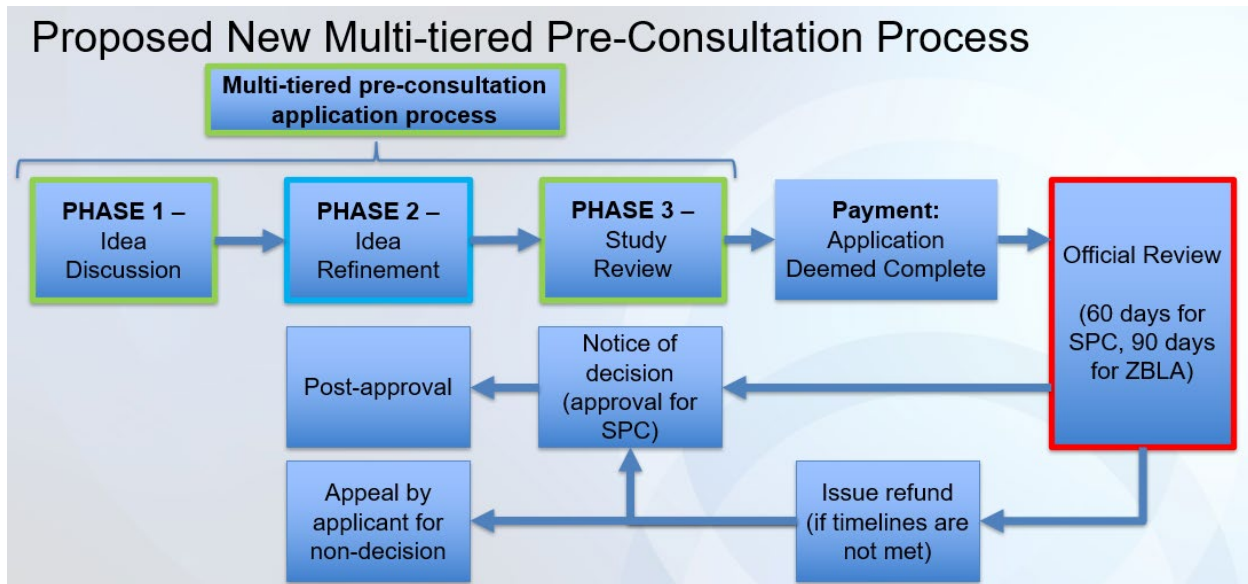


Image representing the phases of the Multi-Tiered Pre-Consultation Process. Phases 1 through 3 ends with the receipt of payment which initiates the Official Review (of 60 days for SPC or 90 days for ZBLA). Refunds are issued if timelines are missed, ahead of a notice of decision being issued. The applicant can then appeal the decision or let the application go into the post-approval phase.

The Proposed Multi-Tiered Pre-Consultation Process would consist of three Phases, detailed below. For each pre-consultation phase, a fee will be charged to applicants.

Phase 1: The intent of Phase 1 is for the applicant to present their idea and for the City to provide clear high-level feedback on Official Plan and Provincial Policy Statement consistency. Applicants would submit information about their proposal and the site, have an opportunity to participate in a virtual pre-consultation meeting with staff and receive formal staff comments along with a preliminary list of studies the applicant should complete to advance their project to the next stages. Phase 1 would take place for either of these purposes separately, or both together:

- Optional opportunity for applicants looking only to obtain very preliminary high-level feedback. An example are applicants that have not secured land and are looking at sites and require initial feedback from the City.
- Required opportunity for applicants who require a SPC or ZBLA approval and want to proceed through the required steps for application submission. An example is applicants that have secured land and can present their formalized development idea to the City for feedback.

Phase 2: The intent of Phase 2 is for applications that have refined their proposal since the presentation provided in Phase 1, with changes to design, density or uses. In these cases the applicant would be required to complete a Phase 2 pre-consultation step to identify the changes to their proposal and obtain further City feedback. The applicant would also submit any draft studies that were identified as part of Phase 1 and participate in a virtual pre-consultation meeting. The City is then committed to provide a finalized list of required studies, based on the proposal at hand, and identify any high-level issues and mitigation options for the application.

Phase 3: The intent of Phase 3 is for the applicant to provide the revised and completed studies to City staff. During this Phase, the City is to review these studies, against the City's Terms of References or Guidelines (as detailed in Recommendation 1 above), to ensure they are complete, consistent with one another, and contain enough information to allow a proper application processing during the provincially timed "Official Review". Any insufficient studies will be issued a deficiency letter. To advance to the Official Review, the applicant must resolve the deficiencies and resubmit the studies. It is proposed that re-submission of studies to address deficiencies will require additional pre-consultation fees, and associated time delays, as the updated application enters Phase 3 anew.

Payment of the Official Review Fee: After Phase 3 is complete the applicant may proceed to pay the associated *Planning Act* application fee. A "Notice" will be issued after the completion of Phase 3, from the City to the applicant, outlining how the *Planning Act* application fee can be paid at a client service centre. The applicant can then proceed to apply with the required planning fee to a client service centre. The formal "deeming complete" of the application only starts once the fee has been paid. Client services will be required to send a fee confirmation of the paid "invoice" directly to the Planner.

Extensive internal consultation has occurred to identify which internal City subject matter experts should participate in which pre-consultation stages. For some subject matter experts that participated in the past, little changes in their process. For others, participating in the new multi-tiered pre-consultation process is a new task required as their early feedback is instrumental to ensuring a streamlined and efficient "Official Review" period. The resource impacts related to these new functions are detailed in the Provincial Legislation Resource Impact Report.

Staff have considered the transition impacts of moving from the current single pre-consultation meeting to a multi-tiered process. Staff propose the following:

- pre-consultation meeting for any ZBLA or SPC in-stream application that has not already entered the “Official Review” will be considered to have fulfilled Phase 1 of the Multi-Tiered Pre-Consultation Process.

The rationale for this is to enable the files to benefit from the study review period ahead of entering into the Official Review, while retaining the work that has already occurred. It would not have been fair or productive to discard the meeting that has already occurred, or to fast track these applications directly to Official Review – these applications would have the same issues around iterative comments as before during the timed review.

Options considered, but not recommended:

- Phase 2 pre-consultation for all applications, no exceptions
 - In consultation with internal and external partners, it was apparent that the situation that the City was trying to solve for was applications that need a lot of effort to meet the City standards, policies and guidelines – those that require iterative reviews in our current process.
 - It was raised that applicants who submit quality applications should not be required to undergo Phase 2, should their materials and proposal qualify for Phase 3. Applicants submitting quality work should not have to complete a redundant step. Staff agreed and therefore are not recommending discretion be applied as to what Phase of pre-consultation is applicable.
- Four Phases of Pre-consultation
 - The City preferred to recommend, in instances where there are outstanding issues on an application, a deficiency list option for Phase 3 rather than requiring a fourth phase for all applications. The objective was not to penalize applicants that submit quality applications with redundant steps.
- Elimination of the Pre-Application Consultation Program
 - Bill 23 originally intended to remove third party appeals, sending a signal that community participation in planning matters was being effectively removed. Paired with the reduced timelines of Bill 109, the City had to consider all options to reach the mandated 90 days. Ultimately, Bill 23 did not remove third party appeals and there is no indication from the province that constructive consultation is not permitted.

- Through the development of the multi-tiered pre-consultation process, it was noted that it sits outside of the provincially timed official review. Therefore, participation from Community Associations at the pre-consultation meeting of Phase 1B and 2 is recommended to continue and an assessment on the impact of timelines, if any, will be shared though the monitoring report (recommendation 8).

Recommendation 3: Approve the amendments to the *Development Application Study Policy By-law 2022-254*, as per Document 2 attached to this report;

The *Development Application Study Policy By-law 2001-451* (DASP), which has recently been updated as part of the Phase 1 Bill 109 Implementation report on July 6, 2022, contains the studies that can be requested to make a *Planning Act* application “complete”. A “complete” application is the trigger for when the clock on the new timelines starts ticking in the “Official Review” for SPC and ZBLA applications. This By-law is especially important as the New Official Plan has been approved which relies on this by-law’s existence as the legal mechanism for the City to request information and material.

The list of plans, studies and materials in the DASP are not required for every application, but rather represent the complete list of possible information that could be requested by the City to form part of a “complete” application submission.

During the multi-tiered pre-consultation Phases 1 and 2, staff will provide the applicant a preliminary (Pre-consultation Phase 1), and then final list (Pre-consultation Phase 2) of the studies and materials for their formal application.

Through staff’s review of the information that the City may require as part of the prescribed information and material, the following changes have been identified as required in the DASP By-law:

- Application Form:
 - This is an existing requirement, and it is suggested to add it to the DASP so that the application form can be part of the legal requirements of a Planning Act application. The application form will outline the applicant information and high-level details of the proposal.
- Composite Utility Plan:

- Propose to remove this study as a requirement as it was determined that this could form part of post approval requirements.
- Concept Plan:
 - Changing the name of this study requirement from “Concept Plan” to “Site Plan” to better reflect the content of the study requirements.
- Groundwater Impact Study:
 - Proposing to remove this study as it is intended to be combined as an element of the Hydrogeological and Terrain Analysis, which is already a component of the DASP.
- Heritage Act Acknowledgment Report:
 - This is a new requirement to be added to the DASP. The report aims to align any heritage application with the corresponding zoning applications so that the City can ensure the provincially mandated timelines align.
- High-performance Development Standard Checklist:
 - This proposes a slight name change to align with the intent of the complementary Terms of Reference, which is not a checklist. Thus the term “checklist” is proposed to be dropped.
- Light Rail Transit Proximity Study:
 - Proposing to rename this study to “Rail Proximity Study” in order to better reflect that the study applies to all forms of rail lines and not just the Light Rail Transit.
- Noise and Vibration Study:
 - Proposing to remove this study as it is intended to be combined as an element of the Noise Control Study, which is already a component of the DASP.
- Stormwater Management Brief / Report:
 - Proposing to remove this study as the study was originally applicable for Site Plan Control applications of 10 units or less. With changes in Bill 23, SPC will no longer be applicable to development applications with 10

units or less. Further, for applications greater than 10 units, the content of this report is contained in the Site Servicing Report, which is already part of the DASP.

- Tree Information Report:
 - Proposing to delete this as a study requirement for a *Planning Act* application as it was determined that this is more appropriately applied as a requirement of a building permit application.
- Urban Design Review Panel Report:
 - This proposes a slight name change to align with the current title of the UDRP Panel.
- Zoning Confirmation Report:
 - This is a new requirement proposed to be added to the DASP. This report has two purposes. The first is applicable to ZBLA applications in an effort to ensure the application has a clear vision for what zoning changes and relief is required to allow the development to proceed. This will assist staff in placing the onus of needed zoning changes back onto the applicant and to assist staff in the creation of the formal by-law to be before council for approval. The second is to ensure the appropriate zoning is in place before the SPC application is deemed complete and enters into “official review”. This will assist staff in ensuring that a SPC application obtains their zoning beforehand and disallow concurrent SPC and ZBLA application as the provincial timelines do not align.

As detailed in Recommendation 1, sub-paragraph 1, the City has undertaken a separate project to the Bill 109 Implementation, focused on producing, reviewing, and updating the documentation detailing the requirements of the materials listed in the *Development Application Study Policy By-law*. The project’s objective is to ensure that each potential study has supplementary information to guide the submission by applicants, referred to as “Terms of References” (sometime also referred to as Guidelines, a By-law, a Provincial Legislation, or Study Requirements) detailing:

- the expected content to be included in the information or material;
- the authority under which the information or material is required; and
- the professionals permitted to produce the information or material.

This Development Application Study Policy project will continue into 2023 as individual internal service areas responsible for the subject matter content conduct their review.

It is understood that the province's Bill 109 significantly changed the outlook for how development review undertakes their work and impacted the application of recently approved policies and guidelines. With the addition of Bill 23, which introduced further changes to Site Plan Control, Urban Design, Heritage, Development Charges and more, the study list and content will continue to change rapidly over the coming months.

Recommendation 4: Approve the amendments to the *Public Notification and Consultation Policy* as per Document 3 to this report

The recommended amendments to the Public Notification and Consultation Policy address three factors: adjustments in order to incorporate the proposed new phased pre-consultation process, the removal of Site Plan Control from City-led community information and comment sessions requirements and technical adjustments.

Through Bill 109 the province has mandated that municipalities process Site Plan Control applications within a 60-day timeline. The City of Ottawa takes on average of 196 days to process a Site Plan Control. All parts of the Site Plan Control review process were reduced to meet the provincial timeline – including the circulation period to the public and technical agencies which was 28-days and has been reduced to 14-days.

Staff propose to remove the opportunity for City-led community information and comment sessions from the Site Plan Control requirements as there is no longer sufficient time to do so during the 60-day Official Review period, while retaining existing on-site signage and circulation to community associations where applicable.

That said, the amendments do propose to have a caveat to this business rule, where under exceptional circumstances for exceptional Site Plan Control applications, the City has the discretion to undertake a virtual public information session for a Site Plan Control application. It is worthy to note that the removal of the opportunity for City-led community information and comment sessions for Site Plan Control from the Public Notification and Consultation Policy requirements does not impact:

- the public's ability to provide input in Site Plan Control by sending comments on DevApps and by email during the 14-day circulation period; and
- the ability of the public, the applicant or the Councillor to initiate their own information and comment sessions.

Staff also propose to make adjustments to the Public Notification and Consultation Policy to align with the Pre-Consultation By-law proposed changes, putting in place a Phased pre-consultation approach. This new phased pre-consultation approach needs to be mirrored into the Public Notification and Consultation Policy to formally require applicants to go through the new process as part of a *Planning Act* application.

Technical amendments are proposed throughout the Public Notification and Consultation Policy to fix terminology and bring the policy into alignment with current *Planning Act* requirements including recent amendment introduced under Bill 23.

Recommendation 5: Approve the amendments to the *Planning Fee By-law 2023-139*, as per Document 4 attached to this report

The recommended amendments to the *Fee By-law* implement:

- Changes to the title of pre-consultation from “pre-application consultation” in an effort to align with the language in the *Planning Act*;
- The multi-tiered pre-consultation fee structure, where each phase would have its own non-refundable fee;
- Removal of the ability for an applicant to undertake a re-circulation process where re-submissions are requested as part of a Site Plan Control and/or a Zoning By-law Amendment application;
- Put in place a new fee for the re-application of a Site Plan Control and/or Zoning By-law Amendment file that have been withdrawn in the last 60 days, in an effort to work through previous circulation comments or issues;
- Put in place the requirement of obtaining a “Notice” during pre-consultation, before the formal Site Plan Control and/or Zoning By-law Amendment application will be accepted;

As per report [ACS2019-PIE-PS-0095](#), Section 391 of the *Municipal Act*, 2001, grants municipalities broad authority to impose fees or charges for any activity or service they provide. While municipalities can determine which services to charge for, the amount of the fee and who pays it, the *Municipal Act* limits them to cost recovery; a municipality cannot charge more than it costs it to provide a service.

In addition, the *Planning Act*, Subsection 69(1) provides the following authority:

69 (1) The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff.

Thus, fees imposed under the *Planning Act* are limited to the cost of the City for processing the type of the application.

Council enacted the fees for Planning Applications By-law No. 2023-139 to establish structures and fees according to planning application types, which sets out the current planning fees being charged for applications.

In the context of the provincially mandated refunds, only the fees collected under section 69 of the *Planning Act* will be eligible for refunds. Staff propose that the pre-consultation fees use the *Municipal Act* authority, making them ineligible for refunds.

In the context of the pre-consultation fees applicable for each phase of a future Site Plan Control, and Zoning By-law Amendment applications, the fee is proposed to say the same monetary ratio, adjusted as per the Provincial Legislation Resource Impact Report.

Over the coming 18 months, staff will be monitoring the effectiveness of the Bill 109 policy, by-law and process changes, as well as the impact of the staffing complement of the Provincial Legislation Resource Impact Report. Part of this monitoring will include how to best assess the fee value that should be associated with each pre-consultation phase, with an aim to match the level of effort and the revenue collected.

Recommendation 6: Receive for information an update on future amendments to the *Site Plan Control By-law*;

The Bill 109 Implementation – Phase 1 report ([ACS2022-PIE-GEN-0011](#)) approved by Council on July 6, 2022, envisioned raising the exemption threshold for Site Plan Control to those development projects that have six units or less.

The province, through Bill 23 which received royal assent on November 28, 2022, raised the Site Plan Control exemption threshold to 10 units or less.

Bill 23's increase of the threshold of development that would not require a Site Plan Control application for a development with 10 units or less means that there is an

increasing amount of development that will not have the opportunity to be reviewed for local infrastructure capacity. The lack of a review process poses potential risks to public health and safety (flooding and fire). Therefore, alternate processes and regulatory tools are currently being assessed and recommendations from this assessment will be provided as part of a separate report.

In 2020, Site Plan Control applications with 10 units or less represented 21 applications valued at \$137,500 in fee revenue. In 2021, Site Plan Control applications with 10 units or less represented 16 applications valued at \$206,952.00.

With the introduction of Bill 97 which also impacts Site Plan Control, staff are continuing the required analysis to assess the new legislation and will bring a report focused on Site Plan Control changes.

Recommendation 7: Direct Staff to Report back to Council with an Official Plan Amendment to explicitly define the types of applications that can be classified as a minor zoning by-law amendment to set the stage for a future delegation of authority.

Bill 13 made a series of edits in 2021 to a variety of Acts under the caption “Supporting People and Businesses Act”. The changes to the *Planning Act* are with regards to delegation of authority are below:

SCHEDULE 9 – The Planning Act

The Schedule adds a new section 39.2 to the *Planning Act*. Section 39.2 provides that the council of a local municipality may, by by-law, delegate the authority to pass by-laws under section 34 that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality. The Schedule also makes consequential amendments to the *Municipal Act, 2001* and the *City of Toronto Act, 2006*

The *Planning Act*, through the provision 39.2 above, allows for the streamlining of minor Zoning By-law Amendments provided a definition for a minor zoning bylaw amendment is included within an Official Plan. After review of the newly approved Official Plan, it does not have the required language to advance this important *Planning Act* tool. Specifically, by defining minor zoning bylaw amendments in the Official Plan it will allow the City to identify a set of less complex files that may warrant being delegated to staff for approval. The delegation of minor zoning bylaw amendments to staff will allow for the Council reporting timelines to be alleviated and less strain on the requirement for Committees and Council to meet on a mandatory rotational two week basis, as

suggested through Recommendation 5 as detailed below. It is worthy to note that this recommendation is seeking direction to undertake the analysis of a proposed Official Plan Amendment to allow the use of the *Planning Act* tool and which will require a subsequent report to Committee and Council for further approval of the detailed requirements at a later time. At such time Staff is prepared to bring the Official Plan Amendment back to Council for consideration a fulsome discussion will be provided outlining the parameters for execution of the proposed delegation of minor zoning bylaw amendments. The *Planning Act* includes a suite of requirements that Staff will explore, including the lifting of delegation of authority for minor zoning bylaw amendments; the identification of the types of files; and concurrence of conditions (otherwise known as “holding” provisions); the impact on fees; the timeline savings and the public consultation methods.

The minor zoning by-law amendments report would include:

- proposed text and rationale for amending text to the Official Plan;
- proposed amendment to the fee by-law, amending the definitions of “major” and “minor” applications;
- proposed amendments to the Delegation of Authority By-law, with recommendations of application types that could be delegated to staff; and
- proposed amendments to the Public Notification and Consultation Policy (to reduce future requirements for minor ZBLA).

Staff would target Q4 of 2023 with a subsequent report back to Council on this initiative.

Recommendation 8: Approve the following amendments with respect to the Council and Committee governance processes and the *Procedure By-law*, attached as Document 5, and as described in this report:

- a. **Schedule Council and Planning and Housing Committee meetings bi-weekly on alternating Wednesdays, and that additional meetings scheduled during traditional legislative breaks in January, March break, July, August, and December, be convened as special meetings, if required, to consider any Zoning By-law amendments or any other time-sensitive items approved by the Chair;**

- b. Enact Zoning By-law Amendments (ZBLA) and Official Plan Amendment (OPA) by-laws at the same day as the policy report is before Council;**
- c. Publish Zoning By-law Amendment reports six (6) days before Committee; and**
- d. Enable all zoning matters in any area of the city have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee should there be a time pressure to meet the provincially imposed deadline.**

Background

The “Official Review” is the provincially timed portion of the development application review process, starting when the materials are deemed complete and payment is received, and ending when a Decision is rendered, by passage of the Zoning By-law or Decision by Council, in the instances of a Zoning By-law amendment file.

As noted above, effective July 1, 2023, there will be penalties applied to municipalities who do not meet mandated timelines for the review and issuance of a decision for Zoning By-law Amendments. The timeline imposed by the Province, through amendments to the *Planning Act* as part of Bill 109, are: 90 days from the application being deemed ‘complete’ to the By-law being passed or a refusal decision being rendered by Council, where the City currently takes an average of 178 days. All parts of the process have been reduced except of the 28-day technical circulation for Zoning By-law Amendments.

The timelines for the “Official Review” of a Zoning By-law Amendment application can be broken down as follows:

- **Administrative Processes:** Application acceptance, coordination with Client Service Centre, assigning file internally; and preparation of technical circulation material (~ calendar 10-days)
 - Note the above has been streamlined from current business processes which often take much longer to get an application out on technical circulation.

- **Mandated Technical Circulation:** Required under the Planning Act and provides an opportunity for the public and technical agencies to comment on the application with an optional public information session, as requested on a site-by-site basis by Councillors (~ calendar 28-days)
 - the 28-day opportunity for the public and technical agencies to provide comment is the only part of the Official Review that was not modified. Staff weighed options and proposed that the opportunity to provide input to staff to inform the decision report was the highest priority to retain as-is. That said, the 28-day timeline will be a hard deadline and proponents will be made aware that should they not be able to submit comments within the 28-day, any input would be directed to Committees and Council for consideration.
- **Report preparation:** Reconcile public and technical agency comments, share comments with applicants and draft Council report (~ calendar 15-days)
 - Note the above has been streamlined to prepare a staff report in a condensed time period, taking into consideration the technical and public comments received during circulation. The applicant will also be given the opportunity to read the comments received during this time period.
- **Report Approvals:** Council Report internal circulation and approvals (~ calendar 15-days)
 - Note the above has been streamlined to obtain management approvals of the staff report and reviews by internal stakeholders, namely: finance, legal and business and technical support services. The timelines for these reviews have been condensed significantly from the current business process.
- **Report publication, consideration by Committee and Council and enactment of the By-law:** The current business processes to publish a Zoning By-law Amendment Report and have it rise to Planning and Housing Committee or Agricultural and Rural Affairs Committee for the statutory public meeting and subsequently rise to Council for a decision and enact a by-law are currently in the range of 17 to 41 days.
 - The range accounts for months with five weeks where there would be a two-week delay before the next Council, as the last week of that month will

not have a Council or a Committee meeting; and instances where the by-law is enacted at the following Council.

- Through this report, Staff propose to reduce this process to a range of 13-27 days.

The little flexibility that remains can be allocated judiciously on a case-by-case basis with an understanding that any cancellation of the legislative meetings would impact the timelines significantly, and likely lead to a refund of application fees.

The above “Official Review” timelines are enabled by the following efficiencies;

- front-ending as part of Pre-consultation Phase 3 the preparation of core documents related to the technical circulation package;
- reducing the amount of time staff have to prepare comments for the applicants;
- eliminating the ability for applicants to resubmit a revised application proposal, since there is no “stop the clock” provisions if the application is in the applicant’s hands;
- reducing the amount of time for the report’s internal circulation and approvals; and,
- as recommended below, reducing the report’s consideration by Committee and Council timeline.

The recommendations below with respect to the governance of Planning and Housing Committee and Council represent the best approach for the City to achieve the new timelines prescribed by the *Planning Act*, while:

- minimizing the financial impacts associated with the new provincially-mandated application fee refunds; and
- preserving the public’s current 28-day commenting opportunity.

The 2022-2026 Council Governance Review ([ACS2022-OCC-GEN-0030](#)) included impacts of Bill 109’s condensed timeline to reach a decision on Zoning By-law Amendment reports that go through Planning and Housing Committee or Agriculture and Rural Affairs Committee, ahead of rising to Council for consideration. As a preliminary step to address timelines, the Office of the City Clerk recommended that the Planning and Housing Committee retain its twice-monthly meeting schedule, but move to the first and third Wednesday of the month.

8.a. Schedule Council and Planning and Housing Committee meetings bi-weekly on alternating Wednesdays, and that additional meetings scheduled during traditional legislative breaks in January, March break, July, August, and December, be convened as special meetings, if required, to consider any Zoning By-law amendments or any other time-sensitive items approved by the Chair;

Building on the governance report, staff further recommends Council consider an increased frequency of the Planning and Housing Committee, and reducing the timelines between Committee and Council's consideration of planning applications.

The existing process requires a report to be published and go through Committee and Council before a decision is issued and a by-law is passed. This timeline, from the report publication and onward, takes between 17 to 41 days. The changes to the *Planning Act* through Bill 109 only allow for a 90-day review period from application acceptance to the by-law passage. During that time, planners need to circulate, reconcile comments, resolve issues, write the report, and obtain Council approval. Not reducing the timelines from when the report is published to approval results in the mandated 90-day deadline not being met. Should it not be met consistently, it will represent a multi-million-dollar yearly loss to the City, through the newly mandated refunds of planning application fees, imposed by Bill 109.

For example, a 10-item Planning and Housing Committee meeting with six Major (totaling \$130,362) and four Minor (totaling \$44,648) rezoning applications, could total up to an estimated \$87,505-\$175,010 in refunds for missing the 90-day approval timeline for any reason, including as a result of delays during legislative timelines (depending on when the committee meeting is rebooked).

There is an identified need to increase the frequency of Planning and Housing Committee and Council meetings to accommodate the Bill 109 changes. It is recommended this be accomplished by scheduling Council and Planning and Housing Committee to bi-weekly meetings on alternating Wednesdays. In addition, Council and Planning and Housing Committee would continue to meet, as needed, through the traditional legislative breaks in January, March Break, July, August, and December, where a Zoning By-law Amendment file is on the agenda. Those meetings scheduled during those periods would be convened as Special Meetings, with the agenda limited to time sensitive Zoning By-law Amendments and any other time-sensitive matters that the Chair approves to be added to the notice of special meeting.

The changes to the Committee and Council timetable would be implemented as of October, 2023.

8.b. Enact Zoning By-law Amendments (ZBLA) and Official Plan Amendment (OPA) by-laws at the same day as the policy report is before Council

For planning reports, it is recommended that the Zoning By-law Amendment (ZBLA) and Official Plan Amendment (OPA) By-laws be enacted at a single Council Meeting, meaning the same meeting the application is approved by Council. This would save at least 14 days from the current approach, which, at times, has the By-law being enacted at the following Council meeting.

8.c. Publish Zoning By-law Amendment reports six (6) calendar days before Committee

Efficiencies are also proposed on agenda publication for Planning and Housing Committee with the report being proposed to be published six calendar days before committee, while Ontario's largest municipalities publication average is 4.7 days before committee. This report recommends a six-calendar day publication timeline for Zoning By-law Amendment reports going to Committee, down from the current 10 days. Publication six calendar days before committee would make Ottawa middle of the pack amongst Ontario's largest municipalities. To add additional clarity to residents and support them through this change, staff will post the date of the Committee for a file on [DevApps](#), within the application summary, from the moment it is posted a few days into the Official Review and include the Committee date in the technical circulation email. This early notice of the committee date will enable residents to plan ahead, reserving time to read the report when it is published ahead of Committee.

The publication timeline reduction is a direct compromise to retain the 28-day opportunity to provide comment on the application and share feedback that can affect the Committee report. Should Council select not to agree to this publication timeline reduction, the Official Review commenting period would have to be reduced by the corresponding amount.

8.d. Enable all zoning matters in any area of the city to have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee should there be a time pressure to meet the provincially imposed deadline.

On the ability of Committees to consider zoning approvals, this report recommends continuing to have both a Planning and Housing Committee and an Agriculture and Rural Affairs Committee (ARAC), with the Planning and Housing Committee having the

authority to hear combined OPAs and Zoning By-law Amendment and/or individual Zoning By-law Amendment applications in rural areas where the timelines are not possible to go to ARAC. This would result, in the interest of protecting application review timelines, in all zoning matters in any area of the city having the ability to be considered at Planning and Housing Committee. Given that the Agriculture and Rural Affairs Committee typically only meet once a month, this recommendation would allow a rural zoning file to go to Planning and Housing Committee should there be a timeline pressure to meet the provincially imposed timelines.

Ultimately, the City recommends the following approach as part of this report's approval:

- a) Scheduling Council and Planning and Housing Committee meetings bi-weekly on alternating Wednesdays, and removing traditional legislative breaks in January, March, July, August and December.
- b) Enacting Zoning By-law Amendments (ZBLA) and those files with a combined Official Plan Amendment (OPA), by-laws on the same day as the policy report is before Council;
- c) Publish Zoning By-law Amendment reports six (6) calendar days before Committee; and
- d) Enable all zoning matters in any area of the city to have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee should there be a timeline pressure to meet the provincially imposed deadline.

Staff will monitor the success of these proposed changes, in an effort to meet the provincial timelines, and bring a future report back to Committee and Council should further changes be required.

Options considered, but not recommended, include:

- Having all zoning related reports rise directly to Council (meeting as Committee of the whole), on a bi-weekly basis.
 - This option was not recommended because the one-week delay between Committee and Council enables Councillors and the public to further consider the application and allows for a second look that is not the same day. A one-day consideration would be less transparent.

- Combine Planning and Housing Committee with the Agriculture and Rural Affairs Committee.
 - This option was not recommended because the matters dealt with by the two committees are often different and complements the geographical diversity of the city.
 - The creation of a special “Zoning Committee” to meet every-other-week and rising to Council every-other-week was also explored but adding a new committee for this purpose would diminish both PHC and ARAC, while adding to the already busy Committee schedule.
- Enabling ARAC to meet on Wednesday, directly after PHC
 - This option was not recommended because to be a standing committee, a dedicated start time must exist. The variable nature of when PHC would end made this option unadvisable.
- Reducing the 28-day technical circulation and Retaining the 10-day publication timeline
 - Staff weighed options and propose in this report that the opportunity to provide input to staff to inform the decision report was the highest priority to retain as-is. The opportunity for feedback to affect change is higher during the technical circulation, given that the staff recommendation is not yet formed. Public and technical agency comments can shape the staff recommendation, raising issues not yet identified that can be worked through or conditioned ahead of a building permit being issued. Should those same comments be received at the time of decision it will almost certainly lead to delay, and the corresponding refunds. Staff instead opted to retain the 28-day commenting period and recommended a report publication timeline reduction to 6 from 10 days.

Recommendation 9: Approve that the Bill 109 timeline data be reported to Council yearly through the Planning, Real Estate and Economic Development’s Year-end Report

The Province’s Bill 109 introduced sweeping changes to the way development applications are reviewed by municipalities. Given the municipalities proposed response to the provincial changes are new, Staff will monitor the effectiveness of the proposed pre-consultation process. Yearly reporting is proposed to include:

- How many pre-consultations of each phase the City has received;
- The timelines for processing received pre-consultations;
- How many pre-consultations turned into formal application submissions;
- The number of ZBLA applications received, including:
 - The length of time Staff took to process the application
 - Number of refunds issued and the corresponding dollar value
 - Amount of time over the 90 days by which the application was reviewed (or 120 days for combined ZBLA and OPAs)
- The number of SPC applications received, including:
 - The length of time taken to process the application
 - Number of refunds issued and the corresponding dollar value
 - Amount of time over the 60 days by which the application was reviewed

As staff develop these new processes, there are technology implications. Staff have been working to amend MAP, the existing software, to meet the immediate needs of Bill 109 timelines. MAP is currently under lifecycle, being replaced by the Land Management System (LMS). The LMS project was already underway when Bill 109 was announced, with portions of the process mapping work having been already completed. The changes proposed in this report to meet the timelines imposed by Bill 109 will have an impact on the project scope and timelines of the LMS project, as some of the previously completed work had to be modified to match the proposed Multi-tiered Pre-consultation process.

Staff are also looking at changing the way Planning Services works to process files, moving away from a single assigned file Planner and Engineer lead towards a “team approach” to review development applications. The team approach would look at tasks to foster the “right level, right job, right fit” environment, built-in mentorship and provide exposure to a variety of application types and development. The approach being explored is that each file would have a team composed of two to three planners (ranging from P1, P2 and P3) and two to three engineers (ranging from EIT, PM, Senior PM to Senior Engineer). Starting with Pre-Consultation and moving through post-approval of the associated application(s), the team members would each complete different tasks, while supporting one another. This approach is in consideration of Bill

109 timelines, cover-off for file management and ensuring tasks are completed by the appropriate skill level.

Motions and Directions previously given addressed by Bill 109

Through the recommendations above implementing Bill 109, a number of past Council motions and directions have been addressed:

- 1. [m.62.9] THEREFORE BE IT RESOLVED that Council direct Staff to add as a departmental work item to explore the feasibility of developing a Low-Rise Apartment Specific Site Plan process for the area surrounding Post-Secondary institutions, to address some of the neighbouring resident's developmental concerns.**
- 2. That Joint Committee direct Staff to prepare a feasibility report to develop a Low-Rise Apartment Specific Site Plan process for the Vanier area, to address some of the developmental concerns in Vanier, and that this feasibility report be brought for Planning Committee's consideration in Q2 2022.**

The motions above have been considered in the context of Bill 109 and meeting provincial timelines. The recommendations of this report focus on meeting provincial timelines and preventing refunds. There is not the flexibility at this time to add specificity or deviated processes for specific instances, as it adds risk of not meeting the provincial timelines. Staff confirm through this report that the above is not administratively feasible. Any concerns would be addressed through the new multi-tiered pre-consultation process and the Official Review.

- 3. Motion approved by Council on 3/10/2022 "THEREFORE BE IT RESOLVED that committee direct staff to clarify in their report ahead of replying to the province the importance of site plan and its current review process in certain neighbourhoods and communities that have been rezoned or are zoned Residential Fourth Density and not exempt it from public consultations and input."**

The motion above was considered in the context of Bill 109 implementation. The ability for the public to provide comments for Site Plan Applications is retained. The documentation will be published on DevApps and the public will have the 14-day circulation period to share feedback on the proposal.

- 4. [m82.1] That Council direct staff, following the adoption of the Official Plan, to review and enhance community engagement practices and procedures, and that this work be added as an item for future PRED departmental workplan.**

Public engagement was a difficult component to reconcile with the development application timeline reductions imposed by the province. The above motion was a key consideration in the development of the Bill 109 approach, trying to balance the enhancement of the public's participation, while also reducing all parts of the process to meet the 90-days (ZBLA) and 60-days (SPC) timeline to decision.

It is important to acknowledge the very different legislative environment between October 2021 when this motion was given, and the realities of the time pressure brought on by Bill 109.

To put in context, there are seven opportunities for public engagement, listed and described below.

- Pre-Application

1. Pre-application consultation program with specific Community Associations

- The pre-application consultation project was developed to address concerns expressed by the public that key decisions were being made at pre-consultation meetings without community input. The project allows Community Association members to understand the Ontario Planning Act and process.
- A Pilot project was developed for Ward 17 and was expanded to the Inner Urban Area – Wards 12, 13, 14, and 15. The project was expanded to Ward 9 in 2019.
- Pre-consultations are to occur within 10 business days of receipt of the pre-consultation request. Typically, the meetings last approximately one hour. The intent of these meetings is primarily to agree on the plans and studies that must be submitted for the application to be deemed 'complete'.

2. Optional Developer-led public meetings during pre-consultation

- Applicants have the opportunity to independently, or in collaboration with the Ward Councillor, host a public meeting to discuss a proposed development, before it is formally submitted to the City.
- The Community can share their questions and comments directly with the developer at this optional public meeting.
- Official Review
 3. Comment on the publicly available documents posted on devapps and Technical Circulation
 - Once an application is submitted, the documents are posted on the City's website: <https://devapps.ottawa.ca/en>
 - Members of the public may submit comments and questions to the City on the proposal for a period of 28 days (sometimes more). On devapps, comments can be sent directly to the Planning Services staff, while comments can also be submitted directly to Councillors by email.
 4. Optional Councillor or City led community information and comment session
 - Where warranted, a Councillor or City led community information and comment session will take place after an application has been formally submitted to the City. Members of the public may attend, share comments and ask questions of the applicant and City staff working on the file.
 5. Comments on the Committee report (Zoning and Official Plan Amendments)
 - The staff report on the application will be posted on the City Website (on [eScribe](#)), to be considered by Planning and Housing Committee or Agriculture and Rural Affairs Committee.
 - Members of the public can submit comments to the Committee Coordinator, which will be shared with Councillors and staff, as well as published on the official record.
 - Members of the public can also submit comments directly to Councillors by email.
 6. Delegation at Committee

- Members of the public can sign up to speak on specific development applications during committee. They are allotted five minutes to provide comments directly to Committee.

7. Comments to Council

- Members of the public may continue to submit comments to Councillors and the Office of the City Clerk until the day the application is considered by Council.

Through Bill 109, the following public engagement changes are occurring:

- Pre-Consultation

1. Pre-consultation program with specific Community Associations

- No changes to the program at this time.

2. New requirement: Public Consultation Strategy Report

- Staff added, in the July 6, 2022 report, a new requirement (Public Consultation Strategy Report) as part of the Development Application Study Policy, for applicants to consult with the public as part of a complete application for identified projects. Applications where this requirement will be imposed will be at the discretion of the file lead in consultation with the BTSS Manager, and in conversation with the applicant.

3. Optional Developer-led community information and comment sessions during pre-consultation

- No changes.

- Official Review

4. Comment on the publicly available documents posted on DevApps and Technical Circulation

- For ZBLA, no changes are proposed, retaining the current 28-day commenting period.
- For SPC, there is a reduction of the commenting period to 14 days from the current 28 days, to enable meeting the 60-day timeline for

approval, and implementing the previous Council decision of report [ACS2022-PIE-GEN-0002](#).

5. Optional Councillor or City led community information and comment session
 - For ZBLA, It is recommended that consultation be largely covered during the pre-consultation phases, through the Public Consultation Strategy Report. There is still the opportunity for staff to organize a virtual community information and comment session during the 28-day commenting opportunity, should a consultation not have occurred during pre-consultation or in certain exceptional circumstances.
 - For SPC, the 14-day commenting period does not permit enough time for City participation in a virtual community information and comment session. Written comments through DevApps continue to be available. Note that this does not prevent the Councillor and the applicant from hosting a meeting, but rather clarifies expectations that the City would not have capacity to participate.
6. Comments on the Committee report (Zoning By-law and Official Plan Amendments)
 - Given the very tight timelines to approve, staff recommend through this report reducing the number of days the report is made public before committee from the current 10 days to six calendar days. Staff propose that this is reasonable given:
 - The 28-day commenting period on DevApps is retained;
 - The committee date will be posted on DevApps from the first day of circulation; and
 - Members of the public will know when to expect the report and can therefore plan to read the report in the six days ahead of committee.

7. Delegation at Committee

- No changes are proposed to the ability of the public to attend committee and speak for 5 minutes.
- The governance changes proposed as part of the report have an indirect impact, such as:
 - Council and Planning and Housing Committee meetings scheduled bi-weekly on alternating Wednesdays, and removing traditional legislative breaks (summer and holidays);
 - all rural zoning matters (including combined OPA/zoning applications) in any area of the city have the ability to be considered at Planning and Housing Committee

8. Comments to Council

- No changes proposed.

The above represents the balance of enhancement, retention and streamlining that enable the public to continue to participate in the development application process, while setting the stage for the City to meet its provincial timelines.

Conclusion

The sum of the nine recommendations offers the best path forward for the City to meet the provincial timelines.

RURAL IMPLICATIONS

The recommendations of this report implementing the province's Bill 109 affects all Development Application files, including Rural files.

CONSULTATION

The public engagement approach implementing Bill 109 is described in the "Motions and Directions previously given addressed by Bill 109" section.

Staff consulted internally and hosted Councillors briefings to make them aware of the contents of this report.

The Public and Industry also benefited from a Provincial Bills and New Official Plan Public meeting, where the high-level impacts of Bill 109 and 23, and the provincial

changes to the new Official Plan were discussed. Attendees were able to ask questions and received an FAQ afterwards.

Industry was also informed of the general approach presented in this report and were given an opportunity to provide comments on the Development Application Study Policy Terms of References.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

The Planning Act, subsection 34(10.2) and 41(3.4) provide authority to a municipality to specify the information and material that is required to be provided to a municipality before an application to a municipality for a zoning amendment or site plan approval is deemed complete. A prospective applicant has the ability to make a motion for directions to the Ontario Land Tribunal as to:

- (a) whether the information and material required have in fact been provided; or
- (b) whether a requirement by the municipality is reasonable.

In the event the motion is decided against the municipality, the matter will be deemed complete when the information/material was provided, not the date of the decision upon the motion.

RISK MANAGEMENT IMPLICATIONS

The risks to the City are described at the beginning of the Discussion section of the report.

ASSET MANAGEMENT IMPLICATIONS

Asset Management has been consulted in the development of the Multi-tiered pre-consultation process.

FINANCIAL IMPLICATIONS

There are direct and indirect financial implications with the recommendations of this report, which implement the Province's Bill 109. The indirect implications relate to the provincially imposed requirement to refund Zoning By-Law Amendment (ZBLA) and SPC fees if timelines are not met, starting July 1, 2023. Based on current timelines, there needs to be a 50 per cent (ZBLA) and 66 per cent (SPC) decrease in review

timelines, or the City will be required to refund a significant amount to applicants. The above recommendations set the stage for the City to issue no refunds.

Additional resources are required to accommodate the internal process changes to streamline the review of Zoning By-Law Amendment (ZBLA) and Site Plan Control (SPC) development applications. Additional resources and associated fee increases are addressed in complementary report ACS2023-PRE-GEN-0005: Provincial Legislation Resource Impact Report.

A multi-tiered pre-consultation fee structure is being implemented, where each phase would have its own non-refundable fee. The increase in the pre-consultation fee being charged will have a limited impact on overall Planning Services fee revenue trend.

To align with Bill 23 exemption of residential development up to 10 dwelling units from having to go through site plan control. Revenue Loss in 2020, for Site Plan Control applications with 10 units or less represented 21 applications valued at \$137,500 in fee revenue. In 2021, Site Plan Control applications with 10 units or less represented 16 applications valued at \$206,952.00.

Should the actual 2023 revenue be inconsistent with past trends, fees will be adjusted through the 2024 and/or future budget process(es). Development application review is a self-financed service offered by the City, where planning application fees pay for the staff that do that work. This is in accordance with the City's User Fees and Charges Policy whereby Section 391 of the Municipal Act, 2001 provides municipalities with authority to establish and collect user fees and charges to recover costs associated with the delivery of services where users can be identified. In addition, this is part of a City commitment that "growth pays for growth", meaning that the development industry pays for the services it needs to operate.

If timelines are not met, starting July 1 2023, refunds of Site Plan Control and Zoning By-law Amendment applications are required if a decision is not made within the following statutory timelines. Based on current timelines, there needs to be a 50 per cent (ZBLA) and 66 per cent (SPC) decrease in review timelines, or the City will be required to refund a significant amount to applicants.

ACCESSIBILITY IMPACTS

There are no accessibility impacts to this report.

SUPPORTING DOCUMENTATION

Document 1 Pre-Consultation By-law Amendment (2009-320)

Document 2 Development Application Study Policy By-law 2001-451

Document 3 Public Notification and Consultation Policy

Document 4 Planning Fees By-law 2023-139

Document 5 Proposed amendments to the *Procedure By-law* (2022 – 410)

DISPOSITION

Legal Services and the Office of the City Clerk will prepare and finalize the By-laws for enactment by Council.

The Planning, Real Estate and Economic Development will implement the next phases of Bill 109 Implementation in 2023

Document 1

BY-LAW NO. –2023-xxx

A by-law of the City of Ottawa regarding pre-consultation on development applications and to repeal By-law 2009-320 as amended by By-law 2022-415.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

“applicant” means,

(a) a person or public body requesting Council to amend the Official Plan of the City of Ottawa under section 22 of the Planning Act;

(b) a person or public body applying to Council to amend Zoning By-law pursuant to section 34 of the Planning Act;

(c) a person applying for site plan approval pursuant to section 41 of the Planning Act;

(d) the owner of land applying for approval of a plan of subdivision pursuant to section 51 of the Planning Act; or

(e) a person owning the freehold or leasehold interest in the described land applying for approval of a condominium under Section 9 of the Condominium Act.

“Condominium Act” means the Condominium Act, 1998, S.O. 1998, c. 19, as amended;

“Council” means the Council of the City of Ottawa;

“Deemed Complete” also means deemed adequate for the purposes of City By-laws and references the submission of a development application to which has satisfied the requirements of the *Planning Act*.

“General Manager” means the General Manager of Planning, Real Estate and Economic Development;

“Notice” means a formal letter issued by Planning, Real Estate and Economic Development confirming pre-consultation phases have been completed and the type of development application to be submitted for formal review at a Client Service Centre.

“Official Review” means the time period after which a Planning Act application has been deemed complete through and until a decision has been rendered on such application.

“Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as amended.

PRE-CONSULTATION

2. (1) An applicant shall consult with the General Manager or designate prior to submitting,

- (a) a request to amend the Official Plan pursuant to section 22 of the Planning Act;
- (b) an application to amend the Zoning By-law pursuant to section 34 of the Planning Act;
- (c) an application for site plan approval pursuant to section 41 of the Planning Act;
- (d) an application for approval of a plan of subdivision pursuant to section 51 of the Planning Act; and 2
- (e) an application for approval of a condominium pursuant to section 9 of the Condominium Act.

2. (2) No request or application described in subsection (1) will be accepted by the City until the applicant has fulfilled the pre-consultation process set forth in this by-law.

2.(3) Multiple Planning Act applications for the same address that are required to undergo a pre-consultation process, as listed in subsection (1) above, may proceed concurrently through the pre-consultation stages, however the City has the sole discretion to advance an individual Planning Act application through to official review and hold the subsequent Planning Act application back, within the pre-consultation process as deemed appropriate.

PHASE 1 – Preliminary Application Proposal

3. Prior to application submission for applications which come within 2.1(a)-(e) above, the applicant shall commence pre-consultation Phase 1 by submitting a pre-consultation Phase 1 form to the General Manager or designate, with applicable fee, and shall contain,

- (a) information on the site and its surroundings;
- (b) current and proposed land use designations;
- (c) current and proposed zoning;
- (d) environmental considerations; and
- (e) availability of services such as transit, water, wastewater, sewer and stormwater; and
- (f) Any correspondence obtained from a previous Phase 1 pre-consultation detailed in Section 5, as applicable, and a detailed explanation of how the proposal has addressed the comments provided by the City.

Pre-consultation Meeting

4. Once a Phase 1 pre-consultation form has been completed by the applicant and submitted to the City with associated required fee, the General Manager or designate shall hold a pre-consultation meeting with the applicant within ten (10) business days of receipt of both the fee and the pre-consultation form.

5. The applicant will provide a presentation at the meeting covering the information provided as part of Section 3 above and any other information deemed appropriate.

6. The meeting will be coordinated by Planning Services, with representatives from across the Planning, Real Estate and Economic Development Department, as deemed necessary, in order to provide expertise and feedback. The meeting, at the City's sole discretion may be held virtually or in person.

Pre-consultation Phase 1 Outcome Form

7. The General Manager or designate shall prepare a Phase 1 pre-consultation outcome form and provide a copy to the applicant within three (3) business days of the pre-consultation meeting.

8. The pre-consultation outcome form referred to in Section 7 shall contain the following information:

(a) a preliminary list of the prescribed information and materials that will be required at the time of application;

(b) information on the study requirements, available through the City's Guide to Preparing Studies and Plans;

(c) a preliminary opinion on the conformity of the application to the City's policy framework and zoning; and

(d) any known issues associated with the proposed development for the applicant to consider.

PHASE 2 – Finalized Application Proposal

9. (1) Only applications listed in 2.1(b) and 2.1(c) require a phase 2 pre-consultation process as detailed in the provisions below.

10. (2) Provided an application from Phase 1 has not changed in significant scope, design or density, the Director of Planning Services or designate may exempt Phase 2 and allow an application to proceed to Phase 3 of the pre-consultation process.

Pre-consultation Phase 2 Documentation

11. Prior to application submission, the applicant shall commence pre-consultation Phase 2 by submitting the below required pre-consultation Phase 2 documentation to the General Manager or designate, with applicable fee, and shall contain:

- (a) The pre-consultation Phase 1 outcome form; and
- (b) A package of the finalized information and materials, deemed required from Phase 1.

12. Once a Phase 2 pre-consultation form has been completed by the applicant and submitted to the City with associated required fee, the General Manager or designate shall hold a Phase 2 pre-consultation meeting with the applicant within ten (10) business days of receipt of the Phase 2 pre-consultation documentation.

13. The applicant will provide a presentation at the meeting covering the information provided as part of Section 11(b) above and any other information deemed appropriate.

14. The meeting may be held virtually or in person and will be coordinated by Planning Services and will include representatives from across the Planning, Real Estate and Economic Development Department to provide expertise and feedback.

Phase 2 Pre-consultation Outcome Form

15. The General Manager or designate shall prepare a Phase 2 pre-consultation outcome form and provide a copy to the applicant within three (3) business days of the pre-consultation meeting.

16. The phase 2 pre-consultation outcome form referred to in Section 15 shall contain the following information:

- (a) a description of the proposed development
- (b) as applicable, a list of the accepted information and material that may be used to progress to Phase 3, provided the proposed development does not significantly change from that as stated in Section 16(a) above;
- (c) as applicable, a list of any prescribed information and material that has deficiencies from that of the high-level requirements listed on the Guide to Preparing Plans and Studies;
- (d) a list of any information or material that were not identified in Phase 1, however after review of the revised proposal additional information or material is deemed required to form part of Phase 3 submission and a complete application; and
- (e) an opinion on the conformity of the application to the City's land use principles and policy framework.

17. Despite Section 16 above, should an application not have any items to report as it pertains to Section 16(c) and (d), the application may proceed to application submission and will be provided a notice, in accordance with Section 22 below.

PHASE 3 – Study Review

18. (1) Phase 3 is only applicable to applications listed in Section 2.1(b) and Section 2.1(c), above, and only applications that require information and materials be submitted.

18. (2) If an application has changed in significant scope, design or density the application will be required to repeat Phase 2 of the pre-consultation process, with applicable fee, in order to provide an opinion on the conformity of the revised development proposal to the City's land use principles and policy framework.

Pre-consultation Phase 3 Documentation

19. Prior to application submission the applicant shall commence pre-consultation Phase 3 by submitting the below required pre-consultation Phase 3 documentation to the General Manager, with applicable fee, and shall contain:

- (a) The pre-consultation Phase 2 outcome form;
- (b) A package of the finalized information and materials as deemed required from Phase 2; and
- (c) A detailed summary of how the deficiencies from Section 16 (c) have been resolved.

20. Within ten (10) business days of receipt of the Phase 3 pre-consultation documentation, with associated required fee, the General Manager or designate shall:

(a) undertake an internal review of the Phase 3 documentation with the goal of reviewing information and material to ensure they are complete, consistent with one another, and have enough information to allow a proper application processing, during the official review period; and

(b) provide a Phase 3 *notice* to the applicant.

21. Despite Section 19(b), as part of the Phase 3 review undertaken by the City, if the detailed summary required as part of Section 19(c) is not deemed sufficient by the City, the applicant will be issued a Phase 3 deficiency list and the applicant will be required to resubmit for an additional Phase 3 pre-consultation with associated fee, as detailed in Section 22, before notice will be provided.

MISCELLANEOUS PROVISIONS

Format for Forms

22. The General Manager or designate shall determine the format for the pre-consultation form and the pre-consultation outcome form.

Short Title

23. This by-law may be referred to as the “Pre-Consultation By-law”.

Exemption

24. The General Manager or designate, at their discretion, may exempt an application from proceeding through all stages of pre-consultation, with an emphasis on the following file types:

(a) Any application deemed a High Economic Impact project or a High Social Impact Project;

(b) Any application that is deemed to be of low complexity; or

(c) Any application that has recently proceeded through a pre-consultation process and a decision has been rendered on the corresponding planning file and where the new planning application has not significantly changed in scope, design or density.

By-laws 2009-320 and 2022-415 are hereby repealed

ENACTED AND PASSED this 23rd day of September, 2009.

DEPUTY CITY CLERK MAYOR

BY-LAW NO. 2009 - 320

-O-

A by-law of the City of Ottawa regarding pre-consultation on development applications.

-O-

Enacted by City Council at its meeting of September 23, 2009.

-O-

LEGAL SERVICES

amp: G04-01-PLA

COUNCIL AUTHORITY:

City Council January 28, 2009

ARAC/PEC Report 44A, Item 4

BY-LAW NO. 2023 - XXX

A by-law of the City of Ottawa respecting information and materials required for certain planning applications and to repeal By-law 2022-254.

The Council of the City of Ottawa enacts as follows:

1. In addition to the prescribed information identified by regulation made under the *Planning Act*, any person or public body that applies for:

- (a) an Official Plan amendment,
- (b) a Zoning By-law amendment,
- (c) a draft Plan of Subdivision approval, or
- (d) Condominium approval, or
- (e) Site Plan Control application.

may be required to provide such other information that the City may need either at the time of filing an application or subsequently to assist in resolving any concerns identified through the review of the application.

2. The other information or materials that may be required to be provided are:

- 1. Application Form
- 2. Agrology and Soil Capability Study
- 3. Archaeological Assessment
- 4. Building Elevations
- 5. Community Energy Plan
- 6. Environmental Impact Study
- 7. Energy Modelling Report
- 8. Environmental Management Plan
- 9. Environmental Site Assessment (Phase 1 & Phase 2)
- 10. Geotechnical Study
- 11. Grading and Drainage Plan
- 12. Heritage Impact Assessment
- 13. Heritage Act Acknowledgment Report
- 14. Hydrogeological and Terrain Analysis
- 15. High-performance Development Standard
- 16. Impact Assessment Study – Mineral Aggregate
- 17. Impact Assessment Study – Mining Hazards
- 18. Impact Assessment Study – Waste Disposal Sites / Former Landfill Sites
- 19. Landscape Plan
- 20. Mature Neighbourhood Streetscape Character Analysis
- 21. Minimum Distance Separation

- 22. Noise Control Study
- 23. Parking Plan
- 24. Plan of Survey
- 25. Plan of Subdivision
- 26. Plan of Condominium
- 27. Planning Rationale
- 28. Preliminary Construction Management Plan
- 29. Public Consultation Strategy
- 30. Rail Proximity Study
- 31. Shadow Analysis
- 32. Site Plan
- 33. Site Servicing Study
- 34. Slope Stability Study
- 35. Transportation Impact Assessment
- 36. Tree Conservation Report
- 37. Urban Design Brief
- 38. Urban Design Review Panel Report
- 39. Water Budget Assessment
- 40. Wellhead Protection Study
- 41. Wind Analysis
- 42. Zoning Confirmation Report

- 3. This by-law may be cited as the Information and Materials for Planning Applications Bylaw or the Development Application Study Policy as per Section 11.8(2) of the Official Plan.
- 4. By-law 20022-254 is repealed.
- 5. This by-law shall be deemed to come into force on XXX.

ENACTED AND PASSED this XXX.

DEPUTY CITY CLERK

MAYOR

BY-LAW NO. 2022 - 254

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A by-law of the City of Ottawa to amend
By-law No. 2001 – 451 respecting
information and materials required for
certain planning applications.

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Enacted by City Council at its meeting
of August 31, 2022.

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LEGAL SERVICES
TCM

AUTHORITY:
Agricultural and Rural Affairs Committee
Report 32, Item 1
Council July 6, 2022



Public Notification and Consultation Policy for Development Applications

Planning, Real Estate and Economic Development Department

Approved by City of Ottawa Council July 11, 2001, as amended by Bill 51, the Planning and Conservation Land Statute Law Amendment Act, 2006, which amended the *Planning Act*, and as amended by City of Ottawa Council June 25, 2014, April 11, 2018, February 27, 2019, July 6, 2022, and June ##, 2023.



Public Notification and Consultation Policy for Development Applications

Policy Statement

The Planning, Real Estate and Economic Development Department will actively seek opinions, attitudes and advice of:

- Individuals,
- community and special interest groups,
- advisory committees, and
- public bodies

regarding development applications and ensure that there are adequate reporting mechanisms in place, which will provide all stakeholders with the complete and unbiased results of this consultation.

Objectives of the policy

- To encourage pre consultation by the proponent with the potentially affected public in order to consider public input prior to finalization of the proposal.
- To provide bilingual notification of development applications as early as possible to the public throughout the City.
- To provide opportunities for the public to contribute input for the use of staff in the development of recommendations, or elected representatives in decision-making.
- To provide the potentially affected public with additional opportunities to understand complex and controversial developments and to promote the resolution of issues prior to decision-making.
- To account for the feedback received from the public and to continue to inform those individuals who respond throughout the process.
- To implement the process in a cost-efficient and effective manner and one which takes advantage of technology.

Notification of the Ward Councillor

- Proponents will be encouraged to contact the Ward Councillor prior to application submission.
- The Ward Councillor will be contacted by the assigned File Lead at the same time as Community Organizations followed by the internal circulation and circulation to public bodies and other external agencies
- The Ward Councillor will be notified of all development applications located within the Ward.
- If the lands included in an application straddles two or more wards, or directly abuts two or more wards, all affected Ward Councillors will be notified.
- If delegated authority is to be withdrawn by the Ward Councillor, a written advisement is to be sent to the General Manager of Planning, Real Estate and Economic Development Department by the end of the comment period.
- The Ward Councillor will be sent the conditions of approval for Plan of Subdivision and Plan of Condominium applications under the delegated authority of the General Manager of Planning, Real Estate and Economic Development Department prior to their approval and is requested to respond within seven working days.
 - If no response is received:
 - the File Lead will contact the Ward Councillor to confirm concurrence.
 - If the Councillor advises they do not concur and subsequent discussions do not resolve any of the issues, the application will proceed to the appropriate standing committee, for a decision.
- The Ward Councillor will receive a copy of all staff delegated decisions or decisions made with respect to site plan applications.
- The Ward Councillor will be sent a notice of the Committee meeting and a copy of the Committee report for applications which are not staff delegated, at least 10 days before the Committee meeting, or 6 days for Zoning By-law Amendment applications.

Applications subject to the public notification and consultation policy

The following applications are subject to the public notification and consultation policy:

1. All Official Plan Amendments; and
2. All Zoning By-law Amendments, including Lifting of Interim Control and Temporary Zoning Amendments.
3. Site Plan Control applications for the construction of or the making of an addition resulting in:
 - (a) Residential buildings containing fourteen or more units, five or more storeys or with a gross floor area of 1,200 square metres or more;
 - (b) Planned unit developments;
 - (c) Mixed-use buildings containing fourteen or more units, five or more storeys or with a gross floor area of 1,400 square metres or more;
 - (d) Non-residential development of five or more storeys or with a gross floor area of 1,860 square metres or more;
 - (e) Drive-through facilities in the Site Plan Control Inner Area, as shown on Schedule C of the Site Plan Control By-law;
 - (f) Drive-through facilities abutting residential zones; and
 - (g) A revision, that would not otherwise trigger public consultation, to a previously approved site plan control application for which the previously agreed upon conditions state the need to go through the public consultation process for such revisions.
4. Draft Plan of Subdivision Approval;
5. Plan of Condominium – Vacant Land Descriptions only;
6. Demolition Control; and
7. Road Closure as per By-law 2002-522, as amended.

Method and timing of notification and consultation

The method of notification and consultation for most application types will follow a standard procedure, as illustrated in Table 1: Requirements for Pre-Consultation and Public Notification and Consultation.

Pre-consultation

1. Pre- consultation by the proponent with City Staff is required for all:

- a. Official Plan Amendments;
 - b. Major and Minor Zoning By-law Amendments;
 - c. Site Plan Control applications;
 - d. Plans of Subdivision; and
 - e. Plans of Condominium (Vacant Land only).
2. Pre-consultation by the proponent with registered community groups who represent the area of potential impact of the proposed development (only groups who have requested to participate in pre-consultation) is discretionary, but should be strongly encouraged, particularly if it involves the types of application described above.
3. Proponents should be encouraged to contact the Ward Councillor prior to the submission.

Community heads up

File Lead provides community heads up by telephone or e-mail to those community groups if no pre-consultation is undertaken, immediately after application deemed complete or reviewed for adequacy (only for groups who have requested pre-consultation).

As a result of the community heads up, and except for Site Plan Control applications, a meeting with the proponent and staff can be requested by community groups within three working days, the meeting must be held within one week of community heads up and application circulation will not be delayed pending the meeting.

Notice to Property Owners

Despite the Alternative Measures of the Official Plan for the following applications, a notice will be sent to abutting property owners to provide information and solicit comments in accordance with the requirements and regulations of the *Planning Act*:

1. Site specific Official Plan amendments;
2. Site specific Zoning By-law amendments;
3. Plan of Subdivision;
4. Vacant Land Condominium; and
5. Removal of Holding Symbol.

Posting of on-site signs

On-site sign posting and written notice to all community organizations registered with the Department given usually within 2.5 weeks of application submission, deadline for comments is 28 calendar days and 14 calendar days for all Site Plan Control applications and comments to be considered during issue resolution and decision making.

Enhanced notification

In any case not noted in **Notice to Property Owners** above, an enhanced notification can also be given in addition to the on-site sign posting and notice to community groups in the form of a notice sent to abutting property owners in the following situations:

- site is located in an undeveloped area or abutting large parcels of land where property owners would not likely to be able to see the sign; and
- there are no registered community groups in the area.

Road Closure

In the case of road closure applications, notice shall be given in accordance with the Notice By-law, By-law 2002-522, as amended.

Community information and comment session

A virtual community information and comment session may be organized for those development applications that are considered controversial. Site Plan Control applications, due to the 60 day legislated approval timeline, are not subject to this section.

Notification to public of decisions under delegated authority

Respondents will be advised of decisions made on applications where approval authority is with staff. This notice will include the staff report providing an explanation of the decision and a response to comments received from the public.

Notification of the Standing Committee meeting

If staff do not have the authority to approve an application or delegated authority is removed by the Ward Councillor, the matter proceeds to the appropriate Standing Committee

- Notice of the meeting is given to respondents of the public notification, , and sent at least 10 days prior to the Committee meeting. The notice can also form part of the circulation notification.
- An advertisement is placed in one English and one French newspaper the week before the Committee meeting (by the City Clerk's office). The meeting agenda and related documents are posted to Ottawa.ca at least one week before the meeting.
- An additional advertisement listing the application type, the address, a contact phone number and e-mail is placed in the daily English and French newspapers at least 10 days before the meeting (usually on the second Friday before the Committee meeting).

City or Area Wide Amendments or Technical Modifications

For Official Plan or Zoning By-law amendments that are city or area-wide or are technical modifications only, the standard procedure described above would not apply.

- Staff will determine on a case-by-case basis the most appropriate method of notification and consultation with the public.
- As for technical modifications, and for the Lifting of Holding Zones, notification will be limited to the statutory requirements.

Registration of community organizations in the development review process

The intent of the registration process is to provide an automatic notification to those community organizations who wish to participate in the process.

Criteria for registration

Notification will be given to those organizations who register with the Department and who meet the following criteria:

- The Community Organization must hold an annual general meeting where representatives, directors, or officers are elected in a democratic fashion by the organization's membership.

The following types of Community Organizations are eligible to automatically receive notification of development applications, upon registration with the Department:

- Residents', ratepayers', homeowners', property owners' and tenants associations which have membership boundaries that are neighbourhood or ward-specific;
- Business improvement areas, merchants' associations and business groups which have boundaries that are neighbourhood or site specific;
- Condominium boards of directors and church groups; and
- Community-based recreation associations, such as snowmobile clubs.

Additionally, neighbourhood-based community newspapers can register to receive notification of development applications only.

Procedures for registration of community organizations

Community organizations will either be contacted or an advertisement will be placed in the English and French daily newspapers on an annual basis to confirm their status for continuing notification of development applications or to be added or deleted from the list.

- Community organizations will receive notification of applications that are within their requested boundaries.
- Community organizations have the option of requesting to participate in pre-consultation or the community heads up.
- It is the community organization's responsibility to contact the Department to update contact information.
- Information is available on the City's web site.

	City Policy Requirements											
	P0	P1	P2	P3	P4	P5	P6	S3	S4	S5	S6	S7
Application types	Pre-consultation meeting by applicant with staff	Pre-consultation meeting with community groups and Ward Councillor	Community heads-up email; and meeting if requested	Notice of application: on-site signs; notice to community organizations	Notice of application to property owners and community groups, or newspaper	Posting application supporting documents on-line	Community information and comment session	Notice of committee meeting: in newspaper; and notice to those requested	Notice of decision: to those requested	Notice of intent to pass a by-law: notice in newspaper; to property owners	Notice of passing a by-law: notice in newspaper; to those requested	Notice of passing a by-law: notice to property owners and to those requested
Official Plan Amendment - City wide					+			●			●	
Official Plan Amendment - Site specific	●	+	●	●	●	●	+	●			●	
Official Plan Amendment - Technical amendment								●			●	
Zoning By-law Amendment - City or area-wide					+			●			●	
Zoning By-law Amendment - Site specific	●	+	●	●	●	●	+	●			●	
Zoning By-law Amendment - Technical Amendment				+	+	+		●			●*	●*
Zoning By-law Amendment - Lifting of holding	+								●	●		
Site Plan Control - Complex	●	+	●	●		●			●			
Site Plan Control - Standard	●					●			+			
Site Plan Control - All other types	●					+			+			
Plan of Subdivision	●	+	●	●	●	●	+	● ¹	●			
Plan of Condominium - Vacant Lands	●	+	●	●	●	●	+	● ¹	●			
Road closing	+	+	●	+	●		+			+		+
Demolition control	+			●	●		+		●			

*can choose most appropriate of the two, ¹ only if delegated authority is withdrawn

BY-LAW NO. 2023 -

A by-law of the City of Ottawa to impose fees for planning applications and to repeal By-law No. 2023-139.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

“City” means the City of Ottawa;

“Confederation Line” means the Confederation Line system as described in the 2013 Confederation Line Proximity Study Guidelines;

“Development Zone of Influence” means the area identified in Annex 2 of the Official Plan for the City of Ottawa;

“Do it Yourself Agreement” means an agreement where the applicant will be doing work within a highway under the jurisdiction of the City;

“General Manager” means the General Manager of the Planning, Real Estate and Economic Development Department;

“minor zoning by-law amendment application” means an application for a zoning by-law amendment that seeks only one or more of the following:

- (i) modifications to performance regulations only,
- (ii) the extension of a zoning boundary to reflect the addition of lands to existing property,
- (iii) the establishment of an accessory apartment or a special needs/group home,
- (iv) the lifting of interim control for one use only,
- (v) temporary amendment,
- (vi) any zoning changes required as a condition of severance,
- (vii) A change in use that is wholly contained within an existing buildings envelope, where no building permit has been issued within the previous two years to increase the size of the building and which is not located within a residential zone, as defined by Zoning By-law 2008-250, to introduce one new

non-residential use. No additional amendments to performance standards may be sought and the change in use cannot result in the establishment of any of the following uses:

- a. Amusement centre or Amusement Park;
- b. Automobile body shop;
- c. Automobile dealership;
- d. Automobile rental establishment;
- e. Automobile service station;
- f. Heavy equipment and vehicle sales, rental and servicing;
- g. Drive-through facility;
- h. Bar;
- i. Kennel;
- j. Nightclub;
- k. Payday Loan Establishment;

“on-site sign” means the information sign that is required to be posted on the property that is the subject of the planning application and “on-site signs” has a similar meaning;

“rural area” means in respect to land inside the area of Schedule B9 of the Official Plan for the City of Ottawa;

“staff” means the planner in the Planning, Real Estate and Economic Development Department to whom the planning application has been assigned;

“undertaking” means an undertaking to pay the legal costs in respect of preparation for an attendance at an Ontario Land Tribunal hearing, including disbursements of the City where,

- (i) the application is site specific,
- (ii) there are no city-wide policy implications, and
- (iii) the City and the applicant substantially agree on the proposed amendment.

OFFICIAL PLAN AMENDMENTS

2. The fee for an application to amend the Official Plan of the City of Ottawa shall be in accordance with Schedule “A”.

ZONING BY-LAW AMENDMENTS

3. The fees for an application to amend the Zoning By-law of the City of Ottawa shall be in accordance with Schedule “B”.

APPROVAL OF A PLAN OF SUBDIVISION

4. The fees for an application for approval of a plan of subdivision shall be in accordance with Schedule "C".

SITE PLAN APPROVAL

5. The fees for an application for site plan approval shall be in accordance with Schedules "D" or "E", as applicable.

APPROVAL OF A PLAN OF CONDOMINIUM

6. The fees for an application for approval of a plan of condominium shall be in accordance with Schedule "F".

PART LOT CONTROL EXEMPTIONS

7. The fees for an application for an exemption from part lot control shall be in accordance with Schedule "G".

DEDICATION/RECONVEYANCE OF 30 CENTIMETRE RESERVE

8. The fees for an application for the dedication or re-conveyance of a 30 cm reserve shall be in accordance with Schedule "G".

DEMOLITION CONTROL

9. The fees for an application in respect of demolition control shall be in accordance with Schedule "G".

COMMITTEE OF ADJUSTMENT

10. The planning review fees relating to matters that arise before the Committee of Adjustment shall be in accordance with Schedule "G".

LEGAL NON-CONFORMING RIGHTS

- 10.1 The fee associated with an application to establish legal non-conforming or legal non-complying rights shall be in accordance with Schedule "G".

DEVELOPMENT APPLICATION GATEWAY FEATURE

- 10.2 The fees associated with an application for a gateway feature shall be in accordance with Schedule "G".

HISTORIC LAND USE INVENTORY

10.3 The fee associated with a request for a historical land use inventory shall be in accordance with Schedule “G”.

FRONT ENDING AGREEMENT

10.4 The fees for an application for the initiation of a front ending agreement shall be in accordance with Schedule “G”.

PRE-CONSULTATION

10.5 The fee for an application for pre-consultation shall be in accordance with Schedule “G”.

APPLICATION REVISIONS REQUIRING CIRCULATION FEE

10.6 The fee for the revision circulation of an application, other than an application under Schedule “C”, shall be in accordance with Schedule “G”.

ROAD MODIFICATION DETAILED DESIGN REVIEW FEE

10.7 The fee for review of road modification detailed designs shall be in accordance with Schedule “G”.

PROXIMITY STUDY FEE

10.8 The fees to be submitted with studies for development in proximity to the Confederation Line as part of an application for plan of subdivision approval or site plan approval shall be in accordance with Schedule “G”.

RURAL PARK DEVELOPMENT FEE

10.9 The fee for rural park development shall be in accordance with Schedule “G”.

RETAIL BUSINESS HOLIDAYS ACT EXEMPTION APPLICATION

10.10 The fee for an application requesting an exemption by-law associated with the *Retail Business Holidays Act* shall be in accordance with Schedule “G”.

SITE REVIEW – HERITAGE PROPERTY

11. The fees for a review of the site elements in an application to alter a property designated pursuant to the provisions of the *Ontario Heritage Act* shall be in accordance with Schedule “H”.

HERITAGE CONFIRMATION

11.1 The fee for a heritage confirmation letter shall be in accordance with Schedule "H".

STREET/LANE OPENING/CLOSURE

12. The fees for an application for a street opening, not including the dedication of a 0.3 metre reserve, or for an application for a road closing shall be in accordance with Schedule "I".

ON-SITE SIGNS

13. The fees for on-site signs shall be in accordance with Schedule "K".

REVIEW OF ANTENNA SYSTEMS

14. The fees for an application associated with a municipal review of antenna systems shall be in accordance with Schedule "L".

MAPPING AND GRAPHICS FEES

15. The mapping and graphics fees in respect of miscellaneous planning applications shall be in accordance with Schedule "M".

JOINT APPLICATIONS FEE REDUCTION POLICY

16. (1) Where two or more planning applications, as identified with this By-law are submitted at the same time for the same property, the planning fee imposed for such applications shall be reduced by 10%.
- (2) Planning fee, as referenced within this Section of the By-law, includes the planning, legal and on-site sign fees.

REQUEST FOR MAILING LISTS

17. In addition to the fees imposed by Sections 2 to 13 of this By-law, where any person is directed by the Ontario Land Tribunal to circulate notices of a prehearing or hearing and is required to obtain a circulation mailing list from the City of Ottawa, such person shall pay to the City a fee of \$1.00 per address label provided by the City.

MISCELLANEOUS LEGAL FEES

18. In addition to the fees imposed by Sections 2 to 13 of this By-law, where any of the items set forth in Column "A" of Schedule "J" are required, a fee in the amount

set forth in Column "B" of Schedule "J" shall be paid to the City prior to the earliest of the execution of the document by the City or the registration of the document.

UNDERTAKING

19. (1) Where an undertaking to pay the City's costs of a hearing is required pursuant to Schedules "A" or "B", or the participation of the City is requested by the applicant for a plan of subdivision and an undertaking is required, the maximum payable pursuant to such an undertaking shall be \$3,000.00 for a minor zoning by-law amendment application and \$10,000.00 for official plan amendments, plans of subdivision and all other zoning by-law amendment applications.
- (2) The hourly rate to be paid pursuant to the undertaking shall be \$160.00 in the instance of a solicitor who is an employee of the City and, in the instance of a solicitor who is not an employee of the City, the actual rate invoiced by such solicitor to the City.

REFUND POLICY

20. (1) Where an application is made subject to the fees in Schedules "A" to "H", 75% of the planning component of the application fee and 100% of the legal component of the application fee, if applicable, will be refunded where the application is withdrawn and a request for a refund is received by the Planning, Real Estate and Economic Development Department prior to the preparation of the technical circulation and public notification.
- (2) Where an application is made subject to the fees in Schedules "A" to "H", 33.3% of the planning component of the application fee and 100% of the legal component of the application fee, if applicable, will be refunded where the application is withdrawn and a request for a refund is received by the Planning, Real Estate and Economic Development Department prior to the preparation of the memorandum, in the instance of an approval delegated to staff, or the report to the Planning and Housing or Agriculture and Rural Affairs Committee where the approval is with the Standing Committee or City Council.
- (3) Where the entering into of an agreement is not a condition of the approval for plan of subdivision revisions, a plan of condominium, site plan control approval, or a permit for demolition control, the legal component of the application fee will be refunded at the request of the applicant.
- (4) Where an application is made under one of Schedules "A" or "C" or "F", or "L" for the same lands as an application under Section 18 of Schedule "G" and within 12 months of paying a fee under Section 18 of Schedule "G", the fee under Section 18 of Schedule "G" will be refunded upon request to the

Planning, Real Estate and Economic Development Department.

- (5) Planning component, as referenced within this Section of the By-law, includes the planning, on-site sign and initial design review and inspection fees.
- (6) Section 20 (4) does not apply where an application is made under one of Schedules "A" to "F", or "L" and the related application under Section 18 of Schedule "G" was made on or after the day upon which this by-law comes into force.
- (7) Where an application is made under one of Schedules "B", "D" or "E" and a decision is not rendered by the City in accordance with, as applicable, Sections 34 (11) or 41 (12) of the Planning Act, the fees paid at the time of formal submission shall be refunded in accordance with, as applicable, Sections 34 (10.12) or 41 (11.1) of the Planning Act

HARMONIZED SALES TAX

21. All legal and engineering fees to be collected pursuant to this By-law will be subject to Harmonized Sales Tax (H.S.T.) or any successor sales tax program thereto, where applicable.

REPEAL

22. By-law No. 2023-XXX entitled "A by-law of the City of Ottawa to impose fees for planning applications and to repeal By-law No. 2022-239", as amended, is repealed.

SHORT TITLE

23. This by-law may be cited as the Planning Fees By-law.

EFFECTIVE DATE

24. This by-law shall come into force and take effect on XXX2023

ENACTED AND PASSED this day of 2023.

DEPUTY CITY CLERK

MAYOR

SCHEDULES

SCHEDULE “A”

Official Plan Amendment

TABLE 1

Column “A” – Application	Column “B” – Fee
Official Plan Amendment	\$26,187.00

1. The fee in respect of an application to amend the Official Plan for the City of Ottawa as outlined in Table 1, shall be paid at the time of the submission of the application.
2. At the time of the submission of the application, the applicant shall be required to sign an undertaking.

SCHEDULE “B”

Zoning By-law Amendment

TABLE 2

Column “A” - Application	Column “B” – Fee
Zoning By-law Amendment - Major	\$22,340.00
Zoning By-law Amendment - Minor	\$11,477.00
Lifting Holding By-law	\$7,909.00
Zoning By-law Amendment - Severance of Surplus Farm Dwelling	\$4,728.00

1. The fees in respect of an application for a zoning by-law amendment, as outlined in Table 2, must be paid at the time of formal submission of the application submission, once a notice has been issued after the required pre-consultation process have concluded as detailed in Schedule G.
2. At the time of the formal submission of the application for a zoning by-law amendment, the applicant shall be required to sign an undertaking.

SCHEDULE “C”

Plan of Subdivision

1. Subject to the other provisions of this Schedule, the fees due for draft and final approval of a plan of subdivision are that set forth in Table 3 of this Schedule.

TABLE 3

Type of Development	Application for Draft Approval	Final Planning Fee, payable at the registration of each phase	Legal Fee, payable at the registration of each phase
1 to 40 dwelling units	\$46,170.00	\$10,119.00	\$4,652.00
41 to 250 dwelling units	\$82,534.00	\$11,937.00	\$7,152.00
More than 250 dwelling units	\$100,467.00	\$14,812.00	\$9,827.00
Non-residential uses	\$38,468.00	\$5,014.00	\$1,797.00
Residential and non-residential uses	the fee applicable to the number of dwelling units plus \$10,118.00	n/a	n/a
Revisions requiring circulation	\$5,014.00	n/a	\$1,071.00
Extension of Draft Plan Approval	\$4,634.00	n/a	n/a

2. Subject to Sections 7 and 8 of this Schedule, the Draft Approval fee set forth in Table 3, is payable upon the submission of the application, and the Final Planning fee and Legal fee are to be paid prior to the registration of each phase of the plan of subdivision.

3. Fees for the final review, approval, inspection and release of security equal to 4.5% + HST of all hard servicing works (e.g. roads, sewers, watermains, sidewalks, curbs, stormwater, etc.) being installed in each phase of a plan of subdivision and 2.25%

+ HST of all soft servicing works (e.g. lot grading, sodding, driveway treatment, etc.) being installed in each phase of a plan of subdivision are payable prior to the final approval of the plan of subdivision.

4. Where the entire works being installed for each phase of a plan of subdivision have a construction value of less than or equal to \$300,000.00, an initial fee for review, approval, inspection and release of security of \$5,000.00 is payable at the time of application.

5. Where the entire works being installed for each phase of a subdivision have a construction value of more than \$300,000.00, an initial fee for review, approval, inspection and release of security of \$10,000.00 is payable at the time of application.

6. In all cases, the amount collected at the application stage pursuant to Section 4 or 5 of this Schedule shall be credited against the ultimate fees to be collected under Section 3 herein.

7. Where a revision involving a recirculation is required for a plan of subdivision, the fee is payable prior to the recirculation or revision as set out in Table 3 of this Schedule.

8. The fee for the extension for Draft Plan Approval is payable at the time of an application for the extension of draft plan approval.

9. Where an application under this Schedule includes the development of a park, a fee for the final review and inspection of the park equal to 4% + HST of the estimated value of the park works is payable prior to the final approval of the plan of subdivision.

SCHEDULE “D”

Site Plan Control Approval

1. Subject to the other provisions of this Schedule, the fees due for site plan control approval are those set forth in Table 4 of this Schedule and such fees are payable at the time of formal application submission, once a notice has been issued after the required pre-consultation meeting(s) have concluded as detailed in Schedule G.

TABLE 4

Type of Site Plan Application	Planning Fee	Legal Fee
Complex	\$47,335.00	\$2,882.00
Standard, non-rural area	\$16,705.00	\$2,882.00
Standard, rural area	\$13,994.00	\$2,882.00
Street townhouse, not previously approved through the subdivision process	\$7,451.00	n/a
Rural Small, rural area	\$905.00	n/a
Revision – Complex	\$32,581.00	\$1,447.00
Revision – Standard, non-rural area	\$7,451.00	\$1,447.00
Revision – Standard, rural area	\$905.00	n/a
Extension – non-rural area	\$4,181.00	n/a
Extension – rural area	\$905.00	n/a

2. Fees for the final review, approval, inspection and release of security equal to 4.5% + HST of all hard servicing works (e.g. roads, sewers, watermain, sidewalks, curbs, stormwater, etc.) being installed within the lands subject to the application for site plan approval and 2.25% + HST of all soft servicing works (e.g. lot grading, sodding, driveway treatment, etc.) being installed within the lands subject to the application for site plan approval are payable at the time of site plan control approval.

3. Where the entire works being installed have a construction value of less than or equal to \$50,000.00, an initial fee for review, approval, inspection and release of security of \$1,000.00 is payable at the time of application.

4. Where the entire works being installed have a construction value of more than \$50,000.00 but less than or equal to \$300,000.00, an initial fee for review, approval, inspection and release of security of \$5,000.00 is payable at the time of application.

5. Where the entire works being installed have a construction value of more than \$300,000.00, an initial fee for review, approval, inspection and release of security of \$10,000.00 is payable at the time of application.

6. In all cases, the amount collected at the application stage pursuant to Section 3, 4 or 5 of this Schedule shall be credited against the ultimate fees to be collected under Section 2 herein.

SCHEDULE “E”

Master Site Plan Control Approval

1. Subject to the other provisions of this Schedule, the fees due for master site plan control approval shall be that set forth in Table 5 of this Schedule. Such fees are payable at the time of formal application submission, or in the case of the Final Approval and Legal Fee, at the time of registration, once a notice has been issued after the required pre-consultation meeting(s) have concluded as detailed in Schedule G.

TABLE 5

Type of Application	Planning Fee for Draft Approval	Planning Fee for Final Approval	Legal Fee
Master	\$36,383.00	\$2,255.00	\$2,882.00

2. Fees for the final review, approval, inspection and release of security equal to 4.5% + HST of all hard servicing works (e.g. roads, sewers, watermain, sidewalks, curbs, stormwater, etc.) being installed within the lands subject to the application for site plan approval and 2.25% + HST of all soft servicing works (e.g. lot grading, sodding, driveway treatment, etc.) being installed within the lands subject to the application for site plan approval are payable at the time of site plan control approval.

3. Where the entire works being installed have a construction value of less than or equal to \$50,000.00, an initial fee for review, approval, inspection and release of security of \$1,000.00 is payable at the time of application.

4. Where the entire works being installed have a construction value of more than \$50,000.00 but less than or equal to \$300,000.00, an initial fee for review, approval, inspection and release of security of \$5,000.00 is payable at the time of application.

5. Where the entire works being installed have a construction value of more than \$300,000.00, an initial fee for review, approval, inspection and release of security of \$10,000.00 is payable at the time of application.

6. In all cases, the amount collected at the application stage pursuant to Section 3, 4 or 5 of this Schedule shall be credited against the ultimate fees to be collected under Section 2 herein.

SCHEDULE “F”

Plan of Condominium

1. Subject to the other provisions of this Schedule, the fees due for a Plan of Condominium shall be that set forth in Table 6 of this Schedule, and such fees shall be payable at the time of the application.

TABLE 6

Type of Application	Application Fee	Legal Fee
New Standard, Common Elements, Phased or Leasehold Condominium	\$16,554.00	\$2,500.00
New Vacant Land Condominium	\$40,761.00	\$2,500.00
Condominium – Revision or Extension	\$3,019.00	\$1,071.00

2. Despite Table 6, where the application for approval of a vacant land condominium is submitted concurrently with an application for site plan approval, the fee for the application for approval of a vacant land condominium is \$16,554.00 plus a legal fee of \$2,500.00, and such fee is payable at the time of application.

3. Where the entire works being installed for the vacant land condominium have a construction value of less than or equal to \$300,000.00, an initial fee for review, approval, inspection and release of security of \$5,000.00 is payable at the time of application.

4. Where the entire works being installed for the vacant land condominium have a construction value of more than \$300,000.00, an initial fee for review, approval, inspection and release of security of \$10,000.00 is payable at the time of application.

5. Sections 3 and 4 of this Schedule do not apply to an application for approval of a vacant land condominium submitted concurrently with an application for site plan approval.

6. In all cases, the amount collected at the application stage pursuant to Sections 3 or 4 shall be credited against the ultimate fees to be collected under Section 7 herein.

All Condominium Applications

7. Fees for the final review, approval, inspection and release of security equal to 4.5% + HST of all hard servicing works (e.g. roads, sewers, watermain, sidewalks, curbs, stormwater, etc.) being installed in each phase of a plan of condominium and 2.25% + HST of all soft servicing works (e.g. lot grading, sodding, driveway treatment, etc.) being installed in each phase of a plan of condominium are payable prior to the final approval of the plan of condominium.

SCHEDULE “G”

Miscellaneous Planning Applications and Review Fees

Part Lot Control

1. A fee of \$7,349.00, plus a legal fee of \$719.00 in respect of the first part lot control exemption by-law for a plan of subdivision, is payable at the time of the application for exemption from part lot control where draft approval of the plan of subdivision was given by The Regional Municipality of Ottawa-Carleton or its successor municipality and the application for draft approval of the plan of subdivision was made on or after May 22, 1996.
2. A fee of \$940.00, plus a legal fee of \$531.00 is payable at the time of the application for an extension of the time limit for a part lot control exemption.
3. A legal fee of \$531.00 is payable at the time of the application for the second or subsequent part lot control exemption by-law in respect of a plan of subdivision.

Lifting 30 Centimetre Reserve

4. A fee of \$1,512.00, plus a legal fee of \$392.00, is payable upon the submission of an application for the dedication or re-conveyance of a 30 cm reserve.
5. A fee of \$757.00, plus a legal fee of \$392.00, is payable upon the submission of an application for the dedication or re-conveyance of a 30 cm reserve where such reserve is in place in the rural area, on a per lot basis, to ensure compliance with findings of a previously approved hydrogeological study.

Demolition Control

6. The fees payable at the time of an application in respect of demolition control are as follows:

- (1) for an application under Part IV of the Demolition Control By-law, being By-law 2012-377, as amended, the fee shall be the same as the fee for a permit to demolish under the Building By-law, being By-law No. 2014-220, as amended;
- (2) for an application under Part V of the Demolition Control By-law the fee shall be \$2,363.00, plus a legal fee of \$430.00.

- 6.1 The penalty payable for a failure to complete a new building in the time specified in a demolition permit for a residential property as per subsection 33(7) of the *Planning Act* is \$6,492.00 for each dwelling unit contained in the residential property.

Engineering Design and Review Fees

7. Fees for the final review, approval, inspection and release of security equal to 4.5% + HST of all hard servicing works (e.g. roads, sewers, watermain, sidewalks, curbs, stormwater, etc.) being installed as a result of applications pursuant to Sections 1, 2, 3, 4, and 5 inclusive of this Schedule and 2.25% + HST of all soft servicing works (e.g. lot grading, sodding, driveway treatment, etc.) being installed as a result of applications pursuant to Sections 1, 2, 4, and 5 inclusive of this Schedule are payable prior to the final approval of the application.

8. A fee of \$3,246.00 is payable for the review of the fourth submission and each subsequent engineering submission in respect of a planning application as part of the engineering fees to be paid at the time of registration of the plan or agreement, or such fee is payable upon invoice by the City.

9. A fee of \$234.00 is payable in respect of an application for a sewer permit.

Committee of Adjustment

10. A fee of \$494.00 for the planning review of minor variance applications is payable at the time of an application for a minor variance to the Committee of Adjustment.

11. A fee of \$826.00 for the planning review of severance/consent applications is payable at the time of an application for a severance/consent to the Committee of Adjustment.

12. A fee of \$952.00 for the planning review of a combined severance/consent and minor variance application is payable at the time of a combined application to the Committee of Adjustment.

Legal Non-Conforming Rights

13. A fee of \$690.00 for review of an application to determine legal non-conforming or legal non-complying rights associated with a property. Such fee is payable upon the application for such a determination.

Development Application Gateway Feature

14. The fees payable for a gateway feature are:

- (1) A fee of \$36,016.00 per gateway feature is payable prior to the registration of a plan of subdivision.
- (2) Where the cost of construction of a gateway feature exceeds \$100,000.00, in addition to the fee payable under subsection (1), an amount equal to 15% of the value of the feature above \$100,000.00

is payable at the same time as the fee set out in subsection (1).

Historic Land Use Inventory

15. A fee of \$136.00 is payable for each property with respect to which a list of the historical land uses is requested. Such fee is payable upon request for such review.

Front Ending Application

16. An application fee of \$11,062.00 and a legal fee of \$7,384.00 are payable upon application to initiate a Front Ending Agreement.

17. Fees for the final review, approval, and inspection equal to 4.5% + HST of the value of construction costs for the Front Ending Agreement application are payable prior to the execution of the agreement by the City and commence work issuance to proceed with the works that are the subject of the Front Ending Agreement, and in accordance with the following:

- (1) Where the entire works being installed have a construction value of less than or equal to \$50,000.00, an initial fee for review, approval, inspection and release of security of \$1,000.00 is payable at the time of application.
- (2) Where the entire works being installed have a construction value of more than \$50,000.00 but less than or equal to \$300,000.00, an initial fee for review, approval, inspection and release of security of \$5,000.00 is payable at the time of application.
- (3) Where the entire works being installed have a construction value of more than \$300,000.00, an initial fee for review, approval, inspection and release of security of \$10,000.00 is payable at the time of application.
- (4) In all cases, the amount collected at the application stage pursuant to Section 17 (1), (2) or (3) of this Schedule shall be credited against the ultimate fees to be collected under Section 17 herein.

Pre-Consultation

18. A fee of \$679.00 is payable at the time of submission of an application for each phase of a required pre-consultation with respect to an application for:

- (1) official plan amendment;
- (2) zoning by-law amendment described in Rows 1 and 2 of Table 2 in

Schedule "B";

- (3) site plan control;
- (4) draft approval of a plan of subdivision;
- (5) draft approval of a vacant land condominium;
- (6) municipal review of an antenna system.

19. The fee(s) payable under Section 18 of this Schedule are

1) Non-refundable; and

20. only valid for 12 months following the date of the pre-consultation meeting.

Application Revisions Requiring Circulation Fee

21. A fee of \$4,329.00 is payable prior to the re-circulation of any of the following applications:

- (1) official plan amendment;
- (2) demolition control;
- (3) draft approval of a vacant land condominium.

Road Modification Detailed Design Review Fee

22. A separate process fee of \$2,830.00 for the review of road modification detailed designs is payable at the time of site plan control approval where proposed road modification works have not been accepted by the City at the time of approval.

Proximity Studies Fee

23. Where a study identified in Table 7 is required to be submitted as part of an application for plan of subdivision approval or site plan approval, the fee due for such study shall be, subject to Section 24, that set forth in column II, III, or IV of Table 7 of this Schedule and is payable at the same time as, and in addition to any fee payable under Schedules "C", "D", or "E" of this by-law.

24. The application fee under Table 7 is determined in accordance with the following:

- (1) The level 1 fee in column II is payable when the application is to permit development within the Development Zone of Influence and staff conclude there to be minimal anticipated impact on Confederation Line structures;

- (2) The level 2 fee in column III is payable when the application is to permit development within the Development Zone of Influence and staff conclude there to be substantial anticipated impact on Confederation Line structures anticipated;
- (3) The level 3 fee in column IV is payable when the application is to permit development on top of, or within 1 metre of a Confederation Line structure.

Re-Applications for Site Plan Control and/or Zoning Bylaw Amendments

25. An application for Zoning By-law Amendment or Site Plan Control that has been withdrawn and re-applied for within a 60 day time frame, in an effort to resolve circulation or City comments:

- (a) may re-apply for a reduced fee of \$4,329.00 and the fee is payable prior to a new circulation of the re-application; and
- (b) must pay the applicable legal fees for the subject application type as per the provisions of this By-law.

TABLE 7

Column I Technical Study/Report/Plan	Column II Level 1 Fee	Column III Level 2 Fee	Column IV Level 3 Fee
Shoring – Design & Monitoring Plan	\$586	\$2,342	\$4,685
Excavation Support System	n/a	\$586	\$1,757
Geotechnical Hydrogeological Analysis	n/a	\$1,171	\$1,171
Groundwater Control Plan	\$586	\$2,342	\$2,342
Waterproofing System	n/a	\$586	\$1,171
Structural Analysis – Loading	n/a	\$2,342	\$2,342
Fire Ventilation	n/a	\$586	\$1,171
Station Ventilation	n/a	\$586	\$1,171
Access Requirements (including AODA)	\$586	\$586	\$878
Noise and Vibration Study	\$586	\$1,171	\$2,342
EMI/Stray Current	n/a	\$586	\$586
Construction Coordination Protocols	\$586	\$1,757	\$3,514
Pre-Post Construction Surveys	\$586	\$586	\$1,757
Set-Back Requirements from Structures in the Zone of Influence	\$586	\$1,171	\$1,757
Fire/Smoke Dispersion Analysis	n/a	\$1,757	\$2,342
Crane Swing and Lifting Loads	\$586	\$1,171	\$1,757
Insurance Requirements	n/a	\$586	\$586
Property – M&L Requirements	n/a	\$586	\$1,171
Utility relocations and Installations	\$586	\$1,171	\$1,757
Entrance Connection Agreement	n/a	\$4,685	\$5,856
Security Plan	n/a	\$1,757	\$1,757
Construction As-Built Drawings	n/a	\$586	\$1,757

Rural Park Development Fee

26. A fee of \$2,561.00 per lot is payable where an agreement as part of a plan of subdivision approval provides for the payment of a rural park development contribution.

27. The fee set out in Section 25 of this Schedule shall be payable upon the initial conveyance of each lot.

Retail Business Holidays Act Exemption Application

28. A fee of \$2,720.00 is payable for an application requesting an exemption by-law associated with the *Retail Business Holidays Act*. The fee is payable at the time of the application.

SCHEDULE “H”

Heritage Applications

1. The following fees are payable for delegated heritage permits and major heritage applications:

- (1) Delegated Authority Permits – Alterations: \$279.00;
- (2) Delegated Authority Permits – Additions: \$837.00;
- (3) Minor Alterations (that require Built Heritage Committee/Council approval): \$2,340.00;
- (4) Major Alterations (that require Built Heritage Committee/Council approval): \$8,930.00;
- (5) Demolition – Part IV/Grade 1/Contributing: \$13,954.00;
- (6) Demolition – Grade 2/Non-Contributing: \$2,791.00;
- (7) New Construction in a Heritage Conservation District – Small Scale:
\$3,349.00;
- (8) New Construction in a Heritage Conservation District – Medium Scale: \$5,581.00;
- (9) New Construction in a Heritage Conservation District – Large Scale:
\$8,930.00.

2. A fee of \$222.00 is payable at the time of an application for a heritage confirmation letter.

SCHEDULE "I"**Street/Lane Opening and Closure**

1. A fee of \$16,554.00, plus a legal fee of \$1,686.00, is payable at the time of an application for a street or lane opening.
2. If a "Do it Yourself Agreement" is not required by the City, \$500 of the legal fee payable under Section 1 of this Schedule will be refunded.
3. The fees payable for a street or lane closure are as follows:
 - (1) A fee of \$12,191.00, plus a legal fee of \$280.00, payable at the time of the application, for the closing of a travelled or untravelled arterial road.
 - (2) A fee of \$5,577.00, plus a legal fee of \$280.00, payable at the time of application, for the closing of any other travelled or untravelled road or lane.
4. Fees for the final review, approval, inspection and release of security equal to 4.5% + HST of all hard servicing works (e.g. roads, sewers, watermains, sidewalks, curbs, stormwater, etc.) being installed as a result of an application for street opening or road closing and 2.25% + HST of all soft servicing works (e.g. lot grading, sodding, driveway treatment, etc.) being installed as a result of an application for street opening or road closing are payable prior to the final approval of the application.

SCHEDULE “J”

Miscellaneous Legal Fees

TABLE 8

Column “A” - Application/Agreement	Column “B” - Fee Payable
Easement	\$674.00
Encroachment	\$674.00
Encroachment, simple and/or assignment	\$275.00
Conveyance as a condition of development approval	\$275.00
Postponement Agreement	\$275.00
Partial Discharge of Mortgage	\$275.00
Maintenance and Liability Agreement	\$583.00
Amending Maintenance and Liability Agreement	\$275.00
Do it Yourself Construction Agreements	\$1,345.00
Watermain Agreements	\$275.00
Inhibiting Orders – routine	\$275.00
Inhibiting Orders – complex	\$834.00

Release of Inhibiting Order – routine	\$186.00
Release of Inhibiting Order – complex	\$834.00
Early Servicing Agreement - Subdivision	\$5,420.00
Release of Deferral Agreement	\$275.00
Communal Water/Wastewater Agreements	\$5,420.00
Private Roadway Agreement	\$674.00
Release of Easement	\$453.00
Release of Site Plan Agreement	\$453.00
Pre-Servicing Agreement – Site Plan	\$702.00
Agreements arising from Consent Application	\$1,718.00
Agreements arising from Minor Variance	\$674.00
Well Agreement	\$274.00
Other Agreements arising from Committee of Adjustment Applications	\$453.00
Amending Site Plan Agreement Not Covered by Development Application Fee	\$1,272.00
Amending Subdivision Agreement Not Covered by Development Application Fee	One-half of Primary Agreement Legal Fee

Miscellaneous Agreement Arising from Development Application	\$739.00
Release of Miscellaneous Agreements Arising from Development Applications	\$275.00
Traffic Signal Agreement	\$275.00
Municipal Covenant Agreement	\$275.00
Consolidation Agreement	\$275.00
Community Improvement Plan (Development Assistance) Grant Agreement	\$275.00
Road Modification Agreement	\$739.00
Other Agreements – complex	\$834.00
Other Agreements – Simple	\$275.00
Limiting Distance Agreement	\$347.00
Section 37 Bonus Agreement	\$275.00
Brownfield Agreement	\$275.00
Municipal Responsibility Agreement	\$1,655.00
Cost Sharing Agreement	\$1,655.00

1. In this Schedule,

“routine inhibiting order” means where conditions contained in the inhibiting order can be fulfilled at the time of registration of the plan of subdivision; and

“complex inhibiting order” means an inhibiting order where conditions contained in the inhibiting order will not be fulfilled until after the plan of subdivision is registered.

2. Fees for the final review, approval, inspection and release of security equal to 4.5% + HST of all hard servicing works (e.g. roads, sewers, watermain, sidewalks, curbs, stormwater, etc.) being installed as a result of a Do It Yourself Construction Agreement for roads, sewers and traffic signals and 2.25% + HST of all soft servicing works (e.g. lot grading, sodding, driveway treatment, etc.) being installed as a result of a Do it Yourself Construction Agreement for roads, sewers and traffic signals are payable prior to the execution of the agreement by the City.

SCHEDULE “K”**On-Site Sign Fees**

1. A fee of \$679.00, plus HST is payable at the time of an application for an official plan amendment, a zoning by-law amendment, draft approval of a plan of subdivision, a site plan control complex, revision complex and master application, draft approval of a vacant land condominium, a demolition control application, or an application for a road closure, for a travelled road or lane, for two on-site signs on the property subject to the application.
2. Despite Section 1 of this Schedule, the fee payable at the time of application for a zoning by-law amendment related to the severance of a surplus farm dwelling shall be \$338.00, plus HST for one on-site sign on the property subject to the application.
3. Should the General Manager determine that more than two (2) on-site signs are required for the applications set out in Section 1 of this Schedule, or that more than one (1) on-site sign is required for the application set out in Section 2 of this Schedule, the applicant shall be invoiced in the amount of \$338.00, plus HST for each additional on-site sign.
4. No planning application described in this Schedule will be processed by the approval authority unless and until the applicable fees described herein are paid in full.

SCHEDULE “L”**Municipal Review of Antenna Systems**

1. A fee of \$3,928.00 is payable at the time of an application for Municipal Review of an Antenna System, where such application is required pursuant to the Council- approved Municipal Concurrence and Public Consultation Process for Antenna systems for an antenna system as defined under that process.
2. A fee of \$439.00 is payable at the time of an application for Municipal Review of an Antenna system, where such application is required pursuant to the Council- approved Municipal Concurrence and Public Consultation Process for Antenna systems for a residential use antenna system as defined under that process.
3. No application described in Sections 1 or 2 of this Schedule will be processed by the City unless and until the fee described in Sections 1 or 2 is paid in full.

SCHEDULE “M”**Miscellaneous Fees Related to Planning Applications**

1. The fees to be collected pursuant to Table 9 are subject to Harmonized Sales Tax (H.S.T.) or any successor sales tax program thereto, where applicable.

TABLE 9

Column “A”	Column “B”
Fence Viewer Fee	\$420.00
Administration / Research Fee (per street segment)	\$89.00
Customization Fees/Electronic File Translation:	
Production of Customized Map, Data or Engineering Plan (hourly rate)	\$124.00
Aerial photography, base mapping, and LiDAR	
Aerial Base Vector Mapping	\$155.00
Aerial Ortho-Imagery	\$155.00
Aerial LIDAR	\$155.00
3D Building (Production of customized fee might apply)	\$155.00
Engineering, UCC Central Registry Plans, Thematic and Cartographic Maps	
Engineering plans - pdf	\$16.50
Engineering plans CAD or GIS file	\$48.00
Central Registry Plans - CAD	\$152.00
Central Registry Plans - pdf	\$48.00

General land use maps and online store maps - print copy	\$16.50
General land use maps - pdf	\$124.00
Water / Wastewater Distribution / Collection Plans:	
1:2500 scale - .pdf	\$48.00
Water/Wastewater - CAD/GIS files 1:2000	\$152.00
Engineering / Geotechnical Reports/Studies:	
Cost per digital report	\$36.00

BY-LAW NO. 2023 - 139

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A by-law of the City of Ottawa to impose fees for planning applications and to repeal By-law No. 2022-239.

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Enacted by City Council at its meeting of March 22, 2023.

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LEGAL SERVICES
TCM/AM – G04-01-14-FEE

COUNCIL AUTHORITY:
City Council – March 1, 2023 Budget
motion 2023 - 09/03

Document 5

Proposed amendments to the *Procedure By-law* (By-law 2022 – 410)

Proposed amendments have been **bolded and underlined** and deletions ~~struck through~~.

Recommended Amendments to Section 1

PART II COUNCIL

8. REGULAR MEETINGS

- (1)
 - (a) Subject to this section, the regular meetings of the Council shall be held at 10:00 a.m. **every second Wednesday** in each month in each year unless otherwise changed by Council.
 - (b) A meeting shall adjourn by 7:00 p.m. If the City Council meeting is not finished by 7:00 p.m., it will automatically reconvene the following Friday morning, in the same week, at 10:00 a.m.
 - (c) Despite Clause (b), Council can extend the meeting time beyond 7:00 p.m. by simple majority vote.
 - (d) Despite Subsection 8(1)(a), and subject to Subsection (4), the time and date of individual regular meetings may be varied by the Mayor.
 - (2) Subject to Subsection (3) and (4), during the months of January, March, July, August and December; and of October in a regular election year, at least one regular meeting of Council shall be held at 10:00 a.m. on a Wednesday of the month determined by the Mayor.
 - (a) **Special Council meetings shall be scheduled, as required, during the legislative breaks in December/ January, July/ August and March with agendas limited to Zoning By-law and Official Plan Amendments subject to a statutory timeline and any other time-sensitive matters that may be added to the Notice of Special Meeting under Section 14 of this By-law**
 - (3) The Mayor may cancel one or more regular meetings of the Council if, in the Mayor's opinion, such meetings are not necessary for the proper conduct of the business of the City, and provided that not more than two successive regular meetings are cancelled under this subsection.

- (4) **Despite Subsections 1(d) and (2), and subject to Subsection (7) where the cancellation or rescheduling of a Council meeting would result in the City incurring a cost as result of the expiry of the statutory timeline to enact a Zoning By-law or Official Plan Amendment by-law, the meeting may only be cancelled/ rescheduled with the written approval of the whole Council.**

Recommended Amendments to Section 81

MEETINGS OF COMMITTEES

- (1) (a) The regular meetings of Committees/Commissions shall be on the day(s) of the week determined by Council but at such time and at such place as shall be determined by Committee/Commission Chair.
- (b) Individual regular meetings of a Committee/Commission may be varied by the Chair from the day of the week determined by Council and the time and place determined by Committee/Commission subject to the notice provisions of 81(10), provided that the date or time do not conflict with the date and time assigned to another Standing Committee/Commission by Council or the regular meeting times of the Ottawa Board of Health, the Ottawa Public Library Board or the Ottawa Police Services Board.
- (c). Subject to subsection (1)(f), regular meetings of Standing Committees shall be held monthly or at the frequency determined by Council. All Committees and the Commission retain the ability to hold special meetings as required, pursuant to Subsections 82(3), (4), and (5).
- (d) Regular meetings of Planning and Housing Committee shall be held **every second Wednesday in each month, on the opposite week of City Council;**
- (i) During the legislative breaks in December/ January, July/ August and March, Planning and Housing Committee meetings shall be scheduled as needed, and convened as Special meetings with agendas limited to Zoning By-law and Official Plan Amendments subject to a statutory timeline and any other time-sensitive matters that may be added to the Notice of Special Meeting under Section 87 of this By-law
- (e) The Audit Committee and the Debenture Committee shall meet on an as-needed basis at the call of the Chair.

- (f) The Chair may cancel one or more regular meetings of the Committee/Commission if in the Chair's opinion such meetings are not necessary for the proper conduct of the business of the Committee/Commission and provided that not more than two successive regular meetings are cancelled under this Subsection.
- (g) Despite Subsection (1)(f), more than two regular meetings of Standing Committee/Commission may be cancelled during an Emergency Period if in the Chair's opinion such meetings are not necessary for the proper conduct of the business of the Committee/Commission.
- (h) **Despite Subsection (f) and subject to Subsection (g), where the cancellation or rescheduling of a meeting would result in the City incurring a cost as result of the expiry of the statutory timeline to enact a Zoning By-law or Official Plan Amendment by-law, the meeting may only be cancelled/ rescheduled with the written approval of the whole Council.**
- (9) Seven business days' notice of a regular meeting shall be given to the Members of a Committee/Commission and an agenda shall be provided to the Members seven business days in advance of the meeting.
- (11) Despite Subsection (9), **Zoning By-law Amendment and Official Plan Amendment reports** to the Planning and Housing Committee or Agriculture and Rural Affairs Committee **shall be provided to Members no less than six calendar days in advance of the meeting.**

Subject: Provincial Legislation Resource Impact Report

File Number: ACS2023-PRE-GEN-0005

**Report to a joint Planning and Housing Committee and Agriculture and Rural
Affairs Committee on 30 May 2023**

and Council 14 June 2023

**Submitted on May 19, 2023 by Charmaine Forgie, Manager, Business and
Technical Support Services, Planning, Real Estate and Economic Development
Department**

**Contact Person: Alexandre LeBlanc, Strategic Programs and Project Officer,
Planning, Real Estate and Economic Development Department**

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Ward: Citywide

**Objet : Rapport sur les répercussions de la législation provinciale sur les
ressources**

Dossier : ACS2023-PRE-GEN-0005

**Rapport présenté à la réunion conjointe du Comité de la planification et du
logement et du Comité de l'agriculture et des affaires rurales**

le 30 mai 2023

et au Conseil le 14 juin 2023

**Soumis le 19 mai 2023 par Charmaine Forgie, Gestionnaire, Services de soutien
techniques et aux activités, Services de la planification, des biens immobiliers et
du développement économique**

**Personne-ressource : Alexandre LeBlanc, Agent, programmes et projets
stratégiques, Direction générale de la planification, de l'immobilier et du
développement économique**

Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That the joint Planning and Housing Committee and Agriculture and Rural Affairs Committee recommend Council:

- 1. Approve a Planning Services Fee Adjustment to fund 32 full-time equivalent (FTE) positions at an approximate cost of \$1,112,500 for 2023, as per Document 1;**
- 2. Approve the addition of five new temporary full-time equivalent (FTE) positions at an approximate cost of \$160,000 for 2023, from within existing resources; and**
- 3. Approve the conversion of two existing temporary positions into permanent full-time equivalent (FTE); and**
- 4. Direct staff to monitor the Zoning By-law Amendment and Site Plan Control application timelines and report back to Council in Q3 2024 or sooner with a status update.**

RECOMMANDATION(S) DU RAPPORT

Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales recommandent au Conseil :

- 1. d'approuver le rajustement des frais des Services de planification pour le financement de 32 postes équivalents temps plein (ETP) pour un coût approximatif de 1,112,500 million de dollars, conformément au Document 1;**
- 2. d'approuver l'ajout de cinq nouveaux postes équivalents temps plein (ETP) temporaires, pour un coût approximatif de 160 000 dollars pour 2023, en puisant dans les ressources existantes;**
- 3. d'approuver la conversion de deux postes permanents équivalents temps plein (ETP) temporaires en postes équivalents temps plein (ETP) permanents;**
- 4. de demander aux membres du personnel de surveiller les calendriers des demandes de modification du *Règlement de zonage* et de la réglementation du plan d'implantation et de présenter un rapport au Conseil au troisième trimestre 2024 ou plus tôt, avec un compte rendu de la situation.**

EXECUTIVE SUMMARY

This report seeks Council approval of the revenue necessary to increase staff capacity to meet new and changing workload as a result of provincial legislation.

In 2022, the province introduced a number of Bills and regulations that affect the way we work and has added new municipal responsibilities. Some of the impacts are summarized below:

- Bill 109 introduced the requirement of compressed timelines to review development applications. If those timelines are not met, refunds of development applications fees would have to be issued. All departments and service areas that contribute to the development application review have compressed timelines to meet, and have to adapt to a new multi-phase pre-consultation process to provide early feedback to applicants.
- Bill 23 introduced new workload for heritage designations from the changes to the heritage register rules, new reporting requirements, new municipal responsibilities with regards to hydrogeology and wetland evaluations.

This report identifies the estimated staff resources, and their funding source, to enable the City to take on these new and changing functions. The process to hire the staff recommended in this report would be a few months, and the expectation is that they would only be on payroll for one third of the year. Therefore, the fee increase will be phased in through this report, with the balance being implemented through the next budget.

Ultimately, the report seeks Council approval of:

- the funding sources for a total of 37 FTEs:
 - 32 FTEs from a phased increase in Planning Services fees for a total of \$1,112,500 (with the balance of fee increase to take place during the 2024 budget); and
 - five FTEs from within existing resources, for a total of \$160,000.
- converting two existing temporary positions into permanent FTEs:
 - one FTE in Guidelines & Standards; and
 - one FTE in GeoSpatial Analysis and Technical Solutions.

RÉSUMÉ

Ce rapport vise à obtenir du Conseil l'approbation des recettes nécessaires pour que le personnel soit davantage en mesure d'assumer la charge de travail nouvelle et changeante découlant de la législation provinciale.

En 2022, la province a introduit un certain nombre de projets de loi et de règlements qui ont une incidence sur notre façon de travailler et ont ajouté de nouvelles responsabilités municipales. Certaines de ces répercussions sont résumées ci-dessous :

- Le projet de loi 109 a introduit l'exigence de délais réduits pour l'examen des demandes d'aménagement. Si ces délais ne sont pas respectés, les frais relatifs aux demandes d'aménagement doivent être remboursés. Toutes les directions générales et tous les secteurs d'activité qui participent à l'examen des demandes d'aménagement ont des délais serrés à respecter et doivent s'adapter à un nouveau processus de consultation préalable en plusieurs étapes afin de fournir rapidement une réponse aux demandeurs.
- Le projet de loi 23 a introduit une nouvelle charge de travail pour les désignations patrimoniales en raison des modifications apportées aux règles du registre du patrimoine, des nouvelles exigences en matière de rapports et des nouvelles responsabilités municipales en ce qui concerne l'hydrogéologie et l'évaluation des milieux humides.

Ce rapport identifie les ressources en personnel estimées, ainsi que leur source de financement, pour permettre à la Ville d'assumer ces fonctions nouvelles et changeantes. Le processus d'embauche du personnel recommandé dans le présent rapport prendrait quelques mois, et l'on s'attend à ce qu'il ne soit rémunéré que pendant un tiers de l'année. Par conséquent, l'augmentation des frais sera introduite progressivement dans le cadre du présent rapport, le solde étant mis en œuvre dans le cadre du prochain budget.

En définitive, le rapport vise à obtenir l'approbation du Conseil pour :

- les sources de financement pour un total de 37 ETP, soit :
 - 32 ETP provenant d'une augmentation progressive des frais des Services de planification pour un total de 1 112 500 dollars (avec le solde de l'augmentation des frais qui aura lieu au cours du budget 2024);
 - cinq ETP à partir des ressources existantes, pour un total de 160 000 dollars.
- la conversion de deux postes temporaires existants en ETP permanents :

- un ETP pour les directives et les normes;
- un ETP pour l'analyse géospatiale et les solutions techniques.

BACKGROUND

Municipalities in Ontario have been subjected to a number of changes as a result of the provincial government's roll out of the More Homes, More Choice: Ontario's Housing Supply Action Plan.

This report will highlight the key workload impacts of the provincial Bills on City business, and asks Council for the corresponding staffing resources that, in staff's estimate, will allow the City to adapt to the changes.

In December 2021, the province appointed a [Housing Affordability Task Force](#), which authored a report with [55 recommendations](#) released on February 8, 2022. The City's position on the impact of the Task Force's recommendations was presented to Council on March 23, 2022 in report [ACS2022-PIE-EDP-0008](#). Acting quickly to implement part of the recommendations of the Task Force, Bill 109 and Bill 23 were introduced by the Provincial Government.

Bill 109

[Bill 109, More Homes for Everyone Act, 2022](#) received Royal Assent on April 14th, 2022. The Bill made changes to the Planning Act and other statutes to implement some of the 55 recommendations in the Task Force Report. Impacts on the City included an indefinite suspension of ministerial-approval of the new Official Plan, mandatory appointment of staff to approve Site Plans, mandatory refunds for Site Plan Control (SPC) and Zoning By-law Amendment applications that exceed statutory processing timelines (90 days for Zoning By-law Amendments and 60-days for Site Plan Control), removed Councillor concurrence on Site Plan Control applications and imposed mandatory timelines.

On July 6, 2022, City Council approved the Bill 109 Implementation – Phase 1 ([ACS2022-PIE-GEN-0011](#)) recommendations which were intended to implement required changes mandated by the provinces' Bill 109.

The report, as approved, amended three City By-laws and one City policy:

- Delegated Authority By-law 2022-29 – to appoint authority to staff to approve all Site Plan Control applications and remove Councillors from the SPC approval process, including concurrence; conditions of approval; and approval authority.

- Development Application Study Policy By-law 2001-451 – to update the list of studies that make an application “complete”. A “complete” application is the trigger for when the clock on the new timelines starts ticking in the development application process.
- Public Notification and Consultation Policy – to reflect the changes to the delegation of authority to staff to approve Site Plan Control applications.
- Site Plan Control By-law – to align the inner urban Site Plan Control exemption threshold with the outside the greenbelt threshold. The By-law would permit buildings with six units or less to be exempt from Site Plan Control. This is reprioritizing the departmental effort to create capacity internally; reducing workload to enable adaptation to shorter and more intense timelines as well as reflecting on the Affordable Housing and Homelessness Crisis and Emergency, declared by Council on January 29, 2020, with Motion NO 26/14, by allowing for streamlined approval process for low-rise infill units.

The *Resources for Development Applications Review and Approval* report approved by Council on July 6, 2022 ([ACS2022-PIE-GEN-0010](#)) recommended changes to resources for development applications review and approvals, affecting staffing in several Service Areas including Building Code Services, Planning Services, Business and Technical Support Services, Legal Services and Finance Services. A number of positions were stabilized from temporary to permanent positions, and additional capacity in strategic parts of the development application process were added. The July 2022 report was the first attempt to prepare for the wholesale changes that would be brought on by Bill 109.

The Bill 109 Implementation Phase 2 report (ACS2023-PRE-GEN-0004) seeks Council approval for further policies and by-law changes, that represents the best path forward to meet the tight provincial timelines to process development applications while preventing the potential refund of fees. The proposed multi-tiered pre-consultation process, and its tight timeline, is the principal staffing pressure from the Bill. All internal stakeholders who play a role in development review applications must be resourced to participate.

Bill 23

[Bill 23, More Homes Built Faster Act, 2022](#), was introduced at the Provincial Legislature and received Royal Assent on November 28th, 2022 and goes further in implementing the Task Force Report. The Bill proposes extensive changes to a number of Acts and regulations including the Development Charges Act, Planning Act, Municipal Act, and others.

The principal Bill 23 heritage implications with staffing impacts are the following:

- Requires that a non-designated property listed on the Heritage Register be removed after two years if Council has not initiated the designation process. The City of Ottawa has approximately 4600 listed properties to review.
- Introduces a limitation where a property that has been removed from the Register cannot be re-listed for five years.
- Limits Council's ability to designate a property that is subject to certain Planning Act applications if that property is not already listed on the Heritage Register

The principal Bill 23 sustainability implications with staffing impacts are the following:

- Changes to Conservation Authorities to amend levels of responsibility and oversight, limiting their input to natural hazards and removing their ability to complete technical reviews (i.e.; stormwater, geotechnical, hydrogeological, environmental assessments, etc.)
- Changes to the Ontario Wetland Evaluation System, transferring the responsibility to evaluate those lands to municipalities.

Some of the Bill 23 impacts also included:

- Allowing up to 3 "gentle intensification" principal units on any urban-serviced residential parcel, including in a detached, semi-detached or townhouse and prohibiting a zoning by-law from restricting such from occurring;
- Exempting the above "gentle intensification" units from Development Charges (DC), Parkland and Community Benefit contributions;
- Exempting affordable, attainable and inclusionary zoning units from Development Charges, and discounts to Community Benefits and Parkland Dedication;
- Setting a maximum parkland dedication cap of 10% for sites less than 5 ha in area, and 15% for larger sites;
- Halving the maximum parkland dedication rates for land and cash-in-lieu; and
- Exempting buildings of up to 10 residential units from Site Plan Control entirely.

Staff is currently evaluating the impact of those financial implications and will be reporting back to Council later this year.

As a follow up to Bill 23, the province also introduced [Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the Planning Act](#). There are two main components:

1. Municipalities to submit 5-year historical data (from 2018-2022 inclusive) for all datapoints identified. This information would be required to be submitted by December 31, 2023.
2. Reporting application data on a quarterly basis, beginning June 30th, 2023 for:
 - Official Plan Amendment applications
 - zoning by-law amendments
 - plans of condominium
 - plans of subdivision
 - site plan applications
 - land severances (consents)
 - minor variances
 - number of housing units built as-of-right

To support Bill 23 and the Province's Budget 2022 target of building 1.5 million new homes in Ontario by the end of 2031, the Province [assigned municipal housing targets](#) to selected lower- and single-tier municipalities on October 25, 2022. The City of Ottawa was assigned a housing target of 151,000 new homes over the next nine years, or by the end of 2031. The 2031 Municipal Housing Pledge Report ([ACS2023-PRE-EDP-0009](#)) outlines Ottawa's Housing Pledge to enable the construction of 151,000 new homes by the end of 2031. The City does not build houses, but the City provides a planning and a regulatory environment to facilitate the construction of new homes. If the City is successful in fulfilling its role for meeting this target, the Ottawa housing market still needs additional housing market considerations in place to achieve the construction of 151,000 new homes by 2031. The Housing Pledge identifies four action categories on how the City will contribute to the Ottawa housing market's target:

1. Stimulate the supply of housing;
2. Form strategic partnerships;
3. Streamline our governance and approvals process; and

4. Monitor and report on our commitments.

DISCUSSION

This report represents a baseline for the City to implement recent Provincial Legislation, every municipality is in the same situation, and we are all learning together how to best achieve a streamlined review of development applications and take on new tasks without jeopardizing the quality of our review, while preventing refunds from missed timelines.

For Bill 109, the resource recommendations below capture the best, most reasonable estimate staff can provide to enable the City to meet the provincially imposed timelines while meeting Council objectives. For Bill 23, this represents the capacity required at this time to complete the changing workload.

Methodology

As staff developed the Phase 2 implementation of the province's Bill 109, staff engaged with Senior leaders whose teams contribute to the development application review, and whose work is impacted by the process and by-law changes proposed in report ACS2023-PRE-GEN-0004. Following the adoption of Bill 23, the same exercise was repeated, asking for the pressures of provincial legislation as a whole, rather than just Bill 109.

These leaders shared the anticipated pressures on their team, based on amendments to the way they work currently. The following groups were consulted:

- Planning Services
- Finance Services
- Legal Services
- Right of Way, Heritage and Urban Design (ROWHUD)
- Transportation Planning
- Asset Management Services
- Economic Development and Long-Range Planning
- Parks Services
- Building Code Services and Land Management System (LMS)
- Office of the City Clerk
- Traffic Services
- Transit Services

Criteria were developed, with a focus on the impact to the business line: what new task or new way of working has provincial legislation imposed for your team to meet the

provincially timed application review? This question is key to demonstrate that, regardless of volume, existing capacity is not sufficient to complete the new task.

The following criteria were developed:

1. No dedicated person: Development Review files were one of many priorities of the responsible staff. Prioritizing the Bill 109 timelines means ensuring capacity exists by eliminating competing priorities to focus on meeting timelines and preventing refunds.
2. New tasks: Historically the team was not involved in this task (pre-consultation process, wetland evaluation or Hydrogeological review), where now it will be required for them to undertake that work.
3. Compressed timelines: The commenting process usually took a number of weeks to complete and will now need to be completed in a much shorter timeframe.
4. Change in Business Practice: where a process now needs to occur before an application is deemed complete (during the pre-consultation process) in a shorter timeline than before.
5. Increased frequency of Planning Committee and Council: proposal to increase to 26 meetings a year each, up from the current 19-20.

Recommendations 1 and 2: FTEs and rationale

This section will speak to the recommended positions for the City to manage the new and changing workload as a result of provincial legislation. The table below illustrates the total number of Full Time Equivalent (FTEs) recommended and their corresponding funding sources.

Table 1 – Total FTEs value

Origin	FTE number	Total Dollar Value
Total FTEs	37	\$5,090,000
Sub-Total: Tax funded	5	\$640,000
Sub-Total: Planning Services Fee funded	32	\$4,450,000

The process to hire these staff would be a few months, and the expectation is that they would only be on payroll for one quarter of the year. Therefore, the fee increase will be

phased in through this report, with the balance being implemented through the next budget. The fee increase would take place starting October 1, 2023.

The financial implications for the remainder of this year (2023) are as follows:

Table 2 – Total FTEs, value for Q4 2023

Origin	FTE number	Total Dollar Value for 2023
Total FTEs	37	\$1,272,500
Sub-Total: Funded from within existing resources	5	\$160,000
Sub-Total: Planning Services Fee funded	32	\$1,112,500

FTEs funded from Planning Services Fees

The recommended FTEs, totaling 32 in this category, include:

- 10 Engineers (PRED, and Infrastructure and Water Services)
- 17 Planners (PRED, and Recreation, Culture and Facilities Services)
- Five Subject Matter Experts (finance, zoning, forester, legislative and stakeholder support)

Staff need to change the way they work to meet Bill 109's reduced timelines to process Site Plan Control (SPC) and Zoning By-law Amendment (ZBLA) applications, and the City's recommended multi-tiered pre-consultation process to solve issues early in the process. All appropriate internal experts are engaged early to offer specific feedback to applicants to guide them through the major issues with the site or proposal, as applicants develop their studies. The intent is to support applicants to provide complete, accurate and consistent information to the City.

To enable this, it is important to ensure that the Subject Matter Experts in Service Areas that review development applications have the appropriate capacity to meet the shortened timelines of Bill 109 and can provide timely comments on complex applications during the multi-tiered pre-consultation process.

FTEs Funded from within existing resources

The recommended FTEs, totaling five in this category, include:

- One FTE for Council and Committee Services
- One FTE to assist with changes to wetland evaluation and related data management (tax base)
- Three Planners to work on the Bill 23 impacts to the Heritage Register

The Council and Committee Services of the Office of the City Clerk is responsible for the coordination and management of Committee and Council meetings. Bill 109 has mandated shortened timelines for cities to issue an approval – for Zoning By-law amendments, this means that the by-law must be enacted by Council within 90-days from an application being deemed complete, or a refund of the development application fee would be issued. Report ACS2023-PRE-GEN-0004 recommends a number of Committee and Council governance changes to ensure staff to meet the 90-day timeline, some of which affect workload of Council and Committee Services:

- Increased frequency of Planning and Housing Committee and Council: the report proposes to increase meeting frequency up to 26 meetings a year each, up from the current 19-20; and
- Adjusting the publication of zoning reports to six calendar days before committee, as opposed to the remainder of the agenda, which is traditionally posted 10 calendar days before Committee.

Bill 23 has fundamentally changed the heritage planning workload by amending the rules around properties listed on the Heritage Register, and the requirement for them to be designated within 2 years or be removed. The Heritage Inventory Project, a city-wide heritage study resulted in the inclusion of 3402 properties on the Heritage Register as non-designated listings. Bill 23 requires that properties on the list be on the Heritage Register for a maximum of two years, unless a designation process has been initiated.

Existing staff resources will be allocated to prioritizing the properties and working on designation assessment, staff are recommending the additional staff members to support the effort over the next two years to assess the heritage value of as many properties on the Heritage Register before the 2-year deadline is reached.

Changes to the provincial wetland evaluation process, introduced alongside Bill 23, imposed new requirements on Cities to receive, review and maintain wetland evaluation records. This process was formerly managed by the provincial Ministry of Natural Resources and Forestry. The recommended new FTE would be required to be a trained wetland evaluator.

Recommendation 3: conversion of two existing temporary positions into permanent FTEs

Converting two existing temporary positions into permanent FTEs:

- one FTE in Quality Assurance and Standards, funded from planning fees included in recommendation 1; and
- one FTE in GeoSpatial Analysis and Technical Solutions, funded from within existing resources.

The capacity to complete existing and future work has been confirmed by management as required and in need of permanent positions. The addition of new tasks introduced by provincial Bills have further confirmed the continuous need for these positions.

Recommendation 4: Monitoring

Staff propose to monitor whether provincial timelines are met in the coming 18 months (Q4 2024). Staff can determine whether the estimated complement was sufficient to meet the demand generated by provincial legislation and prepare a future report to convert those positions to permanent if deemed required. Through the City budget process of 2024 and 2025, positions that are confirmed as operational requirements will be recommended for Council's approval to be made permanent.

Note that 18 months (end of Q4 2024) was selected as the reporting timeline to ensure that a full year of refundable timeline is experienced by staff. Given the proposed pre-consultation requirements, staff do not expect that refunds, if any, would begin being administered until October 2023.

The monitoring proposed matches that of report ACS2023-PRE-GEN-0004, being:

- How many pre-consultations of each phase (1, 2 and 3) the City has received;
- The timelines for processing received pre-consultations;
- How many pre-consultations turned into formal application submission;
- The number of ZBLA applications received, including:
 - The length of time staff took to process the application (was a decision issued within 90 days?)
 - Number of refunds issued and the corresponding dollar value
 - Amount of time over the 90 days by which the application was reviewed

- The number of SPC applications received, including:
 - The length of time Staff took to process the application (was a decision issued within 60 days?)
 - Number of refunds issued and the corresponding dollar value
 - Amount of time over the 60 days by which the application was reviewed (or 120 days for combined ZBLA and OPAs)

The above will provide clear guidance on whether the Bill 109 implementation approach is working, and staff can report back on any remaining or insufficient pressures that jeopardize the meeting of timelines.

FINANCIAL IMPLICATIONS

Recommendation 1. 31 full-time temporary full-time equivalents (FTEs) and 1 full-time permanent position will be created with associated budget of \$1,112,500 for October to December 2023 funded from Planning Services user fees. The Planning Services Fee adjustment will be phased in with half introduced in 2023, effective July 1, 2023, to cover expenditures. Staff outlined in this report are not staffed the full year, therefore the phase in will not result in a pressure to the City.

The second phase in of fees will be brought forward in the 2024 budget with remaining associated budget for the full-time equivalents for 2024.

Breakdown of temporary FTEs funded by Planning Services User Fees includes 26 temporary FTEs in Planning, Real Estate, and Economic Development Department, two temporary FTEs and one permanent FTE in Infrastructure & Water Services Department, two temporary FTEs in Recreation, Culture & Facilities Department, and one temporary FTE in Finance and Corporate Services Department.

Recommendation 2. Five temporary full-time equivalents will be created with funding from within existing resources. Breakdown of temporary full-time equivalents include: four in Planning, Real Estate, and Economic Development Department and one in the Office of the City Clerk.

Recommendation 3. One existing temporary position in Planning, Real Estate, and Economic Development will be converted into a permanent FTE, funded from within existing resources. One existing temporary position in Infrastructure & Water Services Department will be converted into permanent FTE, funded from planning fees included in recommendation 1.

The staff added through this report is to increase capacity to meet the new and changing workload as a result of provincial changes. If approved by Council, the staffing changes will mitigate refund risks associated with Bill 109 as described by complementary report ACS2023-PRE-GEN-0004: Bill 109 Implementation Phase 2.

As mentioned in Bill 109 Implementation Phase 2 (ACS2023-PRE-GEN-0004), development application review is a self-financed service offered by the City, where planning application fees pay for the staff that do that work. The phased in fee increase is in accordance with the City's User Fees and Charges Policy whereby Section 391 of the Municipal Act, 2001 provides municipalities with authority to establish and collect user fees and charges to recover costs associated with the delivery of services where users can be identified.

LEGAL IMPLICATIONS

There is no legal impediment to the adoption of the recommendations in this report. Any individual applicant for an approval under the Planning Act has the ability to appeal the fees in respect of their application by paying the fee under protest and filing an appeal within thirty days thereafter. While the legislative provisions that require site plan approval within sixty days, after which a partial or full fee refund will be applicable, do not apply to post approval activities, such as agreement preparation, it is anticipated that the enhanced timeframe required for site plan approval will give rise to an expectation for an enhanced timeline for agreement preparation. This will consequently give rise to the need for additional Legal Services resources and a report in that regard will be submitted for City Council's consideration, later this year.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a City-wide report – not applicable.

CONSULTATION

This report is administrative in nature and as such, there has been no specific consultation.

ACCESSIBILITY IMPACTS

This report has no specific impacts on Accessibility.

ASSET MANAGEMENT IMPLICATIONS

There are no Asset Management Implications to implement the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no direct risk management implications associated with the recommendations in this report, as the risk of not meeting the provincial timelines or requirement for data reporting are mitigated through the recommended addition to staff complement.

RURAL IMPLICATIONS

This report addresses City-wide administration of development review services. The staffing complement proposed will benefit rural development projects as well as urban projects.

SUPPORTING DOCUMENTATION

Document 1 – Revised Planning Services Fee Schedule

DISPOSITION

Finance Services will work with Legal Services and the Office of the Clerk to update the Planning Services Fee By-law to reflect recommendation 1.

Planning Services will update the website and internal software so that the updated fees are charged from the date of the implementation of the By-law.

Each department identified in the report will be responsible for hiring the relevant positions.

Document 1 – Revised Planning Services Fee Schedule

	2021 Rate \$	2022 Rate \$	2023 Rate \$	% Change Over 2022	% Change Over 2021	Effective Date
Development Review Process						
section						
Official Plan Amendment						
Official Plan Amendment ^{1, 3}	24,620.00	25,469.00	29,883.00	17.3%	21.4%	01-Jul-23
Zoning By-Law Amendments						
Zoning By-Law Amendment Major ^{1, 3}	21,002.00	21,727.00	25,492.00	17.3%	21.4%	01-Jul-23
Zoning By-Law Amendment Minor ^{1, 3}	10,790.00	11,162.00	13,096.00	17.3%	21.4%	01-Jul-23
Lifting Holding By-law	7,435.00	7,692.00	9,025.00	17.3%	21.4%	01-Jul-23
Zoning By-law Amendment-Severance of Surplus Farm Dwelling ^{2, 3}	4,165.00	4,598.00	5,395.00	17.3%	29.5%	01-Jul-23
Subdivision Draft Approval						
Subdivision Draft Approval 1 to 40 units ^{1, 3}	43,406.00	44,904.00	52,686.00	17.3%	21.4%	01-Jul-23
Subdivision Draft Approval 41 to 250 units ^{1, 3}	77,593.00	80,270.00	94,180.00	17.3%	21.4%	01-Jul-23
Subdivision Draft Approval 251+ units ^{1, 3}	94,453.00	97,712.00	114,645.00	17.3%	21.4%	01-Jul-23
Subdivision Draft Approval Non-residential Uses	36,165.00	37,413.00	43,896.00	17.3%	21.4%	01-Jul-23
Subdivision Draft Approval Residential and Non-residential Uses	9,513.00	9,841.00 plus the fee applicable to the number of dwelling units	11,546.00 plus the fee applicable to the number of dwelling units	17.3%	21.4%	01-Jul-23
Subdivision Final Approval						
Subdivision Planning Agreement 1 to 40 units	9,513.00	9,841.00	11,546.00	17.3%	21.4%	01-Jul-23
Subdivision Planning Agreement 41 to 250 units	11,223.00	11,610.00	13,622.00	17.3%	21.4%	01-Jul-23
Subdivision Planning Agreement 251+units	13,926.00	14,406.00	16,902.00	17.3%	21.4%	01-Jul-23
Subdivision Planning Agreement Non-residential Uses	4,713.00	4,876.00	5,721.00	17.3%	21.4%	01-Jul-23
Subdivision Revisions Requiring Circulation	4,713.00	4,876.00	5,721.00	17.3%	21.4%	01-Jul-23
Subdivision Extension of Draft Plan Approval	4,357.00	4,507.00	5,288.00	17.3%	21.4%	01-Jul-23
Plan of Condominium						

Condominium-New Vacant Land -No Concurrent Site Plan ^{1, 3}	38,321.00	39,643.00	46,513.00	17.3%	21.4%	01-Jul-23
Condominium-New Vacant Land -With Concurrent Site Plan ^{1, 3}	15,563.00	16,100.00	18,890.00	17.3%	21.4%	01-Jul-23
Condominium - New Standard, Common Elements, Phased or Leasehold	15,563.00	16,100.00	18,890.00	17.3%	21.4%	01-Jul-23
Condominium - Revision or Extension	2,838.00	2,936.00	3,445.00	17.3%	21.4%	01-Jul-23
Site Plan Control						
Site Plan - Complex ^{1, 3}	44,502.00	46,037.00	54,015.00	17.3%	21.4%	01-Jul-23
Site Plan - Standard, non-rural area	15,705.00	16,247.00	19,063.00	17.3%	21.4%	01-Jul-23
Site Plan - Revision, Complex ^{1, 3}	30,630.00	31,687.00	37,178.00	17.3%	21.4%	01-Jul-23
Site Plan - Revision, Standard, non-rural area	7,005.00	7,247.00	8,503.00	17.3%	21.4%	01-Jul-23
Site Plan - Extension, non-rural area	3,930.00	4,066.00	4,771.00	17.3%	21.4%	01-Jul-23
Site Plan - Street townhouse, not previously approved through the subdivision process	7,005.00	7,247.00	8,503.00	17.3%	21.4%	01-Jul-23
Site Plan - Standard, rural area	13,156.00	13,610.00	15,969.00	17.3%	21.4%	01-Jul-23
Site Plan - Rural small, rural area	851.00	880.00	1,032.00	17.3%	21.3%	01-Jul-23
Site Plan - Revision, Standard, rural area	851.00	880.00	1,032.00	17.3%	21.3%	01-Jul-23
Site Plan - Extension, rural area	851.00	880.00	1,032.00	17.3%	21.3%	01-Jul-23
Site Plan - Master, Draft approval ^{1, 3}	34,205.00	35,385.00	41,517.00	17.3%	21.4%	01-Jul-23
Site Plan - Master, Final approval	2,120.00	2,193.00	2,573.00	17.3%	21.4%	01-Jul-23
Lifting Part Lot Control						
Lifting Part Lot Control	6,909.00	7,147.00	8,386.00	17.3%	21.4%	01-Jul-23
Lifting Part Lot Control-Extension	884.00	914.00	1,072.00	17.3%	21.3%	01-Jul-23
Lifting 30 Centimetre Reserve						
Lifting 30 Centimetre Reserve	1,422.00	1,471.00	1,726.00	17.3%	21.4%	01-Jul-23
Lifting 30 Centimetre Reserve – Rural Single Lot Hydrogeological	-	736.00	864.00	17.4%	100.0%	01-Jul-23
Demolition Control						
Demolition Control ^{1, 3}	2,221.00	2,298.00	2,696.00	17.3%	21.4%	01-Jul-23
Demolition Unit Fee	6,103.00	6,314.00	7,408.00	17.3%	21.4%	01-Jul-23
Street/Lane Opening & Closing			-			
Street/Lane Opening	15,563.00	16,100.00	18,890.00	17.3%	21.4%	01-Jul-23
Street/Lane Closure Travelled Arterial ^{1, 3}	11,462.00	11,857.00	13,912.00	17.3%	21.4%	01-Jul-23
Street/Lane Closure Untravelled Arterial	11,462.00	11,857.00	13,912.00	17.3%	21.4%	01-Jul-23
Street/Lane Closure Travelled Road Lane ^{1, 3}	5,243.00	5,424.00	6,364.00	17.3%	21.4%	01-Jul-23
Street/Lane Closure Untravelled Road Lane	5,243.00	5,424.00	6,364.00	17.3%	21.4%	01-Jul-23
Other Planning Applications						

Municipal Review and Concurrence of an Antenna System (ACS2012-ICS-PGM-0045)						
Residential Use Antenna System	413.00	427.00	501.00	17.3%	21.3%	01-Jul-23
Antenna System	3,693.00	3,820.00	4,482.00	17.3%	21.4%	01-Jul-23
Gateway Features						
Development Application Gateway Feature - Lump sum per gateway	33,860.00	35,028.00	41,098.00	17.3%	21.4%	01-Jul-23
Gateway Feature Maintenance Fund (value above \$100,000)	15%	15%	15%	0.0%	0.0%	01-Jul-23
Engineering Design Review and Inspection Fees						
Value of hard servicing	4.5%	4.5%	5.0%	11.1%	11.1%	01-Jul-23
Value of soft servicing	2.3%	2.25%	2.50%	11.1%	11.1%	01-Jul-23
Value of construction costs for Front Ending Agreement	-	4.5%	5.0%	11.1%	100.0%	01-Jul-23
Review of Fourth and Every Subsequent Engineering Submissions	3,052.00	3,157.00	3,704.00	17.3%	21.4%	01-Jul-23
Planning Review of Committee of Adjustment Applications						
Minor Variance Planning Review	464.00	480.00	563.00	17.3%	21.3%	01-Jul-23
Consent application Planning Review	776.00	803.00	942.00	17.3%	21.4%	01-Jul-23
Combined Consent/Minor Variance Planning Review	895.00	926.00	1,086.00	17.3%	21.3%	01-Jul-23
Historical Land Use Inventory						
Historical Land Use Inventory	128.00	132.00	155.00	17.4%	21.1%	01-Jul-23
Front Ending-Application						
Front Ending Application	10,400.00	10,759.00	12,623.00	17.3%	21.4%	01-Jul-23
Pre-consultation Fee						
Pre-consultation Fee	638.00	660.00	774.00	17.3%	21.3%	01-Jul-23
Rural Park Development Fee						
Park Development Contribution (Rural)	2,326.00 per lot	2,406.00 per lot	2,823.00 per lot	17.3%	21.4%	01-Jul-23
Re-application Fee						
Application Revisions Requiring Re-Application		-	4,940.00	100.0%	100.0%	01-Jul-23
Revision Fee						
Application Revisions Requiring Circulation	4,070.00	4,210.00	4,940.00	17.3%	21.4%	01-Jul-23
Road Modification Detailed Design Review fee						
Road Modification Detailed Design Review fee			2,830.00	100.0%	0.0%	01-Jul-23
Transfer of Review Fees are per the Ministry of Environment, Conservation and Parks						
Notes on above						

¹ On-site sign fee (HST applicable)	638.00	660.00	774.00	17.3%	21.3%	01-Jul-23
² On-site sign fee (HST applicable)	318.00	329.00	386.00	17.3%	21.4%	01-Jul-23
³ Additional on-site sign fee (HST applicable)	318.00	329.00	386.00	17.3%	21.4%	01-Jul-23
Note: Joint Applications – Where two or more planning applications are submitted at the same time for the same property, the planning fee imposed for such applications shall be reduced by 10%. Applicable applications are: 30cm Reserve, Demolition Control, Lifting of Holding Zone, Official Plan Amendment, Part Lot Control, Plan of Condominium, Plan of Subdivision, Site Plan Control, Street/Lane Closure, Street/Lane Opening, and Zoning By-Law Amendment.						

**Subject: Planning, Real Estate and Economic Development Department 2022
Delegated Authority Report**

File Number: ACS2023-PRE-GEN-0002

**Report to a joint Planning and Housing Committee and Agriculture and Rural
Affairs Committee on 30 May 2023**

**Submitted on May 5, 2023 by Charmaine Forgie, Manager, Business and
Technical Support Services, Planning, Real Estate and Economic Development
Department**

**Contact Person: Alexandre LeBlanc, Strategic Programs and Project Officer,
Planning, Real Estate and Economic Development Department**

613-580-2424 x29232, Alexandre.LeBlanc@ottawa.ca

Ward: Citywide

**Objet : Rapport sur les pouvoirs délégués de 2022 de la Direction générale
de la planification, de l'immobilier et du développement économique**

Dossier : ACS2023-PRE-GEN-0002

**Rapport présenté à la réunion conjointe du Comité de la planification et du
logement et du Comité de l'agriculture et des affaires rurales le 30 mai 2023**

**Soumis le 5 mai 2023 par Charmaine Forgie, Gestionnaire, Services de soutien
techniques et aux activités, Services de la planification, des biens immobiliers et
du développement économique**

**Personne-ressource : Alexandre LeBlanc, Agent, programmes et projets
stratégiques, Direction générale de la planification, de l'immobilier et du
développement économique**

613-580-2424 x29232, Alexandre.LeBlanc@ottawa.ca

Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That Planning and Housing Committee and Agriculture and Rural Affairs, receive this report for information.

RECOMMANDATION(S) DU RAPPORT

Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales prennent connaissance du présent rapport.

EXECUTIVE SUMMARY

The report updates Planning and Housing Committee on key activities for Planning, Real Estate, and Economic Development (PRED) in 2022.

In 2022, Planning Services received a total of 1,077 planning applications, excluding City-initiated applications. This is a twenty-two per cent decrease from 2021 and a five per cent decrease over 2020 numbers. Planning Services received 319 Pre-Application Consultation Files, received 1,077 development applications, and initiated the Surety Bond pilot project. The Surety Bonds Pilot Project enables a select five pilot participants to use an alternative tool to submit security for their projects. Surety Bonds free capital to be used on other developments, instead of being held as security.

Also noteworthy for Planning Services is the province's enactment of Bill 109 – one of the governments' efforts to reduce development application timelines to get more homes built faster. All continuous improvement efforts were focused on the streamlining of the development application process to meet the intent of Bill 109.

A large component of the operational work of the Right of Way, Heritage and Urban Design service area is inspections, and the right of way permits and approvals including the review related to private approaches, road cut permits, utility circulations, and encroachments. There were approximately 1,460 utility circulations in 2022, and 4,180 road cuts.

The contents within this report details each of the highlights previously mentioned and provides update of PRED's work in 2022.

RÉSUMÉ

Le rapport informe le Comité de la planification et du logement des principales activités de la Direction générale de la planification, de l'immobilier et du développement économique (DGPIDE) en 2022.

En 2022, les Services de planification ont reçu au total 1 077 demandes d'aménagement, à l'exception des demandes présentées par la Ville. Il s'agit d'une baisse de 22 p. 100 par rapport à 2021 et de 5 p. 100 par rapport à 2020. Les Services de planification ont reçu 319 dossiers de consultation préalable au dépôt d'une demande et 1 077 demandes d'aménagement. Ils ont également lancé le projet pilote de cautionnement qui permet à cinq participants sélectionnés d'utiliser un nouvel outil pour présenter une garantie pour leurs projets. Les cautionnements libèrent des capitaux qui peuvent être utilisés pour d'autres projets d'aménagement, au lieu de servir de garantie.

Un autre fait important pour les Services de planification est l'adoption du projet de loi 109 par la Province – il s'agit en effet de l'un des efforts du gouvernement visant à réduire les délais en matière de demandes d'aménagement, et ce, afin que l'on puisse construire plus rapidement davantage d'habitations. Tous les efforts d'amélioration continue ont été axés sur la simplification du processus de demande d'aménagement afin de répondre aux exigences du projet de loi 109.

Une partie importante de l'activité des Services des emprises, du patrimoine et du design urbain porte sur les inspections ainsi que la délivrance de permis relatifs aux emprises et les approbations, notamment les examens concernant les voies d'accès privées, les permis de terrassement, la diffusion de renseignements sur les services publics et les empiétements. Quelque 1 460 renseignements sur les services publics ont été envoyés en 2022 et 4 180 permis de terrassement ont été délivrés.

Le contenu de ce rapport présente en détail chacun des points saillants mentionnés précédemment et fournit une mise à jour des travaux de la DGPIDE en 2022.

BACKGROUND

The purpose of this report is to provide a list of achievements and information on key activities to Planning and Housing Committee and Agriculture and Rural Affairs Committee for Planning Services, Economic Development and Long Range Planning, Building Code Services, and Right of Way, Heritage and Urban Design Services in 2022. Included are applications reviewed under Delegation of Authority. This report is intended to provide accountable performance measurements to Planning and Housing Committee, the public, and the development industry.

DISCUSSION

Highlights of Planning Services, Economic Development and Long Range Planning and Right of Way, Heritage and Urban Design Services, activities in 2022.

Planning Services

Planning Services provides comprehensive development approvals, from the initial pre-application consultation meetings to the processing of Official Plan amendments, Zoning By-law amendments, Plan of Subdivision, Site Plan Control applications, as well as other applications under the *Planning, Municipal and Condominium Acts*.

The Planning Services development data provided in this report should be reviewed in context with the ongoing conversations about housing affordability and supply, and the culmination of long-standing challenges.

The province introduced legislative changes that brought significant uncertainty to the development application review process.

On April 14, 2022, the province's Bill 109 received royal assent providing legislative direction to implement the *More Homes for Everyone Act, 2022*. At a high level, the province's Bill 109 introduced new legislative timelines for the processing of Site Plan Control and Zoning By-law Amendment. Site Plan Control now has a requirement of issuing an approval within 60 days (the City takes an average of 196 days). Further, the Bill reduced timelines to 90 days to make a decision on Zoning By-law Amendment applications (the City takes an average of 178 days). Should the City not meet these timelines, refund of development application fees would be issued. In December 2022, the Minister of Housing and Municipal Affairs confirmed that the government intends on introducing legislation to move the refund start time to July 1, 2023 from January 1, 2023 (Bill 97, introduced by the provincial government on April 6, 2023 includes this change). Report ACS2023-PRE-GEN-0004 recommends changes to by-laws and policies to implement this condensed application review timeline.

Furthermore, Bill 23, *More Homes Built Faster Act, 2022*, received royal assent on November 28th, 2022. The key impacts of Bill 23 to Planning Services and the processing of development applications were:

- Gentle Density:
 - The Provincial legislation now allows up to 3 units "gentle intensification" on any lot in all urban-serviced parts of the city.
 - The City of Ottawa will no longer be able to regulate a minimum size of such units.
 - There cannot be a requirement for more than one parking space per unit.
- Site Plan Control:

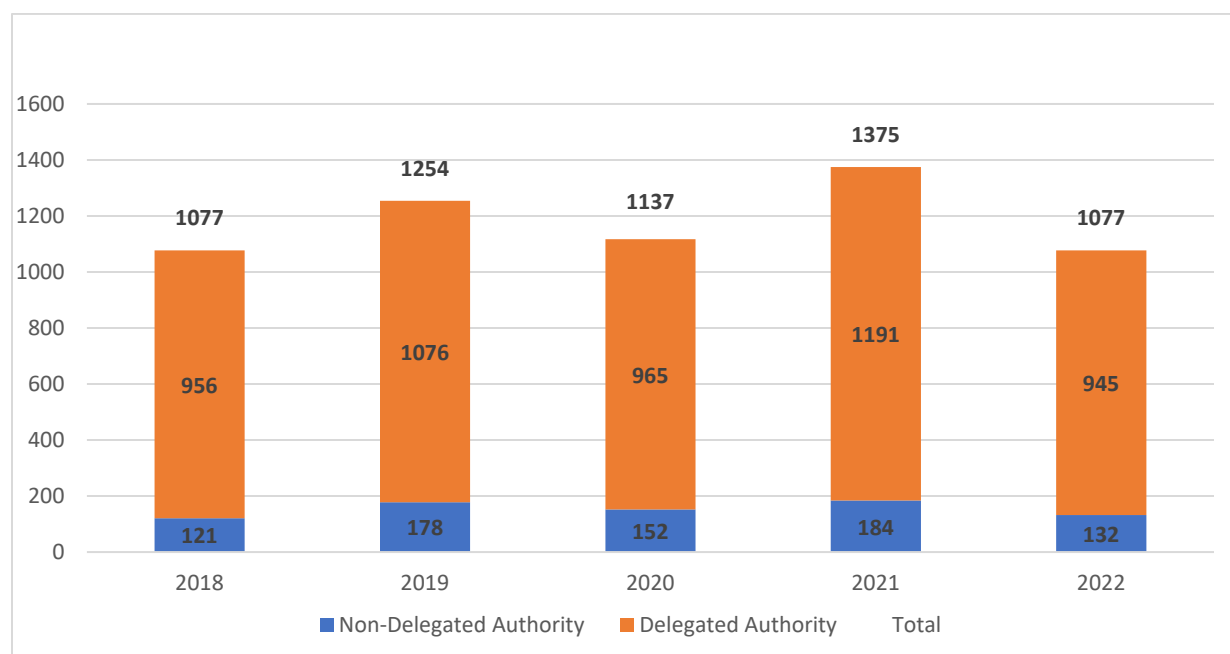
- If a building has 10 units or less, it is exempt from Site Plan Control.
- Site Plan no longer has oversight on the design of exterior of buildings.
For example, what materials are used on the outside of a building.

As additional context to the data below, it is important to acknowledge that 2022 was a year with significant change and stabilization of the Planning Services workforce. Starting with the selection of the new Planning Services Director in the summer of 2022, the report on the Resources for Development Applications Review and Approval ([ACS2022-PIE-GEN-0010](#)) approved by Council in July 2022 stabilized the workforce and added some much-needed positions. Furthermore, compounding challenges of the last few years are also relevant to raise. The year 2021 saw record development application review, with volumes vastly exceeding 5-year averages. Ultimately, there is acknowledgement that there is fatigue in the existing workforce from the last two years from the pandemic and the compounding uncertainty around new processes for development application and processing record volumes of applications.

Development Applications Data

In 2022, Planning Services received a total of 1,077 planning applications, excluding City-initiated applications. This is a twenty-two per cent decrease from 2021 and a five per cent decrease over 2020 numbers. As illustrated in Figure 1, the number of both Delegated Authority and Non-Delegated Authority applications decreased over previous years.

Figure 1: Total Planning Applications Received 2018-2022



Of the 1,077 applications received in 2022, 945 were under Delegated Authority to various levels of staff. Within the five Development Review areas, the Central area received the greatest number of Delegated Authority applications with 333 submissions. The South, West, Rural and East areas received 180, 174, 154 and 104 submissions respectively. In total, 132 Non-Delegated Authority applications were received in 2022: 51 in Central, 25 in West, 18 in South, 20 in Rural and 18 in East. Table 1 provides the number of application submissions received by file type.

Table 1: Applications Received by Type in 2022

Delegated Authority		Non-Delegated Authority	
Application Type	Total	Application Type	Total
30 CM Reserve	30	Brownfield Community Improvement Plan Grant	8
Antenna System Review	6	Demolition Control	1
Cemeteries	0	Front Ending Application	2
Historical Land Use Inventory	183	Official Plan Amendment	8
Lifting of Holding Zone	10	Zoning By-law Amendment	113
Part Lot Control	50	Grand Total:	132
Plan of Condominium	19		
Plan of Subdivision	26		
Pre-Application Consultation	319		
Site Plan Control	170		
Street/Lane Closure	8		
Street/Lane Opening	1		
Streetscape Character Analysis	123		
Grand Total:	945		

Pre-Application Consultations

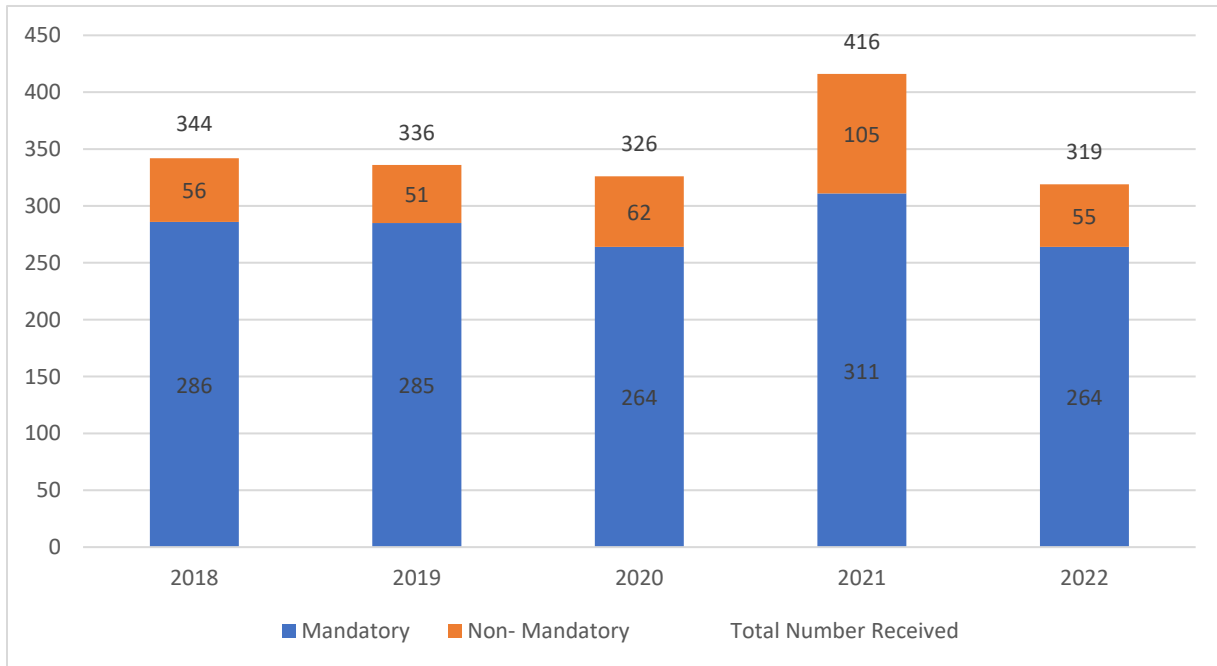
Pre-application consultation meetings are encouraged for all application types and fall under two categories: mandatory and non-mandatory. Mandatory applications include a small fee upon submission which can be refunded should it result in a development application being submitted within 12 months from the pre-application meeting date.

The pre-application process is designed to help promote the exchange of information and development considerations early in the planning process. A key outcome of this process is a customized list of the studies and plans required in support of a development application, as well preliminary comments on the proposal information provided. Topics for discussion may include land use policies and guidelines, zoning information, public consultation, transportation and engineering requirements, development review, application fees, and other issues.

Mandatory pre-application consultations are restricted to several application types including:

- Official Plan Amendment,
- Zoning By-law amendment,
- Plan of Condominium,
- Plan of Subdivision,
- Antenna Systems, and
- Site Plan Control applications that are subject to public consultations.

A comparison of mandatory versus non-mandatory pre-application consultation requests received over the past three years is provided in Figure 2 and Table 2.

Figure 2: Pre-Application Consultation Files Received 2018-2022**Table 2: Pre-Application Consultation Files Received 2018-2022**

Year	Total Number Received	Mandatory	Non-Mandatory	Development Application Submitted	Pre-App Consultation Period Lapsed
2018	344	286	56	172	172
2019	336	285	51	170	166
2020	326	264	62	133	193
2021	416	311	105	203	213
2022	319	264	55	*	*

* Numbers will be reported in Q1 2024.

In 2021, of the 311 mandatory files received, 169 resulted in a development application being submitted which accounts for 54 per cent of the total. Non-mandatory pre-applications resulted in the submission of 34 applications, or 32 per cent of submissions for the same year. Development applications resulting from pre-application consultations received in 2022 will be reported on in the 2023 annual report, as the timeline to submit is still open.

Application Approval Timelines Overview

All the timelines reported below are measured from the date the application is deemed complete for review and do not include the time the application was “on hold”.

Applications are placed “on hold” after staff provide review comments and note the requirements for resubmissions. While applications are “on hold”, staff may continue working with the applicant to provide clarifications and resolve disagreements.

Timelines continue once a satisfactory resubmission is provided. Processing timelines for the five major application types, Site Plan Control, Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium, and Official Plan Amendments, are as detailed below.

Site Plan Control Applications Processing Timelines

A combined total of 170 Site Plan Control applications were received in 2022, which accounts for 18 per cent of all Delegated Authority applications. In addition, 118 Site Plan Control applications were processed and approved in 2022 as depicted in Table 3. Timelines are measured from the date the application is deemed complete for review to when a decision has been made.

Table 3: Site Plan Control – All Types

Site Plan Control Subtype	On/Before Target	On/Before Target and Within +30 Days from Target	Total Number Processed
Complex/Master/Complex Revision	Processing Time Target: 133 days		
2022	16%	25%	55
2021	27%	30%	33
2020	27%	45%	22
*2019	n/a	n/a	0
Standard/Standard Rural	Processing Time Target: 105 days		
2022	12%	24%	17
2021	28%	48%	29
2020	17%	50%	12
*2019	100%	100%	2

Extension/Extension Rural and Revision/Revision Rural	Processing Time Target: 42 days for Extension, 100 days for Revision		
2022	42%	58%	19
2021	69%	75%	16
2020	88%	94%	17
*2019	100%	100%	18
Rural Small	Processing Time Target: 105 days		
2022	60%	70%	10
2021	60%	80%	10
2020	100%	100%	8
*2019	100%	100%	6
Other Types**	Processing Time Target: 42 for Sandy Hill, 74 days for Manager Approval with Public Consultation		
2022	0%	0%	17

* 2019 data is from June 1, 2019 onward, when the new Site Plan Control types can into effect.

** Other Types includes subtype Sandy Hill > 350 square metres (2), and two application types retired in 2019 – Manager Approval with Public Consultation (10) and Revision, Manager Approval without Public Consultation (1)

Zoning By-law Amendment Applications Processing Timelines

A total of 113 Zoning By-law amendment applications are received in 2022. This constitutes 86 per cent of all non-delegated planning applications received in 2022.

Table 4 shows timelines for processing Zoning By-law amendment applications from the day they are deemed complete to when they are considered by Council. The target timeline for Zoning By-law amendments is 120 days.

Table 4: Zoning By-law Amendments

Year	On/Before Target	On/Before Target and Within +30 Days from Target	Total Number Processed
2022	32%	46%	101
2021	40%	56%	96
2020	47%	68%	71
2019	53%	74%	81
2018	46%	62%	90

Plan of Condominium Applications Processing Timelines

A total of 19 Plan of Condominium applications were received in 2022, which accounts for two per cent of all delegated planning applications.

Table 5 shows the timelines for processing Plan of Condominium applications, from the day they are deemed complete, to when they are approved. In those cases where a Site Plan Control application is submitted concurrently with a Plan of Condominium, the target timeline is 180 days. All other Plan of Condominium applications have a target time of 49 days for approval.

Table 5: Plan of Condominiums

Year	On/Before Target	On/Before Target and Within +30 Days from Target	Total Number Processed
2022	13%	38%	8
2021	45%	72%	11
2020	67%	78%	9
2019	64%	76%	17
2018	92%	100%	12

Plan of Subdivision Applications Processing Timelines

A total of 26 plan of subdivision applications were received in 2022, consisting of three per cent of all delegated planning applications. It should be noted that Plan of Subdivision applications is one of the most complex types of applications and typically takes a significant amount of effort and resources to review and resolve issues. Table 6 shows the timelines to process and approve Plan of Subdivision applications. The target timeline is 180 days.

Table 6: Plan of Subdivisions

Year	On/Before Target	On/Before Target and Within +30 Days from Target	Total Number Processed
2022	57%	57%	14
2021	57%	62%	21
2020	60%	70%	10
2019	83%	94%	18
2018	47%	47%	19

Official Plan Amendment Application Processing Timelines

A total of 14 Official Plan Amendment applications were processed in 2022, comprised of the eight received that year, and the balance being those applications received in previous years and having been completed in 2022. Table 7 shows the timelines to process and approve Official Plan Amendment applications. The target timeline is 120 days.

Table 7: Official Plan Amendments

Year	On/Before Target	On/Before Target and Within +30 Days from Target	Total Number Processed
2022	29%	36%	14
2021	43%	64%	14
2020	57%	71%	7
2019	80%	80%	5

2018	50%	63%	16
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Processing Timelines of Other Types of Applications

For application types other than specified above, most applications received in 2022 are already processed since those types of applications are relatively simple in nature.

The Guaranteed Approval Timeline Initiative (GATI) is a commitment of Planning Services to render a decision for five types of minor development applications within the Council approved timeline, or else the applicant's next application of that type will be free of charge. Due to challenges related to COVID, the GATI was interrupted in 2020 and 2021. In 2022, the program resumed and 71 per cent of applications subject to GATI were approved on-time.

Year	On/Before Target	Total Number Processed
2022	71%	66
2021	n/a	n/a
2020	n/a	n/a
2019	86%	123
2018	94%	87

Surety Bond Procedure Pilot

Planning Services has initiated the Surety Bond Procedure Pilot, which aims to get more homes built in Ottawa by easing applicants' committed capital, as per the mention by the province through Bill 109. The capital can then be used on other projects.

A Surety Bond involves three parties:

- Obligee: the party to whom the bond is payable in the event of a default;
- Principal: the party on whose obligation is guaranteed; and
- Surety: the party that assumes the obligation if the principal cannot.

In the context of the municipal work for a development, the City would be the Obligee, and the development applicant the Principal.

A surety bond protects the obligee (the City) against losses, up to the limit of the bond, that result from the principal's (development applicant) failure to perform its obligation or undertaking. Unlike insurance, a loss paid under a surety bond is fully recoverable from the principal.

The experience of all directly impacted stakeholders (Planning Services, Finance, Legal, Inspections and selected applicants) will be monitored over the coming months.

The decision to expand, continue or terminate the program rests with the Director of Planning Services, in consultation with the City Solicitor, the City Treasurer and the General Manager of PRED.

Planning Services and Improving Timelines

The year 2022 was noteworthy with the magnitude of change introduced by the province in the world of municipal planning. The introduction of Bill 109 triggered a comprehensive rethink of how we work to meet the shortened timelines.

This rethink required a complete review above and beyond what staff had planned as part of last year's Year-End Report ([ACS2022-PIE-GEN-0002](#)), which spoke to a series of initiatives that were intended to take place during 2022 to address development application review timelines. While there was intention to begin and deliver on that continuous improvement work, all efforts were refocused on the complete review of how we work to meet Bill 109's timeline reduction. Elements contemplated in last year's report were integrated into the Bill 109 implementation project, including the retention of virtual meetings, pilot to shorten circulation timelines, and a Site Plan Control business process review. The Bill 109 implementation Phase 2 Report, and the Provincial Legislation Resource Impact Report will be considered by Committee and Council this spring. Paired with the Bill 109 implementation report will be a resource report which will speak to the staffing resources required to support the effort to meet the reduced timelines mandated by the province's Bill 109.

The change that will be seen over the next few years with Bill 109's implementation will undoubtedly contribute to the sense of "uncertainty" for staff as we adapt to new processes. All municipalities in Ontario are facing a similar situation as we pilot new ways of working, and all will be assessing the effectiveness of new processes in meeting the shortened timelines.

Economic Development and Long-Range Planning (EDLRP)

In 2022, the Economic Development and Long Range Planning team had a number of challenges and highlights. From the Official Plan team, the main story was finally receiving the provincially approved New Official Plan, including a number of amendments and modifications to various policies, including the removal of policies with respect to rental conversions, the delinking of transit provision and growth, and the establishment of a number of new expansion areas beyond those previously approved by Council. In addition to responding to these provincial amendments, the Official Plan Unit also delivered the Orléans Corridor Secondary Plan, a new unified land use strategy for this important transit area and town centre. The key focus of the Zoning Unit was the continued preparation for the massive project of the New Zoning By-law, including development of discussion papers and “behind the scenes” work on developing a new digital mapping framework in collaboration with GATS to improve workflow. The interpretation unit continued its work in supporting development review application processes, assisting Planning Services with bringing forward new by-laws in support of zoning and other development approvals applications, and facilitating the legal non-conforming by-law review process. Additionally, the Zoning Unit also supports the cannabis retail commenting process, group home minimum distance separation process alongside Building Code Services.

EDLRP had the following highlights:

- drafted 138 zoning by-laws and produced four omnibus reports
- processed 20 retail applications
- completed 55 loan programs
- developed, with input from City wide subject matter experts, City responses to provincial legislation, including the provincial housing affordability taskforce, and Bills 109 and 23.

In Fall 2022, City Council approved the transformative Orléans Corridor Secondary Plan, which aims to direct land use and development around four new O-Train stations in Orléans, facilitating the creation of vibrant 15-minute neighborhoods. The Plan envisions the transformation of underutilized properties along the O-train into dense, mixed-use urban communities, enhancing walkability and expanding housing options for a diverse population. Key components include the transition of St. Joseph Boulevard into a pedestrian-oriented mainstreet, the creation of a dynamic Town Centre at Place d’Orléans Station, and high-rise developments at underutilized lots near O-Train stations. The Plan is structured with distinct study areas, and site-specific policies,

emphasizing active transportation to and from the stations. The approval of the Plan marks a significant step in shaping the Orléans' community in line with the City's 5 big moves.

Cannabis

A total of 20 Cannabis applications were reviewed by staff in the Zoning and Intensification Unit in 2022.

Of these 20 applications, the City sent concerns or objections regarding 18 of the 20. The objections from the city were focused on four key principles: prevention of clustering, separation from sensitive sites, where retail is a permitted/principal use, and additional local issues.

Despite concerns raised by the City, the Province has approved 17 of the 20 applications; the remaining 3 are listed as “in progress” on the Provincial website.

The number of applications received seems to be following a downward trend with 10, 6, 3 and 1 application(s) being received in Q1, Q2, Q3, and Q4 of 2022, respectively.

Bird-Safe Design Guidelines

City staff continue to implement the guidelines through public and private development projects. In late 2022, the Province introduced changes to the Site Plan Control provisions of the Planning Act. Some of these changes involved the City's ability to control exterior design features. Legal Services has advised that the City can still address elements relating to sustainability. Staff will therefore continue to apply the bird-safe design guidelines to Site Plan Control applications.

Almost 100 Site Plan Control applications were reviewed for bird-safe measures in 2022. Of those files:

- 14 submissions acknowledged and/or explicitly incorporated bird-safe measures in their designs (an increase from eight applications in the previous year)
- 45 submissions met the approved criteria for application of the guidelines and posed potential risks to birds; their designs could therefore be mitigated through the use of conditions of approval
- 35 submissions did not meet the approved criteria for application of the guidelines, or were not considered to pose a significant threat to birds through their design (e.g., warehouses without expansive office windows)

Staff were invited to inspect the installation of bird-safe glass at a rental apartment project located along the Rideau Canal in the downtown core. The project owner and architects were early adopters of the City's new guidelines and have fully implemented the recommendations to ensure that their building will not pose an increased risk to birds.

Fence-viewers

In 2022, the Director of EDLRP appointed three new municipal investigators and as per By-law 2019-415, appointed Municipal Investigators are to act as fence-viewers. In addition to the three new municipal investigators, two were removed from the municipal investigator list. Fence viewers are part of a dispute resolution procedure between the owners of adjoining properties:

- Where no fence currently exists at the boundary between the two properties, and one owner wants a new fence to be constructed to mark the boundary.
- Where a line fence already exists, and one owner believes that it needs to be reconstructed or repaired.

Livestock valuers

In 2022, the Director of EDLRP appointed three new municipal investigators (livestock valuers). In addition to the three new municipal investigators, two were removed from the municipal investigator list.

Community Environmental Projects Grant Program (CEPGP)

In 2022, the City executed 19 CEPGP Contribution Agreements and provided funding to the following non-profit organizations:

- Alta Vista Community Association
- Alta Vista Community Association (for LotstoForests)
- Canadensis Botanical Garden Society
- Centretown Citizens Community Association of Ottawa
- Champlain Park Community Association
- Forêt Capitale Forest
- Incorporated Synod of the Diocese of Ottawa (for Church of the Ascension)
- Kehillat Beth Israel Congregation

- Le Conseil des écoles publiques de l'Est de l'Ontario (for École élémentaire publique Trilles des Bois)
- Lorrie Marlow and Cheryl Parrott (for Hintonburg Economic Development Committee)
- Mark Howard and Margo Nelson (for Leslie Park Community Garden)
- Manor Park Community Association Inc.
- Nepean Community Support Services
- Osgoode Village Community Association
- Ottawa Couth Community Association Inc.
- Ottawa-Carleton District School Board (for Featherston Drive Public School and Gloucester High School)
- Sustainable Eastern Ontario Network (for Canada Eco Action)
- The Canadian Mental Health Association

Please note that a few agreements name individuals as recipients because the organizations are unincorporated.

The deadline to submit applications to the Community Environmental Projects Grant Program (CEPGP) in 2023 was March 31, 2023. It is expected that successful applicants will be notified in early June, and funding will be released as contribution agreements are fully executed with each recipient. The CEPGP budget increased from \$52,000 to \$102,000 in 2023, and it is expected that this will lead to an increase in the number of projects that are successful in obtaining funding.

Heritage Planning

A total of 35 heritage reports were prepared by staff in the Heritage Planning branch for consideration by the Built Heritage Sub-Committee and City Council in 2022.

Of these 35, 19 reports were related to alterations, demolitions or new construction of buildings designated under either Part IV or Part V of the Ontario Heritage Act. These reports resulted in the approval of over 900 new housing units on designated properties around the city. There were eight reports related to listing, designation or easements for properties under Part IV of the Ontario Heritage Act. There were annual reports related to the Heritage Register and the use of Delegated Authority under the Ontario Heritage Act in 2021. Information reports and updates were provided on the Heritage Watch List

and the status of Somerset House, 352 Somerset Street West. Two major initiatives in the branch were completed in 2022 with the creation of the Veteran's Heritage Character Area in Carlington North and the completion of new Heritage Conservation District Plans for Centretown and Minto Park. Two reports sent to the Built Heritage Sub-Committee contained Information Previously Distributed.

A technical report delegating various heritage approvals under the Ontario Heritage Act to staff was approved by Council in 2015. Consequently, 95 heritage permits were issued by Heritage Planning staff through delegated authority in 2022.

Staff approved 36 projects for funding under the Heritage Grant Program for Building Restoration in 2022, totaling \$298,045.00.

Right of Way and Public Realm Permits and Approvals

A large component of the Right of Way (ROW) and Public Realm and Urban Design branches' activities includes the review and issuance of various permits and approvals related to private approaches, road cut permits, utility circulations, and various encroachments in the public realm, as described in Table 8.

Table 8: Permits and Approvals Issued by the ROW Branch and Public Realm and Urban Design Branch

	2022	2021	2020	2019	2018
Road Cut	4186	4844	4178	5106	5433
Temporary Construction Encroachment	3436	3898	2971	3249	3113
Over Dimensional vehicle	1833	1581	1419	1542	1465
Traffic Management Plans	1326	1573	1259	2584	1699
Temporary Road Closures	831	720	530	592	532
Patio / Café Seating	184	188	140	104	116
Signs – Farm and Homebuilder Directional	0	5	4	15	28
Customer Service Boxes	29	6	8	8	12
Private Approach	50	46	94	122	106

	2022	2021	2020	2019	2018
Private Approach – culvert permits	39	56	59	70	109
Private Approach - temporary access permits	38	45	43	37	23
Permanent Encroachment	21	22	32	22	8
Right of Way Agreement	12	22	38	18	37
Municipal Consent - utility work	1463	1546	1082	1384	1460
Total	13448	14552	11857	14853	14141

Property owners wishing to construct or alter an access onto their property, usually a driveway, are required to obtain a Private Approach permit. The review of the proposal, as part of the permit application process, ensures that the approach meets all municipal safety, and construction standards.

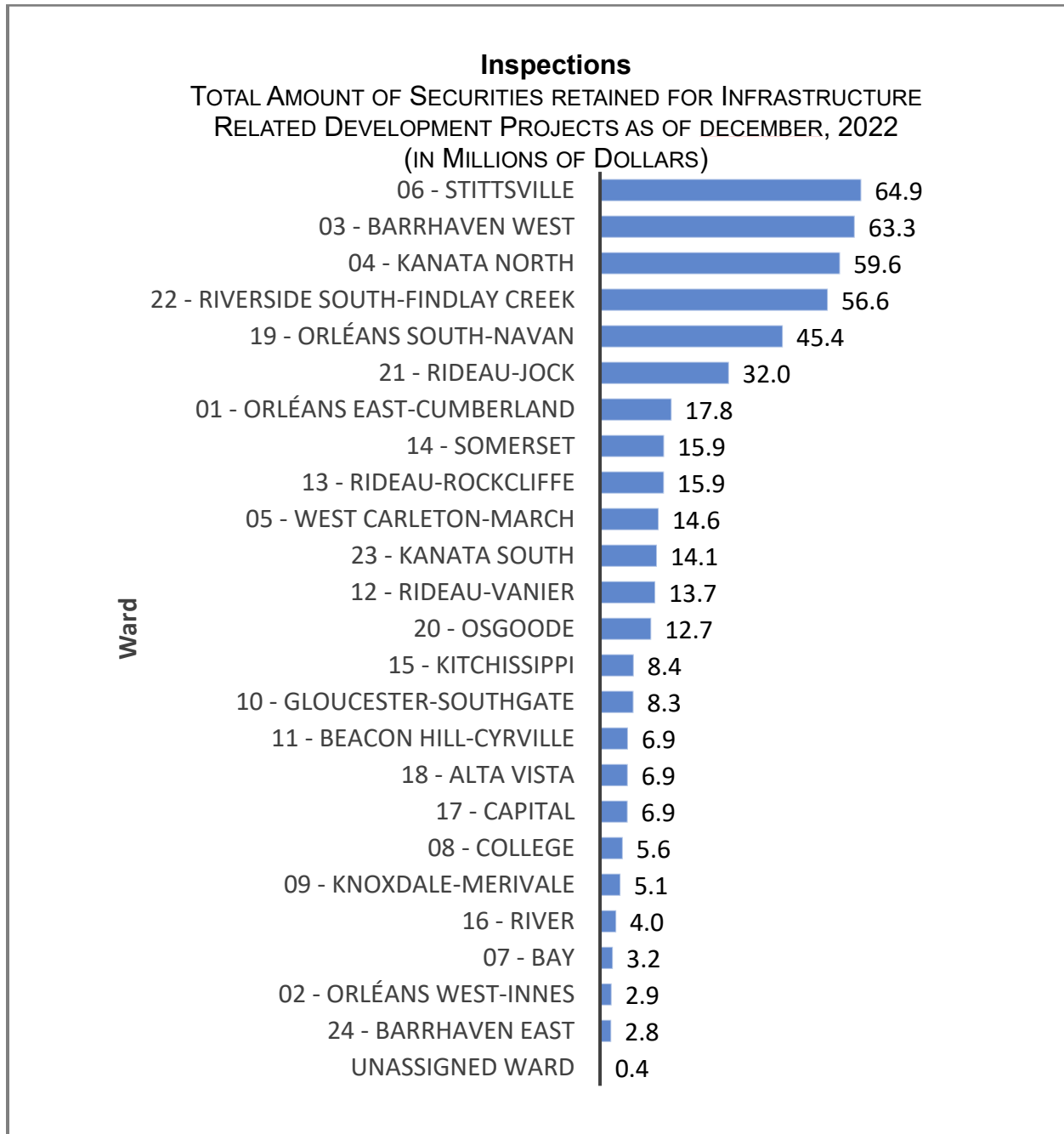
Prior to undertaking a road cut within any portion of the right of way including the boulevard and sidewalk, a permit must be obtained. A road cut is defined as a surface or subsurface cut in any part of a City-owned highway made by any means, including excavation, reconstruction, cutting, overlaying, crack sealing, braking, boring, jacking or tunneling operation. As expected, the number of road cut permits issued in 2022 dropped similar to 2021 from its usual average, due to amendments made to the by-law and the way that permits are now issued in groupings.

The Right Of Way Branch undertakes approximately 1,300 utility/City/development circulations per year. There was a slight decrease year-to-year however the branch experienced a higher-than-average volume in 2022 with 1,463 utility circulations. Most circulations are for routine subsurface works (i.e. minimal or no noticeable visual changes to the streetscape after works are completed), but some result in changes that could have impacts on the community. Coordination of work to reduce community impacts and avoid traffic disruptions is undertaken as part of the circulation process. Councillors are consulted by staff prior to the commencement of work within their respective ward.

Requests to Release or Reduce Securities

The City receives securities from developers that are associated with work being undertaken through early servicing or development agreements as well as letters of undertaking in relation to approvals produced by Planning Services. These securities ensure that the work is undertaken in accordance with the conditions of approval. Once part or all of the work has been completed, the developer can request partial or full release of the securities that the City is holding. The release or reduction of securities is carried out in conjunction with the Development Inspections Unit. In 2022, the City released approximately \$164,876,872 in securities to applicants as required works are completed, compared to \$193,426,997.33 in 2021 and \$158,790,263.48 in 2020.

Figure 3 shows the breakdown of securities released by ward. This data is an interesting indicator of how development activity is distributed around the city on any given year.

Figure 3:**FINANCIAL IMPLICATIONS**

There are no financial implications with the recommendations of this report.

LEGAL IMPLICATIONS

There are no financial implications with the recommendations of this report.

COMMENTS BY THE WARD COUNCILLOR(S)

Not applicable as this is a City-wide report.

CONSULTATION

There is not a public consultation or notification requirement for this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the recommendations of this report.

RURAL IMPLICATIONS

There are no specific rural implications from this Report.

DISPOSITION

This is an information report only.