



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: June 9, 2020

Report Number: PBS-2020-20

Subject: Public Consultation Process for Committee of Adjustment Applications
During COVID-19
OUR FILE: A09 COVID

Recommendations

It is recommended:

That PBS-2020-20, Public Consultation Process for Committee of Adjustment Applications During COVID-19, **be received.**

Background

Provincial Legislative Changes Related to COVID-19

On March 17, 2020, the Government of Ontario declared a state of emergency related to the COVID-19 pandemic.

On March 20, 2020, the Province of Ontario passed Ontario Regulation 73/20 (O. Reg. 73/20) as part of its various legislative and regulatory responses to the current COVID-19 pandemic. The effect of O. Reg. 73/20 was to suspend limitation periods and procedural timelines under any statute, regulation, rule or by-law in effect in Ontario.

On April 14, 2020, Ontario introduced Bill 189, the Coronavirus (COVID-19) Support and Protection Act, 2020, which included amendments specific to the *Planning Act* respecting the calculation of time for development applications. Subsequently, Ontario Regulation 149/20 (O. Reg. 149/20) came into force having the effect of overriding O. Reg. 73/20 and permitting certain statutory timelines under the *Planning Act* to proceed.

O. Reg. 149/20 also provided municipalities with additional flexibility during the COVID-19 emergency to process and advance development applications without concern that appeals may be filed on the basis of non-decision. Under O. Reg. 149/20, municipalities can make the decision to continue to process and approve municipally initiated planning instruments and development applications during the declared emergency. However, where an Approval Authority wishes to pause these activities during the declared emergency, the Regulation permits that to occur as well by allowing no decisions to be made.

Town of Tecumseh Procedural Response Related to COVID-19

On March 19, 2020, the Province of Ontario Legislature passed the *Municipal Emergency Act, 2020* which provided that, during locally or provincially declared emergencies (such as the COVID-19 pandemic), members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

Municipalities wishing to use this new authority must amend their procedural by-law to allow for electronic meetings. Accordingly, on March 24, Council amended the Town's Procedural By-law No. 2020-13 to permit the electronic holding of Council Meetings, and Members participating electronically to be counted toward quorum, during a declared emergency. On May 12, Council further amended the Procedure By-law to also permit Committees and Boards to meet electronically and their Members to participate electronically and to be counted towards quorum, during a declared emergency.

Comments

Since the declaration of a state of emergency, Planning & Building Services has continued to accept *Planning Act* applications. Those applications that do not require public consultation (Site Plan Control) have been processed in the same manner they were prior to COVID-19 and have been brought forward for Council approval at Regular Council Meetings. Those applications that require public consultation (i.e. Official Plan/Zoning By-law Amendments, Committee of Adjustment) are being reviewed/processed to the point where a public meeting would be required under the *Planning Act* for the purpose of giving the public an opportunity to make representations in respect of the proposal. These applications have not been brought to a public meeting as a result of the declared emergency and associated physical distancing protocols.

The majority of *Planning Act* applications received by the Town during the COVID-19 pandemic that are currently on hold are Consent and Minor Variance applications which are to be heard by the Committee of Adjustment. Many of these applications are for variance requests to facilitate minor developments (i.e. minor building additions, pool installations, heating/cooling units) that typically do not generate wide-spread public interest or discussion commonly associated with Official Plan or Zoning By-law amendments.

In light of the foregoing, and in order to avoid unnecessary backlogs of minor development proposals typically associated with Consent and Minor Variance applications, Administration has worked to develop a process to commence the holding of Committee of Adjustment meetings through electronic means.

Information & Communications Services will be assisting in the implementation of virtual meeting software (Zoom) that will permit the recommencement of Committee of Adjustment meetings. It is anticipated that the first virtual Committee of Adjustment meeting will be held on June 29, 2020. In advance of that meeting, Committee members and supporting staff will be given a tutorial by Information & Communications Services on proper conduct and protocols during a virtual public meeting. Notices of the hearing for Committee of Adjustment applications will clearly establish the process for registering as a delegate with the Secretary-Treasurer in order to provide oral comments at the hearing. The notices will also contain information on how to view the meeting as a non-participant (i.e. livestreaming via the Town's website).

It should be noted that only Committee of Adjustment meetings will resume as it relates to *Planning Act* applications, at this time. We will learn from this experience as Administration reviews options for holding virtual public meetings for Official Plan or Zoning By-law amendment applications, given the complexity associated with these applications. A report to address the holding of public meetings for these types of applications is forthcoming.

Consultations

Corporate Services & Clerk
Information & Communication Services

Financial Implications

None. This process will be implemented using existing Town resources.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Shaun Fuerth, BCS
Director Information & Communication Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP

Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

.

.