

Legislative & Regulatory Background

Provincial Legislation 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.

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 had to amend their procedural by-law to allow for electronic meetings. Accordingly, on March 24, Council amended the Town's Procedure 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 (By-law 2020-29). 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 (By-law 2020-40).

Regular Meetings of Council, the Committee of Adjustment and Police Services Board have been conducted in accordance with the amendments to the Procedure By-law 2020-13 to permit the holding of electronic meetings of Council, Committees and Boards during a declared Emergency.

Planning Act Amendments related to COVID-19

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

Attachment 1

CS-2020-20 Holding of Electronic Public Meetings

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.

Resumption of Land Use Planning Timelines in the *Planning Act*

As of June 22, 2020 the timelines under the *Planning Act* resumed as usual by way of the revised Ontario Regulation 278/20 (O. Reg. 278/20) which reversed the suspension of timelines put in place by [O. Reg. 149/20](#). According to the Ministry of Municipal Affairs and Housing (MMAH), those who needed to rely on the suspension of *Planning Act* timelines have now been able to resume processing development applications

Bill 197- *The COVID-19 Economic Recovery Act*

The Provincial Government made recent changes to the *Municipal Act, 2001* to provide municipalities with new permissive authority. The changes to the *Municipal Act, 2001*, under Bill 197, expand the authority for municipalities to amend their procedure by-law to provide that electronic participation in open and closed municipal meetings may count towards quorum beyond times when an emergency declaration is in place. The extension of the ability for municipalities to hold electronic meetings responds to feedback from municipalities that the ability to participate electronically in municipal meetings during the past months has been beneficial to continue the important work that municipalities do and has led to increased engagement with members of the public.

The *Municipal Act, 2001* was further amended to give municipalities the authority to amend their procedure by-law to allow members of council who are unable to attend a meeting to appoint a proxyholder to act on their behalf, subject to certain limitations.

Both of these changes are optional, and will be added to the discussion with the Town's Procedure By-law Subcommittee at their next meeting. Amendments to the Procedure By-law, as may be recommended by the Subcommittee, will be provided in a later report to Council.