



STAFF REPORT ACTION REQUIRED

Directions Report with Respect to By-law 569-2013 and Settlements

Date:	March 4, 2016
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2016\ClusterB\PLN\PGMC\PG16042

SUMMARY

This report seeks City Council's approval of a proposed settlement for appeals of City-wide By-law 569-2013 with respect to the extension of the 3 year period for the Transition Clause to 5 years.

The report also requests Council authority for the City Solicitor to proceed on settlements if they are of a technical nature and maintain Council's general intent as expressed through Zoning By-law 569-2013.

RECOMMENDATIONS

The Chief Planner & Executive Director, City Planning Division recommends that:

1. Council direct the City Solicitor to request that the Ontario Municipal Board approve the extension of the Transition Clause Repeal period in regulation 2.1.3.8(1) from May 9, 2016 to May 9, 2018.
2. Council authorize the City Solicitor to proceed with settlements to By-law 569-2013 by way of motion if the settlement results in changes that in the opinion of the City Solicitor in consultation with the Chief Planner and Executive Director are minor and substantially in accordance with Council's approved intent in By-law 569-2013.
3. Council authorize the City Solicitor to take all necessary steps to implement Recommendations 1 and 2.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Settling Technical and Minor Amendments

Settling appeals to Zoning By-law 569-2013 by way of a motion to the OMB that results in a technical or minor amendment to the by-law would simplify the process and lead to a more efficient use of resources.

Zoning By-law 569-2013 was enacted by Council on May 9, 2013. Originally, there were 323 appeals to the by-law. To address specific matters raised in the appeals, staff submitted a series of technical amendment by-laws for adoption by City Council, which corrected technical inconsistencies that had generated some of these appeals. To date 61 appeals have been addressed by way of Council enacted technical amendment by-laws. An additional 60 appeals have been dealt with through clarification of their status at the OMB and should result in additional withdrawals once the most recent OMB order is released. This would leave approximately 200 appeals, generally of a site specific or topic specific nature still to be resolved.

When a technical amendment is brought before City Council, the by-law is subject to a lengthy and costly public notice and statutory public meeting process as required under the Planning Act. Once enacted by Council the by-law is then subject to appeal. As By-law 569-2013 is currently before the Board and the Board has initiated a series of pre-hearing dates staff propose that minor amendments to resolve appeals which are, in the opinion of the City Solicitor in consultation with the Chief Planner and Executive Director, technical in nature, such as zone boundary adjustments, correcting address labels or by-law references, be addressed where possible through settlement before the Ontario Municipal Board. This process would implement the change in a more efficient manner.

It is anticipated that other amendments will be identified through settlement discussions that result in additional solutions that could be addressed through motions to the Board. As the OMB hearing dates are assigned based upon OMB and appellant availability, the timing of Committee and Council meeting dates to report out and seek direction on a proposed settlement may not align to provide staff with the opportunity to bring timely resolution of these technical appeals. Thereby settlements may be delayed.

It is proposed that Council authorize the City Solicitor to proceed with settlements to By-law 569-2013 by way of motion to the OMB, if the change is minor and substantially in accordance with Council's approved intent in By-law 569-2013.

Amending the Transition Clause

Regulation 2.1.3.8(1) is the termination of the transition clause. This regulation provides for development applications in process, the opportunity to obtain their building permits

and to be completed under the rules of the former general zoning by-laws within three years of the By-law 569-2013's enactment. The 3 year period lapses on May 9, 2016. This regulation is under appeal, as a number of appellants were of the opinion that 3 years was too short a time frame to enable active applications to make their way through the approval process. To resolve these appeals in an efficient and timely manner, the City Solicitor can seek an order from the OMB to amend the 3 year period to 5 years, ending the transition period on May 9, 2018.

This extension to the transition period is substantially in accordance with Council's intent to accommodate development applications in process at the time of the adoption of the new by-law. The next OMB prehearing date is scheduled for May 5, 2016. If Council authorizes the settlement it can be dealt with by the OMB on May 5th four days before the clause ceases to be in effect.

COMMENTS

Authorization to proceed with the settlement of the lapsing of the Transition Clause will enable applicants who have applications before Toronto Building for building permits that have not yet been issued to proceed under the former by-law provisions under which they commenced. The extension of the transition period for applications submitted before May 9, 2013 is consistent with Council's intent to provide ample opportunity to applicants to complete their application under the planning regime that was in force at the time of the application.

The ability of the City to respond to minor settlements in a timely manner is illustrated by the Transition Clause issue discussed above. It is recommended that the City Solicitor in consultation with the Chief Planner and Executive Director be authorized to address other technical and minor matters in a similar manner.

Legal Services has been consulted and concurs with the contents of this report.

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SIGNATURE

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