

New requirements under Bill 73 related to public input and transparency

Bill 73's amendments to the *Planning Act* came into effect on July 1, 2016. These are the key provisions the City has to comply with that relate to **public input**:

- + Decisions by Council and the OMB shall have regard to written and oral submissions from the public relating to the planning matter. [s. 2.1 (3)]
- + A **Planning Advisory Committee** is now mandatory. It shall include at least one resident who is not a City employee or member of Council. They may be paid a remuneration. [s. 8 (1), (4) and (6)]
- + An **Official Plan** shall contain a description of measures and procedures for informing and obtaining the views of the public in respect of proposed OP amendments, zoning by-laws, plans of subdivision and consents. In respect of other planning matters such a description is optional. (The list of may's and shall's may also be further prescribed by regulation.) [s. 16 (1) and (2)]

These measures supercede the Official Plan consultation and public meeting provisions in the *Act* (ss. 17 (15) to (19.2) as well as the provisions for providing notice that an amendment has been requested (s. 22 (6.4)(a)). [s. 17 (19.3)]

The same provisions hold for Zoning By-law amendments. [s. 34 (14.3)]
- + When a Plan is adopted, Council shall provide written **notice** which shall contain "a brief explanation of the effect, if any, that the written and oral submissions ... had on the decision". "Submissions" refers to "any written submissions relating to the plan that were made to the council before its decision" and "any oral submissions relating to the plan that were made at a public meeting." [s. 17 (23.1) and (23.2)].

The same requirement holds for OP Amendments [s. 17 (35.1) and (35.20)], refusals to adopt an amendment [s. 22 (6.7 and 6.8)], Zoning By-law Amendments [s. 34 (10.10) and (10.11); s. 34 (18.1) and (18.2)], draft approval of Plans of Subdivision [s. 51 (38) and (38.1)], and giving or refusal to give provisional consent [s. 53 (18) and (18.1)].

Also note these new requirements related to **transparency**:

- + Development Charge Background Studies must be made available to the public at least 60 days before the by-law is passed and remain available as long as the by-law is in effect. [This is a change to the *Development Charges Act*, section 10(4).]
- + The Treasurer must include more detail in her Financial Statement on the use of Development Charge Reserves [s. 43(2) and (2.1) of the *DCAct*]
- + The Treasurer's reporting requirements about the special account for Section 37 benefits are spelled out. [*Planning Act*, s. 37 (5) to (10)]

Similarly, the Treasurer's reporting requirements for cash-in-lieu of parkland are spelled out. [s. 42 (17) to (20)]