



REPORT

REPORT TO: Mayor Bonnette and Council

REPORT FROM: Adam Farr, Manager of Development Review

DATE: December 24, 2007

REPORT NO.: PD-2007-0084

RE: Delegation of Subdivision, Condominium and Part Lot Control Bylaw Approval Authority for Applications Filed Before 1999 from Halton Region to Local Municipalities

RECOMMENDATION:

That Report PD 2007-0084 dated December 24, 2007 regarding the Town of Halton Hills response to Regional Report No. PPW178-07/CA-72-07 Delegation of Subdivision, Condominium and Part Lot Control Bylaw Approval Authority to Local Municipalities be received.

BACKGROUND:

As a result of the Halton Area Services review (HASR) in 1996, Regional Council delegated the approval authority for plans of subdivision, plans of condominium, and part lot control by-laws relating to applications that were submitted **on or after** January 1, 1999 to the Local Municipalities. The Region retained the approval authority for those files that had already been submitted to the Region for approval prior to that date.

Regional Report No. PPW178-07/CA-72-07 and the associated Bylaw No. 177-07 (Attachment 1), were approved on December 5, 2007. The By-law delegates approval authority from Halton Region to the Town of Halton Hills for those files over which the Region had retained control. This includes subdivisions, condominiums and part lot control bylaws for which applications were received **before** January 1, 1999. In the Town of Halton Hills this includes 15 subdivisions and 1 condominium application that are in various stages of the approvals process (Attachment 2).

Beginning January 2008, the Town will be required to assume responsibility for delegated files at whatever state they may be in the planning approvals process. The responsibilities associated with final approval include;

- tracking the clearance of conditions imposed by relevant agencies;

- monitoring files and administering extensions, issuing approvals or refusals or pursuing the closure of inactive files;
- acting as the main coordinating point of contact for commenting agencies and the applicant; and
- registering subdivisions and condominiums and maintaining the file for future reference.

For those plans where the Ontario Municipal Board is the approval authority, the delegation by-law would not change that authority. It would mean that clearing any of the OMB conditions would be the responsibility of the local municipality and not the Region.

The following excerpt from the Regional Report summarizes the Region's rationale for the delegation:

The delegation of approval authority is consistent with the Region of Halton Official Plan, Policies 187(1) and 187(4) which speak to streamlining and simplifying development review procedures.

The advantages of having all the approval authority resting with the local municipalities are:

- Clarity for applicants about the approval authority
- Consistent approach to administering and updating conditions, dealing with requests for extensions to draft approval, clearing conditions on final registration and signing of final plans for registration
- No change in the Region's ability to impose/enforce our conditions.

COMMENTS:

As soon as possible in January 2008 the Region will provide notice to all relevant parties that approval authority has been delegated to the Town. This will require Town staff to be in a state of readiness to accept the additional responsibilities associated with approval authority especially for those files requiring action in the first quarter of 2008. To this end Town and Regional staff have met to discuss the process of transferring the files.

Regional staff have agreed to provide assistance with the transfer of authority by providing copies and summaries of the status of each of the files. In addition, Town staff will draw on the knowledge of Regional planning staff on specific files and the working relationship already in place between the Town and Region in order to manage issues as they emerge.

Generally, the transition from the Region includes the following:

- assessing the status of applications;
- learning any relevant history;
- assigning priorities to each file; and
- managing the planning process associated with each file.

The net result of the additional responsibility associated with delegated authority is that the Town's role in the process changes from that of a commenting agency to that of a coordinating entity that manages the file and has approval authority. More administrative time is spent assessing the file, communicating with the applicant and other agencies, filing and issuing correspondence, clearing conditions, and issuing approvals and extensions and making and advancing other decisions as appropriate.

The main focus will initially be on those files requiring immediate attention in the New Year. Town staff will then advance each file accordingly, taking measures as appropriate as deadlines for extensions or lapsing dates of conditional approvals approach.

RELATIONSHIP TO STRATEGIC PLAN:

The delegation of approval authority from the Region to the Town provides;

- clarity for applicants about the approval authority; and
- a consistent approach to administering and updating conditions, dealing with requests for extensions to draft approval, clearing conditions on final registration and signing of final plans for registration.

To this end the delegation By-law 177-07 supports the Town's strategic plan direction to:

- Foster a Prosperous Economy; and
- Provide Responsive, Effective Municipal Government.

FINANCIAL IMPACT:

Town staff do not receive a portion of any fees paid to the Region in late 2007 for the processing of delegated files. However, the Town will be able to charge administration and other fees where applicable for new processing activity associated with the delegated files. Additional work is required to manage these files which may not be accurately reflected in the fees originally charged for these applications or by the current level of the Town's fees for managing these types of files. Specifically, the Town charges a more modest fee for extensions. Due to the age and complexity of some of these files the amount of work involved in managing both an extension and the additional responsibilities associated with delegation can, at times, consume more resources than are recovered by the fees paid.

COMMUNICATIONS IMPACT:

There are no communications impacts of this report. Early in the New Year – 2008 - Halton Region will notify all interested parties of the delegation of approval authority from the Region to the Town.

CONSULTATION:

Town staff were notified and comments solicited by the Region in regards to the preparation and disposition of the Delegation Bylaw. Town and Regional staff have met to discuss strategies for executing the transfer of responsibilities and delegation of approval authority.

CONCLUSION:

Halton Region has delegated approval authority to the Town for subdivision, condominium and part lot control bylaw applications filed before 1999. Town staff are working with Regional staff to manage the processing of 16 delegated files on a priority basis. This delegation of approval authority contributes to streamlining of processes, helps provide more effective customer service and harmonizes these files within the scope of the Town's approval authority in a manner consistent with the Town's delegated approval authority over applications filed after 1999.

Respectfully submitted,

Adam Farr,
Manager of Development Review

Bruce MacLean,
Director of Planning and Development

Dennis Y. Perlin
Chief Administrative Officer

Attachment 1



The Regional Municipality of Halton

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| Report To: | Chair and Members of the Planning and Public Works Committee |
| From: | Peter M. Crockett, P. Eng., Commissioner of Planning and Public Works Mark G. Meneray, Director of Legal Services and Corporate Counsel |
| Date: | November 20, 2007 |
| Report No. - Re: | PPW178-07/CA-72-07 - Delegation of Subdivision, Condominium, and Part Lot Control By-law Approval Authority to Local Municipalities |

RECOMMENDATION

1. THAT Council endorse the delegation of approval authority to the Local Municipalities for plans of subdivision, plans of condominium, and part lot control by-laws relating to applications submitted prior to January 1, 1999 effective January 1, 2008, as set out in Report No. PPW 178-07/CA-72-07.
2. THAT staff be directed to prepare the necessary by-law(s) to give effect to Recommendation No. 1 above.
3. THAT the Regional Clerk forward a copy of Report No. PPW178-07/CA-72-07 to the City of Burlington, Town of Oakville, Town of Halton Hills, and Town of Milton for their information.

REPORT

Background

As a result of the Halton Area Services Review (HASR) in 1996, Regional Council delegated the approval authority for plans of subdivision, plans of condominium, and part lot control by-laws relating to applications that were submitted on or after January 1, 1999 to the Local Municipalities. The Region retained the approval authority for those files that had already been submitted to the Region for approval prior to that date.

Discussion

In recent discussions with planning staff from the Local Municipalities at Streamlining Committee and at the Area Planning Directors meeting in October, Regional planning staff recommended that approval authority for the pre-1999 subdivision and condominium applications be delegated to the Local Municipalities. The Area Planning Directors and members of Streamlining Committee have expressed support for the delegation. The delegation of approval authority for part lot control by-laws for any plan of subdivision prior to 1999 would also apply to the approval authority for part

lot control by-laws for old registered plans pre-dating the formation of the Region. The proposed delegation of authority was also discussed with the development industry representative of Streamlining Committee, and he also concurred with the proposal.

The delegation of approval authority is consistent with the Region of Halton Official Plan, Policies 187(1) and 187(4) which speak to streamlining and simplifying development review procedures. The advantages of having all the approval authority resting with the Local Municipalities are:

- Clarity for applicants about the approval authority;
- Consistent approach to administering and updating conditions, dealing with requests for extensions to draft approval, clearing conditions on final registration, and signing of final plans for registration;
- No change in the Region's ability to impose/enforce our conditions.

The number of files that would be delegated to the Local Municipalities for approval are:

Halton Hills – 15 subdivisions and 1 condominium
Burlington – 1 subdivision
Oakville – 1 subdivision and 2 condominiums
Milton – 1 subdivision

A draft copy of this report was sent to the local Planning Departments with the draft delegation by-laws (see Attachment #1). Favourable comments were received by the four Local Municipalities.

Regional staff will undertake to provide copies of all necessary records to the Local Municipalities, will send letters to all affected applicants and the Ontario Municipal Board, and will update the Region's website to reflect the change in approval authority once the delegation by-law comes into effect which we recommend should occur on January 1, 2008.

For those plans where the Ontario Municipal Board is the approval authority, the delegation by-law would not change that authority but it would mean that clearing any of the OMB conditions would be the responsibility of the Local Municipality and not the Region. This would address some confusion that has arisen on this point at the OMB.

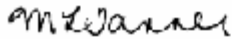
FINANCIAL/PROGRAM IMPLICATIONS

The planning application fee schedule currently contains two sets of fees for subdivisions, condominiums, and part lot control by-laws depending on whether the Region is the review or approval authority. The fee schedule will be adjusted to have one fee structure reflecting that the Region's function will be that of a review rather an approval authority. Any future fee adjustments can be done during next year's budget review but fees will continue to reflect the actual time spent by Regional staff on these types of applications regardless of approval authority.

RELATIONSHIP TO THE STRATEGIC PLAN

This report supports the 2007 Administration and Finance Committee Plan, Them 6, Goal 3 "Strengthen and Enhance Halton's relationship with the Region's Local Municipalities".

Respectfully submitted,



Mary Lou Tanner MCIP RPP
Director, Planning and Transportation



Peter M. Crockett P. Eng.
Commissioner of Planning and Public Works

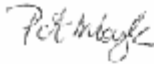


Peter Dailleboust
Assistant Corporate Counsel



Mark G. Meneray
Director, Legal Services and Corporate Counsel

Approved by



Pat Moyle
Chief Administrative Officer

If you have any questions on the content of this report, please contact:

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|-------------------|-------------|
| Mary Lou Tanner | Tel. # 7966 |
| Nancy Mott-Allen | Tel. # 7181 |
| Peter Dailleboust | Tel. # 7343 |

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. ****-07

A BY LAW TO DELEGATE THE AUTHORITY TO APPROVE PLANS OF SUBDIVISION AND CONDOMINIUM DESCRIPTIONS UNDER SECTION 51.1(2) OF THE PLANNING ACT TO THE TOWN OF HALTON HILLS.

WHEREAS the *Planning Act*, R.S.O. 1990, c. P.13, as amended (hereinafter referred to as the "Act"), confers the authority for approving plans of subdivision (including part lot control) under section 51 of the Act upon the council of a regional municipality;

AND WHEREAS section 9(2) of the *Condominium Act 1998*, S.O. 1998, c. 19, as amended, makes the provisions of section 51.2 of the Act applicable to the approval of condominium descriptions;

AND WHEREAS section 51.2(2) of the Act provides that a regional council may delegate to a constituent area municipality all or part of the authority to approve plans of subdivision in respect of land situate in the area municipality;

AND WHEREAS the Council of the Regional Municipality of Halton has by resolution on (date) authorized the enactment of a by-law to delegate the authority to approve plans of subdivision (including part lot control) and condominium descriptions to the Town of Halton Hills under section 51.2(2) of the Act;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

1. That the approval authority of the Regional Council under section 51(5) of the Act is hereby delegated to the Council of the Corporation of the Town of Halton Hills with respect to lands situated within the Town of Halton Hills to be effective on (date)
2. The approval authority delegated under section 1 herein shall apply to all applications and matters to which section 51(5) of the Act applies and for which applications were made on or after (date) provided that any approval given or conditions imposed or procedures taken prior to (date) with respect to any such application or matter shall continue to apply unless and until they are revoked, repealed, changed or modified by the delegated approval authority in accordance with the Act.

3. That By-Laws 173-98, 177-98, and 181-98 enacted on November 18, 1998, are hereby repealed.

READ and PASSED this _____ day of _____, 2007.

REGIONAL CHAIR

REGIONAL CLERK

DRAFT

Attachment 2

| Summary of Delegated Files * | | | |
|---|--|--|--|
| File Number | Location | Proposal | Owner/Agent |
| 24T-83008/H Summertree Phase II (now Charleston Homes) | Lot 22 & 23, Con. 10 | 31 detached residential lots (formerly 36 lots proposed) | Charleston Homes/Wellings Planning Consultants |
| 24T-85008/H Bayfield Homes | Pt. Lot 22, Con. 10 Glen Williams | 30 single detached lots | Mon-Con Inc. |
| 24T-86011/H Debryn/Pecan (now Halton Green Estates) | Pt. Lot 32, Con. 3 | 20 Rural Estate Lots | Formerly Bobby Bhoola/Ron Winter |
| 24T-86022/H Penson (now Melnychuk) | Pt. Lot 23, Con. 8, Henderson's Corners | 7 residential estate lots and 1 commercial lot | Linda Melnychuk |
| 24T-86023/H Bosnjak | Pt. Lot 23, Con. 8, Henderson's Corners | 7 residential estate lots (single detached) | Ivan Bosnjak |
| 24T-86035/H HHVHI 13 | Lots 13-15, Pt. Block F, Pt. Block G, Con. 9 | 472 single detached lots | Halton Hills Village Homes |
| 24T-89011/H Churchill Valley Estates | Lot 14 & 15, Con. 11 | 23 single family dwellings (estate residential) | R.E. Clipsham |
| 24T-89013/H Silver Creek Estates | Pt. Lot 14, Con. 9 | 44 lots for single detached, revised to 31 lots | Fancy Endeavours/Gord Fancy |
| 24T-91005/H Desol Developments | Pt. Lot 22, Con. 10 Glen Williams | 72 single detached units | Desol Investments/ Dave matthews |
| 24T-91006/H Esquesing Developments Ltd. | Lot 18, Pt. 19 , Con. 7, Esquesing | 20 lots for single detached units (estate residential) | Esquesing Developments Limited |
| 24T-95003/H Hammond Manufacturing | Pt. Lots 19, 20, Con. 9, 2 Glen Road, Georgetown | 63 lots for single detached units | Hammond Manufacturing/ Glen Schnarr & Associates |
| 24T/95026/H Caranci | Lot 168& 272, R.P. 1098 Bower St., Acton | 7 lots for single detached units & lots for 6 semi- detached units | R.E. Clipsham |
| 24T-97011/H Fernbrook Homes Phase II or B. (formerly HHVHI 15) | Lots 11 & 12, Con. 9 | 307 single detached units and 39 street townhouses | Halton Hills Village Homes/Senas Associates |
| 24T-97012/H HHVHI 16 (Phase III or D) | Pt. Lot 11, Con. 12 | 39 single detached and 78 street townhouses | Halton Hills Village Homes |
| 24TCDM-98012/H Hoddinott | Pt. Lot 18, Con. 8, 3 Park Avenue | 8 detached condominium units | Albert Eutenier |
| * denotes: Status not indicated for a variety of reasons including recent file submissions, complex file backgrounds, recent or pending extensions, or extension requests now under consideration | | | |