

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** Scott Mathers, MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** Delegation of Authority – Subdivisions and Condominiums  
and Official Plan Amendment on policies for Public Meetings  
City File #: O-9606  
Public Participation Meeting

**Date:** May 1, 2023

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application regarding Delegation of Authority – Subdivisions and Condominiums:

- (a) the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting to be held on May 16, 2023 to amend The London Plan to change the requirement for public meetings for vacant land condominiums and common elements condominiums under policy 1619 and to remove policy 1683 in its entirety, and;
- (b) the proposed by-law attached hereto as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting to be held on May 16, 2023 to amend By-law CP-17 being the Subdivision & Condominium Delegation & Approval By-law to include delegated approvals for minor revisions to the draft plan of subdivision, extensions to the draft plan of subdivision, subdivision agreements with special provisions, and change the requirement for public meetings for vacant land condominiums and common elements condominiums.

## Executive Summary

The summary of this request is to amend By-law CP-17 “Subdivision & Condominium Delegation & Approval” By-law to delegate to Staff for the approval of minor revisions to draft plans, extensions of draft plans, subdivision agreements with special provisions, and to change the requirement for public meetings for vacant land condominiums and common elements condominiums. These proposed delegation amendments will streamline the approval process and allow for development to proceed in a timely manner.

## Linkage to the Corporate Strategic Plan

Council’s 2019 to 2023 Strategic Plan for the City of London identifies “Leading in Public Service” as a strategic area of focus. This includes increasing the efficiency and effectiveness of service delivery by conducting targeted service reviews and promoting and strengthening continuous improvement practices.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

Planning and Environment Committee, December 2, 2019, Agenda Item 2.4, Delegation Authority for Consent

Planning and Environment Committee, May 25, 2020, Agenda Item 2.2, Exception to Delegated Authority for Consent

Strategic Priorities and Policy Committee, February 15, 2022, Agenda Item 2.1, Streamline Development Approval Fund – Transfer Payment Agreement

Planning and Environment Committee, April 25, 2022, Agenda Item 2.4, Streamline Development Approval Fund: Continuous Improvement of Development Applications: Single Source Contract Award

Planning and Environment Committee, January 30, 2023, Agenda Item 2.4, Streamline Development Approval Fund: Streamlining Development Approvals (2022) – Final Report

## 1.2 Background and Purpose

As part of the streamlining development approvals process, Staff have been reviewing existing application processes and determining ways to improve the level of service for straightforward applications. Staff have been undertaking this review to support the housing target goal through the More Homes Built Faster Act, 2022.

From this review, four application processes have been identified that could be delegated to the Director, Planning and Development as the Approval Authority. These delegations will allow development to proceed in a timely manner with the end goal of creating more permit ready lots. This will allow Council to focus on strategic priorities rather than administrative functions involved in the planning process.

## 2.0 Discussion and Considerations

### 2.1 Overview of the Existing Applications being Considered

As mentioned, Staff have identified four types of planning applications of an administrative nature for delegation to the Director, Planning and Development, which include minor redline revisions to draft plans, extensions to draft plans, subdivision agreements with special provisions, and to change the requirement for public meetings for vacant land condominiums and common elements condominiums. The below image highlights the subdivision process, and the below table highlights where Council is involved with and without these process improvements.



Item	Application	Stage	Process Change
	Draft Plan Approval (no public meeting required per Bill 23)	Draft Plan Approval	No change, process includes Staff bringing forward approval for council consideration
	Zoning Application for Subdivision or Condominium	Draft Plan Approval	No change, process includes public participation meeting
2.1.1	Minor Revisions to Draft Plan	Engineering Review	Change to administrative approval
2.1.2	Extensions to Draft Plans	Draft Plan Approval	Change to administrative approval
2.1.3	Subdivision agreement with special provisions	Subdivision Agreement	Change to administrative approval

2.1.4	Change public meeting requirement for vacant land condominiums and common elements condominiums	Draft Plan Approval for vacant land condominiums	Aligns subdivision and condominium process and reduce redundancies of process review
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### 2.1.1 Revisions to Draft Approved Plans of Subdivisions

At any time prior to final approval of the draft plan of subdivision, there may be requests from agencies, municipality, or applicant, to change the conditions of draft approval and to change the layout of the plan. These revisions to draft approved plans of subdivisions are commonly referred to as “red line” revisions. Currently, there is no formal policy on distinguishing these revisions as major or minor, and it is a best practices decision from the Director, Planning and Development.

The implementation of guidance criteria to determine major/minor revisions will lead to a more streamlined process, create transparency, and only place matters in front of Council that are considered major changes. These major changes will often have impacts to the unit count and roadway configuration.

Staff recommend the following guidance criteria be used to establish a framework for differentiating between major and minor revisions to the draft plan approval for subdivisions:

Major Revisions	Minor Revisions
<ul style="list-style-type: none"> <li>• Additional technical studies or revisions to existing technical studies</li> <li>• Significant reduction/addition to number of lots or blocks</li> <li>• Changes to lot type ie. Single detached to multi-unit</li> <li>• Addition/revision or removal of park blocks</li> <li>• Changes to street network</li> <li>• Changes to boundaries of Natural Heritage blocks</li> <li>• Changes that are subject to Provincial Policy</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal does not require additional technical studies or revisions to existing technical studies</li> <li>• Changes to lot or block lines which do not significantly affect the number of units or road network</li> <li>• Changes to proposed road right of way width</li> <li>• Proposed changes are consistent with Provincial Policy</li> <li>• Proposals do not conflict with The London Plan or the Zoning By-law</li> </ul>

Staff recommend that major revisions to draft plan conditions or the draft plan continue to consult with Planning and Environment Committee and Council. All changes that are considered minor would be approved by the Director, Planning and Development which will streamline the process.

The proposed change to implement the proposed minor revisions would require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by adding the following regulation :

2.2 Approval Authority – Director, Planning and Development – Specific Powers  
The Council hereby delegates to the Director, Planning and Development the authority:

- ( s ) to approve minor revisions to a draft Plan of Subdivision or Condominium, where minor revisions are considered that the revision doesn't require additional technical studies or revisions to existing technical studies, changes to lot or block lines which do not significant affect the number of units or road network, changes to proposed road right of way width, proposed changes are consistent

with Provincial Policy, and proposed changes do not conflict with The London Plan or Zoning By-law;

### **2.1.2 Extension of Draft Approved Plans of Subdivisions and Condominiums**

As part of the Planning Act process in granting approvals for draft plans of subdivisions and condominiums, a municipality may specify the approval lapses at the expiration of a given time period. The City typically grants draft plan approval for three years which is a consistent practice for many municipalities. There are extenuating circumstances that can affect completion of conditions (ie. Extension of services through another property, School board coordination) and a longer lapsing period can be granted.

As part of the existing process, the extensions for draft approval of a proposed plan must have Council approval. Due to the length of time required for a request for extension to be circulated for comment, the time for Planning Staff to write a report and schedule the application before Committee and Council, the applicant must submit the request for an extension several months before the lapsing date. Often times, the applicant has not kept track of the lapsing date which results in severe time constraints submit the application before Committee and Council before the draft plan approval expires.

Staff recommend that this function be delegated to the Director, Planning and Development. Since these applications are more administrative in nature, delegating this approval to staff will improve the customer service to development community and create further efficiencies for Council to consider more pertinent matters. Staff are also working with the development community on making the lapsing period specific to each subdivision application and working with Applicants to submit the draft plans or first phase registered within the allotted time.

The proposed change to implement the process change would require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by amending the following regulation:

2.2 Approval Authority – Director, Planning and Development – Specific Powers  
The Council hereby delegates to the Director, Planning and Development the authority:

- (o) to grant extensions of draft approval to a proposed Plan, where the applicant hasn't caused a delay at the discretion of the Director, Planning and Development; ~~where the Council concurs with such an extension;~~

### **2.1.3 Subdivision Agreement Special Provisions**

Approaching the end of the planning process is when the developer and the City work through special provisions for the subdivision agreement. The general conditions in the subdivision agreement are a Council approved document and then specific to each subdivision there are special provisions that are incorporated from both Planning and Economic Development, and Environment and Infrastructure teams. This process is administrative in nature and Staff also review the special provisions with the City's Solicitor's Office.

Due to the length of the process and time to fit in a legal review presents challenges to the turnaround time to accommodate these reviews to meet Clerk's report deadlines for Planning and Environment Committee. Therefore, Staff recommend that this function be delegated to the Director, Planning and Development, as an internal review, which will allow staff to provide these agreements back to the developers in a more consistent manner. Council will still have the opportunity to consider the merits of a plan of subdivision during the draft plan stage and will be able to work with Staff on any questions or concerns from the public during these early stages of the process.

The proposed change to implement subdivision agreement special provisions would require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by adding the following regulation:

2.2 Approval Authority – Director, Planning and Development – Specific Powers  
The Council hereby delegates to the Director, Planning and Development the authority:

- ( t ) to approve and execute a subdivision agreement with special provisions as part of an approved draft plan of subdivision, where there are no financial impacts or required financing can be accommodated within an existing approved capital budget.

#### 2.1.4 Vacant Land Condominium and Common Elements Condominium

Both vacant land condominiums and common elements condominiums typically involve a Planning Act process before the condominium application is submitted for review by the City. These Planning Act processes could include a consent, zoning or subdivision process. If planning applications have been previously in front of Council and the public, adding another public meeting at the time of a condominium application creates an unnecessary redundancy.

Removing the public meeting requirement for vacant land condominiums and common elements condominiums when a Planning Act process has already been completed will allow developers to proceed with these applications in a timely manner. Developers will then be able to focus on the plan and continue to work with the City to address the requirements to bring these lots forward for a building permit. To achieve this process improvement, Staff are recommending that this function is delegated to the Director, Planning and Development with the additional language to identify when a public meeting for these condominiums applications is required.

The change in requirement of a public meeting for these condominium applications requires an Official Plan amendment to The London Plan, as policy 1619 needs to be modified and policy 1683 needs to be deleted. Given the nature of the amendments to The London Plan a public participation meeting is required, which is the subject of this report.

These policies have also been reviewed in the context of the recently implemented More Homes Built Faster Act, 2002. Noting that through the recent change in legislation, a plan of subdivision no longer requires a statutory public participation meeting. As a result, the following changes to The London Plan are identified:

- Modify Policy 1619 to remove requirement for a public meeting to align with the changes as a result of the More Homes Built Faster Act, 2022, and
- Deletion of Policy 1683, which is considered to be redundant to policy 1682 and has caused confusion with Industry stakeholders. The existing policies and the proposed policies are shown in the below table for reference and the changes are reflected as ~~strikeout~~ and new language with an underline:

Policy	Existing	Proposed
1619	Consistent with the <i>Planning Act</i> , the public meeting and notice procedures that will be followed for applications to adopt or amend an official plan or zoning by-law, a community improvement plan, <del>a plan of subdivision</del> , vacant land condominiums and common elements condominiums are as	Consistent with the <i>Planning Act</i> , the public meeting and notice procedures that will be followed for applications to adopt or amend an official plan, zoning by-law, or community improvement plan are as follows. <b><u>Vacant land condominiums and common elements condominiums will require a public meeting and notice</u></b>

	follows. Notice procedures for other types of applications are addressed elsewhere in this Plan.	<b><u>procedures if a <i>Planning Act</i> process and public meeting has not been completed prior to the condominium application.</u></b> Notice procedures for other types of applications are addressed elsewhere in this Plan.
1682	To assist in encouraging the integration of new development with adjacent land uses, City Council may require public notification and a public site plan meeting in connection with any project that Council may deem to require public involvement in the assessment of a site plan.	No change
1683	A public site plan meeting will be required for the following: <ol style="list-style-type: none"> <li>1. Major Downtown projects</li> <li>2. Vacant land condominiums and common element condominiums only when another planning act process hasn't been completed, and it can be demonstrated that there is no need or public interest.</li> <li>3. Residential intensification projects, pursuant to the intensification policies in the Neighbourhoods chapter of this Plan.</li> <li>4. Project where Bonus Zoning has been applied for height or density.</li> <li>5. Development within Heritage Conservation Districts.</li> </ol>	Complete removal of policy as policy 1682 already considers a requirement for public site plan meeting, which is at the discretion of Council.

The proposed change would also require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by adding the following regulation:

#### 2.2 Approval Authority – Director, Planning and Development – Specific Powers

- (b) to determine whether or not a draft Plan of Condominium is or is not required to be referred to Council for the purpose of holding a public meeting pursuant to section 51 of the *Planning Act*, **with the understanding where a public meeting or planning act process has been completed, an additional public meeting for the draft Plan of Condominium isn't required;**

#### 2.1.5 Input from City Teams

As part of this review, Staff consulted with the Clerk's Office and City Solicitor's Office on these requested changes to the delegated authority. No concerns were raised in response to the proposed changes to the delegation of authority. Further, the identified changes will result in efficiencies within our current development processes, which will allow the development industry to bring forward permit ready lots in a more consistent manner.

### **3.0 Financial Impact/Considerations**

There is no financial impact to the City of London with the delegation of these planning act processes. These processes will result in Planning and Development to streamline our development approvals as we strive to achieve our housing targets.

With respect to section 2.1.3 above (Subdivision Agreement Special Provisions), currently, subdivision agreements are approved by Municipal Council and may include approval of funding for a developer where it is more efficient for the developer to complete minor works within the subdivision area. These works are would be typically funded by development charges (City Services Reserve Fund) and a Source of Financing would accompany the subdivision agreement to confirm available approved funding. With the delegated authority from section 2.1.3, the Source of Financing would be approved by the delegated authority, similar to other Sources of Financing currently approved by administration within the thresholds of the Procurement of Goods and Services Policy. Approval of subdivision agreements where financing cannot be accommodated within an existing approved capital budget must be presented to Municipal Council for approval.

### **Conclusion**

The report provides the background and context for process changes applicable to the attached Planning Act processes, and Staff's recommendation for administrative matters to be delegated to staff, which include minor revisions to draft plans, extensions of draft plans, subdivision agreement special provisions, and to change the requirement for public meetings for vacant land condominiums and common element condominiums. Through these process changes, the intent is to create a more streamlined process for development approvals.

**Prepared and Reviewed by:** **Peter Kavcic, P.Eng.**  
**Manager, Subdivision and Development Inspections**

**Recommended by:** **Heather McNeely, MCIP, RPP**  
**Director, Planning and Development**

**Submitted by:** **Scott Mathers, MPA, P. Eng.**  
**Deputy City Manager, Planning and Economic Development**

cc: Sachit Tatavarti, Solicitor  
cc: Bruce Page, Manager, Subdivision Planning  
cc: Matt Davenport, Manager, Subdivision Engineering

PK/HMc/BP//sm

## Appendix A – The London Plan Amendment

### Appendix “A”

Bill No. (number to be inserted by  
Clerk's Office)  
(2023)

By-law No. C.P.-1512\_\_\_\_\_

A by-law to amend The London Plan for  
the City of London, 2016 relating to  
policies 1619 and 1683.

The Municipal Council of The Corporation of the City of London enacts as  
follows:

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of  
London Planning Area – 2016, as contained in the text attached hereto and forming part  
of this by-law, is adopted.

PASSED in Open Council on May 16, 2023

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – May 16, 2023  
Second Reading – May 16, 2023  
Third Reading – May 16, 2023



**AMENDMENT NO.  
to the  
THE LONDON PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT:**

The purpose of the Amendment is:

1. To change existing policies in the Our Tools part of The London Plan for the City of London to improve planning process and improve efficiencies.

**B. LOCATION OF THIS AMENDMENT:**

This Amendment is a text amendment, which applies to all lands within the City of London when an applicant is interested in the vacant land condominium and common elements condominium process.

**C. BASIS OF THE AMENDMENT:**

1. This amendment aligns with new delegations proposed for By-law CP-17 “Subdivision & Condominium Delegation & Approval” By-law, and with the More Homes Built Faster Act, 2022.

**D. THE AMENDMENT**

*The London Plan* is hereby amended as follows:

1. The Our Tools part of The London Plan for the City of London Planning Area is amended by adjusting Policy 1619 and 1683 to the below:

Policy 1619 - Consistent with the *Planning Act*, the public meeting and notice procedures that will be followed for applications to adopt or amend an official plan, zoning by-law, or community improvement plan are as follows. Vacant land condominiums and common elements condominiums will require a public meeting and notice procedures if a *Planning Act* process and public meeting has not been completed prior to the condominium application. Notice procedures for other types of applications are addressed elsewhere in this Plan.

Policy 1683 – Delete in its entirety.

## Appendix B – By-law Amendment

### Appendix “B”

Bill No. (number to be inserted by  
Clerk's Office)  
(2023)

By-law No. CP-17-\_\_\_\_\_

A bylaw to amend By-law CP-17 to delegate certain portions of Council's assigned authority with respect to approvals for plans of subdivision and condominium pursuant to the Planning Act.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that a municipal power be exercised by by-law;

WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that Municipal Council is authorized to delegate its powers and duties under this or any other Act to a person or body subject to any restrictions set out;

AND WHEREAS subsection 51.2(1) of the *Planning Act*, as amended, provides that Municipal Council may by by-law delegate the authority of the council under section 51.2 of the Act or any part of that authority to a committee of council or to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS the Council deems it appropriate to amend By-law CP-17, as amended, being “A by-law to delegate certain portions of Council's assigned authority with respect to approvals for plans of subdivision and condominium pursuant to the Planning Act;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) By-law CP-17, as amended by By-law CP-17-\_\_\_\_\_(to be inserted by Clerks Office) is hereby amended by deleting section 2.2 Approval Authority – Director, Planning and Development – Specific Powers in its entirety and replacing it with the following new section 2.2 as follows.

#### **2.2 Approval Authority – Director, Planning and Development – Specific Powers**

The Council hereby delegates to the Director, Planning and Development the authority:

- (a) to determine whether or not an Application made in respect of a draft Plan is complete; and if determined to be incomplete, to refuse to accept it and return it to the applicant, detailing the outstanding information required;
- (b) to determine whether or not a draft Plan is or is not required to be circulated for comments among administrative units of relevant government authorities and to circulate same pursuant to section 51 of the *Planning Act*;
- (c) to determine whether or not a draft Plan of Condominium is or is not required to be referred to Council for the purpose of holding a public meeting pursuant to section 51 of the *Planning Act*, with the understanding where a public meeting or planning act process has been completed, an additional public meeting for the draft Plan of Condominium isn't required;
- (d) to extend time limits for the receipt of comments from the administrative units which received the draft Plan;

- (e) to settle and give Draft Plan Approval to any Plan of Subdivision the approval of which has been recommended by the Council where there have been no written requests for referral received in accordance with the Planning Act prior to the time the Director, Planning and Development proceeds to settle and give Draft Plan Approval to the said Plan subject to the following;
  - (i) on the understanding that when a dispute involves the approval or denial of the draft Plan contrary to the recommendations of a Ministry of the Provincial Government, the Director, Planning and Development shall consult with the Council, and Council shall make the decision; and
  - (ii) on the further understanding that the Director, Planning and Development may consult with the Council prior to making his/her decision to refuse approval of an application;
- (f) to sign a proposed Plan of Subdivision and issue letters of draft approval with conditions for the purpose of indicating draft approval of such Plan by the Director, Planning and Development by the Council pursuant to paragraph (e) above;
- (g) to exempt a proposed Plan of Condominium from approval in accordance with section 9 of the *Condominium Act*, S.O. 1998, c.19 or to settle and to give draft Approval to any proposed Plan of Condominium where there have been no written requests for referral received in accordance with the *Planning Act* prior to the time the Director, Planning and Development proceeds to settle and give draft Approval to the said Plan subject to the following;
  - (i) on the understanding that when a dispute involves the approval or denial of the draft Plan contrary to the recommendations of a Ministry of the Provincial Government, the Director, Planning and Development shall consult with the Council, and Council shall make the decision;
- (h) to sign a proposed Plan of Condominium and issue letters of draft approval with conditions for the purpose of indicating draft approval of such Plans by the Director, Planning and Development or by the Council pursuant to paragraph (f) above;
- (i) to enter into negotiations/dispute resolution with those parties involved in a referral of a draft Plan or conditions thereof, which has been referred to the Ontario Municipal Board, in an attempt to resolve the issues and avoid an Ontario Municipal Board Hearing, if possible;
- (j) to resume and finalize consideration of the proposed Plan where a proposed Plan has been referred to the Ontario Municipal Board under section 51 of the *Planning Act*, and the Ontario Municipal Board notifies the Approval Authority that the Approval Authority may proceed to make a decision under Section 51 (31) of the *Planning Act*;
- (k) to refer the Plan and/or conditions of approval Plan of any draft to the Ontario Municipal Board pursuant to subsection 51(31) of the *Planning Act*;
- (l) to make any change in the conditions of approval imposed by the Director, Planning and Development;
- (m) to make any change to any conditions of approval imposed by the Council provided the request for the change is made by or endorsed by the Council;
- (n) to sign a final Plan for the purpose of indicating the final approval of the Director, Planning and Development or the Council, as the case may be, and the acceptability of the said Plan or Plans for tendering for registration;

- (o) to grant extensions of draft approval to a proposed Plan, where the applicant hasn't caused a delay at the discretion of the Director, Planning and Development;
- (p) to grant extensions of draft approval to a proposed Plan for not more than six (6) months on an emergency basis without the approval of the Council, in order that a decision may be obtained from the Council, in respect of any requested extension unless the Director, Planning and Development has been given written notice of an objection to such emergency extension;
- (q) to refuse a draft Plan where the file has remained inactive for more than one (1) year, and only after the applicant has been given written notice that the draft plan will be refused, and given 60 days to respond;
- (r) to resume and finalize consideration of the proposed Plan where a proposed Plan has been referred to the Ontario Municipal Board under section 51 of the *Planning Act*, and the Ontario Land Tribunal by Order has assigned responsibilities back to the Approval Authority to make a decision under Section 51 (58) of the *Planning Act*;
- (s) to approve minor revisions to a draft Plan of Subdivision or Condominium, where minor revisions are considered that the revision doesn't require additional technical studies or revisions to existing technical studies, changes to lot or block lines which do not significantly affect the number of units or road network, changes to proposed road right of way width, proposed changes are consistent with Provincial Policy, and proposed changes do not conflict with The London Plan or Zoning By-law;
- (t) to approve and execute a subdivision agreement with special provisions as part of an approved draft plan of subdivision, where there are no financial impacts or required financing can be accommodated within an existing approved capital budget.

PASSED in Open Council on May 16, 2023

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – May 16, 2023  
Second Reading – May 16, 2023  
Third Reading – May 16, 2023