

CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 58-2022

Being a By-law to delegate approval of certain *Planning Act* matters to Committees of Council and/or Staff

WHEREAS the Council of the Corporation of the Town of Renfrew is empowered to approve certain *Planning Act* matters as outlined variously within the *Act*; and

WHEREAS the Council of the Corporation of the Town of Renfrew is enabled by the provisions of the *Planning Act* to delegate the authority to approve certain *Planning Act* matters that would normally be referred to Council for approval; and

WHEREAS the purpose of delegation of approval authority is to help streamline the planning system and, in some cases, help shorten approval timelines by providing municipal councils the authority to allow more planning decisions to be made by committees of council or staff; and

WHEREAS the Council of the Corporation of the Town of Renfrew is desirous to promote development within the Town of Renfrew by ensuring the most efficient and predictable approvals process possible; and

WHEREAS the Council of the Corporation of the Town of Renfrew did pass By-law No. 36-2022 on April 26, 2022, being a by-law to delegate approval of certain *Planning Act* matters to Committees of Council and/or Staff; and

WHEREAS the Province of Ontario did pass Bill 109, the More Homes for Everyone Act, 2022, which requires delegation of site plan approval authority to staff by July 1, 2022.

NOW THEREFORE the Council of the Corporation of the Town of Renfrew enacts as follows:

1. THAT By-law 36-2022 is hereby amended as follows:

a) That section 1 of By-law 36-2022 is amended by adding the following subsection following subsection 1(b):

“c) Delegation of approval of site plans under section 41 of the *Planning Act*, including the imposing of any conditions to approval.”

b) That section 2 of By-law 36-2022 is hereby deleted in its entirety and replaced with the following:

“2. THAT notwithstanding the delegation of approval of certain *Planning Act* matters as outlined in section 1 of this by-law, with the exception of subsection 1(c) of this by-law, authority to approve any *Planning Act* matter may be referred back to Council at the request of Council, or at the request of the Committee or Staff person receiving delegated approval authority through this by-law, in accordance with Schedule “A”, attached to and forming part of this by-law.”

c) That a new section 3 of By-law 36-2022 is hereby added following section 2, and subsequent sections renumbered accordingly:

“3. THAT the Mayor and Clerk shall be authorized to enter into any agreements on behalf of the Corporation of the Town of Renfrew required to implement conditions of delegated approval authority, including conditions of consent (*Planning Act*, s. 53), minor variance (*Planning Act*, s. 45), and site plan approval (*Planning Act*, s. 41), which agreements shall be based on the forms of agreement as approved and revised from time to time by the solicitors for the Corporation of the Town of Renfrew, in accordance with Schedule “A”, attached to and forming part of this by-law.”


2. THAT this by-law shall come into force on the date of passing by the Council of the Corporation of the Town of Renfrew.

Read a first and second time this 28 day of June, 2022.

Read a third and final time this 28 day of June, 2022.



Don Eady, Mayor



Kim R. Bulmer, Clerk

Policy:	Delegation of <i>Planning Act</i> Approvals
Main Contact:	Town Planner
Last Revision:	June 2022

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Policy Statement

The Corporation of the Town of Renfrew is committed to supporting and encouraging the efficient and comprehensive review of development applications in accordance with the requirements of the *Planning Act*, R.S.O. 1990 c. P.13. The Town aims to implement tools and business practices, including the delegation of planning approvals to staff, that can serve to attract investment and development to the Town of Renfrew, while maintaining the public interest. The Town maintains a staff of qualified professionals, including members of regulated professions such as the Ontario Professional Planners Institute, that have a Professional Code of Practice that includes a responsibility to the public interest as well as the interests of the Town. Staff are expected to operate in accordance with their professional codes of conduct and practice, together with the policies contained herein, in the execution of delegated approval authority under the *Planning Act*.

Purpose

The purpose of this Guideline is to outline the procedures involved in delegated approval authority for the various types of applications. Staff and Council may refer back to this policy from time-to-time to ensure that processes are being carried out in accordance with the policies, and appropriate modifications are made where appropriate.

Definitions

In this Guideline, the following terms have the meanings set out below:

- (a) **“Council”** means the Council of the Corporation of the Town of Renfrew.
- (b) **“Delegated”** means delegation of approval authority, by by-law, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13.
- (c) **“Staff”** means the CAO, management staff responsible for the administration of land-use planning services for the Town, or their designate.
- (d) **“Town”** refers to the Corporation of the Town of Renfrew.

Application

These Policies shall apply to any planning application that has been delegated by Council to a committee of Council or to staff. Should additional approvals be delegated in the future, these Policies shall be amended to include policies pertaining to the approval process for that application type.

Delegated Planning Approvals Process

1.0 Delegated Planning Approvals

The following planning approvals have been delegated by Council for the purposes of the *Planning Act*:

- Applications for Consent (s. 53, *Planning Act*) – Delegated to the Committee of Adjustment
- Applications for Minor Variance (s. 45, *Planning Act*) - Delegated to the Committee of Adjustment
- Passing of Temporary Use By-laws (s. 39, *Planning Act*) – Delegated to the Planning Advisory Committee
- Passing of Zoning By-law Amendments for the removal of Holding (h) symbols (s. 36, *Planning Act*) – Delegated to Staff
- Applications for Site Plan Approval (s. 41, *Planning Act*) – Delegated to Staff
- Execution of agreements implementing a condition of delegated approval – Delegated to the Mayor and Clerk, with review by the Town Solicitor prior to execution.

2.0 Approvals Process

The following subsections outline the approvals process to be followed for each of the delegated approvals.

2.1 Applications for Consent (s. 53, *Planning Act*)

- (a) The process for applications for consent shall include the full process as outlined in s. 53 of the *Planning Act*, including the requirement for public notice, agency circulation, and public hearing.
- (b) Council shall be copied on the initial Agency Circulation notice and request for comments, for its information.
- (c) Staff shall prepare a report, including any recommended conditions, for consideration by the Committee of Adjustment.
- (d) The Committee of Adjustment shall issue a decision in accordance with the requirements of the *Planning Act*, and the decision shall be subject to the prescribed appeal period.
- (e) Upon completion of the prescribed appeal period, and if no appeals are received, the decision of the Committee is final.
- (f) Upon fulfilment of all conditions of consent within the prescribed time period, the Secretary-Treasurer of the Committee of Adjustment shall issue the Certificate of Consent, a draft of which shall be reviewed by the Town Solicitor or the Applicant's solicitor prior to issuance.

2.2 Applications for Minor Variance (s. 45, *Planning Act*)

- (a) The process for applications for minor variance shall include the full process as outlined in s. 45 of the *Planning Act*, including the requirement for public notice, agency circulation, and public hearing.
- (b) Council shall be copied on the initial Agency Circulation notice and request for comments, for its information.
- (c) Council may request that an application be referred to it for a decision at any point during the initial Agency Circulation period, which will typically be for a two-week review period, depending on the complexity of the application. The written concurrence of a majority of Council members shall be required for the matter to be referred to Council.
- (d) Staff shall prepare a report, including any recommended conditions, for consideration by the Committee of Adjustment.
- (e) The Committee of Adjustment shall issue a decision in accordance with the requirements of the *Planning Act*, and the decision shall be subject to the prescribed appeal period.
- (f) Upon completion of the prescribed appeal period, and if no appeals are received, the decision of the Committee is final.

2.3 Applications for Temporary Use By-laws (s. 39, *Planning Act*)

- (a) The process for applications for minor variance shall include the full process as outlined in s. 39 of the *Planning Act*, including the requirement for public notice, agency circulation, and public hearing.
- (b) Council shall be copied on the initial Agency Circulation notice and request for comments, for its information.
- (c) Council, the Planning Advisory Committee, or Staff may request that an application be referred to Council for a decision at any point prior to a decision being made on the application. Referral to Council may require re-issuance of public notice in accordance with the *Planning Act*, exceedance of statutory processing times, and the mandatory refund of fees, depending on *Planning Act* requirements. The written concurrence of a majority of Council or Committee members shall be required for the matter to be referred to Council by those entities.
- (d) Staff shall prepare a report and draft by-law, for consideration by the Planning Advisory Committee.
- (e) The Planning Advisory Committee shall issue a decision in accordance with the requirements of the *Planning Act*, and the decision shall be subject to the prescribed appeal period.
- (f) The Mayor and Clerk shall sign the draft By-law, and the by-law shall be retained in accordance with the Town's records retention policies.
- (g) Upon completion of the prescribed appeal period, and if no appeals are received, the decision of the Committee is final.

2.4 Applications for the Removal of Holding (h) Symbols (s. 36, *Planning Act*)

- (a) The process for applications for the removal of Holding (h) symbols shall include the full process as outlined in s. 36 of the Planning Act.
- (b) Staff shall circulate the submitted information and materials to the department or agency responsible for the review of the subject matter related to the Holding (h) symbol, if applicable, and shall confirm the adequacy of the information and materials.
- (c) Staff shall prepare a report and draft by-law, which shall be retained in the application file.
- (d) Staff shall submit the draft By-law to the Mayor and Clerk for signature, along with a copy of the staff report.
- (e) The Mayor and Clerk shall sign the draft By-law, and the by-law shall be retained in accordance with the Town's records retention policies.

2.5 Applications for Site Plan Approval (s. 41, *Planning Act*)

- (a) The process for applications for Site Plan Approval shall include the full process as outlined in s. 41 of the Planning Act, including the requirement for agency circulation and comment.
- (b) Council shall be copied on the initial Agency Circulation notice and request for comments, for its information.
- (c) Staff shall prepare a report, including any recommended conditions, and a draft Site Plan Agreement which shall include a schedule listing all approved drawings and supporting studies, and required securities.
- (d) Based upon the recommendation of the staff report, the submitted drawings shall be stamped as approved.
- (e) The applicant shall be issued a notice of decision, and the applicant shall be eligible to appeal the decision or conditions in accordance with s. 41 of the Planning Act.
- (f) The Site Plan Agreement shall be prepared, executed, and registered in accordance with s. 2.6 of this Policy.
- (g) The staff report, approved drawings and reports, and registered Site Plan Agreement shall be retained in the application file, and a copy of the registered Agreement and report provided to the Clerk in accordance with s. 2.6 of this Policy.

2.6 Execution of Agreements Implementing a Condition of Delegated Approval

- (a) Agreements required as a condition of an approval granted under delegated authority shall generally follow the following procedure.
- (b) Agreements may be prepared by staff or the Town Solicitor, and the final draft must be reviewed by the Town Solicitor prior to execution by any party.
- (c) Upon final review by the Town Solicitor, the agreement shall be signed by the Mayor and Clerk, with sufficient original copies for

- each of the external parties, along with two original copies for the Town (one for the Clerk’s files, and one for the Planning application file).
- (d) The executed agreement shall be registered with the Land Registry Office, if applicable, by either the Town solicitor or the Applicant’s solicitor, and a copy of the registered agreement provided to the Clerk and retained in accordance with the Town’s records retention policies, along with the relevant staff report, and a copy retained in the relevant planning application file.
 - (e) Staff, in collaboration with the Town Solicitor, shall review the agreement templates periodically to ensure that they reflect present day standards, and have appropriate structure and content.

Contact

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Change History

Policy Name	Effective Date	Significant Changes	By-law No.
Delegation of <i>Planning Act</i> Approvals	June 28, 2022	New Policy	58-2022