



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council
From: Heather James, Planner
Date: 2020-05-14
Report: 2020-13
Subject: Update on Planning Applications and COVID-19

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding the exemption of the Planning Act from Ontario Regulation 73/20; and,

That West Elgin Council provides direction to staff to _____.

Purpose:

The purpose of this report is to provide Council with an update on information regarding Elgin County Land Division Committee and other Elgin County municipalities as a result of the exemption of the Planning Act from Ontario Regulation 73/20.

Background:

At the April 23, 2020 West Elgin Council meeting, the Planner provided information to Council regarding the exemption of the Planning Act from Ontario Regulation 73/20. At this meeting, Council deferred their decision on this matter and requested for the Planner to find out if and/or when Elgin County Land Division Committee would be holding virtual public meetings.

Elgin County Land Division Committee will be holding their first virtual public meeting for severance applications on May 20, 2020. From the agenda posted online, it appears this meeting includes all applications that were to be heard at the March 23, 2020 meeting, which was cancelled. The Committee is providing the public the ability to participate electronically or in-person (provided social distancing is maintained) and provide comments verbally and/or in written format. The Secretary-Treasurer is accepting completed severance applications and processing them at this time. At the time of submission of this report, West Elgin does not have any new severance applications that have been submitted to the Secretary-Treasurer.

The Planner has inquired to other municipalities in Elgin County to find out if they will be holding virtual public meetings. To date, Municipality of Dutton Dunwich, Municipality of Bayham, Municipality of Central Elgin and the Township of Southwold are or will be holding virtual public meetings for planning applications. Based on information provided by Eugenio DiMeo, Director of Development & Community Services, the Township of Malahide is not holding virtual public meetings for planning applications and is currently waiting to see what happens in the coming weeks in regards to the emergency order.

West Elgin Council and Committee of Adjustment have the ability for the duration of the state of emergency to effectively control the decision-making and appeals process under the Planning Act:

- After April 15, where a municipal authority wishes to provide a decision and issue notice on a Planning Act matter during the state of emergency, it may do so.
- Where a municipal authority is unable, or chooses not, to provide a decision on a Planning Act matter during the state of emergency, a decision need not be required until after the state of emergency is over. No appeal rights from a non-decision will accrue.
- If a decision is given during the state of emergency, it will be subject to the usual notice requirements of the Planning Act and will create rights of appeal. If no appeal is filed, the decision is final. If an appeal is filed, the municipal authority is not obligated to forward the appeal record to the Local Planning Appeal Tribunal until after the state of emergency has ended.

To date, the Planner has received three complete minor variance applications. Two of the applications were received prior to the emergency order.

It is the Planner's opinion the municipality has the ability to hold virtual public meetings for planning applications and provide effective and inclusive public participation. In the text of public meeting notices, the public would be encouraged to submit written comments either by email to the Planner or in-person to the municipal office's afterhours drop box. Should the public wish to participate in the meeting, they would be required to contact the Planner to receive a private invitation to participate virtually through Zoom or by phone. Lastly, should the public wish to participate virtually but do not have electronic access or poor access, all Elgin County Public Libraries have strengthened their Wi-Fi signal to the outside of libraries for public use.

Financial Implications:

None.

Policies/Legislation:

Planning Act R.S.O. 1990, c. P.13; Ontario Regulation 73/20; Coronavirus (COVID 19) Support and Protection Act, 2020; and, Ontario Regulation 149/20.

Related Documents:

Planning Report 2020-12.

Report Approval Details

Document Title:	Update on Planning Applications and COVID-19.docx
Attachments:	- changes-to-planning-act-timelines-during-ontario-state-of-emergency.pdf
Final Approval Date:	May 11, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott